



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

21 NOVEMBER 1996

**Thursday, 21 November 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.

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**CASINO CONTROL (AMENDMENT) BILL 1996**

**MRS CARNELL** (Chief Minister) (10.31): I present the Casino Control (Amendment) Bill 1996, together with its explanatory memorandum.

Title read by Clerk.

**MRS CARNELL:** I move:

That this Bill be agreed to in principle.

I seek leave to have my presentation speech incorporated in *Hansard*.

Leave granted.

*Speech incorporated at Appendix 3.*

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

**BLOOD DONATION (TRANSMITTABLE DISEASES)  
(AMENDMENT) BILL 1996**

**MRS CARNELL** (Chief Minister and Minister for Health and Community Care) (10.32): I present the Blood Donation (Transmittable Diseases) (Amendment) Bill 1996, together with its explanatory memorandum.

Title read by Clerk.

**MRS CARNELL:** I move:

That this Bill be agreed to in principle.

I seek leave to have my presentation speech incorporated in *Hansard*.

Leave granted.

*Speech incorporated at Appendix 4.*

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

**MOTOR TRAFFIC (AMENDMENT) BILL (NO. 3) 1996**

**MR DE DOMENICO** (Minister for Urban Services) (10.33): Mr Speaker, I present the Motor Traffic (Amendment) Bill (No. 3) 1996, together with its explanatory memorandum.

Title read by Clerk.

**MR DE DOMENICO:** I move:

That this Bill be agreed to in principle.

I seek leave to have my presentation speech incorporated in *Hansard*.

Leave granted.

*Speech incorporated at Appendix 5.*

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

**MOTOR TRAFFIC (AMENDMENT) BILL (NO. 4) 1996**

**MR DE DOMENICO** (Minister for Urban Services) (10.34): Mr Speaker, I present the Motor Traffic (Amendment) Bill (No. 4) 1996, together with its explanatory memorandum.

Title read by Clerk.

**MR DE DOMENICO:** I move:

That this Bill be agreed to in principle.

I seek leave to have my presentation speech incorporated in *Hansard*.

Leave granted.

*Speech incorporated at Appendix 6.*

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

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### **WORKERS' COMPENSATION (AMENDMENT) BILL (NO. 2) 1996**

**MR DE DOMENICO** (Minister for Urban Services and Minister for Business, Employment and Tourism) (10.34): Mr Speaker, I present the Workers' Compensation (Amendment) Bill (No. 2) 1996, together with its explanatory memorandum.

Title read by Clerk.

**MR DE DOMENICO:** I move:

That this Bill be agreed to in principle.

I seek leave to have my presentation speech incorporated in *Hansard*.

Leave granted.

*Speech incorporated at Appendix 7.*

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

### **DISCRIMINATION (AMENDMENT) BILL 1996**

**MR HUMPHRIES** (Attorney-General) (10.35): Mr Speaker, I present the Discrimination (Amendment) Bill 1996, together with its explanatory memorandum.

Title read by Clerk.

**MR HUMPHRIES:** I move:

That this Bill be agreed to in principle.

I seek leave to have my presentation speech incorporated in *Hansard*.

Leave granted.

*Speech incorporated at Appendix 8.*

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



**CRIMINAL INJURIES COMPENSATION (AMENDMENT) BILL 1996**

**MR HUMPHRIES** (Attorney-General) (10.36): Mr Speaker, I present the Criminal Injuries Compensation (Amendment) Bill 1996, together with its explanatory memorandum.

Title read by Clerk.

**MR HUMPHRIES:** I move:

That this Bill be agreed to in principle.

I seek leave to have my presentation speech incorporated in *Hansard*.

Leave granted.

*Speech incorporated at Appendix 9.*

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

**REMAND CENTRES (AMENDMENT) BILL (NO. 2) 1996**

**MR HUMPHRIES** (Attorney-General) (10.36): Mr Speaker, I present the Remand Centres (Amendment) Bill (No. 2) 1996, together with its explanatory memorandum.

Title read by Clerk.

**MR HUMPHRIES:** I move:

That this Bill be agreed to in principle.

I seek leave to have my presentation speech incorporated in *Hansard*.

Leave granted.

*Speech incorporated at Appendix 10.*

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

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**MAGISTRATES COURT (AMENDMENT) BILL (NO. 2) 1996**

**MR HUMPHRIES** (Attorney-General) (10.37): Mr Speaker, I present the Magistrates Court (Amendment) Bill (No. 2) 1996, together with its explanatory memorandum.

Title read by Clerk.

**MR HUMPHRIES:** I move:

That this Bill be agreed to in principle.

I seek leave to have my presentation speech incorporated in *Hansard*.

Leave granted.

*Speech incorporated at Appendix 11.*

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

**LAND (PLANNING AND ENVIRONMENT)  
(AMENDMENT) BILL (NO. 4) 1996**

**MR HUMPHRIES** (Attorney-General and Minister for the Environment, Land and Planning) (10.38): Mr Speaker, I present the Land (Planning and Environment) (Amendment) Bill (No. 4) 1996, together with its explanatory memorandum.

Title read by Clerk.

**MR HUMPHRIES:** I move:

That this Bill be agreed to in principle.

I seek leave to have my presentation speech incorporated in *Hansard*.

Leave granted.

*Speech incorporated at Appendix 12.*

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

**OZONE PROTECTION (AMENDMENT) BILL 1996**

**MR HUMPHRIES** (Attorney-General and Minister for the Environment, Land and Planning) (10.38): Mr Speaker, I present the Ozone Protection (Amendment) Bill 1996, together with its explanatory memorandum.

Title read by Clerk.

**MR HUMPHRIES:** I move:

That this Bill be agreed to in principle.

I seek leave to have my presentation speech incorporated in *Hansard*.

Leave granted.

*Speech incorporated at Appendix 13.*

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

**ROMAN CATHOLIC CHURCH PROPERTY TRUST  
(AMENDMENT) BILL 1996**

**MR HUMPHRIES** (Attorney-General) (10.39): Mr Speaker, I present the Roman Catholic Church Property Trust (Amendment) Bill 1996, together with its explanatory memorandum.

Title read by Clerk.

**MR HUMPHRIES:** I move:

That this Bill be agreed to in principle.

I seek leave to have my presentation speech incorporated in *Hansard*.

Leave granted.

*Speech incorporated at Appendix 14.*

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

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### **HOTEL SCHOOL BILL 1996**

**MR STEFANIAK** (Minister for Education and Training) (10.40): Mr Speaker, I present the Hotel School Bill 1996, together with its explanatory memorandum.

Title read by Clerk.

**MR STEFANIAK:** I move:

That this Bill be agreed to in principle.

I seek leave to have my presentation speech incorporated in *Hansard*.

Leave granted.

*Speech incorporated at Appendix 15.*

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

### **CANBERRA INSTITUTE OF TECHNOLOGY (AMENDMENT) BILL 1996**

**MR STEFANIAK** (Minister for Education and Training) (10.40): Mr Speaker, I present the Canberra Institute of Technology (Amendment) Bill 1996, together with its explanatory memorandum.

Title read by Clerk.

**MR STEFANIAK:** I move:

That this Bill be agreed to in principle.

I seek leave to have my presentation speech incorporated in *Hansard*.

Leave granted.

*Speech incorporated at Appendix 16.*

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

**PLANNING AND ENVIRONMENT - STANDING COMMITTEE**  
**Inquiry into Protection of Amenity Rights of Residents**

**MR MOORE** (10.42): I move:

That the resolution agreed to by the Assembly on 23 May 1996, referring the issue of the protection of amenity rights to the Standing Committee on Planning and Environment for inquiry and report, be amended by omitting "by the last sitting day of 1996".

Mr Speaker, the resolution of the Assembly that was agreed to on 23 May 1996, referring the issue of the protection of amenity rights to the Standing Committee on Planning and Environment for inquiry and report, gave us a reporting date that we are simply not going to be able to meet, for a number of reasons, not the least of which is the amount of work before the committee. Even more important, I think, is the delay in receiving a submission from the Government. I discussed this matter with Mr Humphries and he indicated to me that he is comfortable about extending the reporting date. It is an important issue that has brought about quite a deal of contention throughout Australia. We have seen proposals in the media, from ACTEW in particular, as to how they might deal with one important aspect of this issue, namely, that of the distribution of telecommunications cables. So that the committee can give adequate consideration to it, it would be appreciated if the Assembly would support an extension of the reporting date.

Question resolved in the affirmative.

**PLANNING AND ENVIRONMENT - STANDING COMMITTEE**  
**Inquiry into Strategic Development Options for Ainslie and O'Connor**

**MR MOORE** (10.44): I move:

That -

- (1) the Standing Committee on Planning and Environment inquire into and report by 31 May 1997 on issues raised in the *Strategic Development Options for Ainslie and O'Connor* plan, with particular reference to:
  - (a) the appropriateness of the proposed development for the area;
  - (b) the concerns of residents of the affected suburbs;
  - (c) the adequacy of the consultation process; and
  - (d) any other related matter;

- (2) if the Assembly is not sitting when the Committee completes its inquiry, it may send its Report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, circulation and publication;
- (3) the foregoing provisions of this resolution, so far as they are inconsistent with standing orders, have effect notwithstanding anything contained in the standing orders; and
- (4) the Assembly calls on the Government to take no further action to implement the Ainslie plan until the Committee has tabled its Report in the Assembly.

Once again this is an issue of some consternation that has been in the media. In fact, the Green members of the Assembly have taken on this issue with gusto, and for that I give them credit. They put a motion on the notice paper a little bit later, but neither of us was aware that the other was doing so. Mr Speaker, I think the issue raised is not only about the redevelopment of Ainslie. The proposal which I have in my hand for the redevelopment of Ainslie - I presume that members have seen it - has been put together on behalf of ACT Housing and the ACT Planning Authority, recognising that ACT Housing owns something in the order of a third of Ainslie residences. They clearly have a major role to play in this development, so they have put out this proposal for public consultation.

I know from their manifesto that Green members are quite keen on urban infill. They have a different approach from the one that I have taken. However, they have also represented the public notion that the consultation process on this issue has been entirely inadequate. Mr Speaker, I must say, as an aside, that I find some irony in that because it was only recently that the Greens used an almost identical consultation process on gambling. They consulted generally with key stakeholders in the community, as I understand it, over a quite long period, on the terms of gambling. Then they put together a proposal, put it out into the public arena and said, "This is the proposal, but we are not sticking to it necessarily. What will happen with gambling depends on the community response we get". On the surface, that seems to be a quite reasonable way to go about approaching the issue of gambling, poker machines, the casino and so forth. That is not dissimilar to the approach taken here. In this case ACT Housing is a key stakeholder. The Planning Authority talked to quite a number of key stakeholders before they put this proposal together. They put a proposal into the public arena and said, "We are not wedded to it. It is a proposal so that we have some debate".

It seems to me that the criticism of the Greens that the consultation process has been entirely inadequate needs to be questioned. That is something that I am happy to look at. In fact, I find some irony, Mr Speaker. I know that Ms Tucker was at the same meeting as I was. You were there last night yourself, Mr Speaker, at a meeting at the Institute of Sport, as was Mr Whitecross. We heard a presentation about John Dedman Parkway.

I heard quite a number of people saying, "Fancy presenting something like this to us. It is entirely unprepared. They hardly have any ideas". There is simply no way to win on this consultation process. I think it is worth assessing whether we are always going to have some people who are unhappy. That probably will be the process.

What we need to do is ensure that we do get a good process, and I think that is the most important reason for referring this to the committee. But there are other reasons, Mr Speaker. I have had quite a number of letters from Ainslie residents, as I presume has been the case for other members. I will read a short excerpt from a letter from Helen Ennis, the chair of the Ainslie Residents Association, about an inquiry like this. Referring to the motion I have before the Assembly, she wrote:

We would welcome this initiative which we believe would be viewed positively by Ainslie residents.

We are writing therefore to seek your assurance that such an inquiry will be established. We would also be grateful if further information ...

So, Mr Speaker, that is where we are at. With reference to the proposals themselves, I have long stood in this Assembly and said that I have real doubts about urban infill. I am quite comfortable about associating myself with the recent publication by Professor Patrick Troy on urban infill. It was not designed specifically for Canberra but rather was about Australia as a whole. He suggested that claims of environmental gains through urban infill are nonsense. He very carefully analysed them and I believe he did so very appropriately. That is not to say that there can never be any urban infill.

Mr Katz flew in from the United States and said that Canberra is terrible; it is like a ballroom waiting for the ball, or words to that effect. Mr Speaker, I dismiss those sorts of claims from an outsider coming in with preconceived ideas. On the contrary, I have many visitors from overseas who say, "How can you be so lucky as to live in such an environment as Canberra?"

**Ms McRae:** Because you are rich, Michael.

**MR MOORE:** The interjection from Ms McRae is, "Because you are rich".

**MR SPEAKER:** Which is out of order.

**MR MOORE:** It might be, but I am going to take it on, Mr Speaker. If that is the case, Mr Speaker, it was through my own efforts. My wife and I have been schoolteachers from the - - -

**Ms McRae:** It was because you were born with a brain, Michael. Give us a break.

**MR MOORE:** What was that?

**Ms McRae:** Try being born disabled. Try being born to a poor family.

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**MR MOORE:** Because I was born with a brain. I was born the same as almost anybody else. I was one of nine. I was one person in a family of nine children. Mr Speaker, one of the things that Canberra offers is opportunity. There is a great opportunity for ordinary people to make of their life what they will. My wife and I have been schoolteachers. We have made of our lives what we could. If that makes us rich, I would think that most members in this Assembly would say that that is the advantage of living in this style of society as opposed to a communist society, and I am very proud of that. I do not have any problem at all with it.

Getting back to the issue of redevelopment, people work very hard to live in a special sort of environment, and that applies to lots of people in Ainslie. Perhaps that is what Labor did not understand when they were in charge of planning over the last five or six years. There has been significant contention over this issue in Ainslie, and that is why the proposal that I have put up, to refer this to the Standing Committee on Planning and Environment, is most appropriate. We should look at the appropriateness of the proposed development of this area.

I must say that I have real doubts about a whole series of things that are proposed, but amongst them there are probably some very good ideas that are well worth discussing. Individual members of the community should have the chance to make an input, and the best way to do that is through the Planning Committee. I do not think that that stops the Government continuing its process. It will allow us to monitor the process that the Government is running, and it will allow residents to comment on that process as well. Of course, the motion also refers to "any other related matter" because invariably through this sort of process other issues are raised and it is appropriate for the Assembly to be able to consider those.

Mr Speaker, the final paragraph in this motion is:

the Assembly calls on the Government to take no further action to implement the Ainslie plan until the Committee has tabled its Report in the Assembly.

I think this is a very effective way of ensuring that Ainslie people can be heard in a fair and reasonable way. The Government should hold back and allow the consultation process to run its full course. I think this is a very proper way for an issue like that to be considered by this Assembly. It will demonstrate yet again, Mr Speaker, that this Assembly and its committees are always willing to listen to the community and to take on these issues. The Assembly as a whole takes on the issues through this committee process.

I hope that this proposal will receive the full support of members of the Assembly, even though we will have some slight differences as to how this process should go on and how it should not go on. Those differences can often be resolved within the committee process as we expand our knowledge and develop our understanding, even though we have been through an election at which we presented a certain view. We may begin to



question our own views. That applies to me, to the Greens, to Mr Kaine and to Ms McRae. On many occasions before, Mr Speaker, when we sat back and looked at the issues and the evidence that was presented to us, we modified our views. Mr Speaker, I hope I have the support of the Assembly on this particular proposal.

**MS TUCKER (10.55):** Mr Speaker, I move the following amendment:

Omit all words after "That", substitute the following:

- "(1) the Assembly calls on the Government to:
  - (a) withdraw the *Strategic Development Options for Ainslie and O'Connor* plan prepared by ACT Housing and the Planning and Land Management Group;
  - (b) direct ACT Housing and the Planning and Land Management Group to implement the consultation process over the planning of Ainslie determined by the meeting of residents held at Corroboree Park Hall on 17 November 1996;
  - (c) place a moratorium on further sales of dwellings owned by ACT Housing in Ainslie until this plan is finalised;
  - (d) ensure that the proportion of ACT Housing tenants living in Ainslie is at least preserved in any redevelopment plans; and
  - (e) ensure that no current ACT Housing tenant is in any way forced to relocate because of this plan;
- (2) the Standing Committee on Planning and Environment monitor the consultation process regarding the planning of Ainslie and report by 30 June 1997, taking particular regard of:
  - (a) the appropriateness of the proposed development for the area;
  - (b) the concerns of residents of the affected suburbs; and
  - (c) the adequacy of the consultation process;

- (3) if the Assembly is not sitting when the Committee completes its report, it may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, circulation and publication; and
- (4) the foregoing provisions of this resolution, so far as they are inconsistent with standing orders, have effect notwithstanding anything contained in the standing orders.”.

It is with some regret that I have to use this rather blunt procedure to have the will of the people of Ainslie reflected in a motion before this Assembly. The possibility of real consultation over the future of planning for Ainslie was given new life last weekend at a very well attended meeting between the ACT Government’s planners and the people of Ainslie facilitated by the Ainslie Residents Association. The Greens put a motion on the notice paper to give effect to the agreements reached at that meeting; but we found that Mr Moore, who was not at the meeting, had proposed another motion which would be debated first and which, unfortunately, negates key components of the process the meeting called for. We have therefore formally withdrawn our motion from the notice paper.

**Mr Moore:** You have withdrawn it?

**MS TUCKER:** We have withdrawn our motion from the notice paper and we seek to amend Mr Moore’s motion. I acknowledge that Mr Moore’s intentions are good and it is a pity that we have not been able to get him to acknowledge what this amendment does. I hope that we will be able to convince him this morning that this is not undermining his intentions and that the Planning and Environment Committee does have a role to play in this important issue. It is just that we have made it more appropriate, we believe, to what the people of Ainslie want.

As I said, the possibility of real consultation over the future of planning for Ainslie was given new life last weekend when planners and residents agreed on a detailed process of consultation which included a survey, public meetings, small group meetings, a mid-term review and evaluation. It was an excellent strategy. I am very impressed by it because the Social Policy Committee, as members are aware, has been looking at consultation and basic principles that are commonly found where consultation works.

It is interesting that those principles are reflected in this suggestion that has come from the community. We see over and over again very basic aspects of community consultation, such as evaluative mechanisms being integrated through the whole process, not being found. Even government departments which are supposedly working on how to consult adequately and appropriately are not coming up with that. Here this community has come up with what the Social Policy Committee is finding, and what the experts agree are very fundamental requirements for effective evaluation and implementation of consultation. We want to see that process implemented exactly, and we are very happy to

have the Planning and Environment Committee monitor the implementation of that process. It was a fundamental and deeply felt condition of the process that the strategic development options for Ainslie and O'Connor be withdrawn. Obviously, Mr Moore's motion contradicts that concern.

The other concern is that senior officials who were at that meeting agreed that they would withdraw the strategic development options for Ainslie and O'Connor plan. That has already been agreed and the community is very reassured to have heard that. So that makes Mr Moore's motion out of step with the current situation. Nothing short of the plan being withdrawn will create confidence in the community. Confidence is starting to emerge again. They are being reassured gradually. Nothing will create that confidence needed to begin a genuine consultative process unless the withdrawal is acknowledged by Mr Humphries and not actually put into concrete, as Mr Moore will be doing if his motion is passed. The Planning and Environment Committee will be looking at this thing which no longer exists, according to the senior officials. I guess we will be hearing from Mr Humphries. He will be confirming that because that is definitely what was said. It is imperative that the Assembly formally acknowledge that the options document is withdrawn.

We are replacing Mr Moore's motion to ensure that the Planning and Environment Committee does have a role - we respect the need for that role - but it is a monitoring role that respects what the community has come out with. Of course, we have also added points about the issue of public housing. It is obviously very closely entwined in this whole discussion. I thought it was very reassuring at all the meetings I have been to with Ainslie residents that there has been a great deal of support expressed for people who live in that suburb who are tenants in public housing. We have included that aspect of the discussion in this proposal because it is very much integrated.

We have said over and over again that the Greens certainly do believe this Government's line about equity and using arithmetic equality to justify reducing public housing to 10 per cent in all suburbs. That means whatever it is; how far it is from amenities; how good the access is to public transport. That is actually equity. We have said quite clearly on many occasions in this place and elsewhere that the real question of equity is about the gap between the rich and the poor, not about an arithmetically even spread of public housing between suburbs. We want to see public tenants remaining disproportionately in areas that are well serviced and close to the major amenities, because giving locational advantage to the poor helps to reduce poverty. This sentiment, as I said, was supported at the public meetings that I have attended so far, so that is also something that we need to be including in this discussion.

**MR SPEAKER:** Before I call Mr Kaine, I can confirm that we have received in writing from the Greens the withdrawal of notice No. 31 on page 1033 of the notice paper.

**MR KAINE (11.02):** I support the motion put forward by Mr Moore. It follows logically that I do not support the amendment put forward by the Greens. I sometimes wonder whether the Greens understand that there are processes that have been set in place by law that have to do with planning. What this amendment purports to do is to set aside the statutory requirement for consultation, the statutory process, in favour of one that they prefer. I am not about to do that until they can prove, first, that the statutory

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one is not doing the job and, secondly, that the alternative process that they suggest will do it better. Their course of action to achieve that, of course, is to move amendments to the legislation - to change the process of consultation if they do not think it is working. To do it by this sort of backdoor amendment to a motion as to what the Planning Committee might do is not the way to change the legal processes.

Secondly, they obviously have not read the terms of reference of the Planning Committee, although one of them sits on it. I have them in front of me, and nowhere is there the question of the committee monitoring anything. The committee's explicit terms of reference are to examine matters related to a wide range of issues and to inquire into and report on matters. I do not think it is the role of any standing committee of this Assembly to sit idle for months on end and simply monitor what somebody else is doing. I cannot imagine any greater waste of time. I do agree with the committee examining issues that are of concern to the public. That is within its terms of reference. That is what Mr Moore's motion would have the committee do, and that is what I support. I do not think I need say anything further than that. I think the Greens have got it wrong. They should take the trouble to find out what the proper process is and to establish the fact that it is a process established by law, not something that can be arbitrarily changed by motion on the floor of the house in this fashion. They should look to see what are the purposes of the committees that they sit on. This is not some fanciful thing that you can change at will.

Quite frankly, I am satisfied that the process that is taking place in connection with Ainslie is perfectly legitimate and perfectly satisfactory. There has been public consultation. That consultation will continue. There is no firm proposal and no commitment for the Government at this stage to do anything. The Government is merely doing what it ought to do, and that is recognising that there is a need for some redevelopment in Ainslie and examining what the options are. That is what the Government is doing. It is doing it by the proper processes. It is doing it with full community consultation. I do not know what more the Greens can ask for.

Furthermore, and as a final point, Ms Horodny, as a member of the Planning Committee, is constantly asking the committee to take on inquiries as case studies. Here is a great case study for her - to do what Mr Moore suggests. She can use it as a case study, analyse the process, analyse the consultation process as part of the committee's deliberations, and at the end of it we can make some judgment about whether we think that in this case the community consultation process is working properly. If we conclude that it is, the committee will make no recommendation on the matter. If the committee is satisfied that the public consultation process is not working in accordance with the requirement that is prescribed by law or that it is ineffective, I am quite sure that the committee is capable of putting forward a recommendation to the Government that the law be changed. Why the Greens would want to work through any other process outside of that framework is beyond me. I do not know what they expect to achieve. I repeat that I support Mr Moore's motion, and I oppose the fanciful amendment that has been put forward by the Greens.

**MR HUMPHRIES** (Attorney-General and Minister for the Environment, Land and Planning) (11.06): Mr Speaker, I would like to describe to the house the process whereby we have reached the point we are at today. I wish to defend very forcefully indeed the intentions of the process, but I have to acknowledge that because there is a level of concern in the community there has to be some acceptance by the Government that the process has not resulted in the kind of outcome that we wanted. Obviously, as Minister for Planning I have to accept that. It has not satisfied the community and that indicates, therefore, that there is obviously some flaw in the process.

However, I would ask the Assembly to consider that this process was handled with the intention of overcoming these sorts of problems and with the intention of involving the community, I think for the first time in the way we have handled planning in the ACT, in a process of genuinely trying to determine the way development would affect a particular suburb in Canberra. For a long time it has been stated, almost as a kind of mantra, a kind of shibboleth in ACT politics, that there have been some dreadful examples of planning in Canberra, and Kingston is the best example of how badly the system - - -

**Ms McRae:** It is not. I like Kingston. Go away. People who live there like it.

**MR HUMPHRIES:** Indeed, Mr Speaker, I agree with Ms McRae. I think Kingston is much maligned. I certainly feel very much for the people who live in Kingston who are constantly being pointed at and told, "This is a terrible example of a suburb". I think parts of Kingston are very good; other parts I am not too keen on. The point is that Kingston is held up as an example of a suburb which has failed in the planning sense. It is pointed to as an area of Canberra which has experienced intensive medium- or even high-density development on an ad hoc basis, without any strong sense of community consultation about the way the suburb should look at the end of that process of development. That, I think, is the essential criticism of what has gone on in places like Kingston. It has been ad hoc and it has happened without community involvement in how the suburb should change.

We took that criticism very seriously and we said, "We want to try to pioneer a different way of handling change within Canberra suburbs, the concept of development. Let us take a suburb in North Canberra also subject to potential pressure in the future for redevelopment, consult with the community about the way they think change should occur in their suburb, and then put forward a plan that would be a stimulus for debate about the way the suburb would look". We did that. We employed the Local Area Planning Advisory Committee which covers Ainslie, No. 2, and we took the awareness guidelines that they had developed in respect of their area. We used that to develop a plan with a very high degree of care. It was a very comprehensive plan. It was a notional plan about the way in which the suburb might look in, say, 30 or 40 years' time, for argument's sake, if development interest in that suburb was sustained and development was channelled in particular directions rather than on an ad hoc basis.

The resulting plan that is the subject of today's motion was put before the people of Ainslie a few weeks ago and attracted a considerable amount of criticism. I think that is fairly obvious. It appears, Mr Speaker, that the Achilles heel in that process was the degree of detail that the plan went into about how the suburb might look. It generated a comment, which stuck in my memory, by one particular resident who said,

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“So much work has gone into this plan that there is no way that the Government is not going to implement it. It must be what the Government wants, because they have spent so much time and effort on it”. That is a very disappointing comment. Comments like it have disappointed those people in the Planning Authority and in the ACT Housing Trust who have worked very hard on that exercise in the last few months. I can assure the Assembly and the community that it was never the intention of the Government that this plan should be anything other than a notional way in which the suburb might look, and anything more than a stimulus for debate about how issues like that should be handled in the ACT community, particularly in Ainslie.

There are other ways in which this could have been done. I concede that. I think we have to concede that there are potential flaws in other ways that it might have been handled. For example, the Government simply could have said, “Here is the sort of thing that could happen in Ainslie. Here is an example of what a block of townhouses might look like somewhere in Ainslie”, or “Here is an example of the development criteria that would apply in Ainslie. What do you think about that? Where should they go?”, and so on. Mr Speaker, my experience of that kind of exercise being applied in the past, and it has been, is that people tend not to form any firm view about these things until they see them in a concrete form, until they see the concept next to or across the road from their own house, or down the street from where they live. Those sorts of concepts are readily available in the Territory Plan and in the guidelines made under the plan. You can see what can happen in your suburb already by going and consulting those documents. People in Ainslie can already do that. But, clearly, that is not very helpful to them. It would not make much sense to them to work out that they could be ringed by medium-density townhouses if, in fact, they do not expect that to occur through any process that is going to affect their particular residential area.

Mr Speaker, I think it made more sense, and I defend the argument, to say, “Look, there is no particular way in which the suburb might be developed; but, if you were to accept the premise that you had some measure of medium-density development, here is one way it could occur. Here is an idea for the suburb. You might not like it. We might have to go and change it all. It might be entirely different from the way that the people of Ainslie would like to see it at the end of the day, but here it is as an idea”. That is what we did, Mr Speaker, and it clearly antagonised a lot of people, and I accept that.

There is one important point to make in this debate which I hope the Greens, particularly, are prepared to acknowledge. It may be fair enough to object to the particular plan that has been put forward and argue against it, but it is quite another thing to say to the people of Ainslie that their suburb essentially will be unchanged from the one that exists now; that it is a suburb that will not be subject to redevelopment proposals or pressures in the future. Anyone who says that is perpetrating a great deception on those people. The deception is the suggestion that this plan is about creating the opportunity for medium-density development in Ainslie. It is not. That opportunity exists right now.

Someone could walk into the Planning Authority with a proposal to build any one of those developments that are outlined in that plan in Ainslie and say, “I want to go ahead and build that”. They would have the right to do so, subject to it being acceptable in terms of the Territory Plan. Most of what is in that plan now is acceptable pursuant to the Territory Plan. That, Mr Speaker, is exactly what happened in Kingston.

People came through the door of the Planning Authority and said, "Here is my idea for a townhouse development or a block of flats. I do not particularly have much of a relationship with anything else happening in Kingston. Here is my isolated idea". They put their ideas on the table.

That, Mr Speaker, is what we were trying to avoid with the proposal that was put before the people of Ainslie. I accept that it has not been well received and I accept that we have to go back and start again; but I would say to people who have been involved in this process that it is not open to say, as an alternative to the position put forward by the Government, "Look, do not worry. You do not have to have any medium-density development in your suburb". The Territory Plan does not provide for that exemption. If the people of Ainslie involved in the consultation process say, "We want a suburb with no development at all in it; we want only our low-density houses that we have at the moment", the question needs to be asked: Why should the people of Ainslie enjoy a privilege in that respect because they have been consulted in this process that people everywhere else in Canberra do not enjoy, except in suburbs less than five years old pursuant to the Lansdown guidelines? Why should they enjoy that privilege?

I think, Mr Speaker, that there is some hard thinking to do about this process, and that is the reason why I welcome the inquiry that has been proposed by the Planning and Environment Committee to deal with this issue. I think that the suggestion of pretending that the strategic development options for Ainslie and O'Connor plan never existed, which is what I think some residents would like to argue and what was put to the meeting last weekend that has been referred to by Ms Tucker, is, with respect, not a feasible option. The document has been prepared. A lot of work has gone into it and, as a set of ideas about the way Ainslie could look, it ought to stay on the table because in one sense it sends a message about the problems facing Ainslie and anywhere else in Canberra. We have to face the reality that there will be these sorts of pressures in inner areas of Canberra like that.

I think we are in a bit of a lull at the moment. Economic activity generally in the Territory is low. The result is that there is not intense pressure for a lot of that kind of development. But Canberra goes through cycles like any other city. When that cycle turns around again and we find intensive pressure for redevelopment of this city, places like Ainslie sooner or later will be bombarded with proposals like this. (*Extension of time granted*) If we dump this process and put nothing in its place which accommodates these kinds of ideas, what we are saying to the people of Ainslie is, "You are on your own, buddies. The next person who walks through the door with a proposal might get it up. Your suburb will change and you will not have much say in it, other than through processes like public consultation, the LAPACs and so on that are already there". Mr Speaker, we need more than that. We have to devise a system of helping this out.

I would say to the Greens that it is quite disingenuous to claim that there is no public consultation being gone through in this situation. I have heard some outrageous things said about this, such as claims that the Government is thrusting a particular proposal down people's throats and is imposing this new plan on people in Ainslie. That is not true. It never has been true. I say to the Greens that they had better take on board the fact that there are many ways of consulting with people. They do not have a monopoly

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on the only way to make that occur. They are not the masters of consultation and community depth-sounding, and nobody else has any expertise or any capacity to explore. We intended to consult long and hard about the proposals we have on the table. I reject the idea that, merely because the proposals were well developed and detailed, they were therefore somehow inappropriate.

I welcome the inquiry. I would say to Mr Moore, as the chair of the inquiry, that the issues that have been put forward by Ms Tucker in paragraph (1) of her amendment ought to be considered in the terms of that inquiry. I think that would be reasonable. Obviously, the state of public housing in Ainslie is integral to any proposals to change the suburb. It has to be borne in mind and therefore considered very carefully by the Planning and Environment Committee. I am not sure that it generally considers public housing issues, but on this occasion it should, including issues to do with the relocation of housing tenants and the proportion of public housing in a suburb like Ainslie.

I welcome examination of the consultation process. The Government had fairly open plans about that, so if there is direction that the P and E Committee can give on this issue I would very much welcome that. In fact, I would very much welcome some further Assembly ownership of this process because I think it is important that we try to reach consensus on how we should handle these sorts of changes. I simply note that the strategic development options paper ought to remain as a proposal, as an idea, that should sit on the table for people to consider. Obviously, if they do not like it, and the indications are that they do not, then something else has to be devised; but, again, we should not be selling people the myth that no change is an option. Frankly, Mr Speaker, I do not think that it is.

**MS McRAE (11.20):** Mr Speaker, I thought I had better put on the record why Labor will not support Ms Tucker's amendment simply as it is put, although not necessarily the spirit of it. The way that the amendment is put is calling on the Government to do something. An Assembly committee of inquiry cannot call on the Government to do something. I was not at the meeting, but I am told that the public sentiment was very strong. I understand what is driving the Greens to put forward this amendment. Labor will put forward a further amendment to put into the inquiry the spirit of what Ms Tucker is trying to encapsulate.

I was very interested to hear the Minister for Planning outline his ideas and the motivation for the changes to Ainslie. What has been underestimated and not given sufficient airing - I would like to hear the Minister for Housing speak on this area - is the depth of feeling about public housing and the amount of public housing in Ainslie. I take it that this plan was never intended to be affecting that or to be involved in any way in either reducing or increasing the level of public housing; that it was entirely an issue in regard to future planning and changes within Ainslie.

The problem is that the debate about public housing has been raging simultaneously. The idea that a reduction of public housing may well happen is alive, and it may well happen. Because the two issues have intersected, I can see why it is so important that the issues that have been raised by the community be at least considered. In a committee of inquiry, we could not possibly ignore those issues, even though departmentally, within the Government, under ministerial control, they come under different hats and were never



necessarily meant to intersect. The way that public debate has been going, particularly with the changes foreshadowed at the national level and the changes that have been foreshadowed at the local level, it does mean that what may seem clear cut to anybody who understands the workings of government, to anybody who is involved in the Assembly, to anybody who is looking at the plans that the Minister has put forward, is not clear cut to the person on the ground who does have some level of concern about the future of public housing in Ainslie.

The amendment that I foreshadowed and that will be moved by my colleague will try in some way to assure the community that the Assembly committee is not unaware of those issues and may well take them into account when inquiring. I would have thought that we could have covered that under "any other related matter", but I understand why Ms Tucker is so keen to move this amendment. Ms Reilly is trying to do that. As I say, things that may seem clear cut, separate and logical to us, things that should have no fear for the community, things that are not even on the drawing boards to happen, are not necessarily things that the community sees in the same way.

Given that the issue has been stirred up to this level, I think that this committee of inquiry may well be a way of dealing with the planning issues, which are rightly within the purview of the committee, and, as the Minister said, it can do no harm if the Planning and Environment Committee is the watchdog on this Government activity to assure that community that the processes are open and fair, and maybe to modify them if necessary. Given that it is not happening in isolation, that it is not purely planning ideas that are going on in Ainslie but potentially a change to the proportion and the nature of public housing in Ainslie, I think it is very important that the Assembly note these very serious concerns and consider seriously the amendment that my colleague will move in order to make the amendment perhaps more acceptable.

Overall, this is an opportunity for the members of the committee to be informed about the Minister for Housing's plans and about what the real plans are in terms of public housing versus the notional plans that are on the books for planning in Ainslie. To that extent, it is an ambivalent sort of situation. I cannot support the amendment as it is put, but I would want to support the sentiment and intent of the amendment, which is to give voice to the community concern and to try to help the community unravel their very genuine concerns about public housing versus their very genuine concerns about planning and the implications for their own suburb. Of course, more importantly, this being one of the first suburbs to be done in this way, there are implications for the rest of Canberra. I think it is very important to keep on track in terms of the potential for change to our suburbs.

**MR SPEAKER:** Members, I am not 100 per cent sure about the foreshadowed amendment. Is it to be added to the motion moved by Mr Moore?

**Ms McRae:** Mr Speaker, on a point of order: The amendment that Ms Reilly is to move is to Ms Tucker's amendment. That is what I am speaking about.

**MR SPEAKER:** I am aware of that, but I am seeking some clarification because Ms Tucker's amendment states "Omit all words after 'That', substitute the following". I am not sure how that fits in with the original motion.

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**Ms McRae:** Mr Speaker, with the greatest of respect, Mr Stefaniak has indicated that he will speak. Perhaps we can take your advice on that in the interim whilst we listen to Mr Stefaniak.

**MR SPEAKER:** I would seek clarification. Proceed, Mr Stefaniak.

**MR STEFANIAK** (Minister for Education and Training and Minister for Housing and Family Services) (11.26): Mr Speaker, taking up a point Mr Humphries raised - it applies to public housing; it applies to planning; it applies to anything in this city - no change at all is not an option. There are a couple of points in the Greens' motion especially which just simply indicate no change at all, which I think is quite unrealistic. A lot will come out of this inquiry, and that is good because it is important that people are consulted. There is a plan on the table that gives residents something to talk to and there has been a lot of discussion generated as a result. A lot more will be generated as a result of this committee inquiry and as a result of further discussions with the Ainslie community and affected people.

I think it is unrealistic and quite inappropriate for the Greens to include in their motion a call for a moratorium on any further sales of housing owned by the ACT Housing Trust in Ainslie until a plan has been completed. Ms McRae has acknowledged that, and rightly so. It is important that ACT Housing, as it did under the previous administration and as it will do under this administration, continue its program of selling and redeveloping properties. Properties are sold right across Canberra. Everyone is aware of the proposed number of sales for this year. To arbitrarily stop the sales in one suburb would be quite wrong. It has been said here on many occasions that it is very important, given the needs of our tenants, that we build new properties, and properties more appropriate to their needs. One of the things the discussions in the community have brought up is the needs of Housing Trust tenants, especially the older tenants. The senior citizens groups have come up with a number of inputs to this particular plan. Senior citizens feel that some of the housing proposed by ACT Housing - the units, the APUs, that type of housing - is far more appropriate for older people than having a three-bedroom home on a quarter-acre block, or, in some instances, even more. Appropriate housing is terribly important in all of this.

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

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

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

**MR STEFANIAK:** There are other factors, too, of course. Ainslie, like other inner city areas, presents ACT Housing with some other demands, such as high maintenance and ageing and underutilised stock that would need to be either sold or retained in the rental portfolio, through refurbishment, if cost effective. The alternative is redevelopment to better enable consistency between stock type and client demands. Those things are terribly important, Mr Speaker, and, accordingly, I think subparagraph (1)(c) of the Greens' amendment is completely inappropriate.

Turning to subparagraph (1)(d), it says:

ensure that the proportion of ACT Housing tenants living in Ainslie is at least preserved in any redevelopment plans ...

That is saying that there is a certain figure there, and I think it is about 34 per cent. To say that it would always have to be 34 per cent is ridiculous. There might come a time when people do not necessarily want to live there. There might be a time when it might be appropriate to have more. I cannot see that as being likely, given the history of Canberra and the history of public housing here; but to say that that has to stay, and that an arbitrary percentage which occurs at this point in time has to stay, is crazy. It is a bit like saying in 1850 that there always should be an emperor of China. They had a revolution in 1911 and there is not one now. It is crazy. Times do change. Circumstances change. To have something like that is quite ridiculous. So I make those two points, Mr Speaker. Those two points in the Greens' amendment, subparagraphs (1)(c) and (1)(d), quite clearly are inappropriate. In fact, subparagraph (1)(d) has connotations of dictating to tenants that they have to live in a certain type of accommodation when, quite clearly, a lot of them, especially senior ones, are looking for other options.

The Government obviously is under an obligation to continue its program, but this plan is about more than just that. The Government certainly will be continuing its program in relation to public housing. Public housing is important not only because there is a sizeable number of people in the inner city area, and in Ainslie and O'Connor, but also because of the current stage we are at in terms of the Commonwealth-State Housing Agreement and the proposed reform models put up by the Commonwealth. There is also the lack of any real detail on financial information supplied by the Commonwealth and the fact that that process is an ongoing one which will take a lot longer than until 1 July next year which the Commonwealth initially envisaged.

There are a number of concerns. I have passed on to my Federal counterpart, Senator Newman, all the concerns raised with me by the various tenants groups. Those concerns are not only local concerns. It appears that they are national concerns. The Commonwealth-State Housing Ministers meetings are very aware of all of those concerns. Those concerns have been noted and they are matters that have to be taken into account, and satisfactorily taken into account, just like the finances, which are absolutely crucial. They have to be appropriate and workable before any new agreement is signed. That means that interim arrangements will continue, and under those interim arrangements it is understood that when you sell some public housing you have to invest the money back into public housing. That is what we are doing at present. It is necessary because of the nature of our stock, the nature of our tenants, and the demands and expectations of our tenants.

With those two styles in that one particular suburb and, secondly, ensuring that the proportion of tenants, which is now about 34 per cent, is set in stone, it may well be, as a result of all the consultation and all the deliberations, that some plan is adopted for Ainslie which might well mean, for example, if we have 400 public houses and units there now, that we might in five years' time still have something like that. It may also well be that, instead of there being perhaps 1,200 properties in the whole of Ainslie, there might

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be something like 1,800. We do not know. That is why we are going through a process now to find out what is best for that suburb. If that scenario is accurate, the percentage would certainly drop. It would drop quite considerably. That has happened in other areas of Canberra. That has happened in other parts of the inner north where the demography has changed. The nature of the housing stock, both public and private, has changed.

With those comments, Mr Speaker, I certainly welcome the inquiry. I think it will be a good concurrent inquiry along with what the community is considering. As Mr Humphries said, the plan was always there for community consultation. It is an extensive process. Mr Moore certainly identified that. Of course, the consultation process outside of the Assembly's deliberations will include further public meetings and precinctual workshops. I understand that it is to conclude in about May of next year. That will go along nicely in conjunction with this Assembly inquiry. There are a large number of issues to look at, but there are certain points in the Greens' amendment which quite clearly are inappropriate and would not help the situation one iota.

**MS REILLY (11.35):** Mr Speaker, I move the amendment to Ms Tucker's amendment that has been circulated in my name. It reads as follows:

Paragraph (1), omit "the Assembly calls on the Government to", substitute "the Standing Committee on Planning and Environment include in its deliberations the following matters (as decided by the Ainslie community meeting) listed below".

I think Mr Stefaniak hit the nail on the head just now by saying there is a large number of issues to be considered. There certainly is in this whole process. My question is: What is the hurry? Why are we determined to make a decision so quickly? Originally, they were definitely looking for a decision before Christmas.

Mr Humphries suggested that he could not understand why people did not greet this with great joy. I am sure that, if suddenly there were discussions about changing the whole way his suburb of Weston would look, he would not sit there and say yes before he had plenty of time to consider what the impact would be to him personally, to his family, to the value of his house and to his lifestyle. The residents of O'Connor will face this after Christmas. I think the residents of Ainslie should have the opportunity to look at the full implications of what is a very broad and very thorough discussion of what Ainslie will look like in the future. I think it is important that suburbs are looked at to see how they work and whether they are providing the services and the community infrastructure that are required, but people who live in those suburbs have to have time to look at plans. They also have to have an understanding of a good, strong community consultation process.

One of the things that stand out in the discussion of the Ainslie redevelopment, whatever status those plans might have, is that there was no community consultation process in place before these plans were issued.

**Mr Humphries:** But that came afterwards. That is why they were being put on the table.

**MS REILLY:** One would think that, when you are putting up plans with concepts as broad and extensive as those put up in Ainslie, one of the things you would have in place would be a good community consultation process so people could know what is happening. No, there was no community consultation process. It was developed on the run to recognise the level of community objection to what was going on. There was no process in place. One of the vital missing parts of this whole discussion is that a plan such as this was put up with no process. It is excellent to see that the community got together. People took part in the community meetings that they have had the opportunity to attend.

**Mr Humphries:** We organised community meetings. That was the point of the exercise.

**MS REILLY:** A considerable number of them attended the meeting that was held last Sunday, which was not originally planned, Mr Humphries. People have taken part and have put up suggestions to have time to look at these redevelopment plans. You just have to ask what the hurry is.

One of the other major issues in this whole Ainslie process is public housing. Ainslie has one of the higher levels of public housing of any suburb in the ACT. I still do not understand what the objections are to the amount of public housing in Ainslie. I think 34 per cent is the amount usually mentioned. It is as though it is indecent and obscene to have this amount of public housing. It is often described almost in those terms.

The other thing is the connection between the redevelopment and the public housing sales, and whether they have good roads and whether there are proper parks. I find an interesting correlation between the quality of the roads and the quality of the parks. It is tied to the redevelopment process. That is a redevelopment process that always seems to have less public housing. When you look at this redevelopment process, it seems to fail to take into account the age of Ainslie, in terms of both the heritage culture of the ACT and the age of the residents. You are talking about residents who, in a number of cases, have lived in Ainslie for many years. I do not understand why they should have to make a decision about a large change of lifestyle in such a hurry. It fails to take into account the needs of a number of older residents of the ACT.

Mr Stefaniak mentioned the Commonwealth-State Housing Agreement and what the impacts of that will be. Since the discussions on the changes to the Commonwealth-State Housing Agreement have now slowed down quite considerably, thanks to the objections by a number of State Premiers and Chief Ministers, I am not sure why Ainslie has to be tied entirely to that process. We need to look at what Ainslie will mean in terms of the ACT community, not just the public housing part. There will not be any changes to the CSHA now until mid-1998. We should not hurry in trying to make changes to Ainslie in line with what might possibly come out of the Commonwealth-State Housing Agreement.

**Mr Stefaniak:** It has nothing to do with Ainslie.

**MS REILLY:** Mr Stefaniak suggests that it has nothing to do with Ainslie. Maybe he should keep all his bureaucrats aligned with that as well. I have moved this amendment in order to get into the Planning and Environment Committee process the details of the concerns that are being raised by the Ainslie community at this time.

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These people, in the weeks that they have had the opportunity to look at these proposals, have raised a number of objections. They have raised the fact that they want time to consider the whole proposal and what it is going to mean to their suburb, whether they are a home owner, a private renter or a public renter. As an Assembly, we should listen to what the community in Ainslie are saying and ensure that their concerns, the issues they raise, are considered in any process that is part of this Assembly. I ask for support for this amendment.

**MS HORODNY (11.41):** Mr Speaker, this is a complex issue, and it has become even more so. Mr Humphries talked a little bit about the process to date. The reason why we have put these amendments to Mr Moore's original motion is that we wanted the Minister for Planning, Mr Humphries, to confirm or deny what his bureaucrats said at the public meeting on Sunday. Constantly - I do not know how many times, perhaps at least six or seven times - the individuals who were running that meeting said that the strategic development options for Ainslie and O'Connor had no status; that that plan had been withdrawn. What we hear from Mr Humphries is that that plan is not actually being withdrawn; that that plan, to the level of detail to which it has been developed, right down to the nuts and bolts of the look and feel and detail and development of Ainslie, does still have status; that that is the plan that the Government will be looking at and talking about with residents.

The meeting was a very positive meeting, I feel, because there were certain things that the meeting was very united about. They were issues to do with Housing Trust tenants in the suburb and also to do with the process that had been set down. The residents were very happy with the process that now has been set down. It includes things like questionnaires which are being sent out to residents of Ainslie and which are due for consideration in mid-February. There is then planned to be a public meeting and a review of the process to that date - again, that is in mid-February - at which meeting there will be small groups. The meeting will break into small groups and there will be discussion about substantive issues to do with the development of Ainslie.

I think there was one individual at that meeting who stood up and proposed that there be no change to Ainslie. That was one individual. I think it was well recognised that that was not an option. No-one really believes that there should be no change to Ainslie. Things are changing all the time, and that is well accepted. What Mr Humphries said is true. Changes are occurring now, at this very moment, within Ainslie and within other suburbs of the ACT, but particularly in Ainslie, without any overall plan for how the suburb should look and feel in 20 or 30 years' time. So the idea of getting residents together, getting planners together and getting the Government together and looking very carefully and sensitively at what some of the options are for development and redevelopment in the ACT is a good thing. The problem, of course, is that the proposal was put to the people at a late stage in that it was very well developed. Mr Humphries says, "The consultation came afterwards"; but, of course, that is not the place for consultation. Consultation needs to be worked on while a proposal is being put together and while a development is being looked at.

Mr Humphries, as I said, has denied that this particular plan for Ainslie now has no status. In other words, it still does have status. The consultation process also includes another public meeting at the end of March with, again, a small groups discussion, and then a public meeting in mid-May, at which time it is hoped that there would be some kind of considered option being put forward for what the community in Ainslie wants and what some of the planning proposals might be at that time. This was a well-attended meeting. There were probably 200 to 300 people there. The residents were very clear on having a review mechanism in place during this process of consultation through to the end of May because it was well recognised that, if we got to the end of May with a process that had no option for reviewing as we went along, it would again be a case of closing the stable doors after the horses had bolted, so to speak.

Mr Humphries said that there had been extensive consultation prior to these development options being put forward; but, in fact, many residents at that meeting on Sunday said that they received a questionnaire which asked them to make comment on the values that they were looking for in Ainslie, and some received that questionnaire only a few days prior to it needing to be sent back. So, in fact, there was very little time for those people to look at that questionnaire and to come to a considered opinion. They were asked to jump from a value statement to a development option that was worked out in such detail as to have, as I said earlier, nuts and bolts right throughout the plans. We have seen plans that detail very carefully ideas about densities and the number of floors that might be considered in particular streets. I would suggest that that is a very big jump to make from a value statement to an options paper that is so detailed, and it is not the right way to go.

People need to be consulted properly. Their views need to be considered and looked at before we get to something that people find very frightening, particularly older people in that suburb. There are people who have lived in that suburb for 50 and 60 years and I do not think they deserve to be treated in this way. I think it is very important that we respect housing tenants particularly who live in that suburb, and, indeed, all people. There were people at the meeting who are in their seventies and eighties and I think it is very disrespectful to throw a plan of their suburb at them without them necessarily having ever been talked to and consulted with.

This Government clearly has a lot of homework to do in terms of the way they consult with people. "Consult" is a word that is bandied around quite a lot. Consultation is about active participation in a process. It is not about putting down a plan and then saying to people, "Do you like this or don't you?". Often people have no redress and no opportunity to make a change to that development in any case. I suggest that the Government consider very carefully and take into account the views and considerations of people living in that suburb. The proposal that the planners put together finally must contain very solidly the ideas, the considerations and the values of people living in that suburb. They must not ignore those things, because they are very important.

**MR WOOD (11.51):** Mr Speaker, the ambit claim by ACT Housing was always doomed to be the failure that it will be. The problem with the proposal has been identified. That problem was that the planners, the people in ACT Housing, sat down and carefully worked out their ideas. I guess they came up with many documents presenting those ideas and that, of course, was the problem. I suppose that these are good, professional people who have been well trained and they do like to sit down and draw up their plans.

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I learnt, I believe, as Minister, that that is simply not the way to go. I believe that the former Government set in place the preferred way, which is that you go out, first of all, to the community and say, "What do you want?". That was the process we followed with the Gungahlin Town Centre. We went out with a blank sheet of paper. We said, "We have no ideas about this. You tell us what you want". That process was worked through.

**Mr Moore:** That is what you did in Watson, too. I am not disagreeing with the process, but it is what you did in Watson and that went into turmoil.

**MR WOOD:** What we did in Watson was fine and the result was fine. That was the process for the Gungahlin Town Centre and it delivered a product that is clearly the one that the community wants. On a different scale, I recall that the then Chief Minister, Rosemary Follett, went out to Oaks Estate - that was a community in existence, unlike the Gungahlin Town Centre - and said to them, "What do you want? How do you want your suburb to be at some time in the future?". That is the procedure that ACT Housing should have adopted.

Ainslie now is getting on in years. Clearly, there is need for some improvement to the public housing in that area. It has to be done; but the people there, both Housing Trust tenants and non-Housing Trust tenants, needed the first go at what was to be done. After extensive consultation, the planners back in ACT Housing could then have done their job and drawn up their pretty plans. This was not done in the correct way and, therefore, it is back to the drawing board, as it should be.

**MS TUCKER (11.54):** Mr Speaker, I am addressing Ms Reilly's amendment. Unfortunately, I will not be able to support this amendment, just as I will not be able to support Mr Moore's motion, because it does not contain the fundamental assurance that the people of Ainslie explicitly sought as a basis on which to go forward, and that is the withdrawal of the options document. I have spoken to Mr Moore about the issue and he has said that he is happy to include in any related matters in his terms of reference a number of the issues that we have raised. I have also pointed out to him, and he agrees, that the issues related to public housing are in the terms of reference of the Social Policy Committee, so those would not be included. Maybe there is some possibility of some kind of joint committee work on that issue at some stage.

**MR MOORE (11.55):** Mr Speaker, I will be speaking to the motion, so I believe I close the debate.

**MR SPEAKER:** If that is your wish, yes, unless anybody else wishes to contribute.

**MR MOORE:** It is, yes. I was just checking to make sure that nobody else wished to speak.



Mr Speaker, I think the committee would look at the Greens' attempted amendment here, no matter the outcome of the vote on this matter. The committee would certainly be taking those issues into account, where appropriate. That is entirely appropriate. Mr Speaker, this request was made by the chair of the Ainslie Residents Association, as I pointed out in my speech, and I think it is appropriate that we proceed. I certainly appreciate the comments that people have made here about the whole consultation process. I believe that the best way to deal with the issue is as set out in the original motion as put, rather than getting caught up with some of the issues that the Greens raised, which I do not think will enhance anything.

Ms Tucker and others have raised the issue of public housing. You cannot look at Ainslie, where roughly a third of it is public housing, without taking into account public housing issues. Of course they will be taken into account by the committee, and the whole consultation process will be taken into account. Mr Speaker, I believe that the best way to deal with this is as set out in the motion I put to the Assembly. Therefore, I will not be supporting either of the amendments.

Amendment (**Ms Reilly's**) to Ms Tucker's amendment negatived.

Amendment (**Ms Tucker's**) negatived.

Question put:

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

The Assembly voted -

*AYES, 15*

*NOES, 2*

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

Question so resolved in the affirmative.

**MR SPEAKER:** The extended time for the consideration of Assembly business has expired.

**ECONOMIC DEVELOPMENT AND TOURISM -  
STANDING COMMITTEE  
Report on Inquiry into Faunal Emblems**

**MR KAINE** (12.01): Mr Speaker, I present Report No. 3 of the Standing Committee on Economic Development and Tourism entitled "Inquiry into a Bird and/or Another Animal Emblem", together with the extracts of the minutes of proceedings. I move:

That the report be noted.

I will be quite brief. Members will remember that in December last year the Assembly asked the committee to inquire into and report on the available options for faunal emblems to represent the Australian Capital Territory and, in particular, to consider a suitable animal and/or bird emblem. The committee, in accordance with the wishes of the Assembly, engaged in as wide a consultation process as was possible and wrote to 32 local organisations inviting submissions. We also advertised in the *Canberra Times*, the *Chronicle* and the *Valley View*, with requests for public comment by 19 April this year. In fact, we continued to accept submissions after that date.

Despite all that, we received only 17 submissions, and the details of those submissions are contained in the report. As part of those submissions there was developed a series of criteria that various people thought should apply to the selection of an emblem of the kind that we were looking at. I believe that the committee has taken those criteria into account in arriving at its conclusion. I use the word "conclusion" advisedly because we were not, in fact, asked to recommend; we were simply asked to look at and see what was available.

People reading the details of the submissions will note that there were three clear winners in the competition, if you like to put it that way. The most popular was the gang-gang cockatoo, closely followed by the corroboree frog and the southern lined earless dragon or the highland earless dragon. It is those three emblems that we are suggesting that the Government look at and make a judgment as to whether they want to adopt one or more of them.

One of the things that did come out of our inquiries was the question of just what you use such emblems for, because the Territory already has, for example, a very good emblem in the form of the Tourism Commission logo. We also have adopted the Canberra Region Campaign logo. We have had a floral emblem for some years which has never, in fact, been formally adopted but which is used by people occasionally for different purposes. But there does arise the question of just what the purpose of these emblems might be. We have suggested to the Government that, if they decide to adopt one or more of these three which emerged as the clear winners in the consultation process that we went through, they also attempt to define and publish the purposes for which such emblems might be used. Mr Speaker, I commend the report to the Assembly.

**MR WOOD** (12.05): Mr Speaker, I have to say that my personal choice is the earless dragon because it is an endangered species, and I thought an endangered species would be an ideal emblem for this endangered Territory, which is what it is, given the policies and the administration of two Liberal governments.

**Mr Kaine:** It is endangered only because of the Labor Party.

**MR SPEAKER:** I was thinking it might be politicians who are endangered. Most of us are.

**MR WOOD:** Mr Speaker, the point has been made that it is important for the Government and perhaps for the Assembly to decide, "Do we need this faunal emblem?". The case was well presented to us that there are a number of emblems in use around the ACT, sometimes without a clear purpose or reason behind them. I think the next debate should be, "What do we want this to do? What do we want from the variety of emblems that we have?". If it is then decided that we need a faunal emblem, then perhaps bring the matter back to the Assembly and let us pick one of those three that were certainly the popular ones that we found as part of our consultation.

**MR OSBORNE** (12.06): I will be very brief. I have to say that I personally think this inquiry was a waste of time. Page one of the introduction to the report refers to Mrs Carnell having said:

It is interesting that the ACT is the only State or Territory that does not have a flower, bird and animal as its emblems, and I think that is something that we should attempt to address ...

My question is: Why? What on earth do we need it for?

**Mr Moore:** It is something warm and cuddly.

**MR OSBORNE:** Please, Mr Moore, please! I think it was just a cynical attempt on the part of Mrs Carnell to keep Mr Kaine, Mr Wood and me occupied. Nevertheless, it was quite enjoyable working with the two senior statesmen of the Assembly. I would like to thank our secretary, Ms Irvin. I agree with what both Mr Wood and Mr Kaine have said about the Canberra Tourism logo. I think we all acknowledge that is tremendous. I look forward to hearing back from the Government as to what they intend using this rubbish for.

Question resolved in the affirmative.

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**PLANNING AND ENVIRONMENT - STANDING COMMITTEE**  
**Report on National Conference of Public Works Committees**

**MR MOORE** (12.08): Mr Speaker, I present Report No. 18 of the Standing Committee on Planning and Environment entitled "Issues Raised at the 1996 National Conference of Australian Parliamentary Public Works Committees". I move:

That the report be noted.

This is the final report and is in three parts. One does, of course, think of Douglas Adams when one says such a thing. I think it aptly illustrates the efforts put in by the ACT Planning and Environment Committee in ensuring that the joint public works committees of Australia meeting has made a major contribution to discussion of these issues across Australia.

It was a very worthwhile exercise, and I would like to take this opportunity to thank all those involved in ensuring that it was a great success. The meeting of the public works committees required a great effort on the part of not only the secretary to our committee but the whole committee secretariat. Indeed, Mr Speaker, you and your office put in a great deal of time and effort to ensure that the first meeting of Australian parliamentary committees conducted in the ACT Assembly was a great success. It could not have gone so well without so much effort from so many people who support this Assembly, and each and every one of them deserves appropriate thanks. I am specifically not naming anybody at all, because it seems to me that so many people were involved.

Mr Speaker, this public works committees meeting report will be distributed, along with the report from the environment committees meeting, to all the attendees of the conference and to the committee secretaries in all the other Australian jurisdictions and in New Zealand. I look forward to the ACT's involvement in the next meeting, which the Queensland Public Works Committee has agreed to host. I presume that will be in the middle of next year.

Question resolved in the affirmative.

**PLANNING AND ENVIRONMENT - STANDING COMMITTEE**  
**Report on Inquiry into Retail Policy**

**MR MOORE** (12.11): Mr Speaker, I present Report No. 20 of the Standing Committee on Planning and Environment entitled "Further Retail Policy Measures to Maintain Diversity in the ACT Retail Market", including a dissenting report by Ms Horodny, together with the extracts of the minutes of proceedings. I move:

That the report be noted.

I think this is the first report of our committee that actually carries a dissenting report. There have been a number of times when we have presented to the Assembly reports that have identified a division of views within the committee, but this is the first time a report has actually carried a dissenting report. We were charged with looking at the

ACT retail market, taking into account the current retail hierarchy, the Government's proposals as outlined in *Striking a Balance*, employment impacts, the appropriate level of retail space, remission of betterment and other incentives to assist with the revitalisation of neighbourhood shopping centres, shopping centre management, rent inequities, domination of the market by large retailers and any other related matter.

In considering the issues, Mr Speaker, the majority of members of the committee determined that we would look at what studies had been done and how much work had already been done on these issues. Our general conclusion was that we would look very briefly at each of the issues. I draw members' attention to points 25 and 26:

The Committee is divided on the Government's initiative in this area.

Two members of the Committee (Mr Moore and Ms McRae) consider that the key studies that, according to the Government, led it to decide on restricted trading hours for supermarkets in town centres do not actually support the Government's position.

We were talking about the Ibecon retail study, Hyndes's review of trading hours and the social impact assessment of retail changes. Ms McRae and I came to the conclusion that there would be very little to be gained by this committee continuing the process of looking at the whole range of issues before us because the committee was so divided on the matter. I think the position in some ways is described by Ms Horodny in her dissenting report. If the fifth paragraph of Ms Horodny's dissenting report had been basically all that she had written, I probably could not argue with her. She said:

Instead of examining these eight points, the other Committee members chose to use the Committee's inquiry mainly to resurrect the retail trading hours issue despite the many hours of debate on this topic in the Assembly, and despite the fact that the new retail hours have only been in effect since 9 September 1996. This is hardly sufficient time for the effect of the retail trading legislation to be fully observed, and thus unable to be effectively reviewed by the Committee at this time.

Although I do not quite agree with her, I would have to accept that as a valid criticism. However, Ms Horodny went much further than that and, I think, really tested the bounds of what is appropriate. She stated quite early:

This inquiry was initiated by the Greens in the context of the debate over the Government's Trading Hours legislation.

That is absolutely true. At the time, I indicated in the Assembly that it seemed to me that the decisions had been made and this was the Greens then initiating this kind of inquiry: "We have made our decision, now let us have an inquiry into it". It was much too early and entirely inappropriate. I accept, Mr Speaker, that the Assembly made a decision on that. On page 6 of the report, the second page of Ms Horodny's dissenting report, she said:

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I also wanted the Committee to examine the Government's recent call for expressions of interest in the redevelopment of the Manuka carpark ...

In fact, the Assembly has written to the Minister on that, asking whether or not the Manuka car park development, for which they have called for expressions of interest, is inconsistent with the Territory Plan. If it is inconsistent with the Territory Plan, then it requires a variation of the Territory Plan; under the legislation, the Minister would recognise it; and, therefore, it must come to the committee. That is an issue still to be dealt with. It may well be dealt with by the committee anyway, either by reference from this Assembly or by the committee taking that issue on itself. Ms Horodny went on to say:

... which will have a major impact on the retail hierarchy in South Canberra and contradicts the Government's own Retail Policy ...

I have grave doubts about whether that is completely true. It strikes me as one of those half-truths, and I would like to hear Ms Horodny justify how she believes it contradicts the Government's own retail policy. I do not agree with the Government's own retail policy. It is the Greens that do, which allowed it to be implemented. Yet Ms Horodny raises this point. But even more interesting, Mr Speaker, is Ms Horodny's suggestion:

I am disappointed that the other Committee members, by refusing to move from their entrenched positions over the retail trading hours issue, have undermined the Committee process ...

This is projectionism; this is the Greens thinking about themselves and projecting it onto other members, because the only entrenched position was by the Greens, who supported the Government position and said, "We are going to have this position; we are going to have a certain thing happen on retail hours; then you can look into it". That is what the entrenched position is. It was that entrenched position that gave us very little room to move. Mr Kaine, as a member of the committee - a decision having been made by the Government and having been voted on by the Assembly - also had very little room to move; and we understand that. That is why it is that, when Ms McRae and I sat down and looked at this and went through it, we believed we would waste committee time by pursuing this issue any further. I am hoping I am not misrepresenting Ms McRae; I believe that is a fair representation of what we thought.

We choose to set priorities in what we do. We can put a huge amount of time into this issue of retail trading hours, on top of the work already being done by the Government. We suggested that the Government follow up on some other issues. We have a choice. Do we put in a huge amount of time - because to do what Ms Horodny wants is an absolutely huge project for a committee that is already undertaking quite a deal of work - with the chance of having no change in outcome? Why would we be involved in going through a major process, with no change in outcome? To me, that is why it is that the report that we table now, which, as you can see, is very thin, is based effectively on administrative grounds - we choose a set of priorities and we do not choose to waste our time on something that is going to have no effect.

It may well be, as Ms Horodny suggested, that in due time, after the trading hours have been in operation for 18 months or something along those lines, we can genuinely assess what is happening with them. In the next Assembly may be the appropriate time to refer the issue to the committee that follows this one. It seems to me that the course taken by the committee was the rational one, the sensible one. The other criticism levelled by Ms Horodny, apart from the paragraph that I said was a quite valid criticism - and I explained the reason for it - is just a projection of their own view and their own problems onto other people. Mr Speaker, I commend the report to the Assembly.

**MS HORODNY (12.20):** Mr Moore is obviously feeling very defensive about this report because, instead of explaining what the other three members of the committee feel about this issue, he spent most of his time talking about my dissenting report, which was interesting because I am here to talk about my dissenting report.

**Ms McRae:** No; Mr Moore has every right to.

**MS HORODNY:** Of course he does; but it is interesting because it still sheds no light on the other report. I am dissenting because I do not believe that the committee has adequately addressed the terms of reference of this inquiry. The inquiry was initiated by the Greens in the context of the debate over the Government's trading hours. We were concerned at the time that the Government was ignoring a range of other factors affecting the viability of the local shopping centres, and we wanted the P and E Committee to examine these factors.

One issue in particular, which we have raised in the Assembly a number of times, is the issue of the current oversupply of retail space in the ACT. We put a motion on that earlier in the year, which was defeated. The terms of reference of the inquiry state quite clearly that the committee should examine and report on further retail policy measures. The committee did not do that. The terms of reference list eight specific points that the committee was to consider, as well as a general reference to consider any other related matter. I repeat: The committee did not look at further retail policy measures. Instead of examining these eight points, the other committee members chose to use the committee's inquiry mainly to resurrect the retail trading hours issue, despite the hours and days that we seemed to have spent debating this topic in the Assembly and despite the fact that the new trading hours have been in effect only since 9 September 1996. Obviously, it is not "sufficient time for the effect of the retail trading legislation to be fully observed and thus unable to be effectively reviewed by the committee at this time".

The report of the rest of the committee addresses only point (b) of the terms of reference, which is to review the Government's retail policy as outlined in *Striking a Balance*. It ignored the other seven points in the terms of reference. I also wanted the committee to examine the Government's recent call for expressions of interest in the redevelopment of the Manuka car park into a major supermarket complex, which will have a major impact on the retail hierarchy in South Canberra and contradicts the Government's own retail policy; but I was unable to get support within the committee on this matter. I am disappointed that the other committee members, by refusing to move from their entrenched positions over the retail trading hours issues, have undermined the committee process, which is designed to provide a more informal forum than the Assembly to debate issues of concern to the ACT community and to give members of that community the

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opportunity to present their views directly and openly to Assembly members. We did not hear from anyone in the community on retail matters, retail space, the retail hierarchy, the betterment issue or any of the other terms of reference that we were asked to look at. I believe that Canberra retailers and consumers will be worse off as a result of the committee's inadequate performance on this inquiry because the factors - - -

**Mr Moore:** That is not true. Be careful you do not mislead there. Look at points 11, 12 and 13.

**MS HORODNY:** Mr Moore, I listened to you in silence. Could you please give me the same respect.

**Mr Moore:** But I was not misleading. I am trying to save you the embarrassment of misleading the Assembly.

**MS HORODNY:** I am not embarrassed, Mr Moore. I feel absolutely fine about what I am saying. I believe that Canberra retailers and consumers will be worse off as a result of the committee's inadequate performance on this inquiry because the factors that have caused many small retailers to close in recent years and the major retail chains to increase their dominance of the ACT retail market remain unresolved.

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

**Sitting suspended from 12.25 to 2.30 pm**

## **QUESTIONS WITHOUT NOTICE**

### **ACTEW - EEO Program**

**MR WHITECROSS:** My question is to the Minister for Urban Services, Mr De Domenico, who is also the Minister responsible for ACTEW Corporation. Minister, the ACTEW Corporation annual report for 1995-96 states on page 29, under the heading "Equal employment opportunity":

Over the past year we have revised our EEO package to emphasise EEO for all staff, not just the target groups ...

**Mrs Carnell:** They also got the employer of the year award because of their work in EEO.

**MR WHITECROSS:** Minister, does this mean that ACTEW has developed an EEO program for able-bodied white males?

**MR DE DOMENICO:** I am delighted that Mr Whitecross asked that question. The answer is no. In fact, as Mrs Carnell interjected, ACTEW two weeks ago won the employer of the year award because of the work it has done with people with disabilities. It won a national award because of the work it is doing with people with disabilities.



**MR WHITECROSS:** I ask a supplementary question. I hardly need to observe, Mr Speaker, that the Minister did not answer the question and that people with disabilities are a target group - - -

**MR SPEAKER:** No preamble.

**MR WHITECROSS:** My question is: Why is ACTEW talking about developing an EEO program for all staff, not just target groups? Minister, will you, as a matter of urgency, find out why the ACTEW board and ACTEW senior management do not seem to understand that EEO is for target groups, not for all staff?

**MR DE DOMENICO:** I will find that out; but Mr Whitecross ought to be aware that ACTEW, as I recall, last year or a couple of years ago won another award, or was highly praised for the work that it was doing - - -

**Mr Whitecross:** For clean water, was it not?

**MR DE DOMENICO:** For the work that it was doing with Aboriginals and Torres Strait Islanders. On Aboriginals and Torres Strait Islanders, there was an award-winning performance by ACTEW; on people with disabilities, there was an award-winning performance by ACTEW; on environmental matters, there was an award-winning performance by ACTEW. I think we can be duly proud of a lot of the work done by ACTEW, and I would hope that members of the Opposition would also be duly proud of the organisation.

### **Public Service - Financial Management**

**MR KAINE:** Through you, Mr Speaker, I direct a question to the Chief Minister. Chief Minister, over the last couple of days in this place there have been some questions raised about the competence of senior officers in your department in relation to good account keeping. Can you inform the Assembly as to how accounting standards currently compare with those of the previous Labor Government and whether Mr Whitecross was correct when he asserted that there had been "a failure of performance" by senior managers of the Public Service recently?

**Mr Berry:** We are sensitive little people today.

**MRS CARNELL:** I am fascinated that Mr Berry says that we are sensitive when our bureaucrats are criticised. The fact is that yes, I am sensitive when our bureaucrats are criticised, because it is so incredibly unfair. Certainly, I would like to thank Mr Kaine for the question, because it gives me an opportunity to set the record straight regarding what I believe, and I am sure what everybody on this side of the house believes, is a very impressive record of improvements that have been made in financial management within the ACT Government.

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On Tuesday, we had a quite extraordinary situation in this place when questions were asked by the Leader of the Opposition and the Deputy Leader of the Opposition - or should I say the would-be Leader of the Opposition? Maybe I should say the would-be member for Fraser. I am not sure, because what is happening on the other side of the house at the moment is very complicated. We heard some deliberate misrepresentation of the work of the Auditor-General. I say that again. We had the Opposition deliberately misrepresenting the work of the Auditor-General and actively seeking to undermine the integrity of that audit. It was an absolutely dreadful situation.

In doing so, they also made unwarranted and extremely unfair attacks on the senior management of the Chief Minister's Department. This is the same senior management who last week received prestigious awards from the accounting profession and accolades from a former State Premier and a former Commonwealth departmental secretary for the quality and innovation of their annual report. Mr Speaker, who has greater credibility when it comes to assessing accounting standards - Mr Whitecross and Mr Berry or the Australian Society of Certified Practising Accountants? I do not think I have to answer that question. In presenting two major awards to the ACT Office of Financial Management and to one of its senior officers, Mr Rex Hollier, last week, the Australian Society of Certified Practising Accountants, ACT Division, wrote:

This leading edge reform package has attracted favourable attention from international and national accounting organisations and has the potential to provide long term benefits to the public sector.

That is not a comment from the Government; it is a comment from the Australian Society of Certified Practising Accountants, ACT Division. Yesterday we saw an acutely embarrassed Mr Whitecross - I hope he was acutely embarrassed - furiously doing the backstroke during a personal explanation. In his personal explanation yesterday he said, "Mr Speaker, my personal - - -

**Mr Berry:** Mr Speaker, I think Mrs Carnell may have inadvertently - - -

**MR SPEAKER:** Are you taking a point of order?

**Mr Berry:** Indeed I am.

**MR SPEAKER:** Under what standing order?

**Mr Berry:** Mr Speaker, this is about relevance. Mrs Carnell was not even here yesterday. How could she see anything that was happening on this side of - - -

**MR SPEAKER:** Mrs Carnell does have a copy of the *Hansard*, Mr Berry. There is no point of order.

**Ms Follett:** Could I try a point of order on you, Mr Speaker, futile as that may well be? I would like to put it to you - - -

**MR SPEAKER:** Are you suggesting, Ms Follett, that I will not listen to or rule accurately on your point of order?

**Ms Follett:** Never, Mr Speaker.

**MR SPEAKER:** Withdraw the remark “futile as that may be”.

**Ms Follett:** Mr Speaker, I will leave it to you to judge my point of order.

**MR SPEAKER:** Withdraw the remark.

**Ms Follett:** I withdraw any imputation you may feel.

**MR SPEAKER:** Thank you. You have a point of order?

**Ms Follett:** My point of order, Mr Speaker, is that Mrs Carnell, contrary to our standing orders, appears to be debating the answer to a question.

**MR SPEAKER:** There is no point of order. Mrs Carnell is referring to extracts from the *Hansard*.

**MRS CARNELL:** Mr Speaker, yesterday - when I was here, Mr Berry - when Mr Whitecross gave his personal explanation he said that he did not draw any conclusions from the draft Auditor-General’s report that he quoted from on Tuesday. For the record, let me remind Mr Whitecross of what he said on Tuesday. He did not simply ask for an explanation of the matters raised by the Auditor-General; he asked me to explain how my department had “failed so badly” and what I was doing to “ensure that such failures of performance are not repeated in the future”. If that is not drawing conclusions, I simply do not know what is. That is a straight quote from the *Hansard*. Is this a new credo that Mr Whitecross has brought back from abroad? Do not worry about misrepresenting the Auditor-General; do not worry about undermining the integrity of the audit process; do not worry about checking your facts; just dump on public servants and then say you did not do it. I am sorry, Mr Whitecross; it is on the public record. You did do it.

Leaving politics aside for one moment, let us have a bit of a stroll down memory lane. Mr Whitecross, of course, apart from being out of the country and missing the post-budget debate, is also a newcomer to this Assembly. When he made his comments on Tuesday, possibly he had not read Auditor-General reports from previous years. In the seven years since self-government, the accounts of ACT Treasury, or OFM as it is now known, have been unqualified only twice. Guess which years, Mr Whitecross. The last two years, the two years of this Government.

**Ms McRae:** You wait.

**MRS CARNELL:** That is actually true. When your party was in power, Mr Whitecross, the accounts were qualified every year. This is not conjecture or misrepresentation or a political spin.

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**Mr Berry:** Twenty-two million dollars down the drain. What a Treasurer!

**MRS CARNELL:** It is purely fact. Mr Speaker, Mr Berry continues to interject.

**MR SPEAKER:** I remind Mr Berry that interjections are out of order.

**MRS CARNELL:** Not only have we moved to a whole new system of financial management that is by far the most open and accountable in the country and winning praise from the accounting profession, but my senior management have also delivered, for the first time since self-government, completely unqualified accounts for the whole ACT Public Service. I think that is something that we should be congratulating our senior public servants for, not somehow suggesting, as Mr Whitecross did, that they should be sacked.

**MR KAINE:** I ask a supplementary question. Chief Minister, you just mentioned that the accounts under the previous Labor Government were qualified each year by the Auditor-General. Can you provide details of what those qualifications were?

**MRS CARNELL:** Thank you, Mr Kaine. Mr Kaine, I suppose many here would know that, but there are a lot of new members here. To answer your question, in 1991-92 there were five qualifications, including qualifications for the accounts of Treasury. In 1992-93 there were 11 qualifications, including - wait for this - Treasury, Chief Minister's, Urban Services, Health, and Environment, Land and Planning. In 1993-94 there were six qualifications. The Auditor-General, in qualifying Treasury as usual, said in the qualified accounts for Treasury:

None of the officers involved with preparation of the 1993/94 Treasury financial statements have accounting qualifications.

None had accounting qualifications. He went on to say:

Treasury engaged a firm of private accountants to assist in the preparation of these statements.

That was under those opposite, who have criticised us for using consultants. This was the record of the previous Government. By contrast, in 1994-95 the accounts for Chief Minister's and Treasury were unqualified, and in 1995-96 there were no qualifications at all in the whole of the ACT government service. I think that is a clear demonstration that senior managers within the ACT Public Service are performing extremely well, that they are delivering on the reforms put in place by this Government and that the community can be assured that accounting standards are improving.

**Mr Berry:** Just grabbing luxury cars at will, changing cars - - -

**MRS CARNELL:** Mr Speaker, Mr Berry again interjects, about a particular senior public servant. I think that is terribly inappropriate.

**MR SPEAKER:** Interjections are out of order, I remind all members.

**MRS CARNELL:** Clearly, Mr Speaker, there is always room for further improvement, but before the Labor Party starts calling for the heads of senior public servants they should reflect on their own record. Let us not forget that this is the same Labor Party that, when in government, allowed their staff to rot meal allowances, waste thousands of dollars on big white hire cars and fly business class or first class because they did not like to be down the back with the normal people. Of course, they blew their Executive budget by hundreds of thousands of dollars. I make no apology for raising the standard of accountability and financial management. I think our senior bureaucrats deserve praise, not criticism.

**Ms Follett:** Mr Speaker, on a point of order, I refer you to our standing order 118(b), which says that the answer to a question without notice shall not debate the subject to which the question refers and that the Speaker may direct a member to terminate an answer, and so on. Mr Speaker, may I request that you provide to the Assembly your understanding of that particular standing order.

**MR SPEAKER:** Yes, I would be happy to take that aboard for you.

### **Federation Square**

**MR MOORE:** My question is directed to Mr Humphries as Minister for Planning and Minister for the Environment. So that I could get a detailed answer, I gave Mr Humphries some notice that I would be asking a question about the Gold Creek and Federation Square tourist area. I understand that the Government helpShop have been to Gold Creek and have been active in proposals to enhance the retailers' prospects in that area. I also understand that in the report that was made there was a recommendation that no further retail should be allowed in the area for at least two years. In spite of such a recommendation, has a further development been allowed at Federation Square stage 3? Has it been approved by you or your department and, if so, why, and why were the helpShop recommendations ignored?

**MR HUMPHRIES:** Mr Speaker, Mr Moore may have supplied me with notice of this question; but I have lost the answer that I was going to use, so I will have to wing it. It really is a question without notice now. The Government was certainly very mindful of some concerns by the retailers at Federation Square stages 1 and 2 when it considered the application for stage 3. In fact, there was considerable concern when stage 2 was built, because many of the retailers in stage 1 felt that there was duplication of retailing outlets in stage 2, and they saw stage 3 as being yet another example of how their businesses would be compromised by another round of proposals coming in. The Government sat down with the parties and talked about these issues at some length, to work through a possible way of dealing with the issue.

Mr Hird also raised some concerns with me on behalf of constituents who had retailing at stage 3. We said that stage 3, if it was to develop, would contain a number of things, including Aboriginal painting demonstrations, bush tucker and a shearing facility to show tourists shearing in action; but we said that retailing on that site would be limited, with the exception only of opals, to products or goods that were actually produced on the site.

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If there was, for example, an Aboriginal artist there producing Aboriginal bark paintings, those paintings could be sold on the site, but the business could not import from Queensland a lot of Aboriginal art and sell that in stage 3. There are already establishments in stages 1 and 2 where those could be sold.

In those terms the Government has been prepared to allow stage 3 of the Federation Square complex to proceed. It is essentially not about retailing; it is about tourist attractions that will bring people to that part of Canberra and, hopefully, produce some improvement in the fortunes of that part of Canberra, which has had a lot of money invested in it but has not quite taken off as it should as a major tourist site. Certainly, there are some retailers there who have been struggling a bit. I do not know whether there was a recommendation by the helpShop people. If there was, I think it has been taken into account in the process that I have indicated today. If there is anything else that I have not advised Mr Moore of, I will take the question on notice and give him information about it.

**MR MOORE:** I have a supplementary question. Minister, did you not put the same sort of restricted conditions on stage 2? Whether it was you or not, were there not a set of restrictive conditions put on stage 2 that were later changed, and what would make anybody believe that the same conditions would remain on stage 3? Surely, if stage 3 appears not to be working in the way that you have allowed, then there will be an application for a change in the way they can use it and it will become ordinary retail. How do you propose to police it?

**MR HUMPHRIES:** Mr Speaker, I certainly did not put any conditions on stage 2, because I was not the Minister at the time. My understanding is that undertakings were given in respect of stage 2 which, it has been argued subsequently, have not been met. I propose that a stronger mechanism be used in respect of stage 3 - that is, that there be conditions written into the grant of a lease that would prevent the sale there of material which is not produced on the site, with the exception of opals. If that is breached, the capacity to enforce is much stronger than it is with a mere undertaking.

### **Mental Health Service**

**MR BERRY:** My question is directed to the Minister for Health. In relation to the absence of a director of mental health services you have said, and it is reported in the *Canberra Times*, that the Mental Health Service was operating as it normally would as Dr Rosenman's delegations of authority were still in force. How many such delegations have been made since the Act commenced? How many have you approved? Will you table all of the delegations from those categories by the close of business today?

**MRS CARNELL:** Mr Speaker, all I could say is: Of course I can! Off the top of my head I can tell you all of the delegations! Obviously, I cannot. I can answer this question if I want to.

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

**MRS CARNELL:** How can you have a point of order on your own question?

**Mr Berry:** Answers to questions shall be concise and confined to the subject matter. I want to remind the Chief Minister of the question that I asked. How many such delegations have been made since the Act commenced, how many have you approved, and will you table them all by the close of business?

**MR SPEAKER:** There is no point of order. Resume your seat, Mr Berry. Mrs Carnell is in the middle of answering the question.

**MRS CARNELL:** I have not even got to the middle.

**Mr Humphries:** Mr Speaker, what Mr Berry just did was to use a so-called point of order to simply repeat his question. That is not what points of order are allowed for. There is no point of order which allows you to repeat a question.

**MR SPEAKER:** I uphold the point of order. I am sure that Mrs Carnell is well aware of the question, because she was just about to answer it.

**MRS CARNELL:** Mr Speaker, to my knowledge, I have not actually made any delegations; but the point that Mr Berry made is, of course, no longer relevant because, as Mr Berry would know if he had actually read the documentation that has been released recently, the other psychiatrists in our service have agreed to fill the statutory position of director on a rotating basis until the chair of psychiatry is appointed by the Sydney University. We have psychiatrists who are willing to fill that position in the meantime.

**Mr Berry:** Mr Speaker, I raise a point of order. The answer should be confined to the subject matter of the question.

**MR SPEAKER:** Order! There is no point of order. Resume your seat, Mr Berry.

**Mr De Domenico:** On a point of order, Mr Speaker: I refer you to standing order 61, which says that a member shall not interrupt another member. Mr Berry is continually interrupting, preventing the Chief Minister from answering a question. It was Mr Berry's question, after all. I think he should show the Chief Minister the courtesy of allowing her to answer that question. If he does not show that courtesy, perhaps you should name him, Mr Speaker.

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

**Mr Berry:** Mr Speaker, may I respond to that?

**MR SPEAKER:** No, you may not. Sit down. We are in the middle of questions.

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**Mr Berry:** I would like to take a point of order about standing order 61. Mr Speaker, you have ruled out my right to raise a point of order - - -

**MR SPEAKER:** I am well aware of standing order 61. I have it in front of me.

**Mr Berry:** Mr Speaker, then you might explain to me, if you care to, whether or not I am able to interrupt another member while speaking to raise a point of order.

**MR SPEAKER:** There is no point of order that you raised, Mr Berry. Mrs Carnell is in the middle of answering your question. I think you should give her the courtesy of allowing her to do so.

**MRS CARNELL:** Mr Speaker, I am very willing to make available, as soon as is possible, any delegations that have been made since the Act started. The Act did start nearly two years ago.

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

**Ms Follett:** Are you allowed to do that?

**MR BERRY:** I think so.

**Ms Follett:** Is that still all right?

**MR BERRY:** Today I think I am allowed to. Mrs Carnell does not seem to understand that under section 118 of the Mental Health - - -

**Mr De Domenico:** What is the supplementary question?

**MR BERRY:** I ask Mrs Carnell whether she knows that, under section 118 of the Mental Health (Treatment and Care) Act:

The Director may, with the approval of the Minister, delegate by instrument any of his or her power to a psychiatrist who is a public servant or is engaged by the Territory.

Will you now tell this house what delegations you have approved, and will you table them, as I asked before, by the close of business today?

**MRS CARNELL:** I just answered that question. I said I was happy to table any delegations that have been made.

**Mr Berry:** By the close of business today?

**MRS CARNELL:** As soon as they are available.



### Elective Surgery Waiting List

**MR HIRD:** My question is to Mrs Carnell in her capacity as Minister for Health and Community Care. I refer to the Government's announcement two months ago that it had achieved its election promise already by reducing the waiting list for elective surgery by 20 per cent during its first three years of office. My question is: Has the Government been able to maintain this significant reduction in the waiting list, or has the Minister encountered the problems facing the Government in New South Wales, where waiting lists are now virtually back at their pre-election levels?

**MR SPEAKER:** The matter relating to New South Wales is not a matter for the Minister for Health, but she can certainly comment on the matter so far as the ACT is concerned.

**MRS CARNELL:** I am very happy to concentrate on the ACT, Mr Speaker. I am very happy to announce to the Assembly today that waiting lists are now down to 3,501. That is the lowest level since August 1993 and compares to a figure of 4,569 when we came to power last year. That means that waiting lists have been reduced by 1,068, or 23 per cent, since we came to office last March. Waiting lists have come down by another 65 this month, even when there has been some industrial action due to a Federal Government decision. Under those circumstances I think 65 is a pretty impressive achievement.

I am always interested that Mr Berry seems chronically unimpressed by the waiting list figures. I think it is appropriate to quote what Mr Berry said on 28 May 1991. I will table this page of *Hansard* for the interest of members. He said:

A good way to measure the adequacy of the hospital system, Mr Speaker, is by the waiting list. That is why this Government -

meaning Mr Humphries at the time -

does not want to hear about waiting lists any more, and that is why it wants to talk about other things. The waiting list is a good way to measure how your hospital system is performing.

I am very happy to answer that, because I think that is a pretty fair statement. The waiting list is a good method of determining how the hospital system is performing. Not only have we reduced waiting lists by 1,068 since we came to government, but as well, and this is something that I am even more proud of, at the end of October we had a situation where no-one in Canberra, not one patient who is on our category 1 waiting list - those are people who need urgent surgery within 30 days - had waited for more than 30 days. When we came to power last year, 50 per cent of all category 1 patients were waiting for longer than 30 days. That meant that they were waiting for longer than was clinically appropriate. That was an unacceptable situation.

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One of the major things we said we needed to achieve over this period was to get that down, but I think a - - -

**Mr Berry:** What about the suicides of people who cannot get into the psych unit?

**MRS CARNELL:** Mr Berry cannot handle the fact that he himself said that waiting lists were a significant measure of how a hospital was operating. I agree; they are. So, too, are waiting times. The fact that nobody on our category 1 waiting list has to wait for longer than 30 days - at least at the end of October that was the case - is a huge effort by all of our staff, both at Calvary Hospital and at the Canberra Hospital. I think our doctors and nurses and all our associated staff should be extremely proud of themselves.

**MR HIRD:** I ask a supplementary question. Mr Berry interjected and I did not hear what the Minister said about a speech recorded in *Hansard* in 1991. I would also like to take this opportunity, through you, Mr Speaker, to congratulate - - -

**MR SPEAKER:** Ask your question.

**MR HIRD:** Instead of ridiculing the Minister, those people opposite should be congratulating her and her staff at the Calvary and Canberra hospitals.

**MR SPEAKER:** What is your question?

**MR HIRD:** The supplementary question is: What was the statement in May 1991 about waiting lists that the Minister referred to?

**Ms Follett:** I raise a point of order, Mr Speaker. Had Mr Hird been listening, he would have heard the Chief Minister give those details. I do not think it is appropriate for a supplementary question to ask any Minister to repeat what they have just said.

**MR SPEAKER:** A question fully answered cannot be renewed.

**MRS CARNELL:** Mr Speaker, I am confident that I have answered that question, and the paper has been tabled.

**MR SPEAKER:** That is correct.

**Ms Follett:** Did that go my way? Is that one for me?

**MR SPEAKER:** Ms Follett, if you behave yourself you can have a question, yes.

**Ms Follett:** What I want is a point of order, though, Mr Speaker. I think I might have won that one. I know it hurts you to say so.

**Totalcare Industries Ltd - Buses**

**MS FOLLETT:** I have a question for the Minister for Urban Services, Mr De Domenico. Minister, during the Estimates Committee hearings it was revealed by a senior official from Totalcare, in fact Mr Spottiswood, that the Totalcare bus fleet is - and I will quote his exact words - "making a profit". I ask how that statement reconciles with the answer that you gave to a question without notice asked by Ms Reilly on 3 September 1996 in regard to the profitability of the Totalcare bus fleet in which you said - and again I will quote; in fact, I will table the *Hansard*, as the Chief Minister just did, if it will help:

I can confirm that it does not realise a profit.

How do you reconcile those two statements?

**MR DE DOMENICO:** I will check both the *Hansard* that Ms Follett refers to and the *Hansard* of the Estimates Committee. I will read them in full, and I will get back to Ms Follett.

**MS FOLLETT:** I ask a supplementary question, Mr Speaker. In light of the evidence that was given to the Estimates Committee by senior officials, not just from Totalcare but also from your own Department of Urban Services, that the Totalcare bus service is not operating at a loss, was your previous answer in the Assembly - and I would ask you to consider this very carefully - a deliberate attempt to mislead this Assembly - - -

**Mrs Carnell:** Mr Speaker - - -

**MS FOLLETT:** I will change that to "misinform" - - -

**Mrs Carnell:** Mr Speaker, I raise a point of order. That question would be unparliamentary.

**MR SPEAKER:** Yes.

**MS FOLLETT:** I have asked a question, Mr Speaker, not made the allegation.

**Mrs Carnell:** If you want to move a motion, move a motion.

**MR SPEAKER:** You will have to - - -

**MS FOLLETT:** I will change it to "misinform".

**Ms McRae:** Who is in charge, Mr Speaker?

**MS FOLLETT:** We know who is in charge.

**MR SPEAKER:** Would you mind withdrawing "mislead"?

**MS FOLLETT:** I have withdrawn it and replaced it with "misinform".

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**Mr Humphries:** Mr Speaker, on a further point of order: The member just uttered, "We know who is in charge". Obviously, with some merriment over there, they are running some sort of vendetta against you today, Mr Speaker. I take seriously the position of the chairmanship of this Assembly, and I would ask that you ask Ms Follett to withdraw that imputation.

**MS FOLLETT:** Mr Speaker, on the point of order, may I explain that, on Mrs Carnell clearly attempting to give you an instruction, one of my colleagues asked, "Who is in charge?". My answer was, "We know who is in charge". Clearly, it is you, Mr Speaker.

**MR SPEAKER:** Well got out of, Ms Follett. Congratulations. Continue.

**MS FOLLETT:** Mr Speaker, I ask: Was the Minister trying to misinform this Assembly in giving that answer on 3 September, or are we yet again seeing another example of the total incompetence of this Minister in understanding, or even bothering to find out, what is going on in his own portfolio?

**MR DE DOMENICO:** I will answer that, Mr Speaker.

**Mr Kaine:** That is hardly a supplementary question.

**MR DE DOMENICO:** It is hardly a supplementary question.

**MR SPEAKER:** The first part of it was.

**MR DE DOMENICO:** Ms Follett is the last person in this place who can talk about incompetence in Ministers. Mrs Carnell has just given a litany of what the Auditor-General said about the Government when Ms Follett was in charge of it. As I said before to Ms Follett, I will read the full text of the Assembly *Hansard*. I will also read the full text of what I said at the Estimates Committee. I also note that Ms Follett was not at the Estimates Committee hearing when all this sort of thing happened. If, in fact, I have said one thing which is different to what I have said before, I will come in, as I think I have on a couple of occasions, and apologise.

### **John Dedman Parkway**

**MS TUCKER:** My question is to Mr Humphries, Minister for the Environment, Land and Planning. Last night there was a public meeting regarding the study into the development of the John Dedman Parkway through North Canberra, at which several hundred people were told by the consultants undertaking the study that the public consultation for the preliminary assessment of the project would take place as a series of workshops - the first one in December and some further workshops early next year. A number of concerns about this process were raised at the meeting. I would like to ask you why this public consultation process is being rushed through over the Christmas holidays when many residents will be either out of town or preoccupied with Christmas

and family events. Considering that the development of the John Dedman Parkway has been on the cards ever since the Gungahlin external travel study was conducted in 1989, and it is also commonly accepted that this road may not be built for a number of years, surely a few months' delay in the consultation process, to allow effective community input, is not too much to ask for.

**MR HUMPHRIES:** Mr Speaker, in answering this question I am tempted to reflect that there seems to be no mechanism known that we can adopt that is going to satisfy the Greens on consultation. I think we should try a new system. Perhaps we can capture residents of surrounding suburbs, take them to a dark building somewhere, tie them to chairs and force them to tell us their views about the John Dedman Parkway under threat of pain and torture.

Mr Speaker, the fact of the matter is that I do not know the details of what was said to residents last night at the meeting. If they expressed a concern about the timeframe of that consultation, I will certainly look at that question in consultation with my colleague, the Minister for Urban Services, and see whether it is possible to adjust that if it is a problem. I do not really think that anyone can be expected to give a particular answer on a particular day. This is mid-November, and we are quite some while away yet from any decisions about that. I very much doubt whether there is any particular process here which it is absolutely indispensable for a resident to be involved with or to be present at that cannot be supplied in some other way. I will look at the issue that Ms Tucker has raised and I will advise her if any adjustments need to be made to that consultation program.

**MS TUCKER:** I ask a supplementary question. One of the other issues that were raised was concern from some of the residents that there would be a limited number able to be involved in the workshops. I would ask you to address that also with the consultants, because we would like to see on what criteria who is allowed to participate in the workshops will be decided. If you could table that information and the brief that you gave to the consultants initially, it would be useful.

**MR HUMPHRIES:** I will take that question on notice. I do not know the answer.

### **Totalcare Industries Ltd - Buses**

**MS REILLY:** My question is to the Minister for Urban Services, whom I will not name, as yesterday he was very sensitive about the possibility of his name being used. Minister, during the Estimates Committee hearings you informed the committee that the services formerly performed by the Totalcare bus fleet which are currently being transferred to ACTION will be subject to an open and competitive tender process at the end of 1997. Minister, can you explain why it will take over 12 months to call for tenders, when by your own department's admission there is no contract in place between Totalcare and the Department of Urban Services to provide these services to the Department of Education and the Health Department?

**MR DE DOMENICO:** I thank Ms Reilly for her question. Ms Reilly should have been listening when Mr Wood asked me a question about Totalcare, what was happening with assets and liabilities and all sorts of things. We said we would set in place a process of due diligence. Ms Reilly ought to be aware that that process takes quite a deal of time to sort out. We also gave a commitment that when the staff transferred across from Urban Services to Totalcare they would transfer across on exactly the same EBA conditions as existed. It is going to take quite some time for all those commitments to come to fruition. What this Government promises when it makes statements in the public domain it delivers. If it is going to take 12 months, Ms Reilly, so be it. We will make sure that the contract is let after we consult properly with all the unions and not before.

**MS REILLY:** I ask a supplementary question. Minister, you confirmed during the Estimates Committee hearings that ACTION will have to tender for these services at the end of 1997. Is this not a direct contradiction of the undertaking that the Chief Minister has given to the Transport Workers Union not to contract, tender or privatise the functions of ACTION?

**MR DE DOMENICO:** No, it is not.

### **Register of Ethnic Women**

**MS HORODNY:** My question is directed to the Chief Minister. The Assembly recently passed a motion which in part affirmed that all Canberrans have full access to the Territory's social, political and economic life, regardless of their race, ethnicity, religion, language, gender or place of birth. The Liberal Party's women's policy states that the Liberal Party will establish a register of women from non-English-speaking backgrounds with qualifications and skills, and that the register will be used to advise the public and private sectors at senior management level of the specific needs of ethnic women in the workplace and wider community environment. Could you tell me what progress has been made to establish this register?

**MRS CARNELL:** Again, it would probably have been a better question to ask on notice. Progress has been made in this area. My understanding is that the Migrant Resource Centre is working with the multicultural and ethnic affairs area in my department to work up this register. My understanding is that the Migrant Resource Centre already has one, and we are working together to bring that to fruition. I will certainly take the question on notice and follow up fully and let you know exactly where it is up to.

### **ACTION - Gordon Primary School Service**

**MS McRAE:** My question is to Mr De Domenico in his capacity as Minister for Urban Services. Minister, as you are aware, the route 610 school bus, which services the Gordon Primary School, is to be discontinued at the end of the present school term. Minister, during the Estimates Committee hearings officials from ACTION informed the committee that the benchmark for continuing a school service is 27 passengers per journey. Given that the Gordon school bus is carrying, according to figures supplied by ACTION, on average 20 students in the morning and 35 students in the afternoon, will you not now reconsider your decision to axe this service?

**MR DE DOMENICO:** I thank Ms McRae for her question. Had Ms McRae bothered to pick up a telephone and ring me before asking a question without notice, she would have realised that last week - it was last week, was it not, Mr Osborne, that you and I met with the people concerned at Gordon? - we put into place an arrangement to trial some changes to that particular bus route. Once that trial is finished, the Government will be in a better position to make a decision.

**MS McRAE:** I ask a supplementary question. Given that your answer indicates that the service is to be changed because it does not meet the benchmark requirement of your department, will the other 120 school services which do not presently meet the standard of 27 passengers per bus also be changed or cut?

**MR DE DOMENICO:** I thank Ms McRae for the supplementary question. ACTION plans to introduce a number of changes to its school bus routes next year. As part of its commitment to achieving a more targeted, cost-effective service, a small number of services are to be discontinued and others are to be amalgamated. Each of the services to be discontinued is carrying on average fewer than 20 students. Alternative services are available to travel to and from school in these cases. For example, in Gordon - and Mr Osborne will confirm this - there is another bus that goes on exactly the same route five minutes later.

**Ms McRae:** Yes, but it is probably full.

**MR DE DOMENICO:** No, Ms McRae. I will take that interjection on board. No, it is not full, Ms McRae.

**Ms McRae:** You should discontinue that one, too, if it is no good.

**MR DE DOMENICO:** This particular one, Ms McRae, has two passengers on it. We have one bus with two passengers on it, and another bus five minutes later with 19 passengers on it. I think it makes a lot of sense to run one bus for these passengers. That would save money and also be more efficient - and that is what the Government is all about.

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### **Sportsfields - Watering and Fees**

**MR OSBORNE:** I would like to clarify a point that Mr De Domenico made. I think he gave the impression that he has won me over. The department is looking at a fair compromise on the Gordon school bus. I will reserve my judgment on that one. My question is to the Minister for Sport, Mr "Scrooge" Stefaniak.

**MR SPEAKER:** Order! The Minister will be given his correct name.

**MR OSBORNE:** I am sorry - Mr Stefaniak. Minister, noting as I said on Tuesday that you intend to achieve cost savings totalling some \$360,000 - - -

**Mrs Carnell:** Did it not rain yesterday?

**MR SPEAKER:** Order! Let Mr Osborne ask a question of Mr Stefaniak.

**MR OSBORNE:** There is a clown everywhere, Mr Speaker. Noting that you intend to achieve cost savings totalling some \$360,000 on the upkeep of sportsfields next year, of which \$250,000 is coming from a reduction in watering, could you please explain how you can justify introducing a further hike on the booking fee and on the per hour training fee for the junior sporting clubs when you are providing them with a more dangerous facility? Are you, in fact, double dipping by cutting back on costs and charging more for the hire by groups? One club in particular, Minister, is faced with a potential increase of about \$2,000.

**MR STEFANIAK:** There has been a lot of consultation about sportsground fees. ACTSport and the various sporting groups concerned were involved. It was a fairly laborious and lengthy effort, and I make no bones about that. I have no problems with that, because that sort of consultation is absolutely essential. It certainly has occurred over a number of years in the sporting areas, and whilst I am Minister it will continue. As a result of all that consultation, the fee increases, which are fairly moderate, Mr Osborne, were agreed to. One of the possibilities in attempting to find efficiencies in government would be to further increase fees for sportsgrounds, which I certainly ruled out, Mr Osborne.

In relation to the use of water, as I indicated to you on Tuesday in explaining what we are aiming to save in sportsground management - and there are various ways of doing it - and as I think a few members have mentioned, we have had a pretty wet season so far. That helps us to stay on track. Mr Osborne, I, as well as you, am well aware of the fact that if we end up having a very dry summer the appropriate amount of water is simply going to have to be put onto the grounds. To do otherwise would be a false economy. There is not much point in not watering grounds which need it. If you do that, it costs you considerably more to replace the turf and redo the grounds than it would to put the water on. So far, Mr Osborne, we have been able to make some efficiencies. We have also had reasonably favourable weather conditions. Hopefully, if those continue, it will be of great assistance to us in what we aim to achieve this financial year.



**MR OSBORNE:** I ask a supplementary question. Minister, how much of this extra revenue that you will receive because of the increase will you be putting back into junior sport?

**MR STEFANIAK:** Mr Osborne, the Government puts in a considerable amount of money, and rightly so. Indeed, we have increased the amount of money since we have been the government. That is something I have been very proud of and something I think is very handy for Canberra. Quite rightly, the sport and recreation budget has increased considerably since self-government. I think people are starting to realise that Canberra does have the highest participation rate in sport of any State or Territory, and long may that be so. Long may we continue, be it this Government or any future government, to develop programs that enhance that. That is something we have done. That is something we are proud of. This Government has sought a number of opportunities to further enhance sport opportunities for our people. We have put considerable effort not only into elite sport but also into grassroots sport. It is important that all areas of sport and recreation continue to be adequately funded.

Obviously, we can always seek to do things better, and we have identified a number of areas. The fact of the matter, Mr Osborne, is that we have made a very considerable effort on behalf of the Canberra sport and recreational community. The peak sporting body, ACTSport, which was set up as a lobby group in April 1990 and which has been fairly critical on occasions when governments have lost the plot and not done the right thing by sport, has rightly praised the efforts of not only this Government but also the previous Sport Minister, Mr Lamont, and the Follett Government in the last few months of its term in office, which I readily acknowledge. Indeed, they have been fulsome in their praise of the efforts of this Government.

As Sport Minister, I will continue to consult widely within the sporting community. If people have a problem in any area, I am always happy to talk to them. I have talked to a couple of people in relation to such things as fees for juniors. We look at ways in which, within our budget, we can accommodate the needs of sporting groups as best we can. That is something I will continue to do, Mr Osborne. These fees are moderate and they were introduced only after extensive consultation with the sporting community.

### **Road Signs**

**MR WOOD:** My question is to the Minister for Urban Services. Mr De Domenico, there are road signs all over Canberra which have been demolished or damaged by errant motorists. Minister, these unsightly and dangerous signs have been left unrepaired for a long time, certainly longer than any reasonable performance standard would allow. Would you do your job and get the signs fixed?

**MR DE DOMENICO:** I thank Mr Wood for his question. If Mr Wood gives me a list of all those signs that he is referring to, I will make sure something is done about it.

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**MR WOOD:** I ask a supplementary question, Mr Speaker. I certainly will give a list of the ones I have seen. They constitute a considerable proportion of the signs in Canberra. Minister, do you think you could do that before Christmas, which is still a long way away?

**MR DE DOMENICO:** Mr Wood, I think, was a Minister for four or five years. He did not seem to make any decisions that reflect that fact, but he made some decisions. Mr Wood stands up in this place and says, "There are road signs down all over the place. Go out and fix them, please, Minister". There is a priority process in place. Before Mr Berry interjects, which he always does, let me say that it is a priority process which was followed by the previous Government as well, and I will check that. It is a priority process that has been in the Department of Urban Services for a number of years, as far as I am aware. Mr Wood, if a sign needs to be in place because of danger or because it is a necessity, it is fixed first, which is why I said to you to give me a list of the signs you have seen. I will have a look at where they are on the priority list and I will see what I can do about them.

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

#### PERSONAL EXPLANATION

**MR BERRY:** I seek leave to make a personal explanation pursuant to standing order 46.

**MR SPEAKER:** You may do so.

**MR BERRY:** During question time Mrs Carnell referred to me by name and quoted a statement that I had made to the Assembly. That quote was not completely in context and I would like to read into the record some other parts of my statement. This is a quote from 1991.

**Mr Kaine:** I raise a point of order, Mr Speaker. I am not clear. Is Mr Berry disputing that what the Chief Minister said is, in fact, from the *Hansard*? If he is not doing that, I do not know what his point of order is. If he acknowledges that it is in the *Hansard*, he has no point of order.

**MR BERRY:** She misrepresented me by quoting it out of *Hansard*. It is a personal explanation.

**MR SPEAKER:** You are claiming that you have been quoted out of context or misquoted and you want to correct the record; is that right?

**MR BERRY:** Yes. I want to put it back into context from the record, Mr Speaker.

**MR SPEAKER:** Just do that.

**MR BERRY:** This is what the record says:

What Labor set out to do was to put in place a hospital system to suit the needs of the people, not to suit any privatisation ideology. It was about a hospital system to suit the needs of the people and that was affordable and accessible; not a hospital system where budgets were out of control, where a Minister did not know what was going on within his system, where there was a Minister who would not listen to the people who were advising him on the problems in his hospital system.

Mrs Carnell then quoted me in relation to waiting lists. She would remember that I also said on many occasions that they are one measure. I went on to say:

The figures that I have demonstrated here this evening are an indictment of this Government's performance in hospital services. It cannot keep up with demand and the Minister has now conceded this. Of course, he has conceded because he has not enough money to run his hospital system. His budget has blown out and he still cannot provide services.

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

**MR BERRY:** Mr Speaker, I am just about to finish. I said:

The Minister has conceded that. He has thrown away, this year alone, two years of the proposed savings that he said he would get from his redeveloped hospital system.

Mr Humphries had \$7m worth of - - -

**MR SPEAKER:** Order! The personal explanation is finished.

## QUESTIONS WITHOUT NOTICE

### Aquatics Inquiry

**MR STEFANIAK:** Yesterday, Mr Whitecross asked me a question in relation to LRM Australia Pty Ltd and Leisure Australia Inc. I seek leave to incorporate my response in *Hansard*.

Leave granted.

*Document incorporated at Appendix 17.*

### **Register of Ethnic Women**

**MRS CARNELL:** I have further information on the question that Ms Horodny asked me in question time. Mr Speaker, I was correct when I made the point that the Office of Ethnic and Multicultural Affairs is working with the Migrant Resource Centre. They have developed a list of women from non-English-speaking backgrounds. The list is particularly with regard to jobs; but it can be used somewhat more broadly, for women who are looking for jobs or looking for whatever in various areas. This list has been circulated through ACT government agencies with a view to finding suitable jobs or other things for women of non-English-speaking backgrounds. The Women's Consultative Council is currently working on a strategy which will include these sorts of issues.

### **Road Signs**

**MR DE DOMENICO:** Mr Speaker, during question time Mr Wood asked me questions about road signs. Unfortunately, Mr Wood is not here.

**Ms McRae:** I am listening.

**MR DE DOMENICO:** You are listening? Good. For the interest of the Assembly, for the past three or more years, I am told, the Department of Urban Services has had in place a system of prioritising repair work for road signs. These signs are repaired in the following order: First of all, safety or regulatory signs, of which there are approximately 30,000; second, warning signs, of which there are 10,000; and, third but not least, guidance signs, of which there are 5,000. There are 45,000 signs. If Mr Wood gives me a list, I will look into it.

**MR SPEAKER:** Mr De Domenico, as a member for Molonglo, I ask whether you would mind tabling that priority order.

**MR DE DOMENICO:** I table the paper.

**MR SPEAKER:** Thank you very much. I think it is something that we might all find of interest.

### **PERSONAL EXPLANATION**

**MR WHITECROSS** (Leader of the Opposition): Mr Speaker, I seek leave to make a personal explanation under standing order 46. I claim to have been misrepresented.

**MR SPEAKER:** Proceed.

**MR WHITECROSS** In Mrs Carnell's answer to a question from Mr Kaine today she said that the Auditor-General had said that I had misrepresented him. I say once again that the Auditor-General did not say that I had misrepresented him. Mrs Carnell misrepresented me when she said that that was what had been said.

## PAPER

**MRS CARNELL** (Chief Minister and Minister for Health and Community Care): Mr Speaker, for the information of members and pursuant to section 77 of the Health Complaints Act 1993, I present the Commissioner for Health Complaints Report for 1995-96.

### **PUBLIC SECTOR MANAGEMENT ACT - CONTRACTS** **Papers and Ministerial Statement**

**MRS CARNELL** (Chief Minister): For the information of members and pursuant to sections 31A and 79 of the Public Sector Management Act 1994, I present copies of contracts made with Helen Briggs, a temporary contract; Garrick Calnan, a temporary contract; Ronald Dance, a temporary contract; Bruce Dockrill, an amendment to original contract; Beverley Forner; Elizabeth Fowler; Fran Hinton, a chief executive contract; Gordon Lee Koo, a temporary chief executive contract; Mark Owens; and Alec Percival, a temporary contract. I ask for leave to make a short statement.

Leave granted.

**MRS CARNELL**: I present the next set of executive contracts. The contracts are tabled in accordance with sections 31A and 79 of the Public Sector Management Act, which requires the tabling of all long-term and short-term executive contracts. You will recall that I previously tabled contracts on 26 September 1996. Today I present nine contracts and one Schedule A. Two contracts relate to chief executive offices. One is for the long-term arrangements for the Department of Education and Training and the other is for a short-term arrangement for the chief executive of the Department of Health and Community Care during a recent absence.

Three contracts relate to long-term executive offices and include two from the Department of Urban Services and one from the Department of Business, the Arts, Sport and Tourism. Four contracts relate to short-term executive arrangements for offices in the Department of Health and Community Care, the Department of Urban Services and the Attorney-General's Department. Four contracts relate to short-term executive arrangements for offices in the Department of Health and Community Care, the Department of Urban Services and the Attorney-General's Department. The Schedule A is for the Executive Director, Works and Commercial Services, and is an amendment to the original Schedule A, which was tabled with the contract on 5 September. The amendment to this Schedule is simply a change in the date of commencement.

Finally, I would like to alert members to the issue of privacy of personal information that may be contained in these contracts and performance agreements. I ask members to deal sensitively with the information and respect the privacy of the individual executives.

## PAPERS

**MR HUMPHRIES** (Attorney-General): For the information of members, I present the following papers:

Calvary Public Hospital - Information Bulletins - Patient Activity Data - August and September 1996.

Canberra Hospital - Information Bulletins - Patient Activity Data - August and September 1996.

I also present, pursuant to section 12 of the Remuneration Tribunal Act 1995, the following determinations, together with statements:

Executives of the ACT Public Service (No. 1).

ACT Electoral Commissioner (No. 2).

ACT Auditor-General (No. 3).

Director, Canberra Institute of Technology (No. 4).

Chief Magistrate and Magistrates (No. 5)

Master of the Supreme Court (No. 6)

Special Magistrates (No. 7).

## SUBORDINATE LEGISLATION

### Papers

**MR HUMPHRIES** (Attorney-General): Pursuant to section 6 of the Subordinate Laws Act (1989), I present subordinate legislation in accordance with the schedule of gazettal notices for instruments of appointment and revocation of appointments and regulations.

*The schedule read as follows:*

Consumer Credit Act - Consumer Credit Regulations - No. 24 of 1996 (S290, dated 1 November 1996).

Consumer Credit (Administration) Act - Consumer Credit (Administration) Regulations - No. 25 of 1996 (S291, dated 1 November 1996).

Drugs of Dependence Act -

Drugs of Dependence Regulations (Amendment) - No. 26 of 1996  
(S292, dated 1 November 1996).

Instruments of appointments to the Treatment Assessment Panel -

- No. 265 of 1996 (S308, dated 15 November 1996).
- No. 266 of 1996 (S308, dated 15 November 1996).
- No. 267 of 1996 (S308, dated 15 November 1996).
- No. 268 of 1996 (S308, dated 15 November 1996).
- No. 269 of 1996 (S308, dated 15 November 1996).
- No. 270 of 1996 (S308, dated 15 November 1996).
- No. 271 of 1996 (S308, dated 15 November 1996).
- No. 272 of 1996 (S308, dated 15 November 1996).
- No. 273 of 1996 (S308, dated 15 November 1996).
- No. 274 of 1996 (S308, dated 15 November 1996).
- No. 275 of 1996 (S308, dated 15 November 1996).
- No. 276 of 1996 (S308, dated 15 November 1996).
- No. 277 of 1996 (S308, dated 15 November 1996).

Gungahlin Development Authority Act -

Instruments of revocation of appointment to the Gungahlin  
Development Authority -

- No. 259 of 1996 (S305, dated 15 November 1996).
- No. 260 of 1996 (S305, dated 15 November 1996).

Instruments of appointment to the Gungahlin Development  
Authority -

- No. 261 of 1996 (S305, dated 15 November 1996).
- No. 262 of 1996 (S305, dated 15 November 1996).
- No. 263 of 1996 (S305, dated 15 November 1996).

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**ECONOMIC DEVELOPMENT AND TOURISM -  
STANDING COMMITTEE  
Inquiry into Education and Training for  
Overseas Students - Statement by Chair**

**MR KAINE:** I make this statement pursuant to standing order 246A on behalf of the Standing Committee on Economic Development and Tourism. On Tuesday, 16 April this year, I informed the Assembly that the Standing Committee on Economic Development and Tourism had resolved on 5 March 1996 to conduct an inquiry into overseas marketing of ACT education and training services. The terms of reference provided that the committee inquire into and report on the marketing and provision of ACT government and non-government education and training services to overseas students, with particular reference to the aims of providing ACT education and resources for overseas students, the cost of marketing, the cost of providing those resources, the financial and other benefits to the ACT of present policies, proposed future developments, the coordination of activities between agencies, and any related matter.

The committee wrote to the Minister for Education and Training and the Minister for Urban Services and Minister for Business, Employment and Tourism requesting written briefings on the activities of their departments in relation to the overseas marketing of education and training services. Written briefings were received from the ACT Department of Education and Training, the Canberra Institute of Technology, the Australian International Hotel School, the Minister for Business, Employment and Tourism, and ACTEW Corporation Ltd. The committee examined those briefings and is satisfied with the information that was received. The committee does not consider further investigation is required on this inquiry, and resolved at its last meeting, on Wednesday, 30 October 1996, to suspend further consideration for the present.

**PLANNING AND ENVIRONMENT - STANDING COMMITTEE  
Revival Centre Church, Chisholm - Statement by Chair**

**MR MOORE:** Pursuant to standing order 246A, I make a statement on behalf of the Standing Committee on Planning and Environment. The statement deals with a proposal to construct a Revival Centre church in Deamer Crescent, Chisholm. There are three things the committee wants to say about this proposal. The first is that, in regard to the detailed design of the proposal, the committee, with Ms Horodny dissenting, considers that there are not sufficient grounds to justify an ongoing interest by the committee. The committee came to this view after a public hearing on Friday, 1 November 1996, addressed by the following people: Officials from the Planning and Land Management Group of the Department of Urban Services; the proponent, Pastor Bob Beverley, for the Canberra Revival Fellowship; and three local residents, namely, Mr Jeffrey, Ms Kimber and Mr King.

The committee has concluded that the proposal meets the design and siting criteria; that the design has been modified somewhat in an effort to meet the concerns of some local residents; and that government officials have acted properly throughout the process.



That is the first thing the committee wants to say about the proposal. If that was all the committee wanted to say, there would be no need to take the Assembly's time with this statement. However, other things are more substantial, raising general matters of concern for both the Assembly and the Government.

The first issue of concern is signposting of a site that is not developed for a long time after residential development occurs around the site. In the Chisholm case, it seems that some members of the local community were unaware that the site of the proposed development was earmarked for community use many years ago. Also, they appear to have been unaware of the wide range of uses permitted by the term "community use", which include child-care facility, community activity centre, community theatre, corrections facility, cultural facility, educational establishment, emergency services facility, health facility, hospital, parkland, place of worship, religious associated use, retirement complex, special care establishment, special care hostel, special dwelling, and veterinary hospital. As an aside, it is interesting that a correctional facility is included. I am sure the people of Chisholm would be delighted to know that the ACT prison certainly will not be going where the Revival Centre church will be going.

The committee was told by senior government officials that officials were aware of the desirability of taking steps to improve local knowledge about the future land use of a site left undeveloped for some time. One way to do this is to ensure that prominent signs are in place to identify the type of use permitted on a vacant site. The committee acknowledges that a sign is not the total answer and that supplementary measures might need to be taken. The committee wants the Assembly and the Government to know that it supports moves to increase local knowledge about the type of land use permitted on sites left vacant for some time. The committee urges the Government to facilitate the clear identification of unused land to give an indication of what it will one day be used for.

The second issue of concern relates to community input into the lease conditions applying to a site earmarked for community use at a later time. At the present time, there is no provision for the opportunity for community input into the detail of lease conditions applying to such a site. Thus, in the Chisholm case, the local community have not had the opportunity to comment on lease conditions applying to the proposed Revival Centre church. To use planners' jargon, this is not inconsistent with the Territory Plan and with planning legislation. But it creates a problem for local residents who, as in the Chisholm case, find that a particular development proposal is being considered by officials on criteria that have been developed without any local input. The committee considers that there is a case for amending the process relating to the preparation of lease conditions to require that local residents be consulted about the conditions to apply to a site. Again, the committee urges the Government to investigate this matter so that local residents can rest assured that they have the opportunity to comment on the lease conditions for a development proposal. I seek leave to move a motion in relation to the statement.

Leave granted.

**MR MOORE:** I move:

That the Assembly takes note of the statement.

**MS HORODNY (3.39):** I would like to make a short statement on why I dissented from the key point in Mr Moore's statement, which was that the committee considered that there were not sufficient grounds to justify an ongoing interest by the committee. I was the one who first raised this issue with the committee. Residents adjacent to the church site in Chisholm approached me because they were upset at being told out of the blue by the Revival Centre that a church was going to be built on what is now parkland, which the residents had no reason to believe would be anything but parkland in the future. There had been no public notification of this development proposal and there were no appeal rights. The Revival Centre had approached only the residents immediately adjoining the site, as there was no obligation on it - that is, the Revival Centre - under the planning rules to consult any further.

The case highlighted a number of problems with the allocation of community facilities in the ACT and the consultation process for development applications under the Land Act and the Territory Plan. I thought it was a worthy case for further investigation by the committee. The committee in the past has investigated similar cases where residents' concerns have been raised about a particular development proposal. A recent example was the Nudurr Drive case in Palmerston. I was disappointed that the rest of the committee chose not to treat this case with the same seriousness as other matters that have come before it.

I am concerned that the committee's decision not to pursue this case was taken before the local residents had an adequate opportunity to present their views to the committee. There was one public hearing on this issue at which the planning officials and the pastor of the church presented their views. The committee was told prior to the hearing that the main spokesperson for the residents was not available on the day of the hearing but was willing to appear at a later date. Three of the local residents attended the public hearing but had not expected to speak to the committee as they were under the impression that the residents would be given a hearing the following week. The committee allowed the three residents to make impromptu comments on the other speakers' comments, but I do not regard this as being equivalent to the notice and time given to the other speakers to present their views. I think it would have been proper for the residents to have been allowed the time to organise amongst themselves how they wanted to present their case to the committee.

There are significant issues involved in this case regarding how the site came to be zoned for community facilities and whether this is the most appropriate use of the site; how the church was granted the lease of the site; and how the community should be consulted about these types of development applications. Up until 1990, this land was classified as undeveloped land but it was rezoned to community facilities once the adjacent alignment of the Monaro Highway was finalised. This zoning was confirmed in the Territory Plan released in 1992. The planners used these previous processes as justification for not needing any further consultation on the use of this land, but I do not believe that that is good enough. Hardly any of the residents in that area knew that this land could be built on. There are many people in this area, and across Canberra, for that matter, who do

not even know what the Territory Plan is. The planners cannot assume that, because there may have been some form of community consultation in the past about possible forms of development, this is sufficient for approving a specific development application now. It highlights the very problems I would have liked the committee to look into.

There are many types of land uses allowed in the community facilities zone, and Mr Moore has gone through the list. They include child care, hospitals, emergency services, churches, retirement complexes or, indeed, the very bushland that is there right at the moment - parkland, in fact. These have different types of impacts on neighbouring land uses and would invoke quite different reactions from neighbours, yet the Chisholm people have had no opportunity to comment on whether they want a church next to them as opposed to other community uses. The decision to allocate the site to the Canberra Revival Centre was made by the planners, with no input from the residents.

This case highlights for me the need to review the whole public consultation process for planning matters in this Territory. This case, and recent debacles over other redevelopments in Ainslie and Manuka and the sudden appearance of the futsal stadium on the foreshores of Lake Burley Griffin, indicate to me that the Government is out of touch with community feeling on planning and is prepared to ride over any complaints that may be raised.

I am disappointed that the rest of the committee was not prepared to recognise that the events surrounding the Chisholm church proposal were indicative of broader problems with the formal planning processes in the ACT, which need urgent attention. I asked the committee to inquire into this issue so that we could look at some sort of solution to this problem and other problems of this nature around the ACT, because they keep coming up. If these sorts of problems keep coming up, that indicates to me that there is something fundamental we need to go back and look at. I think it is a real shame that we have not looked at it. I would say that there will be more problems like this which will continue to come up and which the committee will be asked to investigate. It is not appropriate for the committee to keep looking at these sorts of proposals case by case, and it would have been very appropriate for us to have looked at the broader issues and the broader problems.

**MS McRAE (3.46):** One of the things I did not aspire to do when I came to the Assembly was to create anarchy. Despite all the noise I make in here and my disputation of the rules and the general disruption I cause now and again, I do have a great deal of respect for the rules of the Assembly and for the rules governing the way we run our committees and the way we legislate and make law. Ms Horodny's claims are completely out of line. We could not have heard the residents. We did not have an inquiry before us. We explained this to Ms Horodny. We were being briefed by officials, as is our right as a committee. We must ensure that we have not somehow missed a piece of information and therefore become anarchist by default.

It was never my aspiration to disrupt the proper process that was going on, and I agreed to the committee being briefed by officials, and in public, so that there would be no question of some secret backdoor briefing to shut us up. The briefing was given in good faith, and then we were gazumped a couple of days before the committee hearing.

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For this I apologise to the Assembly and say categorically that I will never let it happen again. We were approached by one of our committee members, saying that the residents had heard that the briefing was on, and could they have their say. That is where I broke a rule, and I will never break it again. It was not an open public inquiry, we did not have terms of reference, and we did not have the right to open up the question to the public. As such, I participated in something that gave people false hopes, and I am saying categorically that we will never do it again.

I have no objection to being briefed in public by officials about things we as a committee have a right to know. I resent intensely the idea that I have somehow let down the people of Canberra, the people of Chisholm, or anybody else concerned with planning. We have planning rules, we have planning laws, and we have procedures by which we pursue our work in the committee. Every single step they followed - - -

**Ms Horodny:** If we are happy with the way things are, why are we here?

**MS McRAE:** We also work by numbers, Ms Horodny. Much as you and I may hate it many a time, numbers are what rule. If three people on the committee did not want the inquiry to proceed, you should respect that. You have every right to put forward a minority view; you have every right to raise concerns. You have no right to subvert the committee process and demand that an inquiry be held and rights be given to individuals when there are no rules allowing it. We do not allow people to walk in off the street and talk to us. We are looking at a process to change the rules. I think we actually overthrew it; but, to be fair, we looked at it. The only way this Assembly will have any dignity and any place in this community is if we uphold the rules. If we start pointing fingers at each other and saying that we do not understand the rules, we are being unfair, we will not let any member of the community talk to us, some members of the committee would not let members of the public be heard, and some members of the public thought they might be able to come but then could not come because we would not hear them, that is just nonsense.

I am sorry, as I have said, that I participated in any way even to allow the people in, in the first place, and I will never do it again. We must abide by our standing orders, our own rules or directions, or we will inevitably end up in anarchy. We are not a rabble to respond to every problem in the community. We are legislators, and, unless we follow the rules, we will let down the people of Canberra. I have no problem with Mr Wood, or anybody else, raising the grievance these people feel. I have no problem with the fact that these people hate this church. I understand that and I care about that, but there are processes available to change that. The processes have been followed. There is no legitimate case to put against the poor pastor who wants to put up his church. When we did have the public briefing, we were able to find out the give and take that had been going on. Within the community there were facilities to solve that problem. The pastor has moved his parking space. The pastor has moved his church. The pastor has amended the building. They were the sorts of things we could legitimately find out, but to give false hope, and to entertain ridiculous notions that anybody walking in can suddenly participate in formal committee processes or Assembly processes, I reject out of hand.

I will not be accused of not allowing people their correct participatory place or their say about this issue. The committee acted correctly, other than for the one intrusion that we should not have had. We will reconsider that process on my raising it again, obviously in committee; but I do not accept that in any way this committee has let anybody down. If there are rules to be changed, the Minister may reconsider those. The Minister may forthwith put a variation to the Territory Plan that says that no church of 1,000 square metres will ever be built again. That is up to the Minister to instigate through variations to the Territory Plan. It is not for the Planning and Environment Committee to open up avenues for anarchy. I will not be involved in that and I will not be accused of that. I think the committee acted properly. The committee acted well. The process was used as much as it could be. I do think the people of Chisholm may have a grievance. Tough - at one level. I am sorry, but that is the way rules work. Tough. There are lots of things I do not like. I will raise complaints at the right level. I will not take personal responsibility for that problem. It is not a problem the committee could have solved or should have solved and, as I said before, it is not useful for anybody to subvert proper committee processes by raising grievances in this way.

**MR KAINE (3.53):** I thoroughly endorse the statement just made by Ms McRae. The committee determined that it would be briefed so that it could understand the circumstances and, having been briefed, we concluded that there was no basis on which the committee could or should intrude into this matter. Due process had been followed. There was simply no basis for the committee to get involved. Ms Horodny's argument seems to be that she wanted to turn this into a case study. She does not have to have the committee do a case study for her. She is quite at liberty to take this matter and do a case study of her own. It is all on the public record and, if Ms Horodny wants to do a case study to somehow demonstrate that the processes permitted under the law either are incapable of doing the job or perhaps even need to be changed, she is quite at liberty to do that at any time. If she concludes at the end of her case study that there needs to be a change, she is at liberty to put forward an amendment to the law.

If people have been listening carefully, this is the second case today where the Greens have wanted this committee to take on a case study and have objected to the committee's report. The other one was in connection with a retail study, where she wanted us to take on the proposed Manuka development as a case study. There is no basis on which the committee at this stage of that project could get involved in that either. It is merely a proposal put forward by the Government. They have called for expressions of interest, and at some time in the future they will deal with it. If there is a requirement for a change in the lease purpose clause, or any other matter that requires the attention of our committee, it will be referred to us. In both cases, the committee judged that it was inappropriate for it to get involved at this time, and in both cases Ms Horodny put in a dissenting report. It seems that, if the rest of the committee does not agree with Ms Horodny, we are all wrong; we are all marching out of step. I do not think that. I think Ms McRae is dead right: There is a process. That process, in this particular case at Chisholm, was followed to the letter, and there was no basis for this committee, or anybody else, to intrude into the process and try somehow to divert the proponent from doing what he was perfectly entitled to do. I think Ms Horodny needs to look carefully at the agenda of the Greens. If their agenda is to subvert the law and prevent people from doing the things they are entitled to do under the law, their policy needs to be damn well revised.

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**MR WOOD** (3.55): Mr Speaker, this is a local problem in which I have had some involvement. The speeches today have clarified the position for me. There was an approach made to the Planning and Environment Committee that was doomed to failure, and I want to put it into perspective for those citizens of Chisholm who thought there would be a clear hearing of their case and whose expectations subsequently could not be met. They perceive that they have a problem - there is a problem - and they will carry on that case. I ask that, if this does come to the attention of the Government, as Mr De Domenico indicates it has, the response to the people of Chisholm not be that the Planning and Environment Committee has considered this, therefore no further examination is needed. That should not be the answer. In fact, that would be the wrong answer, because the Planning and Environment Committee chose not to go down that path. So there is a matter that remains open and needing consideration. This Assembly, the Government, this member, indicated that consideration still needs to be given, and I believe that the matter is not yet closed.

There is one other point I would make. All the procedures say that this can be used for a community facility. If it was going to be used for a correctional facility, as it could have been, there would have been, I am sure, much wider consultation. The community tells me that they would accept a church on that site, but they had not expected so large a church. It is a very large building, and I have said this to all concerned. Some of these rules were laid down in my time, so let me acknowledge that in the administration of the plan perhaps greater thought should have been given by those administering it to whether, while a church is appropriate for this site, the size of the church is also appropriate for this site. That consideration needs to be given. The matter, I am sure, will properly be explored further by members of this Assembly. Let us look at some of those issues.

**MR DE DOMENICO** (Minister for Urban Services) (3.59): Very quickly, Mr Speaker, as Mr Wood said, it is a matter that has been brought to the attention of the Government, mainly because, as Mr Wood, Mr Kaine, Mr Whitecross and Mr Osborne would realise, it is in the Brindabella electorate. It would be politically nice to be able to say to everybody in your electorate that you happen to agree with them at the time they want you to do something. Unfortunately, life is not as easy as that. I know exactly where this proposed church is. I think people ought to acknowledge the rights of the pastor and his community, not just the rights and aspirations of the people who happen to live in Chisholm. As Mr Wood and others have said, if the group that made the application has followed the law to the letter, they have rights as well. As Mr Kaine and others have said, if Ms Horodny, or somebody else in this place, does not agree with what the law says, she has every right to put forward amendments to try to change that law.

I agree with Mr Wood that the problem is not going to go away; nor should the answer be: Because the committee decided not to look into the problem and because people have done the right thing, shut up and go away. That is not the way to handle it. It is all about perceptions, Ms Horodny; but perceptions also let me know that, no matter what decision any government makes at any time, some people will agree with it and some people will not agree with it. As long as we can stand up in this place and say that the process has been followed to the letter, we can stand pretty tall - if you are taller than I am - and say that we have carried out our role as legislators to make sure that the letter of the law is adhered to.

**MR MOORE** (4.01), in reply: In closing the debate, Mr Speaker, I think it is appropriate to draw members' attention to the resolution of appointment of the Standing Committee on Planning and Environment:

[that] a Standing Committee on Planning and Environment [be established] to examine matters related to planning, land management, transport, commercial development, industrial and residential development, infrastructure and capital works, science and technology, the environment, conservation, heritage, energy and resources ...

[And that the committee] inquire into and report on matters referred to [it] by the Assembly or matters that are considered by the committee to be of concern to the community.

Under those terms of reference, in my opinion, and this is in some ways contrary to what Ms McRae was saying, had there been a majority of members who wished to do this, it was within the committee's prerogative to say, "Yes, we will investigate this matter". That was a possibility for us. The issue was raised with the committee by Ms Horodny and we said, "We are not quite sure about this. What we would like to do, first of all, is have a briefing". I think the way things happened is very important on this issue, and Ms McRae is quite right to say that we should avoid this sort of mistake in the future. I would like to identify what the mistake was, for the benefit of other committee chairs and committee members.

We said, "Before we undertake an inquiry into this, we should know what the view of the department is, and to that end we will have a briefing and that briefing will be held openly", as Ms McRae said. That was agreed to by all members of the committee, and the date set down to do that was the following Friday. On the Monday or Tuesday, Ms Horodny came to me and said, "We are having these people appearing before the committee. We know that certain members of the public wish to attend. Do you mind if they also address the committee?". I said, "I am not really inclined to do that. However, if the other members of the committee agree, then I do not mind if we are more informed by getting those views". This is still just to decide whether or not we are going to have an inquiry, and this is what Ms McRae says we ought not to have done. I have checked back through the standing orders, and I believe that it was within the rules, that we can inform ourselves before we take on an inquiry, that we can examine witnesses, if we wish, and I believe that that is the case. I am happy to be corrected, and I would be happy if the Speaker or the Clerk wishes to take this issue on and draw my attention to any problems with the process that was used.

I said to Ms Horodny, "You will have to have the agreement of other members". I ran into Mr Kaine prior to Ms Horodny seeing him, and I said, "Ms Horodny says that they are going to be there anyway. Do you mind if they appear?". Mr Kaine's response to me was to the effect, "You cannot have the residents appear without having the pastor present his view as well". I said, "Yes, I agree with that", and when I saw Ms Horodny next I said, "Mr Kaine agrees, under those circumstances", and that she would have to talk to Ms McRae. I saw Ms McRae at some time and had a discussion to that effect. As far as I was concerned, it was agreed.

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I did a double check, through the secretary of the committee, to make sure that the pastor was informed, because I understood that Ms Horodny would be informing the residents since she had raised the issue with us again and again. As it turns out, when the committee sought to inform itself, the particular person from the community who had been most vocal on the matter was away, but there were other members of the community present. The bureaucrats briefed us and, as they were briefing us, there were interjections from the floor. I said, as chair of that committee, to the people interjecting, "Because we are trying to inform ourselves, I will let you have a say if there is something that you believe ought to be corrected". We gave the pastor the opportunity to have a say and the people who were there the opportunity to present their point of view.

I do not think we should be so formal in our committees that we do not have the flexibility to be able to handle that sort of situation. This was done to inform the committee as to whether - - -

**Ms Horodny:** That was the problem.

**MR MOORE:** No, Ms Horodny; the problem was that you did not get back to the people and tell them that that was what the process was going to be. That is the real problem. The problem was with you; the problem has been with you all the way along. You did not understand what we were going to do. You came back and asked us whether we would do it, and we agreed with you that we would allow you to invite the residents to come and do that.

**Ms Horodny:** That is not true, Mr Moore.

**MR MOORE:** So that the record shows it, Ms Horodny has a different memory from the other three of us on this.

**Ms Horodny:** The appropriate spokesperson told you that he would not be available on that day.

**MR SPEAKER:** Order! Mr Moore has the floor, Ms Horodny.

**MR MOORE:** Ms Horodny indicates that the spokesperson for the group had said to me that he personally was not going to be there. Indeed, I was informed on the Thursday afternoon that a particular person was not going to be there. So what? Our briefing was from the planning group of the department as to what was going on. We said that, if some member of the community wanted to enhance our knowledge, we would listen, but I would not listen without also listening to the pastor's view, and he presented his view. That was to inform the committee and, having listened to those people, we then said, "No, we are not going to do an inquiry".

Why did we not do an inquiry? For the same reason that Ms Horodny has objected and written a dissenting report to the report we tabled earlier today: Because we are interested in priorities and outcomes and the amount of work we do, and she does not seem to have any idea of what that is about. We have a certain amount of work to do,



we set our priorities, and we are interested in outcomes. The outcome was not going to change. You may not be able to accept that, but the other three of us asked why we would give the community some false expectation when there was going to be no change in outcome. It was quite obvious to us that there would not be.

Ms Horodny does raise another issue, and that is what we were trying to deal with in the statement. Sometimes through these case studies we can draw conclusions about problems associated with planning issues, and we have drawn a couple of those to the Minister's attention through our statement. If case studies continue to occur where we have problems, I agree with Ms Horodny that we should take that on as an inquiry. We have done that with reference to Ainslie. The Greens will always say that we have a problem with consultation. That has become obvious. When they get caught out in terms of their policies, as they have in Ainslie, where they cannot say to the community, "This proposal that has been put up is consistent with our policies because it is urban consolidation, and we advocate urban consolidation", what they do instead is say, "The consultation process is wrong". It will always be wrong.

We heard Ms Tucker today ask a question about the John Dedman Parkway, saying that the consultation process is not good enough. For heaven's sake, we have had the best part of a dozen reports already on the John Dedman Parkway. Then we go to a community meeting last night, which she attended, and the Speaker and other members were there, to begin a 12 months' consultation process. Yet we hear people in the community saying, "This is a terrible process because they have hardly anything here for us to consider". No matter which way you go, the Greens will always say that it is a terrible consultation process, unless it is theirs, unless they are the ones who run it. Ainslie was done in exactly the same way as the Greens do it. They are frauds; this is fraudulent. What you are doing is absolutely fraudulent, and it is to trick the community. Let me warn you that you can get away with it for only so long, because people will begin to see that it is a cynical vote-gathering plot by the Greens. That is all it is about. You will not be able to please everybody all the time.

What we see instead, in the Chisholm issue, is that the role the Government has to play is to balance the views of the church against the views of the residents by referring to a series of laws, a statutory plan, and a number of other issues. It is that balance we are trying to find, and through that balance there are always going to be some people who are terribly dissatisfied. When people are dissatisfied, it is appropriate that they should have methods to express that dissatisfaction and, if things are terribly wrong, for that to be corrected. But, in this case, what we saw was that there was not going to be a change in outcome. You will not always be able to take on everybody who comes to you and complains and says, "This is wrong". You will have to look at it and refer back to the principles upon which you were elected and say, "Do we agree with you or do we disagree with you?". That is how we make a decision. Well, that is how the rest of us are going to make decisions. If you want to do it, as somebody said earlier, by way of anarchy, there is not much the rest of us can do about it, except to continue trying to put up with it.

Question resolved in the affirmative.

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**PLANNING AND ENVIRONMENT - STANDING COMMITTEE**  
**Report on Contaminated Sites - Government Response**

**MR HUMPHRIES** (Attorney-General and Minister for the Environment, Land and Planning) (4.10): Mr Speaker, applause is unparliamentary, so we cannot respond in that way. For the information of members, I present the Government's response to Report No. 12 of the Standing Committee on Planning and Environment, entitled "The adequacy of processes relating to identifying and managing contaminated sites in the ACT", which was presented to the Assembly on 26 June 1996. I move:

That the Assembly takes note of the paper.

This Government response was circulated to members of the Planning and Environment Committee some couple of weeks ago, and I do not propose to say much more about it at this stage. I can advise members that the results of the bio-availability tests are imminent, and I am led to believe that the result is likely to be considered satisfactory from the point of view of members of the community affected by this contamination.

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

**DAYS OF MEETING**

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

That, unless the Speaker fixes an alternative day or hour of meeting on receipt of a request in writing from an absolute majority of Members, or the Assembly otherwise orders, the Assembly shall meet as follows for 1997:

February	18	19	20
	25	26	27
April	8	9	10
May	6	7	8
	13	14	15
June	17	18	19
	24	25	26
August	26	27	28
September	2	3	4
	23	24	25
November	4	5	6
	11	12	13
December	2	3	4
	9	10	11

**LONG SERVICE LEAVE (BUILDING AND CONSTRUCTION INDUSTRY)  
(AMENDMENT) BILL (NO. 2) 1996**

Debate resumed from 24 September 1996, on motion by **Mr De Domenico**:

That this Bill be agreed to in principle.

**MR OSBORNE** (4.12): This, I have to say, has probably been one of the most interesting issues I have been involved in during my time in this Assembly. I adjourned the debate back in September because there were a number of issues I wanted clarified, and I look forward to hearing Mr De Domenico when he closes the debate a little later. There are two issues I would like to raise that revolve around Mrs Carnell's speech on that day, and perhaps she could clarify them later. The first concerns a statutory declaration I have in my possession from Mr Trevor Zeltner of the CFMEU, which relates to something Mrs Carnell said. I am certainly not implying that she misled the Assembly; perhaps she was a little confused, and she can clarify it before the debate is over. Mr Zeltner says in his statutory declaration:

I have read comments made by the Chief Minister Mrs Carnell in the second paragraph on page 16 -

that is of the uncorrected proof copy of *Hansard* -

where she stated that "Now, the reason for that, Mr Speaker, is that we have been engaged in discussions, not discussions with our own people as Mr Berry said, but discussions with such people as George Wason and all of the people from the CFMEU. Trevor Zeltner, they have all been to my office as well as to Mr De Domenico's on a number of occasions".

Mr Zeltner goes on to say:

I state categorically that Mrs Carnell has never raised the issue of the Long Service Leave money to the MBA ever, whether in person or per telephone. I have been to Mrs Carnell's office on two occasions, one to sign the ACT Government Enterprise Agreement on behalf of the CFMEU on Wednesday 20/5/96 at 6.30 pm where only two issues were discussed:

1. Enterprise Bargaining Agreement
2. National brain injury facility.

The second meeting was on Friday 8/11/96 at 5.30 pm to discuss a CFMEU Organiser being struck by an ACT Government vehicle at 255 Canberra Avenue. I have had a telephone conversation with the Chief Minister where she requested that I speak to George Wason

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and get all the Unions to stop pushing the proposed Training Levy. At no stage have I visited nor spoken to the Chief Minister about the Long Service Leave \$300,000 to the MBA nor have I ever visited Mr De Domenico's office.

Perhaps there has been a little misunderstanding there. I am certainly not implying that the Chief Minister has misled the Assembly, but perhaps she can clarify that for me.

The second issue is in relation to Mrs Carnell's statement on that day. It is mainly to do with one of the issues Mr Berry raised about the MBA training fund's \$300,000 deficit - an area of grave concern to me. One of the big issues for me is whether this money we are proposing to provide is just going to prop up that deficit. Mrs Carnell said, and I quote from *Hansard*:

There is no money, not one dollar, going to the MBA training fund. Mr Berry is just wrong again. The MBA training fund will not receive one dollar from government.

I received a letter from Mr De Domenico yesterday in which he said:

I can confirm that to date \$75,000 has been allocated, following a request for funding from the MBA Group Training ...

Whom do I believe, Mr Speaker? I am not quite sure. I am a little confused. I look forward to hearing from either Mr De Domenico or Mrs Carnell about where the money went to, who received it. This is what I have in front of me in black and white.

A number of issues are of great concern to me. The first is where this money is going. Is it going to prop up the MBA, who are faced with a potential deficit of \$308,000, which coincidentally is exactly the amount the Government is seeking to take from the long service leave fund? I had a meeting with Mr De Domenico's senior adviser and raised with him some issues of concern. Mr De Domenico has given me a typed letter, which he has signed, and I will briefly go through the important points. It states:

At a meeting with my Senior Adviser today, you raised a number of concerns ...

He goes on to say:

Firstly, you sought clarification in relation to monies already allocated from the Long Service Leave Fund to MBA Group Training Inc ACT for the on-site skills centre. I can confirm that to date \$75,000 has been allocated, following a request for funding from the MBA Group Training, and in line with a recommendation from the Industry Training Council. The level of funding was allocated on the basis of available funds and taking into account other requests for funding before me at the time.

I would like to hear from Mr De Domenico about that money. Is it going into that black hole or not? Mrs Carnell has claimed here that it will not, but I would like another reassurance from Mr De Domenico, for the record. One rumour going around was that these new apprenticeships, these new jobs that we are hearing so much about, were going to be filled by existing apprentices on other schemes, and that was of great concern to me. Mr De Domenico says in his letter:

You also raised concerns about the prospect of those apprentices placed within the skills centre being not “new” apprentices, but rather transferred from other training schemes. Let me be quite clear on this point. It is the Government’s intention that those apprentices placed in the skills centre by way of the funding from this Bill will be new or currently unemployed apprentices/trainees.

I have a real problem with that word “intention”. It makes me hark back to the debate on the salaried medical officers, when I had an undertaking that there would be full bulk-billing doctors. The next thing I heard was that it was only the intention of the Government. So I am very nervous about that word. Perhaps Mr De Domenico could guarantee that these apprentices - 70, I think - will all be new, not people who have been off-loaded by MBA Group Training. I also have a letter from Graham Evans, the chairperson of MBA Group Training Inc., in which he says:

I understand you have raised some concerns about the potential for existing MBA apprentices to utilise the proposed Industry Skills Centre.

Let me categorically state that it is MBA Group Training’s intention -

there is that word again, Mr Speaker -

that those apprentices going into the proposed Skills Centre be new apprentices or apprentices who are currently unemployed.

I cannot seem to get away from “intention”. I seek leave to table that letter, and the statutory declaration.

Leave granted.

**MR OSBORNE:** That is a very important issue. I would hate to think that, once this skills centre is set up, MBA Group Training suddenly winds back and sacks people, and then sends them down to join the queue to enter the skills centre. I want a guarantee from the Minister about that. Next, Mr De Domenico spoke about the make-up of the board:

To ensure compliance with this intent, the Government will require close monitoring of the activities of both MBA Group Training and the Skills Centre by the tripartite management committee. We also intend to amend the contract between the Government and MBA Group Training to leave no doubt as to the Government’s intentions on this matter.

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I think Mr De Domenico is going to speak about the contract today. I would like to hear whether, once the tripartite committee is formed, they will be issued with a new contract. I would like to hear whether that is possible because, if they are the committee governing this skills centre, they should have the contract in their name, not with the MBA. I look forward to hearing from you on that point, Minister.

I went on and questioned the capacity of the industry. I am told that last year MBA Group Training had, at times, a downtime of up to 50 per cent, and I questioned the capacity of the industry to place apprentices employed by the skills centre. Mr De Domenico said:

Your point is a valid one, and it is certainly true that the industry is in a downturn at the moment.

That was a very astute judgment on his part, I must say. He went on:

However, the significance of an on-site skills centre as a mechanism for training apprentices is its ability to overcome just such a problem. In situations where on the job training is difficult to come by, the skills centre allows apprentices the opportunity of carrying on their training in an accredited way. You may be aware that an additional advantage of the skills centre system is that it allows for an accelerated completion of qualifications.

Another advantage of the skills centre approach is that during downturns in the industry, the flexibility inherent in the scheme encourages employers to take on apprentices in the knowledge that this does not necessarily bind them to a long term commitment. As a result, an apprentice may gain their on the job training with several employers over short time periods.

I would like to hear from Mr De Domenico where these employers are who are even prepared to take on these “new” apprentices when the existing schemes are struggling to find tradespeople willing to become involved. I look forward to hearing what you have to say on that, Minister. One of the big worries is whether this skills centre will go to tradespeople and offer them a deal too good to refuse which would force them to lay off their existing apprentices. It is a very worrying potential problem. You cannot say that it will not happen because potentially it could happen. Those 70 new apprentices will just be the ones who have been offloaded by their current employers. I look forward to hearing what the Minister has to say about that.

The next interesting point is one that I am still not comfortable with. Mrs Carnell in her speech said:

If this legislation is passed, \$300,000 will come from the long service leave levy fund. The rest, though, will come from the industry - \$572,800 from employer reimbursements and \$70,000 from the MBA.

I would like to go first to that \$70,000 from the MBA. I hope that is on top of the \$75,000 they have already been paid. I would hate to think that MBA Group Training is getting a \$5,000 banking fee for holding that. I hope that the Minister will clarify that. Coming to the \$570,000, I would like to know how many employers in Canberra have indicated that they are willing to become involved in this scheme. Where is this money going to come from? As you acknowledged in your letter to me, the industry is experiencing a downturn at the moment; yet for this scheme to be successful, you are banking on half a million dollars coming from participating tradespeople out in the workplace injecting a significant amount of money into this scheme. I do not think you will be able to give guarantees on that. That is something you are hoping for, I would imagine. I see a nod from Mr De Domenico. Thank you. I wish Mrs Carnell had said, "We are hoping the rest will come from industry". I look forward to hearing from the Minister on that. (*Extension of time granted*)

The Minister's letter continues:

You also asked about the composition of the committee to be put in place to oversee the day-to-day functioning of the skills centre. I understand that you have already been briefed.

I do not know whether that was a smart little line on the part of your adviser. Yes, the eyes go up. It continues:

However let me make it perfectly clear that it is Government's intention -

there is that bloody word again -

to have in place a tripartite committee, with representatives from the MBA, the CFMEU (as the union with primary coverage in the industry) and a third independent position.

There is another change from what Mrs Carnell had to say. She said that the third person would be government. I am assuming that she was implying appointed by government, who is independent. It is an interesting proposal. The letter goes on:

A particular option being explored is the use of the Industry Training Council or a subcommittee of the Council.

I would argue that perhaps there would be a conflict of interest there if they were to oversee this skills centre. I look forward to hearing what you have to say on that issue. The letter concludes:

Finally, let me reiterate that the funding derived from the Bill will also contribute to subsidising trainee wages for a further 25 first year apprentices, and an additional 25 "at risk" apprentices. This funding will go directly to employers.

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I do not know how far \$300,000 will go. Once again, I am assuming you are hoping that there will be some injection from the private sector. I look forward to hearing what you have to say, Minister.

That is it in a nutshell, Mr Speaker. My greatest concern is, firstly, whether the money will just be going to prop up MBA training. If that is not the case, I would like to hear Mr De Domenico deny it on the floor of the house. I would like him to guarantee that the new apprentices will not just be transferred from any existing scheme, whether it be CITEA or MBA Group Training. I would like him to comment on those points I have raised today, just to put my mind at ease.

I sincerely hope what he has had to say is the truth. I hope what he has written in the letters and what Mr Evans wrote in his letter are the truth as well. I hope what Mrs Carnell has said is the truth. By requiring all these undertakings from you, Mr De Domenico, I hope I am not giving you enough rope to hang yourself. If anything happens contrary to what you have said, whether it be in the letter or here in the Assembly, perhaps you should ask Mr Kaine to move over up the back there. That is how seriously I am taking this matter. It has been a very tough one. I hope it is true. I hope you are able to find 70 new apprentices jobs. I hope you are able to find some unemployed people some work, albeit only temporarily. I suppose it is better than what they are doing now.

Mr Speaker, I look forward to hearing what Mr De Domenico has to say, to put my mind at rest. As I said, this has required a lot of thought and is something that has taken a long time to decipher. I look forward to hearing from the Minister before we come to vote on this very important issue.

**MS TUCKER** (4.33): I seek leave to speak again.

Leave granted.

**MS TUCKER:** The Greens will be supporting this Bill, if we can get the guarantees Mr Osborne has just detailed. We have also found this issue extremely difficult to make a decision on. We have had a large number of meetings with the various players and briefings from the bureaucrats. In this climate of high unemployment, particularly high youth unemployment, we cannot just shrug our shoulders at training proposals. If the MBA proposal for a skills centre will create 70 new apprentices, or even 60, for that matter, that sounds almost too good to be true. Questions were raised in the earlier debate about the legitimacy of the MBA proposal, and during the debate Mrs Carnell and Mr De Domenico both gave a number of guarantees. We would, as would Mr Osborne, like these reiterated, and we also believe it is appropriate that they are reflected in a contract which is tabled in the Assembly.

The issue of whether the skills centre proposal would really bring about new apprentices or trainees is very important to us. The Government has guaranteed that the apprentices in skills centres will in fact be new apprentices, that they are not being transferred from anywhere else. I have also indicated to the Minister's office that we would like the contract tabled with this information in it. They also guaranteed that no money would go



into the MBA training fund. If that is the case, the Government should be happy to guarantee that the contract also specifies that the \$75,000 that has already been given to MBA Group Training is transferred to the skills centre. This should be in addition to the \$70,000 the MBA is promising to contribute from their own funds.

Mrs Carnell was also adamant that this is a \$1m scheme. We have just heard that it might be, because over \$500,000 will be contributed by industry - perhaps. We will hold this Government to this claim, to a degree. Obviously, you cannot guarantee the total amount, but it had better be getting pretty close to it or we are going to wonder about how you work out your figures. We are already a little concerned about that, after the estimates discussions. Increased money available for training will also be available for other proposals, aside from the skills centre.

As far as the impact on the Long Service Leave Board is concerned, we have been assured that this Bill will have very little impact from an actuarial point of view. We appreciate that the money in the long service leave fund is basically for employees. Mr Berry has another Bill before the Assembly in relation to employee benefits and, without knowing all the details, the Greens also are considering this Bill favourably and have received advice that the Government's Bill will not prevent some increase in employee benefits. We have also made inquiries into the process, and the role of the Industry Training Council in the process has been clarified for me. I understand that all proposals are assessed in accordance with the strategic plan before any recommendation is made to, firstly, the Education and Training Minister, via the VETA, and then to the Industrial Relations Minister.

One of the most important concerns I raised in my earlier comments on this Bill was the lack of a long-term strategy for dealing with training. In discussions with a Government official yesterday, we were also informed that the Government will soon be considering, and hopefully bringing to this Assembly, a longer-term plan for training in the industry, through some sort of building industry levy. We would like to see this sooner rather than later, and we are sorry that it has taken as long as it has. I would have thought it was one of the critical issues that have been clear for a long time. We are not very comfortable with repealing the construction industry training fund until an alternative is available.

In conclusion, in discussions over this Bill, a proposal has been put forward that the Government make it a condition of contract that, in order to do business with government, the private sector should employ a certain percentage of apprentices or trainees. This sounds like a very good proposal. Of course, we have to consider other employment impacts of such a policy, but I put it to the Government that they seriously consider such a proposal. I also noted Mr De Domenico's comments about the Government's faith that the building and construction industry is the engine of growth for the ACT economy. It is indeed an important part of our economic base, but this Government should adopt a proactive stance in looking for ways of broadening the economic base of the ACT.

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**MR BERRY** (4.38): Mr Speaker, I seek leave to speak again on this matter as well.

Leave granted.

**MR BERRY:** The difficulty with this legislation is that, once you make the decision, there is no going back. It is all right to say that we will hold the Government responsible for what they do or do not do in the wake of our passing of this Bill; but, once the decision is made, the money has gone and we will not be able to get it back. As responsible representatives of the taxpayers, I think we have to safeguard any taxpayers' funds that might be used for this purpose or any other purpose we deal with here. In this case, clearly, it looks as though the money that is intended for this scheme will go into a business that is pretty tired - about \$300,000 behind. If I were making an investment in a business and I had a look at their balance sheet and saw that over a period of years there had been continuing and growing deficits in their operations, I would be pretty concerned about making that investment, if it were my money. What I am going to do is apply the same rules to the taxpayers' money. I am going to be pretty concerned about it as well.

Since July 1993, the Master Builders Construction and Housing Association group apprenticeship scheme has clearly been in decline. It started in 1993 with a balance of \$111,000 in its profit and loss fund. In July 1994 that had fallen to \$86,000. By July 1995 it was \$102,000 in deficit, and by January 1996 it was \$308,000 in deficit. Clearly, there is something wrong with the way that fund is being run, and it signals to me that the money that goes into the fund will first of all have to plug the hole.

Let us have a look at some of the statements that have been made. Mr Osborne quite rightly raised the issue that was raised by Mrs Carnell. Mrs Carnell has put a good few layers of glossy enamel on this little job because she wants to sell it. She should be out there selling rusty FB Holdens. She said here:

There is no money, not one dollar, going to the MBA training fund.

Quite frankly, that is not true. It will be going to the MBA training fund.

**Mr De Domenico:** No, it will not.

**MR BERRY:** As their balance sheet shows, there is a specific section for government grants, and that is how it finds its way into their coffers. Against the background of "There is no money, not one dollar, going to the MBA training fund", we know already from your letter that \$75,000 has been allocated. What is the "not one dollar" claim worth now? It is not worth a zack, let alone a dollar. It is in serious trouble, and I would say to the Chief Minister that I think there is a good case amongst all of this for somebody to consider the issue of misleading this place.

**Mr De Domenico:** That is the fourth time today and the seventeenth time this week you have tried that one on. They will fail every time.

**MR BERRY:** They fail only while people keep copping it. We have a clear situation where what Mrs Carnell says is grossly overrated, untrue - - -

**Mr De Domenico:** You wish.

**MR BERRY:** It is untrue. She says “not one dollar”, and you say in your letter that \$75,000 has already been allocated. Who is right here, Mrs Carnell or you? You cannot both be right.

We go on further through Mrs Carnell’s speech. We have already heard her claim in respect of certain officers of the CFMEU and how that has been debunked. Mrs Carnell talked about 150 jobs for young Canberrans. I bet you squirmed when you heard that - “A bit wide of the mark, boss”. In your own letter, you refer to 25 first year apprentices and an additional 25 at-risk apprentices. It is not 150 jobs; it is only 25 jobs. (*Quorum formed*) We have a situation where Mrs Carnell’s claim has shrunk from 150 jobs for young Canberrans to 25. There are too many pieces of very shaky information upon which people could support this legislation.

As I said at the outset, once you have made the decision you cannot reverse it. The money has gone; you cannot get it back. It is a serious situation to make a judgment about \$300,000 going to a business which is, certainly on its own records, quite shaky - a \$300,000 deficit. I have tabled their own document in this place, and everybody has a copy of it. I ask them to make sure that they have another look at it. I heard Mr Osborne say that he was not keen on other apprentices being moved into this fund. Mr Evans has basically said to Mr Osborne, “They are going to be”.

**Mr De Domenico:** No, he has not said that at all. Read the letter.

**MR BERRY:** I will read it:

Let me categorically state that it is MBA Group Training’s intention that those apprentices going into the proposed Skills Centre be new apprentices or apprentices who are currently unemployed.

Then we get to the situation of how many apprentices are going to be available. We know, for example, that two skills centres are going to be operating in 1997, and CITEA and MBA Group Training’s apprenticeship scheme will be involved in that. There will be 50 apprentices between those two. Where are these jobs going to come from? Where are they going to magically emerge from?

**Mrs Carnell:** Why do you not just give it a go?

**Mr De Domenico:** Give 70 new people a chance to get a job, Wayne. Go on. Vote for this Bill. Let us see what you think about unemployment.

**MR SPEAKER:** Order!

**Mrs Carnell:** It cannot hurt.

**MR BERRY:** Mrs Carnell says that it cannot hurt. It can hurt if you are going to give \$300,000 of taxpayers’ money to an organisation that is clearly not doing too well.

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**Mrs Carnell:** But we are not, and you were quite happy to give it to the union.

**MR BERRY:** You are giving it to MBA Group Training. You have already given them \$75,000.

**Mr Osborne:** No, they have not. Mrs Carnell said they have not.

**MR BERRY:** No; Mrs Carnell said, "Not one dollar". She meant that really it is \$75,000: "We are not going to give them one dollar. We are going to give them \$75,000". She was not wrong. She was not misleading us at all.

**Mrs Carnell:** That is to the training people, not to the MBA as an organisation.

**MR BERRY:** Indeed. That is the MBA training fund. Mrs Carnell just interjected that it is not to the MBA as an organisation; it is to the training fund. What you said, Mrs Carnell, was, "There is no money, not one dollar, going to the MBA training fund". That is what you said.

**Mrs Carnell:** It goes to the group, the tripartite group.

**MR BERRY:** The contract would be between your Government and MBA Group Training. Mr De Domenico's letter says it.

**Mrs Carnell:** We changed it. We told you that.

**MR BERRY:** Mr De Domenico's letter says that the contract will be between the Government and MBA Group Training. Let us stop kidding ourselves here. This legislation is about underpinning an organisation that is in trouble with its funding. Mrs Carnell says, "Let us give it a go. Let us take the risk". Mrs Carnell is great about taking risks with somebody else's money but not with her own.

**Mr De Domenico:** You took the risk with VITAB, mate. Look where that ended up.

**MR SPEAKER:** Order! Ignore the interjections, Mr Berry.

**MR BERRY:** He interjects about VITAB. Yes, it ended in the taxpayers' backyard because you put it there.

**Mr De Domenico:** Because you botched it, and then you were chucked out because you did the same thing - - -

**MR BERRY:** Because you put it there.

**MR SPEAKER:** Order! The house will come to order. Mr De Domenico, stop interjecting.

**Mrs Carnell:** Mr Speaker, can I raise a point of order? Mr Berry indicated that somehow I did not care about taxpayers' money, that I was willing to do anything with it. I would like that withdrawn.

**MR SPEAKER:** There is no point of order. I insist that the interjections cease. This is an important matter. Numbers of questions have legitimately been raised by Mr Osborne and Ms Tucker, and I would hope that in due course people will have a chance to get those answered.

**MR BERRY:** What about me?

**MR SPEAKER:** You will have the chance. I hope your questions can be answered, too, Mr Berry, if that is possible, sir.

**MR BERRY:** You raise the question - - -

**MR SPEAKER:** I do ask for silence on this matter.

**MR BERRY:** It is a bit hard to get a satisfactory answer on such a difference of opinion, when you look at the documentation. Mrs Carnell says that not one dollar will go to the MBA training fund, yet \$75,000 has gone. There is a bit of a gap there. She says that there are 150 jobs for young Canberrans. Mr De Domenico says that there are 25.

**Mr De Domenico:** We do not say that at all.

**MR BERRY:** You do say that. This is your letter:

Finally, let me reiterate that the funding derived from the Bill will also contribute to subsidising trainee wages for a further 25 first year apprentices - - -

**Mr De Domenico:** On top of other things.

**MR BERRY:** Yes, but 25 jobs -

and an additional 25 "at-risk" apprentices.

There are too many unanswered questions and there is far too much shaky ground upon which to make a judgment in relation to this legislation. It has to be either dumped or adjourned until the Government makes a better fist of backing up what it claims. On the face of it, this clearly looks as though the decision to hand over \$300,000 was made, and then they tried to underpin it with answers. This legislation should not be passed, because of those sorts of circumstances. Let us look at another couple of issues in the legislation. One is the retrospective nature of the legislation. What they want to do is make it retrospective so that they can pull a bit more money out of the training fund because there is some sort of urgency to prop up this organisation that has a \$300,000 deficit. That is the urgency, and that is why they want to have retrospective legislation. There is no argument there which would support retrospective legislation. It is totally unnecessary and it will not be supported by the Labor Party.

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Furthermore, let us look at the situation in relation to the training levy. We agree that the training levy would be better coming from another source, but what you want us to do is take you on trust. You are kidding yourselves. You are asking us to trust you that you will come up with another training fund source before we pass this Bill. If this Government expects us to support a change in the arrangements, to rule out this training fund because they have made a promise that they are going to deliver funds from another source, they are kidding themselves. If you want us to agree to a change in the arrangements for a source of training fund money, you had better show us the colour of your money. We have not seen it yet; you have kept that part of it quiet. You said, "Take us on trust". Who would? The rest of the community did. They took Mrs Carnell on trust, and \$22m has gone down the gurgler in health.

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

**MR BERRY:** We have this situation where the Government asks us to take them on trust. No, thank you. Show us the colour of your money and then we will consider it. We agree in principle; the funding can come from another source, but we want to see it. We want to have it in our hands.

**Mr De Domenico:** And will you support it when the legislation comes in?

**MR BERRY:** When we have it in our hands.

**Mr De Domenico:** Will you support it?

**MR BERRY:** We will have a look at it, and we are supportive of the principle.

**Mr De Domenico:** What about the legislation when it comes in? Will you support it?

**MR BERRY:** Here we are. He is saying we should support legislation we have not seen - "Take us on trust again". No, we will not be taking you on trust, and we do not trust your judgment on this issue, either.

**MRS CARNELL (Chief Minister) (4.54):** Mr Speaker, I seek leave to speak again.

Leave granted.

**MRS CARNELL:** Very briefly, Mr Osborne asked me to clarify the comments I made with regard to meetings I had had. I have here a brief of a meeting in my office on 11 September at 2.30 with the construction industry training people. At that meeting we discussed at length the training levy. My brief tells me that Trevor Zeltner was there, but I am not confident that George Wason did not come in his place to that particular meeting. I might have been incorrect in suggesting Trevor Zeltner was there, although the brief says he was.

**Mr Berry:** That would not bother you. Accuracy has never bothered you before.

**MRS CARNELL:** The brief says that he was there, but George Wason may have represented him. They have a tendency to do that. As I said, the list of meeting participants indicates that Trevor Zeltner was there. As well, there was the Housing Industry Association, the Master Builders Association, Ray Hutt, Brian O'Reilly, Peter Gordon - all of the normal people were there. We discussed the issue in full.

**MR DE DOMENICO** (Minister for Urban Services and Minister for Industrial Relations) (4.55), in reply: Mr Speaker, let me thank members for their contributions to the debate, especially Ms Tucker, Mr Moore and Mr Osborne, and also Mr Berry for his repetition of what he said the first time. I wish to reiterate that the Government is not implementing a new funding mechanism through this Bill. Rather, it is adjusting the level of funds which flow to the construction industry training fund for use on vocational and management training over a limited time period. The principle that enables a proportion of employer long service leave funds to be used for training was introduced in 1990 with the very purpose of assisting the industry to fund its training needs. The amendment was proposed by the Long Service Leave Board itself in response to the 1988 actuarial report and was supported by the trade unions, the industry generally, and the Labor Party in this Assembly.

This Bill does not increase the level of contributions required to be paid by employers. It simply directs a higher proportion of existing employer contributions to training at a time when funds for training are most needed. These funds are not workers' moneys, as has been suggested. The funds are employer contributions which are paid to meet a future potential liability and are held in trust by the Long Service Leave Board to meet that future potential liability. The construction industry arrangements are dissimilar to the arrangements applying to most employers in the private sector, who are not required to physically transfer money for their employees' long service leave liabilities to a special fund, but only to make provision for such a contingent liability in their accounts. In other words, most employers continue to have access to and use of such money until the day it is required to be paid to an employee.

This Bill will have no impact on the ability of a construction industry worker to obtain all long service entitlements which the worker has accrued. I repeat: This Bill will have no impact on the ability of a construction industry worker to obtain all long service leave entitlements which the worker has accrued. Mr Berry snores or gives the impression he is snoring, or perhaps he is imitating a pig - I do not know, one of the two. There are other members of this Assembly, Mr Berry, who are very interested in my replying to the questions that were legitimately asked by Mr Osborne, in particular, and Ms Tucker also.

**Mr Berry:** That is what we want to hear.

**MR DE DOMENICO:** If that is what you want to hear, you can sit down.

**MR SPEAKER:** They will be heard, Mr Berry, without interjection. This is an important debate, as I have constantly reminded this Assembly.

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**MR DE DOMENICO:** The reason we are in a position to be able to consider increasing the proportion of money directed to training is that the Long Service Leave Board's overall financial position is exceptionally strong, and it has been achieved as a result of employers being required to oversubscribe over a number of years. It is important to place this Bill in perspective in terms of its financial impact. The Long Service Leave Board had an income of over \$4m in 1995-96 and expenses of \$3.25m, leaving a surplus in that year alone of \$750,000. Overall, the board has a retained surplus of \$19.6m. The flow of an additional \$270,000 in each of two years will have only a marginal impact on an organisation which is in such a sound financial position. I have recently received the actuarial report for the period 1993-1996. I have not yet considered its recommendations as I have requested further information from the actuary. I can say, however, that the report confirms the sound financial position of the board.

Mr Berry, when he was Minister for Industrial Relations, continually refused to reduce the employer contribution rate, despite actuarial advice recommending this course, because he knew that to do so would mean less money for training in the industry and because there was no alternative source of funding for construction industry training.

**Mr Osborne:** I raise a point of order, Mr Speaker. I asked Mr De Domenico a number of questions that I wanted clarified. He has been speaking for nearly four minutes, and I have not heard one of them even closely addressed yet.

**MR SPEAKER:** Order! There is no point of order, Mr Osborne. Mr De Domenico still has 10 minutes to speak.

**MR DE DOMENICO:** Can I suggest to Mr Osborne that he is not the only member of this Assembly who has an interest in this Bill. There are other questions and other concerns by other members that I also have to address. Be patient, Mr Osborne, and I hope you will get the answers you are waiting for.

**Mr Osborne:** You hope I will get the answers I am looking for?

**MR DE DOMENICO:** Yes, I do, Mr Osborne.

Debate interrupted.

## ADJOURNMENT

**MR SPEAKER:** 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.



**LONG SERVICE LEAVE (BUILDING AND CONSTRUCTION INDUSTRY)  
(AMENDMENT) BILL (NO. 2) 1996**

Debate resumed.

**MR DE DOMENICO:** It is this Government that has now achieved consensus in the industry for the introduction of an alternative source of funding for industry training, and it is for this reason that the Government has included a sunset clause in this Bill. We are confident that an alternative source of funding to meet the industry's long-term training needs will be in place next year.

**Mr Berry:** Yes - "trust us".

**MR DE DOMENICO:** No, we will get you to vote for it, Mr Berry, if you agree with it. The Government will shortly be considering a detailed proposal which will form the basis for development of a Bill to establish a training levy. I expect that such a Bill will be introduced into the Assembly in the first half of the calendar year 1997.

Some people have characterised this Bill as a means of subsidising the Master Builders Association Group Training company. This is simply not true. The accountability and auditing requirements which will be put in place for administration of the skills centre grant will ensure that all interest groups can be satisfied that the money is being used for the purposes for which it is granted. This Bill will increase the amount of funding available for industry training in the construction industry training fund from around \$90,000 per annum to around \$360,000 per annum over two years - an increase of \$270,000 in a full year. The on-site skills centre proposal requires some \$300,000, which leaves a considerable amount - some \$400,000 - in the fund to support other training, employment and infrastructure initiatives over the remainder of this year and next year. The construction industry training fund will be in a position to support those initiatives that the Government outlined in *Jobs for Canberra* during the budget. This is critical if the ACT industry is not to face skill shortages in the foreseeable future as a result of the demand for skills now emerging as the Olympics construction program commences in earnest and as the price being paid for labour in the Sydney region drains the ACT of skilled labour.

It is also important to note that the Government requires that the on-site skills centre be managed under a tripartite management arrangement so that all stakeholders in the industry are given the opportunity to ensure its success and that it delivers training to those most in need and in the skill areas most required. As a result of Government negotiations, I am able to inform the Assembly that the ACT Regional Building and Construction Industry Training Council is proposing the establishment of a tripartite strategic committee which will oversee training delivery in the construction industry, including the skills centre.

The on-site skills centre concept has considerable merit. It will employ and train some 80 to 90 new apprentices and across a variety of programs, including pre-apprenticeship training, pre-vocational training, mature age training, out-of-trade apprentices and down-no-job apprentices. Let me guarantee that these will be new or currently unemployed apprentices, not young people currently training in other schemes.

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These programs fill a gap in training delivery which no other organisation can fill at this point in time. Such programs complement the traditional trade training delivered by MBA Group Training and the Construction Industry Training and Employment Association, CITEA. The on-site nature of the skills centre allows considerable flexibility, in that it provides a more direct link between the on-site training given by the employer and the off-site training traditionally provided by CITEA.

Mr Osborne has raised concerns about the availability of on-the-job training in the current economic climate - a fair point. However, the benefit of the skills centre concept is its flexibility. It allows employers to take on apprentices for short periods of time, thus encouraging employment. In addition, the current numbers of unemployed young apprentices indicate that, without the new skills centre, these 80 or so young people would simply not be trained at all.

Mr Osborne also raised the issue of funds already committed to the skills centre project. I would like to clarify this point. An amount of \$75,000 has already been allocated to MBA Group Training, who made an application to me under the provisions of the legislation. As with all applications for funding, I sought a recommendation from the Industry Training Council, who agreed that the funds should be allocated. I understand that those funds have not been used at this point, and further funding will be to some extent dependent upon the passage of this Bill.

Mr Speaker, I would like to take this opportunity to table a copy of the contract between the Government and MBA Group Training, for members' information. In doing so, I would make the point that, following detailed discussions with the MBA, the CFMEU, the Industry Training Council and members of the crossbenches, in particular Mr Osborne, I believe that the contract needs some amending to ensure that the Government's intentions are carried out. Particular areas that need to be strengthened are the Government's guarantee that all apprentices placed in the skills centre are new apprentices; the need to ensure that a separate bank account is opened for the skills centre funding, thus ensuring transparency of financial operations; and the need to require that the auditor for the purposes of the skills centre is not an auditor for either the MBA or MBA Group Training. I give an unequivocal guarantee that the contract will be amended to pick up these points. I repeat: I give an unequivocal guarantee that the contract will be amended to pick up these points.

In conclusion, Mr Speaker, let me say that there are always going to be ideological differences between, say, me and Mr Berry on these sorts of matters, and there has been some mud thrown through the course of this debate. But the simple facts of the matter are these: We have an intolerably high level of youth unemployment in this town, particularly in the building and construction industry. This Bill will allow approximately 80 young people to be trained by way of the skills centre for a future in the industry. In addition to the skills centre, the Bill will fund, by way of a direct employer subsidisation, another 50 or so apprentices and trainees who would otherwise be at risk of losing their jobs during the current downturn. Mr Berry throughout his speech mentioned 25 people. I am talking about 80, plus another 50. Finally, this Bill will also ensure that we are not faced with a skills shortage down the track when all of us have moved on and it has become someone else's problem.

There may be some members of this Assembly who might think of opposing this Bill. I think they would really have a case to answer in terms of where they believe the additional funding to support positive initiatives in industry training should come from. They are surely answerable to the young people, the mature and the aged, and those others disadvantaged in the labour market who will directly benefit from this initiative. I have great pleasure in strongly recommending that the Bill be passed by this Assembly.

Question put:

That this Bill be agreed to in principle.

The Assembly voted -

*AYES, 11*

*NOES, 6*

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

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

Question so resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

### **ELECTORAL (AMENDMENT) BILL (NO. 3) 1996**

Debate resumed from 26 September 1996, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

**MR WHITECROSS** (Leader of the Opposition) (5.12): Mr Speaker, the Opposition will be supporting this legislation. This legislation is indeed very good. It seeks to maintain the standard established under the previous Labor Government of keeping the Electoral Act and the electoral funding provisions, as far as possible, in line with those of the Commonwealth, and I think that is, in principle, a good aim. I am also pleased to be supporting this particular piece of legislation because it is a strengthening of the

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obligations of public declaration compared with the previous Act. The Commonwealth went about a process of strengthening its own legislation under the previous Federal Labor Government, and this legislation takes that same strengthening through into the ACT Act.

As a result of the new provisions, it will no longer be possible for people wishing to make donations to political parties to use third party intermediaries to disguise the fact that they are making a donation to a political party. As a result of these changes, any organisation making donations to a political party in excess of \$1,500 will have to explain where they, in turn, got their money from. I think that is a very worthwhile tightening of the legislation. It was a great initiative of the former Labor Government to introduce this legislation federally, and it is commendable that the current Government in the ACT has brought forward legislation to pick up those worthwhile amendments.

There are a range of other amendments in this Bill that are designed to streamline the process, to eliminate a lot of the cumbersome bureaucracy associated with obtaining public funding in relation to elections. Previously, lots of forms had to be filled out to get access to money which everybody knew they were entitled to. As a result of this Bill, the Electoral Office will have less expense in administering the Act; there will be less unnecessary expense for candidates for election and parties fielding candidates in an election; and at the same time there will be a greater level of disclosure, so that the people of the ACT, in relation to ACT elections as in relation to Commonwealth elections, know who is donating money to political parties. No longer can people wishing to make donations to political parties disguise those donations by going through third party fundraising organisations.

Mr Speaker, I see that there are a number of amendments foreshadowed. I will speak on those amendments in the detail stage. However, the principles I will be upholding are the principles encompassed by these amendments, which are a higher level of disclosure in relation to third party intermediaries and streamlining of the unnecessary bureaucracy encompassed in the original Act, which the Commonwealth legislation has achieved. I think the legislation takes us forward and, while we will consider the individual amendments on their merit, I think the basic legislation is very good.

**MR MOORE** (5.16): The Bill before the Assembly, which was introduced by Mr Humphries, and parts of it have been lauded by the Leader of the Opposition, would seriously weaken the strength of our electoral disclosure laws. I do not disagree with what Mr Whitecross has said. He was quite specific about the areas of the Bill that actually strengthen the Act, and those I will certainly be supporting. My initial inclination was simply to oppose the Bill, but the particular areas Mr Whitecross has identified are indeed strengthening the Act, and for that I congratulate Mr Humphries and agree with Mr Whitecross. However, the other parts of the Bill really do require very careful assessment.

On the strengthening of the Bill first, there are new provisions to require detailed returns from associated entities, which are organisations separated from the parties but which nonetheless provide them with non-disclosable fundraising. It would be the same for Independent members. One of the best known examples of this is the Liberal 250 Club,

and it is a credit to Mr Humphries that he has brought this legislation in when it will put a requirement on a club that donated some \$90,000 to the Liberal Party, on their last return. Similarly, donations from the unions will be taken into this, and donations made to the Labor Party through unions or some of the clubs in this town will also be able to be identified in this way.

The primary changes made by this Bill, however, which involve the weakening of the ACT's disclosure laws are justified by the Government in the name of copying the Commonwealth provisions. When we look at the annual report of the Electoral Commission, it states on page 23:

The ACT's election funding and financial disclosure (FAD) provisions enacted in 1994 were modelled closely on the comparable Commonwealth provisions. The then ACT Government's intention was to maintain consistency with the Commonwealth FAD scheme. In 1995 the Commonwealth made significant changes to its FAD scheme.

The Commission supports maintaining consistency with the Commonwealth FAD scheme. However, as reported in its review of the electoral legislation, the Commission is concerned that some aspects of the 1995 Commonwealth changes have the potential to weaken the effectiveness of the disclosure laws.

It is a quite good argument to say that we should maintain a consistency with the Commonwealth laws, but surely not at the price of weakening disclosure laws in the ACT. To ordinary people in the community, it would be unacceptable, but it would be particularly unacceptable when there has been a government here that has been to the people on openness. Of all the areas of openness that are important - - -

**Mrs Carnell:** It is CIR.

**MR MOORE:** It is not CIR, as the Chief Minister interjects. Of all the areas that are important, electoral funding is the most important, so that not only can people be seen to act independently but how much the donations are can also be seen.

The amendments I will be putting to this Bill to ensure that its strength remains have several objectives. The first is retaining the rigour of our ACT disclosure laws and, as a consequence, abandoning the Government's plan to excuse parties of their ACT reporting obligations by submitting a copy of the less rigorous Commonwealth returns. The argument put to us, and in fact the reason we passed a previous Bill to extend the time, was that it is an onerous task for the parties to have to put separate submissions in to the ACT Electoral Commissioner and to the Commonwealth Electoral Commissioner. I thought I would test this, so I went to the Electoral Commission and got the last submissions. The Liberal Party's last submission was done on computer and, in terms of moneys received, it has 2½ fairly broadly spaced pages of submissions. That is hardly an onerous task for an organisation like that. To suggest that these 2½ pages that are drawn off a database from a computer are enough reason for us to say, "No, we have to align with the Federal Electoral Commission so that the parties do not have to make a separate submission in the ACT" is really very questionable.

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The Labor Party's submission was done by hand last time, although I am told that it is now on computer, so I would expect that it would be a similar sort of return had we retained the strength of this part of the disclosure laws. In the Labor Party's case, take out the pages that apply to donations made into the party by elected members of the party. Each member donates a certain percentage of their salary, which is recorded here, and so there is a list of donations - about a dozen or so once a month, if that is how their payments are made. Clearly, that is not an onerous task. If you look at the donations apart from that, you get four or five handwritten pages, almost equivalent to the sort of submission made on computer by the Liberal Party. In the case of the Greens, Mr Osborne and me, it is on one page, so these are minor matters. Anyway, apart from the Greens, we do not have a Federal issue to worry about. It is not an onerous task, by any stretch of the imagination, to ask of parties that they provide to the ACT Electoral Commissioner those receipts. It is a very easy task, and more so when the parties have their receipts computerised.

The second objective is to introduce a requirement that parties and Independent MLAs inform their major donors of a donor's legal obligation to report to the commission. At the moment, the only way we have of double-checking what is declared by the parties is to look at a party's declarations and then go and ask the individual whether that is correct. What I have proposed in my amendments is that, on the receipt that is issued, the parties should stamp "You have an obligation to let the Electoral Commission know annually that you have made a donation to the party". In that way a check can be kept.

The third objective I have is adding to our ACT Electoral Act the additional category of political spending mentioned in the Commonwealth Act, which Mr Humphries's Bill would have added; and, fourthly, curbing the proposed regulation-making power which would allow the Minister to reduce disclosure requirements for the associated entities. This is a very strange regulation indeed. On the one hand, Mr Humphries says, "We want to read and know what associated entities have donated, and we will put it in the legislation". Then it appears, almost as an afterthought, that there is power for the Minister to say, "Actually, with associated entities, we will not necessarily require all the things that we have just set out for them to report. It will be, effectively, up to the Minister's discretion". I do not want to misrepresent that, because the Minister would then table it and it would be a disallowable instrument. I accept that Mr Humphries has used that technique; but I cannot, for the life of me, see any single reason why this situation would apply. It seems quite strange. As we go through the detail stage I will be speaking in detail of those objectives.

Reporting of election expenditure is an accepted part of the law. Just because we have the opportunity to align with the Commonwealth is not a good enough reason for us to weaken our own disclosure laws. Of course we should, where possible, align with the Commonwealth, and particularly when it is of benefit to us; but we are a relatively small jurisdiction that is under very close scrutiny, and to reduce that scrutiny would be entirely inappropriate.

In fact, when I went back and checked under the current legislation what would happen to the annual returns of the Liberal Party and the Labor Party - I presume that it would be the same for others, but I just checked the Liberal Party and the Labor Party - and what would need to be reported, in both cases it cut out about two-thirds of what is currently reported. The information we have at present, that anybody can go to the Electoral Commission and ask for, for a small fee, would basically disappear. Of the overall donation over this particular period - which, in the case of the Labor Party, as I recall, was \$670,000 - we would be able to identify where only about \$200,000 came from. It might be a little bit more. That applies similarly to the Liberal Party. In the case of the Liberal Party, of the \$450,000-odd that was identified as receipts in the financial year, we would probably be able to identify where only something like \$100,000 came from.

To reduce that kind of scrutiny is inconsistent with the approach that was taken by Ms Follett when she introduced this legislation. It is inconsistent with the approach that the Liberal Party has taken in terms of seeking open government. I can understand the way this has happened. There is an intention simply to remain parallel with the Commonwealth. But I think that members should really think about it very carefully and ask: Is the cost of aligning with the Commonwealth too great in terms of the benefit? If the cost is too great, then we can get the benefit of what Mr Humphries has proposed in the strengthening and not, on the other hand, weaken the other parts of the legislation, simply by supporting the amendments that I am putting.

**Sitting suspended from 5.29 to 8.00 pm**

**MS HORODNY (8.00):** The Greens are fully supportive of the requirement in the Electoral Act that political parties disclose their income and expenditure and that major political donors are also required to disclose their funding of particular parties or Independents. This certainly contributes to making the financing of elections in this country open to significant public scrutiny and makes it difficult for individuals or organisations to secretly buy favours from candidates in return for campaign funding. We are also supportive of the existing provisions in the Electoral Act that allow candidates in elections to receive reimbursement for their electoral expenditure, up to certain limits, of course. Running an effective election campaign is very expensive and it is very difficult for Independents and small parties to match the expenditure of the major parties. The reimbursement of expenditure allows some levelling of the playing field on which the various parties and individuals compete for election votes.

However, the Greens have a number of concerns about this Bill to amend the Electoral Act. While we recognise that the Bill has some positive features, there are a number of aspects of the Bill that we disagree with. We have some amendments to this Bill, and I am aware that Mr Moore also has a range of amendments. Because of the complexity of this Bill, it is hard to separate out the parts that are acceptable and the parts that need amending. The Greens, therefore, will be voting against the Bill. I hope that a majority of the Assembly will do the same, so that the Government can go away and take some time to rewrite this Bill in a manner that will be acceptable to all members, rather than have the Assembly attempt to rush through some complicated amendments to the Bill this day.

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Let me now turn to the detail. The major problem that we have with this Bill is that it removes the need for political parties and candidates to prove their expenditure for a particular election campaign before they receive public funding. At present parties and candidates that receive at least 2 per cent of the primary vote are entitled to \$1.08 per vote, up to the limit of their actual campaign expenditure. By removing this limitation on public funding, it is actually possible for a party or a candidate to make a profit from running an election campaign. If the candidate spends a relatively small amount on their campaign but receives a significant number of votes, under this amendment they will still receive \$1.08 per vote, regardless. This amendment will change the nature of the public funding provisions in the Electoral Act from a reimbursement of actual election expenditure to a reward for electoral performance. This is a gross distortion of the original intention of the Electoral Act.

The Minister has justified this amendment by stating in his presentation speech that the dropping of the requirement for parties and candidates to put in claims of their electoral expenditure to the Electoral Commission after a particular election will reduce the administrative burden on parties and candidates. I think this is a very poor excuse. As Mr Moore has said already, with the computerised accounting systems available today, it is really no burden at all to produce such a claim. Mr Moore went through some examples of the very simple claims that were put forward and the simple accounting that had to be done. It certainly has not been a burden for our party.

The Minister also justifies this amendment and other aspects of the Bill by saying that it will make our Act consistent with the Commonwealth Electoral Act. However, we see no need to automatically follow whatever the Commonwealth Parliament decides. The electoral system of the ACT must be suitable to the ACT community. I, therefore, foreshadow that if the Bill passes the in-principle stage we will be opposing those parts of the Bill which remove the requirement on parties and candidates to submit claims of expenditure.

Another aspect of the Bill that concerns us is the watering down of the level of detail required to be disclosed in the electoral returns from parties and Independents. At present individual donations under \$100 from a particular individual are not required to be included in determining the total amount of donations from that individual. We accept this provision, as we know from the experience of our party that there can be a problem in keeping track of small donations made at fundraising events. However, this Bill proposes to increase that amount to \$500, which is a massive increase and is totally out of scale with the extent of the problem which this provision addresses.

There are also changes to the detail required to be submitted in the returns, such as the elimination of the need to report expenditure on consultants' or advertising agents' fees. There are also various parts of the Bill which reduce the reporting requirements on parties and Independents to only the production of annual returns and eliminate the need for returns to be submitted after particular elections. These changes relate to the proposed elimination of the requirement for parties and candidates to justify their election expenditure. As I have already said, we do not think the current reporting requirements on parties and Independents are particularly onerous and in need of change. Mr Moore also has some amendments to address the requirements for reduced reporting.



To give the Government some credit on this, we support the idea that associated entities of political parties be also required to lodge returns of their electoral expenditure. The existing disclosure laws pick up individuals and companies that contribute directly to political parties and Independents, but there is a loophole in that individuals and companies can contribute to a so-called middleman of some sort which then passes on this money to the party or Independent. The middleman would be required to lodge a return but not the individuals or companies that originally contributed the money.

Our concern with this aspect of the Bill, however, is that "associated entity" as defined includes only organisations directly connected to a party or Independent. It does not pick up organisations that contribute large sums of money to parties or Independents for their own self-interest, such as industry organisations, unions and government associations which are not controlled by or operate for the benefit of a party or Independent. At present such organisations are able to collect money from their members and supporters for passing on to a party or Independent, and there is no public scrutiny of the source of these funds. I, therefore, foreshadow that if the Bill passes the in-principle stage I will move an amendment to the Bill to expand the definition of "associated entity" to include any organisation which collects money for distribution to parties or candidates. In conclusion, let me say that the Greens see no justification to water down the existing provisions of the ACT Electoral Act just to be consistent with the Commonwealth legislation.

**MR HUMPHRIES** (Attorney-General) (8.09), in reply: Mr Speaker, I thank the Opposition for its support and I thank Mr Moore for at least partial support for the legislation. I happen to think it is quite important to be able to align the ACT's electoral laws with Commonwealth electoral laws. The amendments passed in 1995 to the Commonwealth Electoral Act were the result of bipartisan agreement in the Federal Parliament - in fact, as far as I can remember, multipartisan agreement in the Federal Parliament - that there should be some simplification of these requirements; there should be imposed on parties and candidates for elections a system which was appropriately wide enough to encourage full disclosure of relevant information about parties, their election campaigns, candidates and so on, but not so onerous as to create unnecessary burdens on organisations, particularly political parties, without any real benefit to the community in terms of what was actually disclosed, what information was actually supplied. Mr Speaker, I defend the process whereby those relatively small donations are made - if you like, in the language of my friends on the crossbenches - slightly less accountable or less disclosable than they were before.

Although it may warm the cockles of the hearts of the Greens and Mr Moore to know that every \$25 donation is being disclosed, the fact is that you have to be a very cheap government to be particularly likely to want to rush out and do the bidding of someone who donated \$25 or \$50 to your campaign coffers.

**MR SPEAKER:** There are some pretty cheap candidates around.

**MR HUMPHRIES:** Yes, fairly cheap candidates. I have to say, Mr Speaker, people in this Government have disappointed - - -

**Mr De Domenico:** Many of those \$25 donors.

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**MR HUMPHRIES:** In fact, disappointed people who have donated much more to the Liberal Party in the last two years. So, \$25, I am afraid, does not buy you very much. I do not think that disclosing the \$25 donor is going to expose the nefarious relationship between parties and these people. As Mr Whitecross indicated, this is about removing unnecessary red tape from the process whereby parties run themselves as organisations and provide for the running of elections and the fielding of candidates in elections.

It may not seem to the ordinary citizen of this community that there is any great value in allowing political parties to focus their efforts on campaigning and disseminating their message, as opposed to filling in paperwork for particular government authorities; but I would argue that the democratic process in this country is essentially about that fielding of candidates, not about disclosing where it was that those candidates got every last dollar that might be used to run their campaigns. I see this as an innovation, a reform which is likely to improve the accountability of our electoral system, not detract from it.

Mr Moore claimed that the provisions weakened ACT disclosure laws; but I re-emphasise that this is about providing for the disclosure laws to focus on the important issues, not on the minutia which is not important. He also described the legislation as inconsistent with open government. Well, hardly! The provisions that apply in the ACT are still extremely open and extremely transparent when compared with what existed in this country only 10 years ago and with what is still the case in many, if not most, Western democracies at this time. We have a very high degree of disclosure in Australia and in the ACT. I do not think we need to apologise to anybody about that. It is transparency, I think, which is much to be envied by other people in other nations.

It was not surprising to hear Ms Horodny's opposition to the legislation. Let me make just two comments about her words on this Bill. She described this as a rushed Bill. This legislation was presented to the Assembly almost two months ago. With great respect, I do not think that dealing with it after it being two months on the table amounts to rushing the legislation. If it does, then we rush an awful lot of legislation through this house. Secondly, Mr Speaker, she is right; it is theoretically possible for somebody to make a profit under these arrangements if they spend very little, do spectacularly well and get a greater amount of electoral funding under the formula provided for in the Act than they have actually spent in the election. I do not think the Greens have anything to worry about on that score. I think that occurrence will be very rare.

But the very great burden that imposes on candidates and political parties to comply with the disclosure provisions about where money is spent, quite frankly, is just not justified in terms of public accountability. When we say we are in favour of removing red tape, that is not just empty rhetoric; it is not about removing provisions for the sake of removing provisions in legislation and regulations; it is about working out what is important in terms of making our economy, our society, our political system work better. What someone thought was a good idea when a piece of legislation was drafted 15 years ago may not apply today. This falls into that category. Although Ms Horodny and Mr Moore have spoken at length about this legislation, they have not actually told us what it is that is important about the provisions being removed, I do not think.

I would say to members of the Assembly that there is great value in having provisions which line up with the Commonwealth provisions, because that makes it considerably easier for those parties and individuals who field candidates at both Commonwealth and Territory level to comply with laws at both levels. Remember that we say ignorance of the law is no excuse; and when we have two fairly different sets of laws in respect of the Commonwealth and the ACT for very similar exercises, namely, fielding candidates in elections, we increase the likelihood that people will break the law because they do not know what the law says. It is all very well for the Liberal and Labor parties, who employ staff whose job it is to read the electoral Acts and understand them; but lots of candidates in elections, sometimes at both levels, do not have that manpower resource and do not have the resources to be able to fully digest very detailed provisions in electoral legislation. It is not just the big parties that are being looked after in these reforms; it is anybody who wants to access our political system, our democratic processes, without having to have a doctorate in law to be able to do so. That is why this process is in train.

Let me respond to one last point, Mr Speaker - the claim that keeping records of individual donations of less than \$500 is important and doing away with it under these arrangements is inappropriate. Let me point out that a donor is required to lodge a return if he or she has, over the financial year in question, donated \$1,500 or more, regardless of the size of each individual donation. The compliance provisions of the Electoral Act would enable the Electoral Commission to identify such donors from the records of the party and follow up with any donors who have not submitted returns. These provisions do not entirely remove the provisions in this legislation that entirely remove the obligation on people to keep their records and to disclose things to the Electoral Commission, merely because the threshold that the parties' records have to be kept at is lifted. Individual obligations still remain. That is the capacity that we have to ensure that there is still a fairly high degree of accountability in our system. I commend this Bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail Stage**

Clauses 1 to 3, by leave, taken together, and agreed to.

Clause 4

Amendment (by **Ms Horodny**) proposed:

Page 2, lines 5 to 9, proposed new definition of "associated entity", omit the proposed new definition, substitute the following definition:

“associated entity” means an entity that -

- (a) is controlled by 1 or more registered parties or an independent MLA;

- (b) operates wholly or mainly for the benefit of 1 or more registered parties or an independent MLA; or
- (c) collects money for distribution to 1 or more registered parties, independent MLAs or candidates;”.

**MR MOORE (8.19):** Mr Speaker, I am absolutely flabbergasted that Ms Horodny is not speaking to this amendment, though I must say we heard in her in-principle speech an explanation of her understanding of what her amendment is about. This deals with the very positive side of the Bill that I spoke about earlier. The provisions are extended so that they take into account an associated entity. I gave as an example, in the case of the Liberal Party, the 250 Club; in the case of the Labor Party, the unions or some clubs. I think this is a very important extension. I am delighted to support the Greens - a tightening of the definition is the way I would see it - on this issue, to make sure it does not apply just to parties but applies also to Independents and tightens up those definitions. I am quite comfortable about supporting that amendment.

**MR HUMPHRIES (Attorney-General) (8.20):** I am afraid I am not quite as enamoured of this amendment as Mr Moore is. I emphasise what Mr Moore has said, which is that the provisions about associated entities in the legislation are an extension of the accountability in the legislation. Organisations which previously did feed into political parties and provided them with funding and which were not required to disclose their financial affairs through an annual return are now being covered by the legislation and will be required to make that kind of disclosure. What Ms Horodny wants to do - I think she does; she has not said anything - in this amendment is extend the operation of the associated entity concept to cover more organisations.

**Mr Moore:** To cover people who collect money for parties.

**MR HUMPHRIES:** No; to cover more organisations. We have covered, in the definition of “associated entity”, an organisation controlled by one or more registered parties or an Independent MLA; we have covered organisations operating wholly or mainly for the benefit of one or more registered parties or an Independent MLA - and we have heard from Mr Moore what those sorts of organisations are - but Ms Horodny wants to add to that definition a body which “collects money for distribution to one or more registered parties, Independent MLAs or candidates”.

Let me ask Ms Horodny: What happens if there is a Federal election tomorrow, for argument’s sake, and there is a meeting of the local branch of the AMA and people say, “We have to do something about this terrible Wooldridge fellow; let us have a whip-round for the ALP”, and they pass a hat around - - -

**Mr Whitecross:** That is a good idea, Gary.

**MR HUMPHRIES:** I know it is highly hypothetical, of course; we are talking about the AMA. But let us suppose they pass the hat around and put some money forward for the local Labor candidate or, for that matter, a Green candidate - they are not keen on either party; why not support a Green candidate? Under that definition put forward by

Ms Horodny in this amendment, the AMA becomes an associated entity of the Greens and has to put forward an annual return in respect of the Greens. I am afraid that does not sound to me like a very appropriate provision and sounds like a far wider catchment than was intended by Ms Horodny.

I am also unclear as to what "collects money" means. Is an organisation which collects money from, for example, its customers to then pass on to a political party - BHP, for example - an organisation which would become an associated entity when it makes a donation to a political party or candidate?

**Mr Moore:** I did not notice BHP making any donations to ACT parties, Gary.

**MR HUMPHRIES:** Maybe not, but they have certainly made donations to other parties, nationally.

**Mrs Carnell:** What about all the people who play poker machines at the Labor Club?

**MR HUMPHRIES:** Indeed, an organisation where people collect money through poker machine takings. The point is that paragraph (c) of this definition is so broad as to catch many more organisations in the web of accountability than I think we can reasonably expect to be caught. I would argue very strongly that this has not been well thought through and that we should not widen this concept. We have already put on the table a much more accountable model of political funding. I would urge members to accept that and see how that operates. If they feel that this model produces hidden pockets of funding for political parties, then we can think about extending it in the future. But I do not believe the Greens' amendment catches that concept appropriately at this point.

**MR WHITECROSS** (Leader of the Opposition) (8.24): I have only one thing to add to what Mr Humphries has had to say, and that is that the provisions in this Bill are such that should an organisation collect money of sufficient magnitude - and I apologise if you did mention this - for distribution to one or more registered political parties, donations exceeding \$1,500, they, of course, have to put a return in anyway as a donor donating more than \$1,500. To use Mr Humphries's example: If the AMA did do a whip-round of their doctors and then handed the money over to a political party and that amount exceeded the \$1,500 threshold, there is no doubt that they would have to put in a declaration. In a sense, I do not see what additionally this achieves.

Moreover, paragraph (b) is quite clear. There are organisations out there which are controlled by either registered political parties or Independents and operate for the benefit of those parties, and they are pretty easy to identify under paragraph (b). Does an organisation which one year does collect money and another year does not collect money have to put in a return in the year that it has not collected any money because it is the kind of organisation that does collect money for political parties? Well, who would know? But if it does collect money for political parties, if it does make a donation to Mr Moore's campaign, then, of course, it has to put in a return.

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**Mr Moore:** If it is over \$1,500.

**MR WHITECROSS:** I think we are plugging a loophole which does not exist, quite frankly. I think we would do better to stick to the original Bill, rather than construct a new legal category of organisations under the vague heading of “collecting money for distribution to political parties” as one of thousands of activities that they might undertake.

**MR MOORE (8.27):** Ms Horodny is not able to defend her own amendment, perhaps because she does not understand it. I am quite comfortable about defending the amendment because I happen to think it is a very sensible amendment. Mr Speaker, I hear what the major parties are saying about this and I understand why it is that they do not want to support it. I think one could very easily argue that the Labor Club, for example, does not exist wholly or mainly for the benefit of the Labor Party; it exists as a club wholly and mainly for the benefit of members of the club.

**Mr Whitecross:** That is not what the Electoral Commission says, Mr Moore; the Electoral Commission says it is an associated entity.

**MR MOORE:** I hear Mr Whitecross interjecting that it does. Let me give another example which I think is pertinent in this case. It seems to me that it would be quite within the bounds of imagination to accept that an organisation such as the Conservation Council or the Australian Conservation Foundation - although I believe neither of these bodies has collected specifically for a party - is closely associated with the Greens and collects money for them. Under such circumstances, it is entirely appropriate that they then put in a return in that way and identify where the donations have come from.

I think great credit is due to Mr Humphries for putting this up when we know that one of the prime funding bodies for the Liberal Party is the 250 Club, which will be covered by this. We understand that this legislation is about making sure that the money is open to disclosure. In a criminal situation, we talk about laundering money. We are not talking about laundering it in the sense of any criminal activity but laundering it in the sense of hiding where the money has come from. This is what Mr Humphries is trying to achieve by this amendment. The Greens have put up an amendment to tighten that up by ensuring that there is even less chance of hiding the money by giving it to somebody who, in turn, makes the donation.

It seems to me, Mr Speaker, there are plenty of organisations which exist, not for this purpose completely but for an entirely different purpose. For example, an accountancy firm would fit into this in a very neat way. If somebody wants to hide money, you simply ask an accountancy firm, “Will you collect money and then make the donation to a particular party?”. The accountancy firm exists as a firm for its own existence. The word “laundry” comes to mind, but I want to use it in the context not of black money but of hiding money. This is a way about it and a way of avoiding it. I think this is a very sensible amendment, and I would hope members would reconsider it.

**MR HUMPHRIES** (Attorney-General) (8.30): I want to make one small comment, Mr Speaker, just to clarify something Mr Moore was saying. The effect of the associated entity provision, as amended by Ms Horodny, would be that if, for example, the local pensioners club has a whip-round for a local candidate, who happens to have spoken to them and who has impressed them, and hands over \$25 to that candidate, it is an associated entity. But an organisation, a business, or a trade union or anyone else who has raised \$1,400 for the same candidate will not have to put in a return at all. Is that not ridiculous?

**Mr Moore:** That is why I am dealing with those figures.

**MR HUMPHRIES:** For the \$1,400 donation I am referring to, even if it was \$1,500, there has to be disclosure only of the fact that company A or trade union A has made that donation. That is all you have to put forward. Associated entities have to put forward an annual return. The pensioners club has to do an entire annual return, with all the numerous provisions in the legislation about disclosure. It is a quite onerous arrangement. That is ridiculous, Mr Speaker, and I would urge members not to entertain the suggestion at all.

Amendment negatived.

Clause agreed to.

Clause 5

**MS HORODNY** (8.32): Mr Speaker, the Greens will oppose this clause and the other clauses through to clause 12 because they are consequential amendments and it is essential to delete these clauses so that the intention of our amendments is coming through fully.

Clause agreed to.

Clause 6

**MS HORODNY** (8.33): We will oppose this clause.

Clause agreed to.

Clause 7 agreed to.

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Clause 8

**MS HORODNY** (8.33): I move:

Page 3, lines 11 and 12, omit the clause, substitute the following clause:

**“Claims in respect of 2 or more elections on same day**

**8.** Section 210 of the Principal Act is amended by omitting subsection (2).”.

**MR SPEAKER:** Are you speaking to it, Ms Horodny?

**MS HORODNY:** Mr Speaker, I have already covered all the detail in my speech.

Amendment negatived.

Clause agreed to.

Clauses 9 to 12 agreed to.

Clauses 13 and 14, by leave, taken together, and agreed to.

Clause 15

**MR MOORE** (8.34): Mr Speaker, I ask for leave to move amendments Nos 1 and 2, circulated in my name, together.

Leave granted.

**MR MOORE:** They are linked. I thank members. I move:

Page 5, line 7, omit “section is”, substitute “sections are”.

Page 6, line 4, after proposed clause 221A insert the following new clause:

**Advice of obligation to lodge return**

“221B. (1) If, in a financial year -

- (a) a party receives gifts totalling \$1,500 or more from the same person; or
- (b) an independent MLA receives gifts totalling \$200 or more from the same person;



the party or independent MLA shall, before 1 August next following the end of the financial year, by notice in writing given to the person who made the gifts, advise the person of the requirements of section 221A.

Penalty: 200 penalty units.

“(2) In this section -

‘gifts’ has the same meaning as in section 221A.”.

These amendments would introduce a requirement for parties and Independent MLAs to inform their major donors of the donors’ legal obligation to report to the commission. I see this as a very simple thing for parties and so forth to do. It is a simple matter of printing on receipts a message that says, “You have an obligation to report your donation to the commission”. It really is as simple as that. The provision will aid the commission in obtaining all of the donor reports necessary to reconcile the annual returns given by parties, thus completing the public record. It effectively allows a sensible auditing of what goes on.

It also, of course, provides an extra incentive to parties to ensure that they submit complete returns. Although I understand that parties in this Assembly all complete their returns, when we read the report of the Electoral Commissioner that I had in front of me just a short while ago, we see that there was one party, for example, that was deregistered and had not completed their reporting requirements. It was not either of the major parties and was not a party that had anybody elected. Nevertheless, I think it is of community interest because the same party may well either be re-formed or stand at another election. I think it is of community interest. It does allow appropriate auditing and is not a particularly onerous task.

When one reads the drafting instructions I gave and then the complex amendment that came back, one is often surprised that what appears to be a very simple notion comes out so complicated. What I perceive happening, and what this does, is just requires the parties and Independents to put on their receipts, “You have an obligation to report your donation to the Electoral Commission”. I think that is not particularly onerous. It applies only, in the case of a party, to gifts totalling over \$1,500. We are not talking about everybody who gives a donation when the hat is passed around having an obligation to report to the commission. Of course, it would be ridiculous for an Independent MLA, where the gift totals \$200 or more. There is, once again, an obligation there. We are not talking about small amounts; we are talking about substantial amounts of money. Then there becomes an obligation. I think that is a reasonable position to be in. I recommend these amendments to members.

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**MR HUMPHRIES** (Attorney-General) (8.38): I have some nervousness about these amendments. There is a very heavy penalty imposed for a party or an Independent MLA receiving a donation of a certain sort described in that amendment which does not - - -

**Mr Moore:** It is \$1,500 or \$200.

**MR HUMPHRIES:** Yes, that is right; of that kind, if there is not appropriate disclosure to that person of their obligations under the Electoral Act. I am not entirely sure it is the obligation of the political parties or Independent MLAs who might receive money in these circumstances to do the work of the Electoral Commissioner in indicating obligations under the Electoral Act. There is also the concern that, in theory, it is possible for donations to be made at party fundraising functions, where large sums of money can be handed over, put into a hat or whatever, a bid on a Dutch auction or something like that, which - - -

**Mr Moore:** What, \$1,500?

**MR HUMPHRIES:** It is possible that, over a series of those occasions maybe leading up to an election campaign where someone comes along to lots of those functions, the money could be handed over. Receipts, of course, are not issued in those circumstances. Someone might be in the position of breaching that legislation, and more particularly the party would be in the position of breaching the legislation. But I concede that it is not likely.

Mr Speaker, the Liberal Party will support these amendments. But I just indicate my slight nervousness about them. It is an obligation on parties and Independent MLAs to convey information to people who make donations. Clearly, the easiest way of satisfying that requirement is to have wording of some sort on receipts issued by the party; and, if parties and Independent MLAs can organise their affairs so as to have those receipts available, then obviously that overcomes that difficulty, at least as far as I can see at this point. I simply indicate that I am slightly nervous about the obligation being placed on parties and I will watch the operation of these provisions over the next few years and see how they impact. I hope they result in some measure of better understanding by donors of their obligations. I am sure there are lots of people out there who do not understand their obligations to complete returns under the Electoral Act. Perhaps it is timely and appropriate to be able to remind them of that through a device like this. With some slight trepidation, I indicate that we will support these amendments.

**MR WHITECROSS** (Leader of the Opposition) (8.41): The Labor Party will be supporting these amendments. The kind of procedure described by Mr Moore and by Mr Humphries provides a relatively painless administrative procedure which should give effect to the obligations of parties and individual MLAs under this provision. For that reason, I do not think it is an overly onerous provision. I must say, Mr Speaker, that I am a little bemused by the notion that it is the job of political parties to ensure that other citizens in the community know their obligations under the law and can be subject to 200 penalty unit fines for failing to meet those obligations. But I do believe that, as a practical matter, it should not be an overly difficult matter to comply.

One thing I should point out, Mr Speaker, which I do not know whether Mr Moore fully appreciates - perhaps he does - is that the \$1,500 talked about here is different from the \$1,500 talked about in regard to the obligations of parties to submit a return. It is possible, under this proposal by Mr Moore, that a political party could have an obligation to notify an individual of the need to submit a return of their own, even though the political party is not under an obligation to include that person on their own return, because, under the provisions relating to returns of political parties, there are exemptions for small donations, whereas there is no similar exemption under this provision.

Theoretically, political parties must keep track of every \$10 given to them in order to satisfy their obligations under this provision. As a practical matter, I think Mr Humphries is right. If, as a routine matter, on every receipt you point out this obligation, you have probably satisfied your obligations under this provision. The chances are that you will have given anyone hitting \$1,500 a receipt at some stage which, in the course of events, tells them that. But it would be practically impossible for a political party to literally know when someone hit the \$1,500 if, as Mr Humphries said, some of that money was handed over in circumstances where receipts were not issued. I know that the Labor Party, whenever we can, does receipt things; whenever we receipt them, they go into the computerised accounts; every donation, whether it is \$10 or \$1,000, gets added up; and if it is over \$1,500 into the return it goes.

We do our best; but it should be understood that this \$1,500 imposes a new obligation which, in a literal sense, is very difficult for political parties to meet. But I am happy to accept the obligation on the basis that I think we can adopt administrative practices which will get us near enough. I am not sure whether it is a satisfactory situation that we have to rely on being able to get near enough rather than being able to exactly meet our obligations. Nevertheless, I think we can get near enough.

**MR MOORE (8.45):** Mr Speaker, I would be under the impression that a judge would find acceptable a case coming in under these circumstances where all receipts of an Independent have on them, "You have an obligation, where a gift goes beyond \$200, to submit a return to the Electoral Commission". Similarly with a party, it would be "beyond \$1,500". In drafting this amendment, I personally thought that the obligation would be met under those circumstances. I hope that, if that is the case, this *Hansard* would be taken into account.

I am also conscious, Mr Speaker, of Mr Humphries's statement that he believes that the current penalty of 200 penalty units or \$20,000 is too onerous. It is a very serious obligation indeed and would indicate to a judge just how serious this obligation would be, and that is reasonable. Mr Humphries has approached me and said publicly that he believes it is too onerous, and I accept that. I see that he has an amendment. No doubt he will speak to it shortly. I just indicate to the house, to save time, that it is acceptable to me as it perhaps helps to deal with the issue that the major parties have raised.

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**MR HUMPHRIES** (Attorney-General) (8.47): Mr Speaker, I move:

Omit "200", substitute "50".

Just for the sake of the record, that 200 I refer to there is the 200 penalty units, not the \$200 or more. I would not like to think that, if a party volunteer was working in an office, received a cheque, wrote out a receipt in the wrong receipt book and sent it to a particular person - - -

**Mr Moore:** Or in good faith, wrote it out on a piece of paper.

**MR HUMPHRIES:** Or in good faith, wrote it out on a piece of paper if they were somewhere where there was not any receipt book handy, they would be incurring their party a fine of \$20,000. In fact, I doubt that under this amendment they would incur a fine of even \$5,000; but I think lowering the maximum penalty for a provision of this kind is appropriate. I moved that amendment to reflect what I think is probably a more appropriate level of seriousness of an offence under this provision.

Amendment (**Mr Humphries's**) to Mr Moore's amendments agreed to.

Amendments (**Mr Moore's**), as amended, agreed to.

Clause, as amended, agreed to.

Clause 16

**MR MOORE** (8.48): I move:

Page 6, lines 5 to 11, omit the clause, substitute the following clause:

**"Interpretation**

**16.** Section 223 of the Principal Act is amended by inserting after paragraph (e) of the definition of 'electoral expenditure' in subsection (1) the following paragraph:

'(ea) producing and distributing electoral matter that is addressed to particular persons or organisations and is distributed during the pre-election period;'.

This amendment prevents the removal of consultants' fees and advertising agents' fees, as Mr Humphries has proposed in the legislation. I think this is a particularly important category and it is what I had presented as my third objective. Reporting of election expenditure is an important and accepted part of the law. The additional category in the Commonwealth legislation is one Commonwealth improvement which the ACT could copy.

We should not delete items from our ACT legislation just because the Commonwealth has done so. In fact, this one worries me particularly, because we have the situation where it will not be necessary to claim consultants' fees and advertising agents' fees. It would seem to me that, if you are running an election campaign and for some reason you decide you want to hide the expenditure that the parties are going through because you do not like the advertising or the media attention that that brings about or something, all you need to do is pay it to a consultant and you no longer have a problem.

Let me give you a much better example. Recently, the Federal Liberal Party was in strife over encouraging a tender by a particular advertising group that they had been involved with in their election campaign. There was a series of questions asked about whether it was appropriate for them to do so or whether there was a conflict of interest in terms of the Government trying to look after somebody who had looked after the party. Under this proposal, it might well be the case that we would have no idea who the advertising agent was, because there would be a propensity for people to say, "I will pay the consultant to run the campaign; the consultant then can employ whom they like; and we no longer need to do it". I think that would be an inappropriate way to go. I think my amendment achieves that.

I draw members' attention to my amendment No. 6, which is part of the same issue. If this amendment fails, I will not be moving amendment No. 6. However, if it does pass, then I will need to move my amendment No. 6 at a later time.

**MR HUMPHRIES** (Attorney-General) (8.51): I have been persuaded by Mr Moore that there is some value in accepting his amendment. I understand that the reason the Federal Government at the time proposed to remove the requirement to include in electoral expenditure any expenditure on consultants and advertising agents in respect of a pre-election period was that there was some murkiness about the distinction between such expenditure during that period and at other periods between elections. For example, if a political party were to commission an opinion poll and used a consultant to conduct an opinion poll two years out from an election, then that would not be electoral expenditure pursuant to the provisions of section 223 of the Act unless that opinion polling, that information, was used again in respect of the pre-election period. But, of course, it is very hard to know just how it is used in that period. If a party worker picks it up, reads it and draws some conclusion from it or perhaps tells someone else about it, writes a letter about it or whatever, is that being used or is it not? It is very hard to know.

Notwithstanding that, Mr Speaker, clearly, in those circumstances it would be safer for people with that kind of material, having engaged in those kinds of dealings with advertising agencies and consultants, to accept that they should disclose all that spending in their returns. We are not talking about an onerous degree of disclosure either; we are talking simply about a line that says, "XYZ Advertising Agency, \$2,000". That is not exactly onerous, in my view. Although this takes us out of line with the Commonwealth legislation, this is in respect of ACT elections. In a sense, being in line with requirements for Commonwealth elections is not exactly a heavy burden and I would suggest it is acceptable to pick this amendment up.

**MR WHITECROSS** (Leader of the Opposition) (8.54): The Labor Party will also be supporting this amendment. I was slightly confused by Mr Moore's speech because I think at one stage he started talking about consultants collecting donations, which is not related to this; but he subsequently gave an example which did relate to expenditure by an advertising agency. Indeed, that is what it is about. I am satisfied that the effect of this will be to broaden the range of electoral expenditures for which declarations have to be made and, in that sense, will provide a fuller declaration than might have otherwise been provided. I had had some concerns that perhaps this was just going to be about shuffling money from one slot to another slot; but, as it appears that we are just broadening the range of electoral expenditure which will have to be declared, I think it is helpful and increases openness. For that reason, I am more than happy to support it.

Amendment agreed to.

Clause, as amended, agreed to.

Clauses 17 and 18, by leave, taken together, and agreed to.

Clause 19

**MR MOORE** (8.55): Mr Speaker, I oppose this clause. It is fundamental to what I was interested in. The issues that we have dealt with until now have been relatively minor compared to the real objections I have to this part of the Bill. If we are to retain the rigour of our ACT disclosure laws, as a consequence we must abandon the Government's plan to excuse parties from the ACT's reporting obligations. They will then be able to submit a copy of their less rigorous Commonwealth return. This is what this clause is about. If this clause passes, my whole series of consequential amendments will not need to be moved.

These are the reasons why the clause should not be supported. We currently require the disclosure of details of all donors who donate more than \$1,500 a year to a party or, in the case of Independents, \$200. We currently require all donations to be counted in the \$1,500 threshold test, with only one exception; that is, donations up to \$99 made on fundraising occasions. This clause that Mr Humphries has put up seeks to remove a fundraising event. Section 229 of the Act says:

- (1) For the purpose of this Division, the regulations may prescribe -
  - (a) a class of events that are to be taken to be fund-raising events; and
  - (b) a class of events that are not to be taken to be fund-raising events.
- (2) Nothing in paragraph (1)(a) is intended to limit the kinds of events that are fund-raising events.

Clause 19 will repeal that whole section about fundraising events. The change proposed by Mr Humphries would allow an exemption for amounts up to \$499 paid in any way. The details of the donor who paid \$499 every day for the whole year would not require notification by the parties. For ease of calculation, let us call it \$500; multiply it by 350, and you realise that we are talking of about \$175,000, if my calculation off the top of my head is correct. Did I get that correct, Mr Humphries? We are talking large sums of money. This is simply unacceptable, Mr Speaker.

This is the change that is proposed in this Assembly by a Government that claims it wants to be open. At the moment it simply cannot do that, but it will be able to if my proposals are not accepted. Even if the Commonwealth laws were always superior, we would need to amend our legislation every time they amended theirs anyway to keep up with them. This whole argument, this objective of matching the Commonwealth at all times, is quite silly. It is a good idea for us to try to be consistent with the Commonwealth where possible and where it will not weaken our legislation. I refer to Mr Humphries's own argument over the gun legislation. He said, and rightly so, that we should go with the Commonwealth on terms of unified weapons legislation but we ought not weaken our own legislation. That is what Mr Humphries said, and he had the unanimous support of this Assembly. I think the same principle should apply here. Yes, we should go with the Commonwealth where we can, but not at the price of weakening our own legislation.

I have already referred to the comments in the annual report of the Electoral Commission that said basically what I have just said. Yes, it does make good sense to remain consistent with the Commonwealth; but, on the other hand, the Electoral Commissioner made it very clear in that report that this would weaken the legislation. Although he did not make any specific recommendation as such, that message is clear to anybody who believes that we should ensure that our electoral legislation allows for openness in terms of disclosure of finances.

Why would we want to do this, Mr Speaker? It is very clear that, every time a member in this place votes on something, the community ought to feel that the decisions are made in a free and unencumbered way in terms of donations. Most people would say, "If somebody has donated \$1,500 to a party, or a couple of hundred dollars to an Independent, in a year, that normally would not be considered enough to buy them off". That is why we would make this sort of exception. Most people would argue that it would take more than that. It is an ethical issue about what is a reasonable donation to a party. Somebody thinks the community is going to be better off having a particular party - the Liberals, Labor or somebody else - in power and, therefore, is prepared to put a bit of money in; as opposed to a group or somebody else who is donating specifically to try to ensure that they get the ear of the government. That is the distinction that we are dealing with here, and that is why it is that I have raised these matters.

I must say, Mr Speaker, there is something that distinguishes us from the Commonwealth, as far as this goes, and that is that an election campaign run at Commonwealth level is a very expensive item. We are talking millions of dollars. In the ACT, expenditure on election campaigns does not run at that kind of level. Some get up around \$100,000, I understand; some even just top the \$100,000, I understand. The parties might like to inform me so that I understand correctly. Mr Osborne ran his campaign, as I recall, for something like \$1,800. Mine cost just over 10 grand, as I recall.

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**Mr Humphries:** Cheap at half the price.

**MR MOORE:** Cheap at half the price. Thank you, Mr Humphries. You are hoping that next time I will run it at half the price. I understand that; yes, indeed.

I think these are critical issues; they are not to be dismissed simply as lining up with the Commonwealth. We do not have those arguments. I do not believe anybody in the Assembly can justify to the public a weakening of this responsibility, because it will be seen only as providing the possibility to conceal political donations. One has to ask about concealing political donations. If I were particularly cynical about this - and publicly I have not been - I would say this is just an attempt by Mr Humphries to conceal political donations. I must say that would be terribly unfair. It would be unfair.

**Mr Whitecross:** You would not say that, though.

**MR MOORE:** No, and I am going to illustrate why. I have not said it, because we can see from the rest of the Bill that Mr Humphries has made an appropriate attempt to have open disclosure, with reference specifically to how the 250 Club falls under this provision. The Opposition has supported it. We know that the associated entity parts of the Bill will catch the 250 Club. Mr Whitecross assures me that the Electoral Commission tells them that it will catch the Labor Club. Having heard people support that, I think the intention of individual members has not been about concealing donations; yet that is the effect of this Bill.

If people doubt what I am saying, then I suggest the best thing to do would be to adjourn debate on the Bill at this stage and come back and deal with it at a later hour tonight or early tomorrow morning; or, if you wish to take advice, Mr Humphries, I would be very happy to have it put off until December. It seems to me that we ought not be taking any actions which will conceal donations. If we want to avoid concealing donations, then I urge members to support me in my opposition to this clause.

**MR HUMPHRIES** (Attorney-General) (9.04): Mr Speaker, first of all, I have to express, perhaps, just a little dismay at the conspiratorial world that Mr Moore imagines that political parties, obviously not like his own, dwell in - the world where a little bit of money changes hands; you make a donation; and anything can happen. Obviously, he will laugh sarcastically at my comment, but I honestly do not believe that Australian politics, at least politics in the ACT, operates at that kind of level.

**Mr Moore:** Ha! Come off it, Gary.

**Mr Whitecross:** It worked.

**MR HUMPHRIES:** It worked. He did laugh, you see. I predicted it accurately.



**Mr Moore:** I should come back and explain it to you.

**MR HUMPHRIES:** Well, okay. Perhaps, Mr Moore, you know of cases where people have taken some money and made a decision on the basis of the taking of that money. In my seven or eight years in politics I have not seen that happen. There is not even a case where I could say I suspected it. I have never seen even a case where I have suspected that someone has received money and made a decision accordingly. I know that that is not a very plausible line to run publicly. I know that I am not going to get up in the media and say, "We are honest politicians and you do not have to worry about letting us receive donations without it influencing us". That is not going to cut much mustard. But I have to say that the dark and nefarious world that Mr Moore describes is not quite the political world that exists in the ACT, at least at the present time.

Can I debunk quite emphatically something else Mr Moore said. Mr Moore has created the impression that if you make lots of small donations - he gave the example of a \$499 donation 350 days a year - you are off scot-free under the legislation. He said, "Do not worry; you escape the disclosure requirements. You can channel all the money you want through this device" - or at least up to that \$175,000, or whatever it is - "to your favourite political party, and you are home and hosed". Mr Moore does not acknowledge that the legislation also imposes a requirement on individuals, and that requirement on individuals is that donations over a financial year exceeding or equal to a total of \$1,500 have to be disclosed.

**Mr Moore:** And they now have to be informed that it has to be disclosed.

**MR HUMPHRIES:** Indeed, under Mr Moore's provisions, they now also have to be informed that they need to disclose donations above that level. Why is it that the nefarious political parties to which Mr Moore refers are very dishonest but are the ones who are supposed to be the gatekeepers, the people who in turn keep their donors honest by keeping records which they then disclose to the Electoral Commission? It does not make sense, Mr Speaker; it just does not make any sense.

I think that what the provisions here do is take out - again, in line with the Commonwealth; I acknowledge that - a layer of disclosure which has been fair enough in the context of the ACT electoral system until now but which is not necessary in order to keep our electoral process honest, I believe. I repeat: I do not believe someone who makes small donations in this context can be described in any shape or form as an influence of any significance whatever on individuals within the political system; at least, that is my assessment of politics at this time in Canberra. I understand the force of Mr Moore's argument, but I urge the house to reject his arguments.

**MR WHITECROSS** (Leader of the Opposition) (9.09): Mr Speaker, the Labor Party will not be supporting this package of proposals, of which opposition to this clause is the first, which would create a divide between the reporting obligations of political parties under this Act and the reporting obligations under the Federal Act. Put simply, we do not see any justification for this. We believe that, as I said in my remarks at the in-principle stage, the suite of amendments that we have here, which includes obligations on individuals to put in returns where their donations exceed \$1,500, as well as an obligation

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on political parties to put in a return when the donations they receive exceed \$1,500, do a good job of ensuring that, by coming at the problem from both ends, there is the maximum disclosure to the public of who is contributing to political parties and to political campaigns. There are obligations on the donors; there are obligations on the political parties; and there are obligations, of course, on associated entities. With those obligations, we are in a situation where there is the maximum opportunity for the public to know who is contributing to political parties and how much.

Mr Speaker, the Labor Party earlier supported an amendment which has the effect of putting an obligation on the political parties to notify their contributors of their obligations under this Act. No contributor under this scheme, as set out in this Act, can say, "I did not know I had an obligation under the Electoral Act", because they have been notified by the relevant political party that they have that obligation. Mr Moore might have had half an argument before, when he could make out that someone could have made their series of \$499 donations and not realised they had an obligation under the Electoral Act to put in a declaration; the major political party did not put in a declaration because, of course, none of the amounts exceeded the \$500; and the public would never know any better. But, under the amendments we have already agreed to, the political party is under an obligation to advise that person, "You must make a declaration under the Electoral Act". The person has no excuse for not putting in that declaration. It seems to me that the provisions do all that is reasonable to ensure that the political parties fulfil their obligations and that donors fulfil their obligations to make public their donations.

Mr Speaker, let me dwell for just a minute on the cynical scenario that Mr Moore tried to conjure up for us. If, as Mr Moore suggests, there is someone out there who wishes to make donations under the \$500 threshold which need not be counted, and the political party presumably, whether directly or indirectly, conspires with that person to not issue any receipts for these amounts, so that there is no record in the party's accounts of these donations, and does not advise them of their obligations under the Act, and that person also chooses to conceal those donations - if all these people have willingly entered into a conspiracy to conceal a sizeable donation to a political party in exchange for which they propose to provide some political favour, then we are in the area of deliberate criminal intent. It seems to me that, whether the threshold is \$100 or \$500, you do not really solve the problem. What you are dealing with is malicious intent.

When the Electoral Commissioner comes in and audits your books and sees that you have received 25 donations of \$499, do you not think the Electoral Commissioner's eyebrows are going to be raised? Even if you have not technically broken the law, do you not think the Electoral Commissioner will be reporting to parliament that perhaps there is a problem here in that political parties are engaging in some sharp practice; and do you not think the Electoral Commissioner will be on the case of the individual who made those 25 donations of \$499, saying "How come you did not put in your return under the Electoral Act, as required?", and might be trotting them down to the court to explain themselves to the judge? It seems to me that there are plenty of safeguards in the administration of this Act, and I do not think Mr Moore can make out a case that the difference between a \$100 threshold and a \$500 threshold is going to make any difference to the safeguards that are in the Act.

If Mr Moore wants to imagine dark conspiracies under which people conceal huge donations in return for political favours, then you are in the realms where no Act of parliament can save you. You are in the realms, then, of deliberate or malicious criminal activity, and that is not what this Act is about. This Act is about saying to donors to political parties, "You must declare your donations when they exceed the \$1,500"; it is about saying to political parties, "You have to tell your donors that when they exceed the \$1,500 they have to put in a declaration, and you must put in a declaration yourself when they exceed the \$1,500". Mr Speaker, the safeguards are there and we should not allow Mr Moore to use hypotheticals to create the impression that there is some gaping loophole in the legislation which simply does not exist.

**MR MOORE (9.15):** Mr Speaker, the loophole does not exist; it is quite clear the loophole does not exist. You are about to make it; you are about to put a loophole into the law. I will illustrate now the way the law exists at the moment and until this is gazetted, if indeed it goes through tonight. All donations in the \$1,500 threshold test are counted, with only one exception; and that is donations up to \$99 made at a fundraising event, as defined in the Act; and that is what you are removing. We had Mr Whitecross going through this scenario about conspiracies and dark times and all those sorts of things. He may not want to attest to the morality of the Liberal Party or the Labor Party, but what would happen if you were to do a moral audit of any party? I would remind you that the Call to Australia Party may well be standing at the next election. They have introduced us to the notion of the moral audit. This is why I am quivering in my boots. As I say, I have little doubt about the morality of the Labor Party or the Liberal Party, of course. If the Call to Australia Party were to go through a moral audit, we may well reconsider our whole position on a whole range of issues, this being one. Mr Speaker, to be fair, I do say that a little bit tongue in cheek. I do not want any papers, even if they were to be sent this piece of *Hansard*, running stories that I am saying certain things about members of parliament in other parties. I think we all understand the moral audit argument.

It is not a question of this style of conspiracy. The question is: Why would you open up this further opportunity? Mr Whitecross says, "If we have a conspiracy, then it will be a criminal conspiracy and it can be dealt with under other legislation". I think that is probably a fair interpretation of what would go on. What we are providing, though, is a situation where, if my proposed amendments were to pass - I concede they now have a very slim chance, but I will try my persuasive powers one more time, Mr Speaker, and draw members' attention to the fact that a normal auditing practice was the practice of testing one donation against another donation, or one set of moneys against another set of moneys - that standard auditing practice, which would allow the Electoral Commissioner to easily check sums of money declared by a party against sums of money declared by individuals, would be undermined.

Where the commission carries out such an audit in the future I expect we will see a substantial sum of money donated to a party not declared, with money declared by individuals, but not knowing what money matches what and not knowing what money can be ticked off against the other one. I would hope the Electoral Commissioner, presuming this legislation passes, would report that issue back. At that time at least you will be able to reconsider this position. I believe this is a considerable change to the legislation and will allow the concealing of money. That simply does not happen at the moment.

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I cannot see a sensible reason for doing it. If you do not have a sensible reason for doing it, then why change the status quo? The best two reasons you have been able to come up with so far, I believe I have shown you, are ludicrous. The first is that we keep in line with the Commonwealth. Well, yes; we do that if it is convenient and we do not weaken our own laws. The second is that it places a particularly onerous task on the parties. Both major parties have accepted, and I know the Greens have, that the task is not onerous. We do not at this stage have an onerous task. If this change goes through it will mean that these returns will be tiny; there will be hardly anything in them. If we look at the levels of donations in them, we will find very few donations at all appearing in there.

**MR WHITECROSS** (Leader of the Opposition) (9.20): Mr Speaker, I have to rise to answer a question that Mr Moore asked. He said, "Why would you not support this? All we are trying to do is make the law a little tighter. Why would you oppose this?". Well, you would oppose this because Mr Moore is going down a path, with a suite of amendments, which will have the effect of obliging political parties which contest Federal elections as well as ACT elections - of which, of course, Mr Moore is not one, but some of the rest of us are - to submit two returns, with different standards of accounting, in order to satisfy Mr Moore. For the differences that are there, it seems to me it is simply not justified; it is unnecessary bureaucracy for the ACT Electoral Office; it is unnecessary bureaucracy for the political parties; they are just as clearly available, whichever way you do it.

Can I just say for the record that there is no question about the way the Labor Party goes about adding up its numbers to the \$1,500. Any donation, whether it is \$10 or \$1,000, that we have received ends up on the computer and is added in to get to the \$1,500. There is no question of the Labor Party playing the kinds of games that Mr Moore suggested might be played, where people go through with a red pen and delete all donations of less than \$500, to avoid having to declare people's names in the electoral return. There is a reason why, regardless of the strict provisions of the law, we do not want to do that. It is not, as Mr Moore conjured up, a simple matter of someone sitting at a desk in an office somewhere and comparing individuals' returns with political parties' returns; there are investigative powers set out in this Act. I know for a fact that electoral commissioners, from time to time, do go along and pore over the books of political parties to see whether the books match what they put in their returns. It is not just a matter of a desk audit. There are real investigations done.

I am absolutely confident that the electoral commissioner, whether of the ACT or of the Commonwealth, who came across a situation where a political party was accumulating large amounts of donations which it was deliberately concealing by taking advantage of this kind of provision would have that brought to the attention of people. I do not believe that we are going to end up in a situation where any political party is going to be collecting \$5,000 or something in donations and not declaring it. This is not about the right of a political party to conceal donations, as Mr Moore might like to imply. This is about not being put in a position of having to submit two sets of virtually identical returns, which reveal the same things, to two different parties just because we have established a marginally different set of obligations under this Act. I think the question

has to be asked: What public policy purpose is served by creating a separate set of obligations here? As I said before, in practical terms I do not believe there is a loophole in our legislation, as proposed by the Government. Under those circumstances I do not see any reason why political parties who operate at the Federal level and the ACT level should be put under an obligation of having to produce the same information twice, to satisfy Mr Moore.

**MR MOORE (9.25):** I believe I need to seek leave to speak again.

**MR SPEAKER:** You do, indeed.

**MR MOORE:** I seek leave to speak for a short while.

Leave granted.

**MR MOORE:** I thank members. I want to clarify something that Mr Whitecross said about no party going through with a red pen and crossing out donations. I would not expect that would happen, certainly with the parties represented in this Assembly at the moment. When I look back through the Labor Party declarations, I do notice that the Canberra Labor Club has made a series of donations as set out in the last pages. I just draw the attention of members to a note that says, "Please note that this total includes a value put on other assistance as well as cash donations". There are several donations of \$600. In fact, they are spread over a couple of pages. There is one \$25 donation. There are also some larger sums. They would be included. What I am saying is that because these are under \$1,500 they would never - - -

**Mr Humphries:** Corruption, for \$25.

**MR MOORE:** There are many donations of \$600.

**Mr Whitecross:** You said \$25 a moment ago.

**MR MOORE:** There is one \$25 there. What would happen under this change is that none of these would need to be declared at all.

**Mr Whitecross:** We declared \$25 when the threshold was \$100.

**MR MOORE:** Indeed; but what Mr Whitecross seems to misunderstand is that the \$25 always needs to be declared, unless it was collected at a qualified fundraising event. In fact, that is the very clause that we are talking about now. Effectively, we have discussed the whole series of clauses together so that we do not have to keep going through this process.

**Mr Berry:** You do not know anything about them.

**MR MOORE:** Mr Berry interjects, "You do not know anything about them". Mr Berry, I was just explaining this.

**MR SPEAKER:** Interjections are out of order; they should not be answered.

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**MR MOORE:** I am appalled at Mr Berry's ignorance, Mr Speaker. I very carefully drew attention to this.

There was one other point that I would make, which is why I sought leave to speak again rather than make a personal explanation. The other point I would like to make, Mr Speaker, does relate to the notion that people are actually being paid off. I think most of us would accept - and I accept it - because we deal with all these members on an almost daily basis, that we do not have a situation where members are paid off. I have never accused members of that; I have never believed that members fit into that category. However, what I do believe is that, where large donations are made to a party or to a member, that has an influence on their way of thinking. It makes it much harder to work against somebody who has made a major contribution to a party and it is difficult to make a judgment about where that style of contribution is.

When one looks through these returns one sees a donation of \$2,500 to both the Labor Party and the Liberal Party by the Master Builders Association. Today we saw a situation in the case of the long service leave Bill where, in spite of that \$2,500 donation, the Labor Party took a stance which was clearly opposed to what most of us would see as being in the interests of the Master Builders Association. It is a difficult question as to where that line is drawn and what the influence is. But one also has to ask: Why would an association like the Master Builders Association donate \$2,500 to both major parties if they were not seeking, if you like, some goodwill? What we are talking about is the goodwill. What possible reason would they have for doing that?

**Mr Whitecross:** Because they are hoping we will win your seat and you will not.

**MR MOORE:** Indeed, Mr Whitecross; I accept that; there is, after all, a reason. But it does illustrate the point that it is a very different situation from somebody who makes a donation to a particular party because they think society would be better off if that party were in power. We see it federally where major corporations make donations of very large sums of money to both major parties. If that is not about goodwill, then what is it about? There is a most important question about this still outstanding in my mind, and the question is: Why would we open up a loophole when no loophole exists?

Clause agreed to.

Clause 20

**MR MOORE (9.32):** I move:

Page 7, lines 9 to 12, paragraph (b), omit the paragraph, substitute the following paragraph:

“(b) by inserting after paragraph (4)(e) the following paragraph:

‘(ea) producing and distributing electoral matter that is addressed to particular persons or organisations;’.”

This amendment is a mirror of the amendment to clause 16 that was agreed to by the Assembly.

Amendment agreed to.

Clause, as amended, agreed to.

Clauses 21 to 24, by leave, taken together, and agreed to.

Clause 25

**MR MOORE** (9.34): I move:

Page 10, lines 29 and 30, proposed new subsection 234A(3), omit the subsection.

Mr Speaker, the position is quite extraordinary. We have gone through a process of passing a whole series of amendments that strengthen the legislation, on one hand, and now we seek to weaken it, on the other hand. I think it will be weakened in some ways, but at least we should try to get those parts of the legislation which strengthen it through.

The Minister has a power to make regulations. The regulations may reduce the amount of information to be provided in returns under section 231B. These are the returns that are needed to be made by an associated entity. It is those entities that we are now talking about. They have to make a return as set out in the new section 231B that is set out at page 8 - for members' information - of Mr Humphries's Electoral Amendment Bill (No. 3).

I concede that there is the power of disallowance. However, I cannot see why it is that you would want to reduce the conditions that are set out in the legislation, and I would be very interested to hear what possible thought Mr Humphries has for reducing the amount of information under section 231B. In fact, I find it ironic that it actually says "reduce". Not even the regulations may change the amount of information to be provided.

If this part of the legislation is going to pass - and you would think that annual returns by associated entities needed some modification - why only reduce it? If they are going to need some modification, then you might provide more information. I do not quite understand what it is that is behind this, what is on the Minister's mind, which is why I have moved an amendment to omit this subsection.

**MR HUMPHRIES** (Attorney-General) (9.37): I will explain why I do not support the amendment. Mr Speaker, on the face of it, this is a fairly extraordinary provision. I am not sure whether it is exactly a Henry VIII clause, but it is something very closely akin to it. It says that legislation which sets certain parameters for disclosure is passed, but then a Minister can make a regulation that actually reduces the amount of information which has to be disclosed. That, on the face of it, is a fairly extraordinary provision.

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We normally work on the principle that, if parliament provides for certain things, the Executive will not detract from those positions or weaken or reduce the operation of those provisions unless specifically empowered to do so. Well, in this case it is.

The reason I suggest that we should support this is not that in principle I am particularly enamoured of this kind of provision - in fact, generally I am not in favour of it at all - but that it reflects the provisions in the Commonwealth Electoral Act. If we do not have this provision, if the Commonwealth regulations are changed to reduce the disclosure provisions in the Commonwealth legislation and we do not have the capacity to quickly follow suit through regulation, then we potentially destroy the capacity of parties or candidates to supply an annual return which is the same for the Commonwealth and the ACT at the one time.

The whole exercise has been about allowing parties or individuals who happen to stand for election at both levels to do so and to satisfy the requirements with the same single return. It is conceivable that, if we do not have that regulation-making power in our legislation and the Commonwealth exercises its in the same way, we end up destroying what is basically the object of this exercise, which is to have a single document you can use in both contexts. Although I do not support the principle generally, in this case I think it is important that we do have it.

Let me remind members, Mr Speaker, that if the Government uses a regulation such as this, of course, it is a disallowable instrument; it has to lie on the table in this Assembly. If members feel that the reduction in the amount of information to be provided in returns is inappropriate, then of course they can move not only to disallow it but also, under our Subordinate Laws Act, to amend the regulations; to do something quite different; to expand it if the Assembly so wishes. Not much is lost in those circumstances.

The only situation where there would be some serious problem occurring would be if the Commonwealth amended its regulations to reduce the amount of information required just before the ACT parliament was to be prorogued and the ACT Executive were to follow suit before there was time to call the Assembly together to overturn this regulation. In that circumstance, some arguably serious harm could be done. But that is a very remote possibility. A government which tampered with the electoral laws just before an election would be very foolish indeed, and I suggest that is not a real danger. The appropriate course of action, I think, is to reflect the Commonwealth provisions. I therefore urge members to oppose Mr Moore's amendment on that score.

**MR WHITECROSS** (Leader of the Opposition) (9.40): I share Mr Moore's concerns in relation to this provision. I also share Mr Humphries's concerns in relation to it. However, like Mr Humphries, I am persuaded that, on balance, it is the right way to go on this occasion. I will be opposing Mr Moore's amendment.

**MR MOORE** (9.41): I do not consider this one to be anywhere near as serious as the other ones that I have not moved as they would be lost. Indeed, I recognised at the time that this was a disallowable instrument, and I indicated that. I accept that there is another tool for dealing with it, and that makes it a much less serious situation than the others. Although I still think it is a good idea and I am a bit disappointed, I think I can understand the Minister's view.



I will just say, though, Mr Speaker, in case you thought I was going to stop there, that the principle which has operated this evening and which is driving much of this attitude is that we must remain aligned with the Commonwealth. One does wonder, if you take this kind of attitude, why it is, then, that we have a separate electoral Act, a separate electoral commission and so on for the ACT. That, perhaps, is a little naive in the sense that our Electoral Commissioner has to deal with the Hare-Clark system, which is, of course, very different. But it is different in this respect only. One does wonder about such a close alignment. We do have our own Electoral Commissioner, and we need one. From these other perspectives we need to have our own Electoral Commissioner who can monitor our system under Hare-Clark, who can ensure that it works efficiently and who responds directly to this parliament.

But to then say, “We therefore, must align with the Federal Parliament”, I think, is very questionable indeed. It is even more so, Mr Speaker, when we have a situation where the Labor Party and the Liberal Party have ACT branches, and I realise those branches do contest Federal elections, are involved in those and are involved in fundraising for those elections. But I think that being able to separate that money is not that hard.

Amendment negatived.

Clause agreed to.

Remainder of Bill, by leave, taken as a whole

**MR HUMPHRIES** (Attorney-General) (9.44): Mr Speaker, I seek leave to move my two amendments together.

Leave granted.

**MR HUMPHRIES:** Mr Speaker, I have circulated a supplementary explanatory memorandum on these two amendments. They are very simple. One is to align the reporting date with the amendments that were effected by the Electoral (Application) Act a few weeks ago; and the other is to repeal the Electoral (Application) Act since it is no longer necessary. I present my supplementary explanatory memorandum. I move:

Page 13, line 29, clause 33, proposed replacement subsection 230(1),  
omit “18 November”, substitute “17 December”.

*New clause -*

Page 14, line 22, add the following clause:

**“Repeal of *Electoral (Application) Act 1996***

**36.** The *Electoral (Application) Act 1996* is repealed.”.

Amendments agreed to.

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Remainder of Bill, as a whole, as amended, agreed to.

**MR SPEAKER:** The question now is: That this Bill, as amended, be agreed to.

**MR MOORE** (9.45): I rise to oppose this legislation. The reason I rise to oppose the legislation, Mr Speaker, is to make very clear my position. I supported the legislation in principle on the understanding that there were benefits to be gained by this legislation. I believe there still will be some benefits to be gained by this legislation. But the complexity of the Bill is such that I believe the ability of political parties to conceal donations is increased substantially. There is a large increase in a loophole created by this legislation, and those problems far outweigh - - -

**MR SPEAKER:** Order! The question that this Bill, as amended, be agreed to must be put forthwith and determined without amendment or debate, under standing order 189.

**MR MOORE:** I seek leave to make a short statement.

Leave granted.

**MR MOORE:** I thank members. I just want to briefly explain my position. I have spoken at length on this Bill. There is a change in the way I am voting on this Bill from the way I voted in the in-principle stage. I think it does require an explanation. As I have just said, it is on a cost-benefit analysis. I think the benefits of the Bill now, which I recognise and have supported, are outweighed by the ability to conceal and by the loophole that is created by this legislation. It simply is unnecessary. For those reasons, Mr Speaker, I will be opposing this legislation.

Question put:

That this Bill, as amended, be agreed to.

The Assembly voted -

*AYES, 13*

*NOES, 4*

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

Question so resolved in the affirmative.

Bill, as amended, agreed to.

**STAMP DUTIES AND TAXES (AMENDMENT) BILL (NO. 3) 1996**

Debate resumed from 26 September 1996, on motion by **Mrs Carnell**:

That this Bill be agreed to in principle.

**MR WHITECROSS** (Leader of the Opposition) (9.52): Mr Speaker, Labor supports this amendment Bill, which introduces a stamp duty on hiring arrangements and a new tax. Stamp duty will be levied on any arrangement - with some exemptions - under which goods are used by a person other than the owner on payment of a fee by the person who hires the goods. This will apply to commercial and non-commercial hirers, consistent with New South Wales and other jurisdictions. We believe it is appropriate that the ACT have a similar law and similar stamp duty.

The legislation closely follows the model put forward as part of a multijurisdictional stamp duty rewrite. I understand that there are some amendments coming from the Government which further harmonise us with what has been done in other jurisdictions. As a result, jurisdictions will have uniform laws, which of course minimises the opportunities for cross-border shuffling of these kinds of arrangements. Mr Speaker, there are some exemptions contained in the Bill, such as the exemption for people who enter into a lease as an alternative financing arrangement to borrowing in order to buy a good. Also, there are exemptions for hospitals, schools and charitable organisations.

Mr Speaker, this legislation will impose some additional compliance costs, of course, particularly on small business. I hope that the Government will provide the necessary assistance to businesses to meet their obligations and make it as easy as possible to comply with the regulations, which do impose new burdens on small business. There is also the phenomenon, which I am sure most members here are familiar with, that in many cases goods are hired in circumstances where people on lower incomes cannot afford to buy goods outright. It is unfortunate that it will increase the costs for some of those people. However, Mr Speaker, the policy benefits of this measure are such that the Labor Party will be supporting this Bill.

**MRS CARNELL** (Chief Minister and Treasurer) (9.55), in reply: Mr Speaker, I thank members for their support for this piece of legislation. It is always difficult to bring in a new tax, but this tax is in line with New South Wales and with the national approach that is being taken.

Question resolved in the affirmative.

Bill agreed to in principle.

### Detail Stage

Bill, by leave, taken as a whole

**MRS CARNELL** (Chief Minister and Treasurer) (9.56): I ask for leave to move 10 amendments, circulated in my name, together.

Leave granted.

**MRS CARNELL:** Mr Speaker, I move the 10 amendments circulated in my name and I present the explanatory memorandum. The amendments read:

Page 2, line 12, clause 4, proposed subsection 64F(1) (definition of “duty-free threshold”), omit “paragraph 64G(a)”, substitute “paragraph 64G(1)(a)”.

Page 2, lines 14 to 19, clause 4, proposed subsection 64F(1) (definition of “equipment financing arrangement”), omit the definition, substitute the following definition:

“‘equipment financing arrangement’ means -

- (a) an arrangement under a hire-purchase agreement the effect of which is to provide for the hire of goods;
- (b) an arrangement under a finance lease, or an operating lease, the effect of which is to provide for the hire of goods for a term of not less than 9 months.”.

Page 3, line 19, clause 4, proposed paragraph 64H(c), omit “may be used”, substitute “are used, or are to be used”.

Add the following subsection:

“(2) A person who hires out goods has no obligation to inquire as to any change in the place of use of the goods”.

Page 4, line 2, clause 4, proposed subsection 64K(4), omit “company”, substitute “provider”.

Page 4, line 28, clause 4, proposed subsection 64L(2), after “payments” insert “, such as for damage waiver, damage excess and late return fees,”.

Page 4, lines 32 and 33, clause 4, proposed subsection 64L(3), omit “their installation or maintenance”, substitute “delivery, repositioning, erection or installation of the goods or for insurance payments paid by the hirer, cleaning or otherwise for maintenance of the goods”.

Page 10, lines 14 to 17, clause 4, proposed Division 4, omit the Division.

Page 10, line 30, clause 4, omit "section 7", substitute "sections 6A and 7".

*New clause -*

Page 10, line 32, insert the following clause:

**"Determination of percentages and specification of amount**

**61. (1)** Subject to this section, with effect on and after 1 October 1996 -

- (a) 1.5% shall be taken to have been determined by the Minister in accordance with subsection 99(1) of the Taxation (Administration) Act for the purposes of paragraph 64G(1)(a) of the Principal Act as amended by this Act; and
- (b) \$6,000 shall be taken to have been indicated in that determination as the amount above which the rate of duty referred to in paragraph (a) is payable.

**(2)** Subject to this section, with effect on and after 1 October 1996, 0.75% shall be taken to have been determined by the Minister in accordance with subsection 99(1) of the Taxation (Administration) Act for the purposes of paragraph 64G(1)(b) of the Principal Act as amended by this Act.

**(3)** For the purpose of facilitating revocation or variation by determination under subsection 99(1) of the Taxation (Administration) Act of the percentages and the amount referred to in subsections (1) and (2), the Minister may, after the notification of this Act, by notice published in the *Gazette*, make a determination -

- (a) for the purposes of paragraph 64G(1)(a) of the Principal Act as amended by this Act being a determination that is expressed to determine the percentage, and indicate the amount, referred to in subsection (1); and
- (b) for the purposes of paragraph 64G(1)(b) of the Principal Act as amended by this Act being a determination that is expressed to determine the percentage referred to in subsection (2).

(4) Upon the publication in the *Gazette* of a determination -

- (a) referred to in paragraph (3)(a) - subsection (1) shall be taken to have expired, or
- (b) referred to in paragraph (3)(b) - subsection (2) shall be taken to have expired.

(5) A determination referred to in paragraph (3)(a) or (b) is not a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.

(6) A determination referred to in paragraph (3)(a) or (b) has effect according to its terms, and may be revoked or varied, as if it had been made under subsection 99(1) of the Taxation (Administration) Act.”.

Mr Speaker, these amendments were circulated earlier today and I understand that members have been briefed on them. They came about as a result of an extensive consultation process with stakeholders in the industry. They bring this Bill further into line with the multijurisdictional stamp duty rewrite and into line with the taxes that exist in New South Wales. In the interests of time, Mr Speaker, rather than run through the amendments separately, as members have had a briefing, I think I will leave it at that.

**MS TUCKER (9.57):** I would like to speak briefly. The Greens will be supporting those amendments and this Bill, which introduces the stamp duty on hiring arrangements in the ACT. The Greens are very aware of the rather limited tax base of the ACT and the increasing needs for social welfare services, as well as the need to invest in protection of our environmental assets and the pressures on our revenue base. Of course, the recent Federal budget has further increased the economic and social pressures facing the ACT and, as far as tax goes, we simply cannot have our cake and eat it too.

Having said that, I would like to point out the reasons why this is not a particularly sensible tax. If we had a better tax system we might well think twice about supporting a tax which is, essentially, a financial disincentive to the hiring of goods. As policy-makers, I believe we should be encouraging conservation of precious resources. From this point of view, institutions and businesses which encourage the sharing of resources and goods rather than everyone owning their own, be it libraries or the hiring of TVs or motor cars, should be encouraged rather than discouraged. Stamp duties on house purchases similarly are an important revenue source; but, if we were prepared to make a fundamental overhaul of our tax system, we might reconsider the wisdom of penalising people for moving into different forms of dwellings where it is appropriate.

However, at this stage, the Greens are not prepared to knock back a revenue initiative which is in all the other States and which will increase the ACT's revenue base by over \$2m a year. We also note that hiring arrangements excluded from duty include the loan of a book, hire of a movie or hire of an invalid aid or prosthetic device. Hiring by schools, hospitals and charities will also be exempt. I am happy to support this Bill.

Amendments agreed to.

Bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

**CONSIDERATION OF ASSEMBLY BUSINESS**  
**Suspension of Standing and Temporary Orders**

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

That so much of the standing and temporary orders be suspended as would prevent order of the day No. 10, Assembly business, relating to the Government's response to the Report of the Select Committee on Estimates 1996-97, being called on immediately after the resolution of any question relating to the conclusion of consideration of order of the day No. 4, Executive business, relating to the Appropriation Bill 1996-97.

**APPROPRIATION BILL 1996-97**

[COGNATE PAPER:

ESTIMATES 1996-97 - SELECT COMMITTEE - REPORT ON THE  
APPROPRIATION BILL 1996-97 - GOVERNMENT RESPONSE]

Debate resumed from 26 September 1996.

**Detail Stage**

**MR SPEAKER:** Is it the wish of the Assembly to debate this order of the day concurrently with the Government's response to the Report of the Select Committee on Estimates 1996-97? There being no objection, that course will be followed. I remind members that in debating order of the day No. 4, Executive business, they may also address their remarks to order of the day No. 10, Assembly business.

Standing order 180 sets down the order in which this Bill will be considered; that is, in the detail stage any Schedule expressing the services for which the appropriation is to be made must be considered before the clauses and, unless the Assembly otherwise orders, the Schedules will be considered by proposed expenditure in the order shown. Is it the wish of the Assembly to consider Schedule 1 by part and appropriation unit? That being so, Schedule 1 will be considered by part and appropriation unit, then the clauses prior to Schedule 2 and the title.

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Schedule 1 - Appropriations

**Part 1 - Legislative Assembly Secretariat**

Proposed expenditure - Legislative Assembly Secretariat, \$5,630,000

**MR WHITECROSS** (Leader of the Opposition) (10.01): Mr Speaker, I propose to take this opportunity to comment on the Government's response to the Select Committee on Estimates for 1996-97. I want to get my comments in relation to that over with at this point and then we can get on with the rest of it in a different way.

Mr Speaker, the Estimates Committee report is the culmination of an intense scrutiny of the detail of expenditure proposed in the annual Appropriation Bill, and it is an integral part of the Government's accountability to the Assembly and the ACT community. I think it is right to say that the report is a fair representation of the issues discussed in the Estimates Committee hearings, and it is a fair representation of the concerns that many in the Assembly have with this Government's budget. The recommendations, I believe, are responsible and constructive, and they were designed to ensure that the budget papers and reporting by agencies are of better quality next year.

The Government's response to the Estimates Committee report could only be described as disappointing.

**Mrs Carnell:** We agreed.

**MR WHITECROSS:** Mrs Carnell took much pleasure - indeed, she has done so again - in saying that the Government had accepted all but one of the recommendations, but this statement is qualified in the detail of the response, Mr Speaker. The Government has agreed to some recommendations, noted some and agreed in principle to some. Mr Speaker, it might also be said that the Government's response to the Estimates Committee report is characteristic of its response to Assembly committee reports in general, which is one of flippancy, contempt and disrespect for the committee process. Its response to the Estimates Committee report is no different - both its response in the media, in public, and its written response introduced into the Assembly this week. The Government has a flippant attitude to the Assembly committee process, a process which it is only too happy to trumpet about when it is trying to put on the cloak of openness and consultancy, but only too happy to shed when a committee comes up with a critical comment about its performance.

Mr Speaker, even more surprising, perhaps, than the general attitude is the one recommendation to which the Government has chosen not to agree. The one recommendation that the Government has identified as unacceptable relates to the inclusion of accommodation and rental costs in the budget papers. I am, quite frankly, at a loss to understand how the Government could possibly have come up with this response. This Government has been trumpeting loud and long about the benefits of accrual accounting. We have heard the rhetoric of Mrs Carnell - that all the costs associated with the delivery of a service will be counted in the delivery of a service;



yet a significant cost item, namely accommodation, is simply going to be ignored in the accounts. Mr Speaker, I really am at a loss to understand why. I know that it will come as news to Mr Nicholson of the *Canberra Times* that the Government does not think that accommodation should be included in the accounts.

**Mrs Carnell:** It is in the accounts. It is in there.

**MR WHITECROSS:** It is not in there. No, it is not, Mrs Carnell.

**Mrs Carnell:** It is in there as part of the output.

**MR WHITECROSS:** No, Mrs Carnell, it is not. Mr Speaker, Brendan Nicholson, on 9 November, wrote:

It is intended to ensure that the true financial price of providing all government services is provided in great detail by including costs that were previously disregarded as being simply part of a public infrastructure with no book value.

The cost of having your tonsils out will now, for instance, include a share of the estimated cost of renting or erecting the hospital building in which the operation takes place. The intention is to provide a much truer cost of providing each service ...

That is what Brendan Nicholson thinks is going to happen; but the Government says, "No, that is an input and we are not going to include the cost of inputs in the budget papers". Mr Speaker, that is simply nonsensical. If you are to compare the costs of inputs produced by an agency in rental accommodation and the costs of inputs of an agency producing the outputs operating out of government-owned premises, then surely you have to have the same basis of comparison, not have these costs included in one and not in another.

Mr Speaker, I was quite surprised in the Estimates Committee that in the transition to accrual accounting this significant cost of doing business is in no way accounted for against individual outputs. I was extremely surprised by that. I am even more surprised that the Government does not think that, in the future, any attempt should be made to do this. Not least among the reasons why I am surprised is that, as I recall, in the hearings there was an indication that this was going to be an issue that would be addressed in the future. So, Mr Speaker, that makes me even more surprised. I think it is quite curious that the Government has adopted the approach that it has in relation to this matter. It is a hidden cost. It is exactly the kind of hidden cost that I would have thought the Government wanted to make explicit in the way that it made superannuation explicit.

Mr Speaker, the Estimates Committee also recommended that more extensive information be provided in the budget papers, such as staffing levels, new initiatives, and the extent to which new initiatives in the previous budget were achieved. The Government said it agreed with that. I thought, "That is good". Then, of course, I got to the fine print, and the fine print says, "Actually, we are not going to do what you asked us to do.

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We are going to publish that information in the annual report". Mr Speaker, that is not what the Estimates Committee asked for. What the Government should have said is that they do not agree; but, of course, that is not the Government's form. The Government's form is to pretend they are doing one thing and then do something else. They are pretending to agree. What they should have said is, "Not agreed. We are going to put that in the annual report". That is what Mrs Carnell should have said, not "Agreed".

There was a good reason why this information was requested in the budget papers, and that is that next year the budget is going to be brought down and the Estimates Committee process is going to scrutinise that budget well before we are going to see an annual report. We are going to be asked to appropriate more money next year for this Government in order to fund new initiatives when we will not know how the previous initiatives have gone. The Government will not even provide us with any information about that. When we say, up front, "We think that what happened last year is the sort of information we ought to have when we consider your next year's budget", they say, "You can have that information at the end of September when the annual reports come out, not when you are considering the budget". Mr Speaker, I do not think that is good enough. I would encourage the Government to have another thought about that because it is simply not good enough.

The Government agreed in principle to the recommendation that the summary and overview papers of future budgets present in an appropriate level of detail the Government's spending on environment programs. The Government then presented a motherhood statement which trivialised the seriousness of this issue. Why could not the Government give an unequivocal commitment to provide greater detail, given the committee's concerns? I must say, however, that I am pleased that the Government is currently investigating the concept of environmental accounting. However, it is questionable that this had anything to do with the Government's response to this recommendation, even though it put it in. The point is that, because of the way the accounts have been done, the way the appropriation units are set up, you do not have a clear indication of the funding for environmental programs. The Estimates Committee made a serious recommendation and I do not think it has been taken seriously by the Government.

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

**MR WHITECROSS:** Mr Speaker, can I get an extension of time?

**MR SPEAKER:** You can have another 10 minutes.

**MR WHITECROSS:** Thank you, Mr Speaker. I will take another 10 minutes.

**MR SPEAKER:** You are entitled to two periods, not exceeding 10 minutes each.

**MR WHITECROSS** (Leader of the Opposition) (10.11): Mr Speaker, the Government has agreed to provide the relevant Assembly committee with details about assets for consideration and comment. The Estimates Committee recommendation asked for information about the asset management strategy to be tabled in the Assembly. I am not sure why, having been asked to table it in the Assembly, the Government has instead suggested that it would give it to a committee. It seems to me that a more transparent process would have been to follow the Estimates Committee's recommendation and to table it in the Assembly. Then, if the committee wants to look at it further, it would be able to.

I am happy that the Government has agreed in principle to recommendations regarding asset management in the Territory. The recommendations were made in an attempt to improve the level of information about Territory assets in the budget. They were made to simplify the reporting of this information, to ensure that it is contained in an easily identifiable place and format. However, I draw the attention of the Assembly to the comments in the Government's response to these recommendations. The Government's response is basically a litany of examples from the New South Wales Government of their interest in asset management. This serves no purpose in responding to the Estimates Committee report. It is a purely argumentative section that has been put in there in order to somehow minimise the argument that we in this Assembly should be scrutinising the Government's asset management strategy. We will continue to scrutinise the Government's asset management strategy regardless of what strategy is pursued by the New South Wales Government.

In relation to InTACT, the Government only agreed in principle to recommendation 23. The Estimates Committee recommended that InTACT, in its general purchasing policy, apply the community benefits section of the request for offer to ACT and regional small business in respect of all its direct purchasing. The Government has agreed to this in principle. I am rather curious as to what "agreement in principle" means in this context. I do not understand why the Government could not have given an unequivocal agreement in relation to this matter.

Mr Speaker, the Estimates Committee recommendations were serious, responsible and designed to assist the Government in preparing quality budget papers which in turn will be more accountable to the Assembly and the community. The one heartening thing about the Government's response is that the Chief Minister did not repeat the kinds of comments she made in her press release. The Estimates Committee did identify some major concerns, such as the misleading job creation figures put forward by the Government. The Estimates Committee process was seriously hampered, in my view, by the failure of the Government to provide in the budget papers proper comparative information which would allow us to tell what programs had received increased funding and what programs had received less funding.

Mr Speaker, I am disappointed that in the Estimates Committee we did not receive more support from the Independents and the Greens in extracting more information about those matters. I would hope that in next year's budget there will be more information in order to allow Assembly members, the Estimates Committee and the community at large to properly compare what the Government has spent this year and what it proposes to spend next year. Openness, scrutiny and accountability are fundamental to these

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budget processes. It seems to me, Mr Speaker, that in the preparation of these papers far too much energy has been spent by this Government on concealing the kind of comparative information which caused them so much embarrassment in last year's Estimates Committee process. I hope that next year's budget papers will be more informative in that respect and, Mr Speaker, I hope that the Government will reconsider some of the recommendations along the lines that I have indicated.

**MS FOLLETT (10.17):** Mr Speaker, I want to follow up what Mr Whitecross has said with a couple of comments generally on the Government's approach to the Estimates Committee process and its response to the Estimates Committee report. I am very sorry to see that the Government has demonstrated throughout this whole process and in a whole variety of ways the absolute contempt in which it holds this committee process and, hence, this Assembly. I think it is very sad that we see a government behaving in that manner.

Mr Speaker, it is very evident when you look at the Government's treatment, first of all, of the Estimates Committee process. We received incorrect information time after time, which had to be corrected. From my point of view, there was a quite unprecedented failure to respond to matters taken on notice, and that really affected the whole report that was presented by the Estimates Committee. I refer to the fact that questions taken on notice during the Estimates Committee process in a huge variety of areas, Mr Speaker, were not responded to by the Government until 15 November. That was some weeks after the Estimates Committee report had been completed and circulated.

**Mr Wood:** I got some back today.

**MS FOLLETT:** Mr Wood interjects, Mr Speaker, that he is still receiving responses to Estimates Committee questions taken on notice. That is a despicable response from the Government. It is utterly despicable, unconscionable and unforgivable. It demonstrates, as nothing else could, that this is a Government that is complacent and arrogant and utterly comfortable in the knowledge that Mr Moore and Mr Osborne will support it no matter what it does. They will support it in its contempt for this Assembly and for the due process of our committees.

Mr Speaker, it used to be the case that a matter taken on notice during the Estimates Committee had to be responded to within three days. What happened to that? We did not even get responses within three weeks. What is happening on that side of the house? Where are your departments? What were they doing? I think it is despicable. That whole approach - the casual, "We do not care; it is only the Assembly; anything will do" approach - is reflected in the Government's response to the Estimates Committee. What is apparent to me is that nobody in the Government, and I presume nobody in the Public Service, actually read the Government's response. Parts of this Government response are so ungrammatical, and there is so much misspelling, as to be utterly incomprehensible. Mr Speaker, why did not anybody proofread it? There are 22,000 of you. Could not anyone run an eye over it?

Mr Speaker, I refer you to the Government's response on page 17 and if you can tell me what it means I would be very grateful. They have not numbered their paragraphs, but they are commenting on the committee's paragraph 3.28, "Rescue Helicopter", and it reads:

The NSW Government's review of the medical retrieval/rescue helicopter services in that State and decentralised the services based in Sydney.

Well, that is informative! The next sentence is:

The review included negotiations with the CAT -

the what? -

on the possible sitting of the south-east region service being located in the Canberra area.

What is the CAT and why is it sitting in the south-east region? It is nonsense, and that is not the only example. It is contemptible. It is a standard of work that I had hoped never to see coming out of the ACT government service or the ACT Government. You ought to know better.

Mr Speaker, there is also another section of the Government's response. It is the response to recommendation 19. Mrs Carnell has made much of the fact that the Government has agreed with all but one, I think she said, of the recommendations of the committee, but in respect of recommendation 19 it has not let us into the secret of whether it is agreeing or not. I gather that it is vaguely supportive of what the committee said, but not so far as to commit itself to any particular course of action. Again, Mr Speaker, the missing words, the poor punctuation or the lack of punctuation make it almost incomprehensible. This is from the Department of Education. They start off one paragraph by saying "To achieve this", but I do not know what the "this" is. They say:

To achieve this the Government intends to review the existing system to ensure maximum flexibility in meeting parents -

that will be nice for you all, will it not? -

and to give particular regard to ...

Then there is a list of things. Why do you want to meet with parents? It is nonsense. It is typical. It is unfortunate, Mr Speaker, that so many of these examples are quite humorous, because the underlying problem is very serious indeed. As I say, it is yet another demonstration of the contempt in which this Government holds this Assembly and

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the proper processes of this Assembly. It is a further example of the contempt, additional to the total shambles of budget papers, Mr Speaker, that we saw on this occasion. Over and over again the Assembly is asked to be tolerant because everything the Government is doing is new and because there are a whole lot of people who are not really public servants; they are contractors.

Mr Speaker, what is happening here is that the proper standards of accountability of this Assembly are slipping, and slipping badly. I think it is high time that the Government, and those who purport to serve the Government and the Assembly, pulled their socks up and at least had a good look at the work that they are putting into the public arena and made sure they do not embarrass themselves in this way yet again.

**MS McRAE (10.23):** I would like to add to these general comments. The Government response to the Estimate Committee's report demonstrates to me in black and white the superficial attitudes to many of the issues of major concern to the community and the Assembly. Let me begin with recommendation 1, as Mr Whitecross pointed out. The Government response says this:

Information on inputs (including accommodation) can be provided by agencies to the Estimates Committee as required.

May I point out here and now that this is not exactly a response that shows too much concern for the Estimates Committee recommendation. The Estimates Committee has required that this information be provided, whether it is an input or an output, a major cost to an agency, or a cost that is being reorganised, in the case of sale and lease-back, or perhaps a non-existent cost in the case of a government-owned building, or an accelerating one if agencies are inappropriately accommodated in rental accommodation. The Estimates Committee has required that this information be provided. It has not said that agencies can provide it if requested. It was a straightforward recommendation from a six-person, all-Assembly, unanimous Estimates Committee, and I do find this very disappointing.

The response to recommendation 3 is also of concern. The committee is asking for cross-referencing in budget papers and in asking for that is well aware of the difficulties that this could present to the Government as all committee members had ploughed through all this year's budget papers and the annual reports and all the agreements. They did all this on their own without cross-referencing. Every member of the Estimates Committee was well aware of what they were asking. I believe that the Government could have taken this request seriously and offered to prepare such a guide within, say, a fortnight of the budget being presented. We had this year a full week before the Estimates Committee hearings. I find it very disappointing that the Government did not take this request seriously. It pointed out the difficulties, as if we could not figure that out ourselves, and then glibly put it aside.

**Mrs Carnell:** We agreed in principle.

**MS McRAE:** You agreed in principle. This is Mrs Carnell's idea of agreement. Agree in principle and then, hey presto, next year it is not there. I am saying here and now that the request of the Estimates Committee was a serious one. I take "Agreed in principle" to mean that within a week of next year's budget papers we will have cross-referencing. I accept that it may not all be as necessary as it was this year because the annual reports will not be there, but perhaps some of the agreements will be, and perhaps some of the cross-referencing will help.

It was the absence of any concern by the current Government about the difficulties that would be encountered by the Estimates Committee that drove the Estimates Committee to do this. It is up to the Government to make these things clear - where all the different parts are and how they link together. We have had one go at it and I think that next year, if it is not ready, if it cannot be done at budget time, it could be done when the annual reports are done and there could be some cross-referencing done there, or within a week of the budget papers, depending on how much information is given. This was a recommendation made with serious intent and we expected it to be picked up seriously.

Recommendation 7, which Mr Whitecross might have alluded to already, the one in relation to jobs, was also treated in a very cavalier manner. It is quite clear that the Estimates Committee did believe that a part-time job was a part-time job but was demanding that descriptions of potential jobs be made and portrayed accurately so that no impression was given to anybody, either in the Assembly or outside, that jobs being talked about were anything but full time and those equivalents. That was the intent. To find in a Government response to an Estimates Committee, "Does not the Estimates Committee believe that part-time jobs are jobs?", is downright childish and a disgrace to the Government.

Finally, there is the matter of the concerns raised by the Auditor-General that the Government responded to on page 16 in regard to paragraph 2.35 of the committee's report. This is another instance of the sorts of matters that I find of grave concern in relation to the Estimates Committee work. It was quite clear that the Auditor-General had serious problems beyond those of audited and unaudited accounts. They were acknowledged and there was an agreement that one set of documents be amended once those errors, once those differences of opinion, were sorted out.

**Mrs Carnell:** The ownership agreements.

**MS McRAE:** The ownership agreements. Thank you, Mrs Carnell. You see, I need a map; I really do. It was clear that there was a problem. To find in the Government's response that they cannot even cope with "errors in the budget papers" and that the problems are "rather variations in classification, differences in accounting treatment and the inclusion of unaudited comparative information which were clearly identified as such" is just churlish. I had indicated in the debate when I presented the Estimates Committee

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report that it was made quite clear to us by the Auditor-General that there were matters of grave concern. The Estimates Committee chose to allow a level of negotiation to happen rather than create the third world war, which we could have done at that point. We find extremely disappointing the response from the Government belittling the very hard effort that was put in to allow a compromise and a bit of room to move.

We will have ample opportunity to review the Auditor-General's concerns, both in his report to the Assembly and in the review of the ownership agreements; but to belittle the work that the Estimates Committee did and the effort that was put in to find an agreed compromise from six members of the Assembly - it was not a party political attack - we find very disappointing. I would like to remind members that this issue is not complete, as I have just said. One can only wonder at the level of confusion and lack of instruction for these sorts of errors to occur, but we accepted that they were going to be corrected in the ownership agreements. We could easily have said that this was not acceptable. We even considered at one point the option of asking that Budget Paper No. 4 be completely rewritten.

I do not want anybody in this Assembly to go away with any impression that these were just light-hearted mistakes or errors along the way. They have the potential to affect quite seriously the budget numbers. When we see the ownership agreements we will be able to test those allegations. I am accepting that some of them may be variances of opinion and may not be as serious as may appear. I find disappointing this churlish trivialisation of something that was quite seriously put in the Estimates Committee report. It is indicative of the superficial approach to some very serious work that was done by our committee.

We will be examining those responses in greater detail tonight. A great deal has been said already to put the Government on notice that next year one may not make such an attempt to compromise. We may end up with a far harder Estimates Committee report, even if it does lead to a dissenting report, because some of these things that have now been glossed over are quite serious.

**MR WOOD (10.32):** Mr Speaker, there is one matter I want to refer to in general terms at this stage, and it follows on from what has been said by the two previous speakers on this side of the house about the clarity of the budget papers. I have said this before but it bears repeating, and I say it in the context of the Chief Minister's assertions that she makes often - that this is an open government and the budget papers are open. She says that she is pursuing that path, but that is not the case.

We have had great trouble in getting to the details of this budget because of the change. I can go back to the time when, in the Follett Government, we put out the details of where there were changes in funding. Each Minister was required to indicate, and was quite prepared to do so, where there were reductions in expenditure, and I put out, as other Ministers did, media statements saying, "We have reduced expenditure in these areas". That is no longer a part of the Government approach, and I believe it should be. I think we would all recognise that you do reduce areas of expenditure, and I would not on every occasion criticise the Government for doing so. Priorities change and you have to adjust your funding accordingly. But it is useful to know where those changes are being made. When it becomes very difficult to understand or to discover where those changes are, obviously people become rather sceptical about the process.



I would strongly suggest to the Chief Minister that next year, if she wants to sustain this argument of openness, each Minister put out a media statement saying where there have been reductions in expenditure. Where there have been increases in expenditure, that has been done. There is a whole list of media statements there. I am looking over Mr Berry's shoulder here and I can see them. There is a whole list of statements saying where there have been increases; but the contrary has not been shown, and it ought to be.

**MS TUCKER (10.34):** I would like to make a couple of comments as well. I will not make all of them, as I think they have already been stated very clearly by Labor members. So that we are not here until 6.00 am, I will not go over them again. The headline of this response is that the Government has agreed with all but one of the recommendations, but there are certainly, as members have said, quite a few different shades of agreement. We also all know the tactic of agreeing with something by saying you are doing it already. In this response there are about 14 that are agreed, nine are agreed in principle, and a few are noted or agreed in part. There is only one complete disagreement.

There are subtle differences between the positions and, as we know, these subtle differences can mean the difference between action and no action. At one extreme of the spectrum, unfortunately, it can mean, "We will put this right at the bottom of the agenda", or, "Yes, thank you, we have noted that", as in the case of the recommendation about the full-time equivalents for job creation programs, "but we will not do much about it". It was fascinating that, of the two recommendations dealing specifically with environmental issues one was agreed to in principle and one was noted.

In this response the Government has responded to specific paragraphs in the text in the report, albeit in a rather defensive way. I do have to say, however, that it is a step in the right direction to acknowledge other issues in the body of the report. One issue that has been very annoying, and Mr Moore has raised it on several occasions as well, is the fact that the recommendations are seen out of context and there is no attempt to respond to the report in a more holistic way. We just do have to see more work on this quality.

The Government also has to appreciate that the Estimates Committee includes Government members and, as Ms McRae pointed out, other members with different views, and this was a majority report. The recommendations may therefore not always be particularly radical. We did attempt to reach consensus - an unusual thing in this place - and it was quite difficult at times. We were all reserving the right to raise in this place on this occasion and on others, but on this occasion specifically, those issues that we did feel very passionately about, and we will no doubt do that tonight. I think the Government has shown some disrespect, by the quality of its response, for the fact that we did work to reach that consensus. That is all I will say at this point. I will bring up other areas of the Estimates Committee's comments through this debate, as it is a cognate debate.

**MR BERRY (10.37):** As my colleagues have pointed out, Mr Speaker, this response to the Estimates Committee report has held the committee in contempt. It is most disappointing in that respect because of the fact that the Estimates Committee report was a unanimous report from all of the members who were on it. There was no dissent and it was highly critical of the Government in many respects. Some of the things which occurred in relation to the questions, and answers which were supplied to the committee, are examples of the contempt which the committee was held in.

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I have referred to this before; but I asked a question about the supply of non-Australian-made cars to various officers, and Mr De Domenico announced that it was in fact Mr Walker. He was the one who named Mr Walker in the Estimates Committee, not me. I was not the one who named Mr Walker. Mr De Domenico did.

**Mr De Domenico:** I just did not want to waste the time of the committee. That is what you were getting at.

**MR BERRY:** Do not mumble about me naming names.

**Mr De Domenico:** You were going to have a go at an individual, like you always do. You were having a personal go; you were playing the person, not the ball.

**MR SPEAKER:** Order!

**MR BERRY:** Do not mumble anything about me naming public servants when you were the one who did it, Mr De Domenico.

**Mr De Domenico:** I did not name anyone in the Estimates Committee, Mr Berry.

**MR BERRY:** Okay, I will read it to you. This is on page 295 of the uncorrected proof copy of *Hansard*. I was going through some questioning about the various cars that were provided to the Senior Executive Service and I was getting somewhere with Mr Turner. He said:

Well, we can give you the list.

He went on to talk about various cars, the best ways of buying them, and how they were trialling some non-Australian-made ones. I said:

Well, you might add to my request you can supply me with the list, if there is a list, perhaps there might be more than one, senior executives who receive a four wheel drive vehicle that is not made in Australia?

We had talked about this vehicle earlier on. Mr De Domenico then blurted out:

Well, Mr Turner, can I take over there, -

or, "Give me the levers" -

we are obviously - or Mr Berry is obviously relating to a vehicle held by Mr Walker.

So, you did not name anybody in the Estimates Committee? Keep the memory; you were the one who named Mr Walker, not me. When you are pointing the finger about people naming public servants, do not point it at me; look in the mirror.

**Mr De Domenico:** No, because you are lilywhite, aren't you? You would not name anybody, would you? Get real and get on with it.

**MR BERRY:** Your record in naming public servants is pretty poor.

**Mr De Domenico:** You are still fuming at being done like a dinner, mate. That is your problem. You take it too personally.

**MR SPEAKER:** Order!

**MR BERRY:** Members of your Government have named various public servants over the history of self-government and, of course, other people outside the Public Service who could not defend themselves as well.

**Ms Follett:** They set the standard.

**MR BERRY:** That is right. Stan Aliprandi was absolutely butchered by Mrs Carnell using parliamentary privilege.

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

**MR BERRY:** Remember poor Charles Wright. You savaged him too.

**MR SPEAKER:** Relevance, Mr Berry. Order! Mr Berry, I must ask for relevance.

**MR BERRY:** When it comes to naming public servants, Mr Speaker, I have just proved that that mob opposite are the worst in the world.

**MR SPEAKER:** Relevance within the context of the 1996-97 Appropriation Bill.

**MR BERRY:** And the response and the Estimates Committee matters, yes.

**Mrs Carnell:** Where is the response that talks about that?

**MR BERRY:** At page 295 of the uncorrected proof copy of *Hansard*, Mr De Domenico blurts out:

Well, Mr Turner, can I take over there, we are obviously - or Mr Berry is obviously relating to - - -

**Mrs Carnell:** That is not in the response. That is what we are talking about. Mr Speaker, I would like to call for relevance. We are debating - - -

**MR SPEAKER:** There is a point of order. Order!

**Mrs Carnell:** Get him to sit down.

**MR SPEAKER:** Sit down, Mr Berry.

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**Mrs Carnell:** I am sorry, Mr Speaker. Mr Speaker, I understood that we were debating the Government response to the Estimates Committee report.

**MR SPEAKER:** Yes.

**MR BERRY:** The Government's attitude to the Estimates Committee report and the whole Estimates Committee process is under the microscope here. If the Government is stung by some of the truths of the matter, that is not my problem; it is theirs. The fact is that they were very tardy in answering questions and made it as difficult as they could for the Estimates Committee to get to the bottom of things.

If you have a look at the budget itself, it was a public relations exercise. It was full of deliberate inaccuracies to try to mislead the community. Take the 1996-97 ACT budget press release issued by Mrs Carnell. It said this:

Mrs Carnell said key elements of the budget included:

. a cash surplus of \$10m;

... ..

**Mrs Carnell:** Yes. It is true.

**MR BERRY:** Well, you have to say to people, "We just sold \$100m worth of your assets". You have a \$98m underlying budget deficit according to Access Economics. Your own people said that the underlying budget deficit was more than that. You are bragging about "a cash surplus of \$10m" and "no new borrowings". Well, you would not need to; you sold a whole heap of stuff. You sold a whole heap of your assets. Of course, there are no new borrowings.

**Mrs Carnell:** Then there are no new borrowings. Thank you. Mr Berry agrees that there are no new borrowings.

**MR BERRY:** That is right. The whole business is just a public relations stunt.

**Mrs Carnell:** But you just agreed that there are no new borrowings. We did not borrow one dollar.

**MR BERRY:** You said in your press release, "No new borrowings". Of course, you sold a whole heap of assets to try - - -

**Mrs Carnell:** You just agreed; no new borrowings. Thank you.

**MR BERRY:** What a joke you are!

**Mr De Domenico:** Keep reading from our press release. It is good stuff.

**MR BERRY:** Well, of course; it is fine. Have a look at the next press release. Go from one to the other. This is the one headed "Jobs for Canberra". This is a purler.

**Mr De Domenico:** Yes. The Bill you voted against this afternoon creates 80. Do not talk about jobs.

**MR BERRY:** Mr Speaker, that is yet to be seen. I do not believe that you will be able to produce the goods in due course, and you will pay the price for that. This press release refers to a "40 per cent increase in the value of new capital works". That was an absolutely phoney claim because it was a few percentage points. It was just a few percentage points. You lead with press releases like that and you wonder why people say that this is just a publicity stunt. You went on at great length about the accrual accounting scheme. Well, to use your term, Mrs Carnell, whoopee do. The issue here is: How do we compare it with last year and how do we compare it - - -

**Mr De Domenico:** No, the issue is that you do not know what it is.

**MR BERRY:** The Liberals opposite should never ever criticise us for not knowing about budgets. Mr Kaine will remember the first budget. He has accounting qualifications. I do not claim to have any. Remember the first budget in the ACT when we had to pull up and explain to Trevor what a line item was. We had a little interlude of 15 minutes and went through a bit of it, so do not talk to me about what we know about budgets and budgeting. You sing the praises of the accrual accounting system. Most of the people out there could not care less. They want to know about their services, access to health, mental health care, all those sorts of things, and Mrs Carnell is going on about the accrual accounting system. The Estimates Committee then had to work its way through the comparisons between this year's budget and last year's.

Mr Speaker, throughout this entire process the Government has treated the Estimates Committee with contempt. I am deeply disappointed at the attitude of the Independents, in particular, to the Government in this respect. They have to remember that if they vote for this budget they are giving an endorsement to the contempt that the Government holds for this place. They are just giving them an endorsement. The Government is so confident of their support that it reaches new heights of arrogance every time it approaches this Assembly in relation to any matter. It is getting worse. This is just another example of it. If the Independents vote for this budget and if the Greens vote for this budget, they have to know that every time a service falls in a heap, any time anything goes wrong, any time there is an asset sold, they share the blame.

Let us talk about a little bit more dishonesty in the Government's dealing with the Estimates Committee. We went to great lengths to discuss asset sales, sale and lease-back arrangements and those sorts of things. The Government was singing their own praises by saying, "We have provided more information to the Assembly and the world really than anybody else before. What are you whingeing about?". We were very curious about the sale of assets because it is like selling the family silver to buy the next meal. You know what happens when you run out of silver; you run out of food.

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Here we have a situation where the Government is giving us all this information, pretending that it is being open and honest, but a day or so after the Estimates Committee report was handed down what do you think we saw? Mrs Carnell was placing an advert for the sale or lease of another government building, not one that she had discussed with the Estimates Committee. That shows the dishonesty of this budget.

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

**MR MOORE** (10.48): I must say "Phew", now that Mr Berry's time has expired. A lot of what we listened to from Mr Berry was rhetoric.

**Mr Berry:** The Government is safe while you are about, Michael. That is the main thing. Hop up and defend them.

**MR MOORE:** Mr Speaker, it is interesting that Mr Berry should forget that when he was in government he expected that he would actually be able to have the opportunity to have his budget. He seems to forget quite a number of things. It is interesting how rapidly things change for somebody when they go into opposition and - - -

**Ms Tucker:** And vice versa.

**MR MOORE:** Ms Tucker interjects, correctly, "And vice versa". The thing about the Government's response to the Estimates Committee report that got up my nose most significantly was what I can only describe as a smart-arse comment in response to recommendation 7.

**Mr Berry:** Come on, Michael! You should pick him up on that, Mr Speaker. You cannot have that.

**Ms McRae:** Yes, it is a beauty, is it not? I have already read it out, Mr Moore. Do it again.

**MR MOORE:** In fact, I heard it read out. A couple of other members have drawn attention to it.

**MR SPEAKER:** Order! The comment was not made in relation to a person, Mr Berry. It was made in relation to a document. Proceed, Mr Moore.

**MR MOORE:** The comment I refer to is:

Does the Estimates Committee believe that a part-time job is not a job?

I must say that that kind of attitude from the Government is quite appalling.

**Mr Berry:** They are yours - you own them.

**MR MOORE:** Mr Speaker, I hear Mr Berry saying again and again "But they are yours".

**MR SPEAKER:** I would remind members that standing order 39 states:

When a Member is speaking, no other Member may converse or make any noise or disturbance to interrupt that Member.

Continue, Mr Moore.

**MR MOORE:** Thank you, Mr Speaker, for your protection. When I listened to Mr Berry's speech and he was making this kind of - - -

**Mr Berry:** It is not my budget; it is theirs.

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

**MR MOORE:** I think you should name him, Mr Speaker.

**MR SPEAKER:** I will give serious consideration to that, late as it may be.

**MR MOORE:** I have said once before in the chamber, and I think it is worth repeating, that anybody who was here this week watching the performance of the Labor Party would realise that somebody like me simply has no choice at this stage. I mention in particular the performance of Mr Berry, who has been most appalling in the way he has managed the Opposition business this week. Mr Speaker, it is just a joke. If members of the Labor Party were to go and ask any of the observers other than their - - -

**Mr Berry:** Mr Speaker, I raise a point of order. I would not mind it if it were our budget, but it is theirs. It is a matter of relevance.

**Mrs Carnell:** That is not a point of order, Mr Speaker.

**MR SPEAKER:** It is not a point of order. There is no point of order.

**Mr Berry:** Criticism of me and the Labor Party is not really getting - - -

**MR SPEAKER:** Resume your seat, Mr Berry.

**Mr Berry:** He is not really - - -

**MR SPEAKER:** Resume your seat, Mr Berry.

**MR MOORE:** Mr Speaker, the worm turns. Mr Berry can stand up here and say, "The Independents have done this, the Independents have done that, the crossbench has done this and the crossbench has done that", but as soon as anybody is a little bit critical of Labor and points out - I suppose it is a little redundant having to point this out, because everybody except Labor recognises what an appalling performance they have been putting in over the last six months - - -

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**Ms McRae:** With the greatest of respect, Mr Speaker, on a point of order: I fail to see what relevance whether we are pleasant company or not for Mr Moore has to do with Mrs Carnell's budget. I really fail to see the relevance, Mr Speaker. I would like you to rule.

**MR SPEAKER:** I do not uphold the point of order, Ms McRae, because Mr Berry, in his address, made great play of attacking the Independents for their alleged support of the Government. Mr Moore, as an Independent, is, I believe, simply defending himself.

**MR MOORE:** Indeed, Mr Speaker. I am explaining to you why it is that I am going to support this budget. My remarks are totally relevant, Mr Speaker. I am explaining for you and for other members - - -

**MR SPEAKER:** Why you are supporting the budget; is that correct?

**MR MOORE:** I am explaining why it is that I am supporting the budget. It is because I support the Government. What alternative do I have?

**Ms McRae:** Silly me! I did not understand. I am sorry. It is my budget!

**MR MOORE:** The precious Ms McRae did not understand, and we can understand that. Mr Speaker, even as I speak, Ms McRae's interjections illustrate even more clearly the very point that I am trying to make. They are a mess in opposition. The chance of them being able to manage government at the moment is beyond the comprehension of an ordinary person. Nobody illustrates that better than Mr Berry. He is supposedly the manager of the Opposition's business, yet we see him on his feet again and again trying to see how close he can get to being named by you, Mr Speaker, on matters that are questionable. Again and again, we see him on his feet raising points of order that do not exist. This is the Mr Berry who, I know and you know, understands the standing orders particularly well. Mr Speaker, he is an appalling example of the sort of depth to which the Opposition has fallen.

With that, I have very little choice but to support the Liberal Government at the moment. I must say that I hope the Opposition improve so that there is a reasonable choice for people at the next election and so that if the crossbench has the balance of power again there is a reasonable choice for the crossbench to make in its vote. I am going to support this budget as I support this Government, and I make no bones about that, Mr Berry. You know and I know that tonight the budget is going to go through. It may be tonight, or it may be tomorrow morning; but I will support it, Mr Berry, just as for five years or longer I supported your budgets.

Mr Speaker, I get back to the point that I was raising earlier. I think it is an appalling affront to the Estimates Committee and members of the committee that the Government should respond as it did to the Estimates Committee report. I would strongly suggest to the Chief Minister that when Cabinet approves such documents as these she watch more carefully for the sort of comment that I described in the way that I did earlier because that is all it deserves. I also strongly suggest that she instruct the people who prepare these responses that that is simply unacceptable. The Chief Minister knows that there are



wheels within wheels. She knows that some things that she wants to get through are not about supporting government. She knows that there are many ways in which things can be made much more difficult for a government than they have been. To take that kind of attitude to members of the Assembly is simply not acceptable.

Mr Speaker, generally I believe that the response to the Estimates Committee was very positive although marred by a few things. One of the reasons it is so positive is that the Estimates Committee was particularly careful to ensure that the recommendations it made were such that the Government would be able to respond in a careful way. We sat down for a long and difficult debate which I believe was chaired particularly well by Ms McRae, who allowed us to - - -

**Ms McRae:** Sometimes I am reasonable.

**MR MOORE:** Indeed, Ms McRae. I do not mind handing out negatives but I also do not mind giving positives when it is appropriate. That was a time when it was appropriate. The fact that we were able to come up with a positive report has been particularly worth while.

On the issue of InTACT, I still have a series of difficulties. I was pleased with the Government's response that it agreed in principle to what the committee was saying, but I think it was important for the Minister involved, Mr De Domenico, to read the whole text of what the committee was saying about this issue. It is one which I felt particularly nervous about. In the end the decision to allow this to proceed was an on-balance decision that I found quite difficult to make. That is my personal perspective, although the committee may well have taken a different perspective. I think that that is worth while. I would also like to raise the issue of Ngunnawal, but I will do that when we are considering another part in the Bill.

**MRS CARNELL** (Chief Minister and Treasurer) (10.59): Mr Speaker, I think it is important to run through a few of the issues that have been raised already this evening. I think there is a tiny bit of misunderstanding about a few of them, particularly recommendation 1(i)(c), the one recommendation that we did not agree with. It certainly was not, as Mr Whitecross suggested, that we were not going to add rental or accommodation costs to our output costs; quite the opposite, in fact. Accommodation and rental costs certainly will be a factor in the cost of our outputs in next year's budget, as I think we made clear in the Estimates Committee. What we are saying is that those costs will not be in the budget. They certainly can be in the annual reports if that is what the Assembly would like. We are very happy to do that. But they would not be appropriate in the budget because they are an input.

Obviously, the budget will be put together on outputs. Similarly, wages as such will not be in the budget papers. They will be in the annual reports. What we are saying is that the inputs will be in the annual reports, as part of the reporting mechanism; the cost of outputs will be in the budget. In no way do we mean that we are not going to make that information available. It certainly will be available. But the budget papers, because of the way they are now put together, will not have that information in them. It was not meant as Mr Whitecross took it. I cannot imagine why he took it that it meant that we were not going to add accommodation or rental costs into our output costs.

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Some of the other issues that were raised related to reporting on Government initiatives in the budget papers. Again the reason that that will need to be in the annual reports is that, as the budget comes down before the end of the financial year, it will be impossible to report on how we are going with our initiatives before the end of the financial year. We simply would not know. We would not have the end of financial year data to be able to report against the initiatives that we have announced in the budget process. The logic of having it in the annual reports is simply that the annual reports come down after the end of the financial year and are the vehicle we use for reporting full-year figures. Again, there is no effort not to do what the Estimates Committee wanted us to do, but what we are doing is simply the only sensible way to go. Listening to all of the comments - and I fully understand just how difficult it is to come to grips with this new approach to budgeting - I think - - -

**Mr Berry:** Not at all. It is easy.

**MRS CARNELL:** Mr Berry says that it is easy. A large number of the comments from those opposite tonight showed a fundamental problem in coming to grips with the fact that we are now dealing - - -

**Ms McRae:** It would have helped if the answers had come on time.

**MRS CARNELL:** I will address that. They certainly did show a fundamental lack of understanding that we are now dealing in outputs, not in inputs. I am sure that that understanding will come in time. I note the comments about failure to respond to questions. I fully accept that that is not acceptable. I understand that there were a few situations where we did ask for extensions, but where extensions were not asked for it is not acceptable that answers were late. We will certainly attempt to make sure that that does not happen again in the future.

Mr Moore made a comment about full-time equivalents. I think we have already made the point that we are very happy to report in the annual reports in terms of full-time equivalents, and we will be doing so in future years. We fully accept that that is a standardised way to operate. As we say in our response, that is the way our staffing formulas are put together.

The one issue that is probably somewhat outside the Estimates Committee report but needs to be answered is that of the four-wheel-drive that Mr Berry raised again. Mr Berry commented that having a four-wheel-drive Subaru is way out of the ordinary and something that we simply cannot accept in the ACT Government. Mr Berry, for your information - I think it is very important to listen - the ACT Government has, and had when you were in government, a wide range of fully imported vehicles - - -

**Mr Berry:** I am talking about four-wheel-drive Subarus.

**MRS CARNELL:** We have a wide range of four-wheel-drives, Mr Berry. We have Toyota Landcruisers, Toyota Hiluxes, Mitsubishi Pajeros and Holden Jackaroos. Certainly, when you were in government, Mr Berry, we even had Subarus.

**Mr Berry:** Not for our senior executives.

**MRS CARNELL:** Interestingly, you did have chief executives driving non-standard, fully imported vehicles, Mr Berry. In fact, you might ask Ms Follett what the previous Under Treasurer drove when he was in that particular job. You also might be interested to know the numbers of vehicles we have. We have 54 Toyota Landcruisers. We had Subaru DL105s in the fleet until early 1995. I think we sold the last one of those this year, Mr Berry, so they were very much in the fleet when you were in government.

**Mr Wood:** What were they used for?

**MRS CARNELL:** That was in about 1994-95. We have 20 Toyota Taragos, 11 Holden Rodeos, one Pajero, and the list goes on. There are significant numbers of non-standard vehicles. In fact, if we are looking at the fully imported line of vehicles, Mr Berry would also be aware, of course, that the ACT Government uses a significant number of Ford Lasers and Hyundai Excels. In fact, we have lots of them - or we used to have lots of them. Both are fully imported.

Before people get carried away making allegations, I think it is important to look for the reality of the situation. Again, the reality is that we have quite a number of four-wheel-drives in our system. We have had senior executives and chief executives driving non-standard, fully imported cars in the past under the previous Government. I think it is acceptable to make comments only when you have the facts, and not to make statements that are aimed at just having a go at one particular public servant. We can see that there are lots of those vehicles in the fleet. There are no recommendations along those lines in the report. The Government supported all of the recommendations except one, and I think I have explained that that information will be available. We believe that the Estimates Committee did a very good job this year. We believe that Ms McRae did a good job as chair. I think the Government has responded very positively to the report.

**MR BERRY (11.07):** I am glad Mrs Carnell tried to obfuscate on the issue of fully imported motor cars, because now I will give her the facts as provided to me by Mr De Domenico. Your approach, of course, was to try to create the old smoke and mirrors trick again by implying that, because there are other fully imported vehicles in use in the Public Service, that excuses what has happened in the case of the chief executive officer. None of them are relevant to the circumstances which were set out in an answer to a question which was given to me by Mr De Domenico. You say that this matter was not mentioned in the report of the Estimates Committee. It could not have been mentioned in the report, because these answers did not arrive until after the report had been published. That is the point that I was making in relation to the response to questions. When we look at the document, the real issue that arises is that Mr Walker was - - -

**Mrs Carnell:** It is interesting that you can debate a budget and spend the whole time talking about one car.

**MR BERRY:** You had a shot.

**Mrs Carnell:** Excuse me. You started it.

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**MR BERRY:** This is about the chief executive officer of your department - - -

**Mrs Carnell:** Having a four-cylinder car. Sit down, Wayne, and stop being such a dope.

**MR BERRY:** The chief executive officer of your department changed his very high-standard car early for a car which cost \$7,000 more, and the car that he should have been using was given to an officer for whom it was above standard and it was used by that officer, which of course was above standard. Approval for the car for the commissioner for public administration was given by a subordinate after Mr Walker was using the car. The fact of the matter is that, because the four-wheel-drive was the preference of the chief executive officer, his very expensive Holden Calais was handed over to another officer who was not entitled to a car of that standard, and then a \$7,000 more expensive fully imported car was purchased for Mr Walker. The car which he got rid of had done 13,000 kilometres and was replaced 26,000 kilometres and one year early under the rules then prevailing. The fully imported car cost \$7,000 more.

**Mr De Domenico:** It is a Subaru station wagon.

**MR BERRY:** It is a Subaru top-of-the-line luxury station wagon with - - -

**Mr De Domenico:** It is not top of the line; it is a Subaru station wagon.

**MR BERRY:** It is a Subaru Liberty four-wheel-drive station wagon - top of the line, the most luxurious one you can buy.

**Mrs Carnell:** All Subarus are four-wheel-drives.

**MR BERRY:** No, they are not.

**Mrs Carnell:** Most of them are, are they not?

**MR BERRY:** No. Mrs Carnell, your chief executive officer decided he wanted a more expensive car and went and got one. It cost the ACT taxpayer \$7,000.

**Mrs Carnell:** It is a four-cylinder vehicle.

**MR BERRY:** And it cost \$7,000.

**Mr Moore:** It is not as big as the four-wheel-drive you have had, is it? It is not as big as mine.

**MR BERRY:** It could have been a four-cylinder Mercedes, too, so \$7,000 is all right! One thing that I will say was admirable about this budget was the absence of any attempt to set up one of those loopy treat yourself, grow marijuana down the backyard programs that you and Mr Moore cooked up once before. It did not happen this time. I am sure that these loopy programs will not turn up again. I hope you have learnt your lesson. You will not be having these self-treatment, grow it down the backyard marijuana programs in your budgets anymore. I can see that you have learnt your lesson.

**MR DE DOMENICO** (Minister for Urban Services) (11.12): Mr Speaker, I am going to be very brief, but I just cannot resist it when Mr Berry gets on his feet. I can recall that during Estimates Committee hearings the three major issues on Mr Berry's mind were that Mr Walker was driving a Subaru, that I did not wear goggles when I was in his electorate cleaning off graffiti and that we did not give meal allowances to our staff, who did not even claim them. In a \$1½ billion budget the three big issues on the mind of Mr Berry were Mr Walker driving a Subaru, De Domenico not wearing goggles and Stephen Forshaw not claiming meal allowance. How right was Mr Moore! Given the response that Mr Berry has given to the budget, is it any wonder that Mr Moore has no choice?

**Mr Berry:** He is a conservative. He has been quite relaxed with you.

**MR SPEAKER:** Mr Berry, if you are not careful, I will ask you to withdraw those remarks.

**MR DE DOMENICO:** There are certain responses by the Government that Mr Moore took umbrage at. Mrs Carnell has quite adequately answered the concerns that Mr Moore had. Quite obviously, we have agreed with nearly all of the recommendations made by the committee. I have been reading the committee's report. It is a very good report. I must endorse what Mrs Carnell has said. The committee was very ably chaired by Ms McRae. How the Government can be criticised for actually agreeing to the recommendations of the Estimates Committee report is beyond comprehension.

Mr Berry stood up and agreed that there was a \$10m surplus but criticised us for having a \$10m surplus.

**Mr Berry:** For selling the assets.

**MR DE DOMENICO:** I could not comprehend that. Mr Berry says, "Selling assets". It is as if it were the first time that any government around the world had sold a government asset.

**Mr Whitecross:** Selling an asset you still need.

**MR DE DOMENICO:** Mr Whitecross comes in from deep in the heart of Texas, where he was when all this was happening, and says that we are selling an asset that we still need. The Commonwealth Bank, Telstra, Qantas and some other things are sold from time to time by other non-Liberal governments. That is digressing, Mr Speaker, and I do not want to do that.

The response of the Opposition so far this evening - apart from Ms McRae, I must admit, who attempted to get onto the issue - has been myopic. It has been as myopic as the questioning was during the Estimates Committee hearings. I rest my case, Mr Speaker. The greatest issues that we heard of were the fact that our staff did not claim meal allowances, that Mr Walker drove a Subaru instead of a Calais and that I did not wear goggles. We are talking about a \$1½ billion budget. How myopic the response from this Opposition is! Is it any wonder that Mr Moore and others will support this budget?

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**Mr Whitecross:** You would have been myopic if you had got some of those chemicals in your eyes.

**Mr Berry:** You would have had to wash them out for 15 minutes with water.

**MR DE DOMENICO:** I am suggesting to you, Mr Berry, that you put in for preselection for Fraser, go up there on the hill and see how they treat you up there. That is my advice to you. Secondly, next year actually read the budget. If you do not understand it, come and ask questions. There are people all over the place who will give you some advice on the budget. We will give you advice on the budget. There is one thing that the Opposition does not realise. We are the first government, State or Federal, to present a full accrual accounting budget - - -

**Mr Whitecross:** No, it is not full.

**MR DE DOMENICO:** Almost full accrual. So that I am not accused of misleading the Assembly, it is an almost full accrual accounting budget lauded by every accounting organisation that I am aware of. Yet this mob opposite concentrate on goggles, Subarus and meal allowances. Shame on you! Is it any wonder that Mr Moore, even though he is not 100 per cent happy with us, asks what the alternative is? There is none.

**MR MOORE (11.17):** It is interesting that Mr Berry should call me a conservative. I believe that it is the first time ever I have been called that, and I thank him for that. But it is ironic that the person calling me a conservative and drawing attention to somebody driving a Subaru is the very same person who, as a Minister in the First Assembly, drove around in a Fairlane. What could be more conservative than a Fairlane and how does that compare to a Subaru? I had no problem with him driving around in a Fairlane. I had no problem with Mr Kaine, when he was Chief Minister, driving a Statesman. I had no problem with those people having those vehicles, just as I have no problem with Mr Walker driving around in a Subaru.

Mr Speaker, it seems to me that there is one other factor in this line of the budget that we ought to talk about, and that is the Legislative Assembly.

**Mr Humphries:** Relevance, Mr Speaker.

**MR MOORE:** The risk I face is that somebody will pull me up on the ground of relevance! In the Schedule we see that the net cost of outputs is \$3.179m and the payments on behalf of the Territory are \$2.451m. It seems to me that this Assembly has been very innovative in many ways in a whole series of areas. Mrs Carnell took some pride in the fact that in this budget we moved to accrual accounting. It seems to me that as an Assembly we ought to be able to find a way to separate the Assembly budget from the Government budget. It has always seemed to me that because the Assembly gets its budget from the Government it creates the impression, and indeed the fact, that in some senses the Assembly is effectively subject to the Government. We really have the opportunity here in this Assembly to find a better way of going about that.

There are devices that we as members should discuss. Perhaps we should go to the general public seeking ideas as to how we can even set about setting a precedent for other parliaments, as we have in adopting accrual accounting methods. Every time there is a change, for example, by the Remuneration Tribunal, it requires a decision by the Chief Minister. This has never caused a problem up until now, but there could well be problems if a Chief Minister says, "That is your budget; it is going to stay that way", and the Remuneration Tribunal creates a situation where extra funding is required, so that the net result is that the Assembly has to look around for other ways to find savings. For a number of years this Assembly has been finding savings, along with the rest of the bureaucracy.

It has been a very awkward situation because, unlike the rest of the bureaucracy, the Assembly was created such a very short time ago and was created as a lean and mean - particularly mean - system in this environment. Mr Speaker, through a range of Speakers, you and Ms McRae in particular, very efficient systems have been retained, so much so that my understanding is that this Assembly has a per capita cost that is less than half of those of other parliaments. That is how the people of Canberra would want it; but we have to keep in mind that democratic processes are costly. The cheapest way of handling this, of course, is simply to have a beneficent dictator. Whilst I would be quite happy to offer my services in that way should the time come, I think the opportunity would be very slim in this community.

Mr Speaker, people expect a great deal of members and of the Assembly. It is only with the appropriate support for members of the Opposition and members of the crossbenches that we will continue to get a very healthy democracy. Therefore, it is my contention that we have to be very careful to ensure that this line in the budget is not reduced, and that we have to find a way to separate it more clearly from other Government finances and from the control of the Cabinet.

**MR BERRY:** Mr Speaker, I would like to make a personal explanation pursuant to standing order 46.

**MR SPEAKER:** Proceed.

**MR BERRY:** Mr Moore should have a little bit more regard for the facts when he makes claims about people.

**MR SPEAKER:** Never mind about that. Make the personal explanation.

**MR BERRY:** He said that I had driven a Fairlane in the First Assembly. I do not find anything particularly sinful or wrong with driving a Fairlane. I am sure that a Fairlane is a quite good car for all those people who have one. They probably enjoy having one, but I have never had one. In fact, in the First Assembly Rosemary Follett and I were the only ones in the Government who never had them. I heard Mr Moore boring it up Ms Horodny some time ago about her misleading the Assembly.

**MR SPEAKER:** Order! This is a personal explanation. We are not interested in what Mr Moore said to Ms Horodny.

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**MR BERRY:** I just wish that when he applies these standards to other people he would apply them to himself.

**MR SPEAKER:** Sit down. You have finished your personal explanation.

**MR MOORE:** I rise under the same standing order, Mr Speaker.

**MR SPEAKER:** Proceed.

**MR MOORE:** I would like to apologise most humbly to Mr Berry. I did, in fact, inadvertently mislead the Assembly on such an important matter when I said "Fairlane" instead of "Fairmont". I hope that he will be as willing to admit mistakes when he makes them.

**MRS CARNELL** (Chief Minister and Treasurer) (11.25): Mr Speaker, following on from the comments that Mr Moore made, I think you would agree that the process that we followed this year with regard to the Assembly's budget certainly was a step forward. The budget was, shall we say, put together by you, Mr Speaker, and then discussed with me as Treasurer and with the Administration and Procedure Committee prior to the budget process. Giving the Speaker and therefore the Assembly the capacity to work up the Assembly's budget and then bring it to the Treasurer goes a long way towards the sort of approach that Mr Moore is talking about. It means that the Assembly budget is not worked up through the departmental process; it is worked up through the Assembly. I think it worked quite well this year. We certainly got agreement, I think both to this year and potentially next year, with any changes that might occur as far as the - - -

**Mr Berry:** That is a distortion.

**MRS CARNELL:** Actually, it is not. I think we got agreement to those two years. We accepted that things such as tribunal increases in wages and so on need to be added to the Assembly budget, because there is no capacity to do anything else. I believe that it was a step in the right direction. I am sure that we can work on that and come up with a process that is even better in the future.

**Mr Berry:** I seek leave to make a short statement.

Leave not granted.

Proposed expenditure agreed to.

## **Part 2 - Auditor-General**

Proposed expenditure - Auditor-General, \$848,000 - agreed to.



### **Part 3 - Chief Minister's Department**

Proposed expenditure - Chief Minister's Department, \$57,861,000

**MR WHITECROSS** (Leader of the Opposition) (11.27): Mr Speaker, I take this opportunity to comment on a few matters in relation to the Government's budget and the Government's overall economic management. Some of these things we might be able to return to as we move through the appropriations. I take this opportunity to talk a little about the Government's claim that this budget is about jobs. One of the key issues that the Government really had to address in this budget was the economic situation in Canberra and the jobs crisis in Canberra brought about, to a large extent, by Mrs Carnell's friend John Howard but assisted by Mrs Carnell's own policies in relation to employment.

Mrs Carnell came into this Assembly and tried to argue that this was indeed a jobs budget and that 2,700 new jobs were going to be created by this budget. Mr Speaker, a less truthful statement than that would be hard to imagine. The simple facts are that on every examination Mrs Carnell's jobs claims do not stand up. Fascinatingly, a full 1,000 of Mrs Carnell's 2,700 jobs she does not even pretend have anything to do with her budget. The 1,000 jobs she claims are being created by the so-called Unisys People project do not even have anything to do with her budget. Mrs Carnell's linkage to the whole exercise is extremely tenuous indeed, leaving aside the question of whether the 1,000 jobs exist. The Government's main role in relation to the Unisys People project appears to have been to construct on behalf of Unisys the estimate of 1,000 jobs, as indicated by the press release put out by the Government and Unisys. Apart from estimating the 1,000 figure as Unisys and the Government said in their press release the Government had done, the Government does not seem to have any role at all in relation to this.

This job creation program - the 1,000 of the 2,700 jobs that Mrs Carnell claims are associated with this budget - is a job creation scheme in which you pay your own training costs, put your name on a list and sit by the phone and wait to be called. Mrs Carnell has the temerity to claim that as 1,000 jobs created by her Government. A more transparently false and misleading claim than that would be hard to contemplate. If it were not such a serious matter, it would be laughable.

The Government also claimed that by spending \$2.5m assisting Housing Trust tenants to purchase their own houses they would create another 1,000 jobs. That would be a pretty good strike rate if you could do it, at \$2,500 to create a job. We all know, Mr Speaker, that when the Government talk about a job they do not necessarily mean a job that goes for 35 or 40 hours a week for 365 days a year. It could be anything. It could be two hours a week for four weeks, on the Government's definition of a job. The Government reckon that \$2.5m is going to create 1,000 jobs.

This is at a time when, according to evidence given to the Estimates Committee, the 1,000 jobs would be created by building 500 new homes. This is at a time when evidence to the Estimates Committee was that there are 600 unsold new houses in the housing stock at the moment, not counting houses being vacated by people leaving Canberra. At a time when there is so much stock on the market, Mrs Carnell would have us believe that \$2.5m is going to cause developers to rush out and build 500 new homes

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to satisfy the burgeoning demand in the ACT housing market. A more laughable proposition than that would be hard to come across. The only thing that stops me laughing is that it is such a serious matter. There is no way that spending \$2.5m is going to get developers to build new houses in a falling housing market - - -

**Mrs Carnell:** They are not our figures, Mr Whitecross. The Housing Industry Association think it will.

**MR WHITECROSS:** No, I do not think that is strictly correct, Mrs Carnell, and I think you should be very careful how you use that number. I think it is very unlikely that \$2.5m out of the Government's coffers is going to cause housing developers in Canberra to rush out and build 500 new houses to satisfy demand in a falling market when there is already plenty of stock out there.

**Mrs Carnell:** That is what the housing industry said in writing.

**MR WHITECROSS:** What the housing industry said was that if they built 500 new houses that would create 1,000 jobs, Mrs Carnell. They did not say that they would build 500 new houses, as you well know. Playing fast and loose with the truth is, of course, Mrs Carnell's stock-in-trade. We have already got to 2,000 of the 2,700 jobs without - - -

**Mr Humphries:** Mr Speaker, Mr Whitecross has been playing fairly fast and loose with the standing orders throughout his speech. I think the last remark, essentially calling Mrs Carnell a liar, is clearly an inference which is outside standing orders and should be withdrawn and not repeated.

**MR SPEAKER:** Withdraw, Mr Whitecross.

**MR WHITECROSS:** Mr Speaker, if Mr Humphries interprets my remark as meaning that Mrs Carnell is a liar, I withdraw the remark. In relation to a whole series of the other claims by the Government about jobs, we saw again and again that the jobs were not there. They were jobs which involved the normal replacement of staff but were called new jobs; they were temporary jobs; they were part-time jobs.

Mr Speaker, the jobs claim simply does not stand up, and nobody should allow this Government to get away with the claim that this is a budget about jobs. Mr Speaker, there is one thing that gives the lie to all the Government's rhetoric about this, and that is Mrs Carnell's own economic projections that there will be 1.5 per cent fewer jobs in Canberra at the end of this financial year than there were at the beginning and that the jobs growth over the next three years will be zero per cent. While Mrs Carnell dresses up her budget with the media hype - the media claims of a jobs budget - the fact is that there are no significant new jobs in this budget. The fact is that in this budget Mrs Carnell has done nothing to address the underlying problem of unemployment in this city. What we have, in fact, is a Government which is sitting on its hands and doing nothing practical about the problem of falling job numbers.

There is one other statistic I want to leave you with and which really underscores the Government's commitment to jobs. In the last financial year, there were 640 fewer jobs in the ACT Public Service. Mrs Carnell comes in here and talks about 2,700 made-up jobs. Last financial year, 640 jobs disappeared from her own Public Service. So much for Mrs Carnell's commitment to jobs! Once again, Mrs Carnell has inserted in this budget a redundancy pool which will eliminate more jobs in the ACT Public Service than Mrs Carnell claims will be created.

**MRS CARNELL** (Chief Minister and Treasurer) (11.37): Mr Speaker, it was very interesting to hear that diatribe, and even more interesting to hear it from the Leader of the Opposition. Those of us who have been in this place for a while have heard certainly Ms Follett say on many occasions that the future of Canberra is with small business. In fact, most of those opposite - except Mr Berry, who still thinks "profit" is a dirty word - believe that the future of this city is in the business sector. The suggestion by the Leader of the Opposition that the only decent job, or the only possible job, is a job with government, and that if a job is not with government, if a job happens to be with Unisys in the computer area or if it happens to be in the housing industry, then somehow it is not a real job is an incredibly strange and, I suspect, hypocritical statement. Everybody in this place, I suspect, over time - - -

**Mr Berry:** I do not think you are allowed to impute that he is a hypocrite.

**MRS CARNELL:** You can say that things are hypocritical statements, Mr Berry. You just cannot say that somebody is hypocritical.

**MR SPEAKER:** Mr Berry, that was not directed at a person. There is no point of order.

**Mr Berry:** It was imputing that - - -

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

**MRS CARNELL:** Mr Whitecross's suggestion that it is not an appropriate approach for a government in the ACT at this time to bring in a budget that stimulates business to employ strikes me as an extraordinarily unusual statement. His suggestion that the ACT Government should be growing at a time when we all understand that we have to live with fewer resources in government is an extraordinary statement. Where does Mr Whitecross think that the ACT Government is going to get the money to maintain or increase staff on our books?

**Mr Whitecross:** Did I say that?

**MRS CARNELL:** Yes. Actually, you did. You suggested that there was something awful about having a budget that stimulated jobs in such areas as Unisys and the housing industry, and went on to criticise the ACT Government for reducing the size of the Public Service. The fact is that the previous Government was doing that - and doing it for all the right reasons. As we all know, the Federal Government has reduced the amount of money that the ACT gets by 50 per cent in real terms. That means that we have

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to save money. We have to live within our means if we are to avoid borrowings and do all the other things that I am sure everybody, except maybe the Greens, believes that we should do. Mr Speaker, this is a budget about jobs, but it is not about jobs in the public sector. It is a budget that stimulates jobs in the private sector.

**Mr Whitecross:** No, it does not.

**MRS CARNELL:** That was the whole basis of this budget. Mr Whitecross again says, "No, it does not". How does he know? The interesting thing is that it does appear that since we brought down the budget the unemployment figures have stabilised and are starting to edge up a bit. That is on the Bureau of Statistics figures.

**Mr Whitecross:** Unemployment is edging upwards, did you say?

**MRS CARNELL:** No. I said "the employment figures".

**Mr Whitecross:** That is not what you said. You said that unemployment is edging upwards.

**MRS CARNELL:** Unemployment figures appear to have stabilised, and it appears that employment is starting to edge up a bit. It is certainly too early to suggest that the tide has turned, but in the last three months since we brought down the budget the unemployment rate has stopped going up. If you are looking at any indications that this budget has made a difference to small business, if we did not have an Opposition that wanted to talk the economy down the whole time, you could say that this looks like it just might have made a difference. Retail sales are up significantly. In fact, retail sales are at a higher rate than the national average.

**Mr Berry:** It is Christmas.

**MRS CARNELL:** I am sorry; they are higher than the national average. In fact, I think they were close to double the national average in the last quarter. There are indications that things are turning around. That would tend to indicate that this budget has stimulated small business; that it has stopped the job losses that we were seeing in the months prior to this budget being brought down. Certainly, those opposite do not want to accept that, but the statistics would indicate that it is true. The statistics that we have to work on suggest that the economy has bottomed; that it is starting to edge up. People are starting to spend money in the retail area. Home approvals are up, and I think they have been up for the last three months. Is that right, Mr De Domenico?

**Mr De Domenico:** That is right.

**MRS CARNELL:** All of that starts to indicate that all of this strategy is working. Those opposite want to say, "No, it is not working. It cannot possibly work". Yet everything - all of the information that we have and all of the indicators that we have at the moment - is starting to indicate that people are willing to invest, people are starting to buy homes, people are spending retail dollars, and it appears that the unemployment figures have bottomed and maybe there is a small growth in employment. To me, that sounds like a pretty good effort in the current economic climate.

We are in no way suggesting that there are not rough times ahead, but all the indications are that what we did in this budget appears to be working. However, those opposite want to say, "It cannot work. It cannot possibly work. It is a lot of rubbish". The indications are not that it is rubbish. The indications are that the stimulation that we put in place for the business sector - - -

**Mr Whitecross:** What stimulation?

**MRS CARNELL:** The policies that we have put in place to give confidence to the business sector - things like the Kick Start program. It was the HIA that said that between 800 and 1,000 jobs could be created as a result of this. It was Unisys that said that 1,000 jobs could be created. Mr Speaker, what we see here is an Opposition that just cannot stand having no ideas of their own, wanting to criticise everything, coming up with no alternatives. On one hand, they say, "Yes, the future is with small business. Yes, we do have to save money in the public sector". On the other hand, they say, "No, you cannot have fewer jobs in the public sector and more in the private sector. That is not acceptable". They say that you cannot go down the path that we have gone down of stimulating the private sector in such areas as business incentive schemes, the loan schemes - - -

**Mr Whitecross:** You have not stimulated anything.

**MRS CARNELL:** As you know, that is not what they say.

**Mr De Domenico:** He was not here.

**MRS CARNELL:** That is right. He was not here, so he would not have known. I think we all agree that jobs are the most important issue. We should have a rule that you cannot criticise other people's ideas until you have ideas of your own. We have not heard one idea from those opposite, not one approach that might create a job, not even one tiny little idea. I think we should adopt a new standing order, a standing order that says, "Do not criticise until you have an alternative".

**MR HUMPHRIES (Attorney-General) (11.46):** Mr Speaker, I want to speak on the very theme that the Chief Minister has just ended on. I think it is very important to put in context the criticisms that have been made by those opposite. If, in looking at what the Opposition has had to say, we asked ourselves what it is that they are posing to the people of Canberra as an alternative vision for the way this Territory is going to meet the very severe economic challenges it now faces, we would have to come away with a pretty murky image of what is going on. Mr De Domenico has summed up beautifully on a piece of paper what it is the Opposition has to say about their strategy. It is a blank piece of paper.

Let us consider the facts. There are a number of elements of the Government's policy. Like any good government, this Government is using a number of areas to be able to meet the fiscal challenge that it is facing. The Government has made some reductions in expenditure in certain areas. Some of those have been discussed even this week:

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Reducing the amount we are spending on watering ovals, reducing the amount we are spending on providing for the after-hours duty solicitor scheme, and the list goes on and on. The record shows that almost every one of those expenditure reduction issues has been attacked and opposed by the Labor Party. I say "almost" because I cannot think of any occasion when they have accepted and supported a proposal by this Government to reduce expenditure.

Let us look at the question of raising extra taxes and increasing revenue on the part of the Government. There are a number of initiatives in this budget which do that. One today, for example, was passed with the amendment to the stamp duties and taxes legislation. That was supported, I might point out. That was a fairly unexceptional but very small contribution to the overall solving of the Government problem. This chamber has been replete with examples of the Opposition opposing similar measures proposed by this Government to raise additional revenue.

**Mr Whitecross:** Where are the examples?

**MR HUMPHRIES:** This is not in this budget. For example, I am talking about entry fees to nature parks or reserves in the ACT. They were opposed. The idea of charging \$30 in our Magistrates Court for those people who commit criminal acts was opposed. Entry fees to Floriade were opposed. I think the record will show that there are very few initiatives this Government has put forward to raise money which this Opposition is prepared to support. Apparently, increasing revenue is out and decreasing expenditure is out.

We have a proposal to divest ourselves of some assets, or at least to make lease-back arrangements for some of those assets. That has, of course, been very strongly attacked by the Opposition. They say that this is borrowing in disguise.

**Mr Whitecross:** It is.

**MR HUMPHRIES:** Presumably, you are also saying that in the present circumstances borrowing is out; that we cannot borrow. The question needs to be asked: If we cannot reduce expenditure, if we cannot increase revenue and if we cannot borrow when the Commonwealth is cutting back the ACT's grants, which are a very significant proportion of ACT revenue, we cannot cut education because that has been quarantined - and, of course, we know all the other reasons - and we are facing an economically difficult situation which results in fewer government revenues from ordinary sources, what exactly does this mob opposite say we ought to do?

**Mr Moore:** Just gild the lily as you do with everything else.

**MR HUMPHRIES:** Thank you for that enlightened contribution, Mr Moore. I think you should go back to sleep. Mr Speaker, there is not any vision whatsoever on the part of those opposite. When we hear them say, "This measure is wrong; that measure is bad; you are not doing enough for jobs, you are not doing this and you are not doing that", we know that they are being the worst kind of opposition, criticising with no sense of alternatives, no sense of vision, no sense of other solutions to the problems.

I must say that, to Mrs Carnell's credit, when she sat in that seat and she was Leader of the Opposition, she did produce alternatives. She produced her own alternative budget and laid out clearly what she would have done had she found herself in the position of Treasurer. We passed the budgets. We never blocked a budget. What we hear from those opposite is nothing more nor less than grandstanding. Everybody in this chamber knows in their heart of hearts, if they for one minute step aside from the political fray and sit down and carefully ponder the question, that, if miraculously - and I emphasise "miraculously" - that mob opposite were over here facing the same fiscal imperatives, the same problems and the same limited avenues for choice that we face over here, they would be making at least some of the very same decisions which they now criticise in this budget. On that basis I suggest that anybody who for one fleeting moment thinks that those opposite have a good point when they criticise element X, Y or Z of this budget should think again, because in fact the Opposition are behaving like the very worst kind of opposition that there is.

**MR BERRY** (11.53): Mr Speaker, is it not amazing? I have heard Mrs Carnell twisting the facts around to create a false impression of what is really going on. Mrs Carnell said, for example, "We are going to stimulate the economy". She mentioned the Kick Start program. We tried to get an indication from Mr Stefaniak about how much money they have actually put into the Kick Start program. Methinks none. How can you stimulate something without putting any money into it?

**Mr Stefaniak**: Two and a half million over a year, Wayne. Read your papers.

**MR BERRY**: It is not in there yet. Mrs Carnell said that it is already happening; that the economy has been stimulated. We have not spent any money. What a joke it is to say that the Kick Start program is already working! You have not spent any money yet. One thing for sure, with the help of Mr - - -

**Mr Stefaniak**: There is two and half million bucks in there, Wayne.

**MR BERRY**: How much have you spent, Mr Stefaniak, in the Kick Start program - anything or nothing?

**Mr Stefaniak**: We have spent a bit already, Wayne. Do not worry. There is \$2.5m to spend.

**MR BERRY**: But you have not spent much yet. You do not know how much you have spent. They did stimulate the MBA today. They handed them \$300,000 worth of taxpayers' money.

**Mr De Domenico**: That could be misleading. Be very careful what you say.

**MR BERRY**: You passed the Bill.

**MR SPEAKER**: Order, Mr Berry! Relevance! We are discussing the Appropriation Bill and we happen to be on Part 3, Chief Minister's Department - if anybody is interested.

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**MR BERRY:** And we are talking about jobs in the economy, Mr Speaker, and we are talking about stimulation of the economy.

**MR SPEAKER:** We are not talking about the MBA and \$300,000 or whatever it is.

**MR BERRY:** Mr Speaker, if you put \$300,000 into the economy, somebody is stimulated. I bet the MBA are stimulated tonight. I think they would think it is a good idea.

**Mr De Domenico:** On a point of order, Mr Speaker: I suggest that Mr Berry is reflecting on a vote of the Assembly.

**MR BERRY:** I am not reflecting on a vote.

**MR SPEAKER:** Proceed with the Appropriation Bill.

**MR BERRY:** Look at the little stimuli. The \$600,000 that was lost in the botched taxi auction was a fair bit of stimulus for industry. The \$80,000 that was knocked off the value of every cab in town stimulated anger in the taxi drivers. I am not sure that too many of them would be going around saying that the economy is going well. I think they would probably be saying that this Government stinks. There are a few other things that need to - - -

**Mrs Carnell:** Mr Speaker, that was last budget. He is getting a bit confused with his years.

**MR BERRY:** That is right; it was last budget. I am talking about your record. You say that you are into stimulating the economy and that we should come up with some ideas. I am mentioning a few of the things that we would not have done. For example, under Labor you would not have seen 54 per cent youth unemployment for three months in a row. It has never happened before in the history of the ACT.

**Mrs Carnell:** What would you have done about it?

**MR BERRY:** There are 5,600 fewer jobs in the ACT now than there were when you came here and 2,600 more people on the unemployment lists. You say, "What would you have done?". We would not have gone out and said, "The arse has fallen out of the economy".

**Mr Humphries:** What would you have done positively?

**MR BERRY:** We would not have said that. That was talking the economy down, I think. We would not have gone out and said, "The arse has fallen out of the economy". What do you think business would do if their leader went out and said those sorts of things? They would put their money away somewhere for a while. That is what they did, and no wonder. You were the one who started the riot. We would not have started a massive industrial dispute which cost the Territory \$4m or \$5m. We would not have



had the massive overspend in health, because, for one thing, we would not have folded and given in to the VMOs as you did. We would not have done quite a few things that have got us into the terrible situation that we are in now. What we would not have done is most important.

Mr Speaker, this Government's record stinks when it comes to the economy. It stinks when it comes to jobs. The jobs program that it has put forward in this budget is a phoney. You claim that you will create 2,700 jobs. It has been shown that that is completely phoney. There are 2,600 more people on the unemployment list since you came to office. I would be trying to make a claim for 2,700 extra jobs in the budget, too; but we want to see the numbers. So far you have not produced much but gloom in the ACT economy. Do not give us all this nonsense about how the economy is recovering because of the things that you have done. All of the things that you have done have created the hole that we are in.

**MS TUCKER (11.59):** Mr Speaker, I will make some comments covering general aspects of the whole budget, because the Chief Minister's Department is obviously the department that is driving most of this Government's agenda. It is the department that is setting priorities. It is the department that devised the purchaser-provider model, the outcomes-outputs models and the competitive reforms and is turning the business of government into business, full stop. It is this department that has had oversight of all the Government's development of indicators. Many of these issues I spoke about at length in my comments on the Estimates Committee report the other day, so here I will concentrate more on the Government's priorities.

I would like to comment initially on the Government's response to the recommendation in the Estimates Committee report about indicators. Last year the Estimates Committee recommended that, in future budgets and annual reports, social justice and environmental objectives and outcomes be identified on a program-by-program basis. The Government agreed to this in principle. Hopefully, most people would agree to this in principle. It makes good sense. The question is: Are we going to do anything about it? Are we going to take this process of ecologically sustainable development seriously? This year the recommendation to develop more specific environmental and social indicators has also been agreed to in principle by this Government. I sincerely hope that this year a solid effort is put into integrating the management and assessment of government agencies. It is part of a much needed process of reforming social and environmental institutions, making them more responsive to the pressures and challenges facing our society. It should not be seen as an add-on. We have already said that we are pleased the Government is investigating the development of environmental accounting, and we are very happy to help and push that initiative along.

In the area of consultation, this department has also been responsible for the development of this Government's council-style government. "Governing Canberra" seems to have sunk without a trace. Although it did receive criticism - and I acknowledge that there were some flaws in it - I thought it was a good start. I was encouraging debate and would have welcomed debate on that first document, even if the document was flawed. I think it is unfortunate that it has just disappeared.

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**Mrs Carnell:** That is because we did not have the numbers and the Assembly bagged it, but it will come up again.

**MS TUCKER:** Mrs Carnell interjects that it will come up again. I repeat that I would welcome discussion on it. Then we had the strategic plan. I have heard Mr Moore speak about that a lot. It is something that the Greens have talked about as well. It seemed to be something that a lot of people were enthusiastic about. I understood that it was being developed with the Planning and Environment Committee so that it would have input from members of the Assembly. Now it has been completely taken over by the Executive. I am very disappointed to see that. What is the point of having a supposedly bipartisan strategic plan if no-one feels any ownership of it?

I think it is a quite good example of the evaluation procedures in these documents that you give us. How is this type of initiative evaluated in your quality effectiveness indicators? I guess it is through the ACT policy performance measures. I am not really sure which one, but they might be appropriate to apply to the development of a strategic plan. You said that the ACT policy performance measures would address things like practicality and relevance. I would ask about the practicality and relevance of a strategic plan that the community do not feel ownership of. I just cannot work out from your documents - maybe you can explain it - how that evaluation occurs. Can members of this place see how that evaluation takes place and who does the evaluation?

I move along to another issue that other members have raised - sale and lease-back arrangements. I did speak about the sale and lease-back agreements and assets sales the other day, but I think it is worth reiterating the fact that the Government has not provided any good justification for why we should pursue sale and lease-back arrangements, aside from the fact that other jurisdictions are doing it. Other jurisdictions are doing lots of things that I do not think we particularly want to emulate. It is not a good reason.

Mr Speaker, this is also the department that sets the priorities. The Greens - it is clear; we have said it often - do not think the priorities of this Government are appropriate. This Government is driven by a bottom-line economic approach. When I use that word, I do not mean a broad definition of economics. I have to add that it is not an approach that is all that different from that of Labor governments. Labor and Liberal together have led Australia down this path.

It says on page 15 of Budget Paper No. 4 that a key strategic initiative is "to seek and capitalise on opportunities which will support Employment and the Economic Revitalisation of the ACT". I know that other members have also spoken on this, but I think I need to speak as well because it is an issue that I think we are very concerned about. The Government has said on a number of occasions that the main budget strategy of the ACT Government is the creation of a budget surplus and the creation of jobs. If jobs are to be the top priority of the ACT Government, how is it that the Government has cut the funding to a very successful community organisation, Jobline?

**Mrs Carnell:** And funded a new one.

**MS TUCKER:** How is it that the Estimates Committee managed to pretty thoroughly discredit *Jobs for Canberra*? Yes, there is some extra funding in a couple of areas, but this has to be balanced against the massive cuts to employment programs by both the local and Federal governments in the past 12 months and the reduction in ACT Public Service employment levels. I heard Mrs Carnell interject that Jobline has been replaced by another program, but I cannot see that that program that is being funded instead of Jobline is dealing with the same group in our society. This is another concern I have generally about this Government. The programs that deal with the most disadvantaged, down-and-out people are the ones that seem to get moved off. Most of the programs highlighted in *Jobs for Canberra* are not new initiatives. Many of them are also funded from Commonwealth money.

Mr Speaker, there is no far-reaching economic strategy for the ACT in this budget. There is also no real attempt to make our economic and political institutions more responsive to the pressures and challenges of the twenty-first century. The rhetoric about a holistic approach to government is good, but not if the holistic approach to government means that it is all driven by the Office of Financial Management. The budget talks about the trialling of simple coordinated arrangements for the management of community grants. That sounds fine. Yesterday we had the example of the Arts Minister not knowing about a meeting that was organised by Chief Minister's and where public servants addressed the arts community about grant procedures.

**Mr Humphries:** It was not organised by Chief Minister's; it was organised by the Community Information and Referral Service.

**MS TUCKER:** Mr Humphries says that it was organised by the Community Information and Referral Service. I did not know that community groups could actually ask three highly paid bureaucrats to come and talk to their meetings every night without it going through any Minister or any person in control in the Government. The concern is that apparently this Arts Minister was not even aware of this meeting. It was a great pity for him, because the arts community were extremely angry. It was not very pleasant for the bureaucrats either. The Kick Start proposal was developed by the Office of Financial Management, with the Housing Department having three days to work on it. Is that a holistic approach to government?

Mr Speaker, at this time when our public institutions are being dismantled before our eyes, when the gaps between the rich and the poor are growing, when the pressures on the environment are getting worse, we need to be rethinking our priorities. That is why we think the budget strategy of this Government is based on the out-of-date belief that we can separate the operations of the economy from the real world; that if we get the fundamentals right the jobs will suddenly appear; that market forces will protect the environment. It is frightening when you realise that the most important decisions by our leaders are straight out of economic textbooks. We never stop to question whether maybe the economic models are wrong, not the people and the environment that will not fit these models.

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We just cannot keep saying, "When we get the economy right, then we will fix up the rest. We will look after the poor and the environment then". New Zealand has tried this approach. After about 15 or so years of reform they are still saying that they have not quite got the economy right yet and will look after the poor later. The economy is never right. It is no wonder that one of the fastest-growing industries in New Zealand is food banks and that about 15 per cent of the people who are desperate enough to use them are employed.

This budget was framed in quite difficult times. We acknowledge that. But, as I have just argued, we are in this cycle where we are constantly in difficult times as far as the economy is concerned. It comes down to priorities. Can the vulnerable people in the community wait a little longer? Can we sell off our public housing stock because public housing tenants are an easy, weak target? Can we afford to cut the environment department? Can we afford to dismantle the public transport system? We always seem to find money for developments when we need to, so that argument is wearing a bit thin. Community services are stretched to the limit, and it is only going to get worse with the Federal Government's job cuts and their cuts to services.

Finally, I would like to make a comment about tax. The Greens would like to encourage Mrs Carnell to lead the debate in the appropriate forums about the need for tax reform. While we think this Government has its priorities wrong - - -

**Mr De Domenico:** What sorts of reforms?

**MS TUCKER:** Mr De Domenico interjects, "What sorts of reforms?". There has actually been a tax summit. If you have no idea of the reforms being discussed in Australia right now, I suggest that you do some homework. As a leader in this society, you have a responsibility to have more knowledge than this. I seek a very short extension, Mr Speaker.

**MR SPEAKER:** You are allowed another 10 minutes. You have a choice. You may take that now.

### **Friday, 22 November 1996**

**MS TUCKER** (12.09 am) : Although the Greens may disagree about the form of tax reform that should take place, I am sure we could agree on some basic principles to carry us forward.

**MRS CARNELL** (Chief Minister and Treasurer) (12.10 am): Mr Speaker, because we are doing Chief Minister's and OFM now, for the information of members and pursuant to section 26 of the Financial Management Act 1996, I present to the Legislative Assembly the financial management report for the period ended 30 September 1996.

**MR MOORE** (12.11 am): This evening - I should say this morning - I want to warn you about something that you may be very worried about, Mr Speaker - social experiments, turning our society into a social laboratory. I have heard you publicly express concern about this Assembly turning this community into a social laboratory. Mr Speaker, I know this is of great worry to you, so I want to warn you about what occurs in this budget.

Mr Speaker, this may come as a surprise to you, but this Government has introduced a social experiment in accrual accounting. It is here, Mr Speaker, and is something that you may well feel so worried about that you will comment on it yourself. You may even determine that you cannot support this particular social experiment.

But it does not stop there, Mr Speaker. There is more experimenting going on in this budget, turning our community into a social laboratory. Some of us see sale and lease-back as another form of borrowing. Mr Speaker, your mind might be eased in knowing that it is not such a social experiment after all; that, in fact, it is just another form of borrowing. It is another form of having money up front now and being able to pay it back over time. Under those circumstances, Mr Speaker, it just may ease your mind. On that particular social experiment, we still have not seen from the Government an appropriate assessment of a system of sale and lease-back that is sustainable. If we are going to go through that type of social experimentation, we might look at that.

But it does not stop there, Mr Speaker. There are other things that might concern you about social experiments and turning this Assembly and this town into a social laboratory. The next thing that I think you ought to be worried about is the purchaser-provider model. Mr Speaker, there are lots of concerns coming through in this budget. I just target those three for you, because I know how concerned you are about this particular issue of the social laboratory.

I am quite comfortable with the notion that we can experiment with new ideas and be quite innovative. I am not worried about accrual accounting. In fact, I am quite comfortable about it. I think that our community is going to be much better off because we have a system like this. I recognise your concern, which is why you are conscious of this. After looking at the sale and lease-back system and after asking quite detailed questions in the Estimates Committee, where I had some doubt about it, I add that I am quite supportive of that system. I can see the sense in it. Although this is in a sense using a social laboratory, you would not be aware that it has worried me for some time. If we have good ideas, then we should proceed with them, provided we have majority support in the Assembly. If we do not, then sometimes it is still best to bring these ideas out and let people discuss them. I have no problem with this being what some people describe as a social laboratory. The same could apply to the purchaser-provider model.

Moving on, I notice that Ms Tucker raised the issue of the strategic plan, which is a part of this line of the budget. I use this opportunity to say to the Chief Minister, "Perhaps you might like to tell us where it is at". After all, it was due to be released a couple of months ago - in September, as I recall. We are now in November, nearly December. Are you yourself bringing about significant modifications, does the Cabinet not like what is in it, have you recognised that the lack of input from the rest of the Assembly may well cause significant problems, or are you just trying to hold it so you can release it after the Assembly rises in December? I would be very interested to know what is happening to the work being done on that.

There are many other areas of this budget that I could look into in greater detail; but I think that most of the comments that I wish to make on this area, like most of the comments on the rest of the legislation, were made when I spoke at the in-principle stage of this Bill.

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**MR WHITECROSS** (Leader of the Opposition) (12.16 am): Mr Speaker, I want to touch on a couple of further matters in relation to this item before I finish. Needless to say, the earlier remarks of Mrs Carnell and Mr Humphries were littered with misrepresentations of what I had said in my previous remarks too numerous for me to try to correct them all now. Mrs Carnell did say one thing which could be described variously as misleading and as deceptive and which I thought ought to be corrected. In her glowing report on the labour market Mrs Carnell suggested that unemployment had stabilised and that, in fact, employment had improved a little. Mr Speaker, the "Monthly Economic Monitor" reports that the October labour force statistics - and, of course, they are the most recent ones - point to the - - -

**Mrs Carnell:** And job figures have gone up. Advertisements have gone up.

**MR WHITECROSS:** Mrs Carnell wants to talk over me, Mr Speaker, because she does not want to hear this; but it states:

The October Labour Force statistics point to the continuation of a slowing in the ACT labour market. Unemployment stabilised, but the participation rate has decreased since September.

The unemployment rate has stabilised because the participation rate has decreased. The document continues:

The unemployment rate of 8.5% is slightly below the national average of 8.7%.

I am sure we all remember that Mrs Carnell said "rose", but what it says here is:

Employment fell in October, the twelfth successive month of decreasing employment.

It goes on to say that the unemployment rate for teenagers seeking full-time work decreased slightly to 53.5 per cent from 54.2 per cent but was still much greater than the national figure of 26.5 per cent. No-one would say those were good figures; but they hardly fit Mrs Carnell's description of an economy on the bounce, responding to the stimulation of her jobs budget, which is the impression she tried to create. Mr Speaker, there is not much good news there. Mrs Carnell ought not to be creating the impression that just because people have given up and left the labour force, causing the participation rate to fall, somehow or other the economy is responding to her non-existent stimulation of the ACT economy.

Mr Speaker, the reality is that Mrs Carnell's main strategy for producing economic growth in the ACT community is trying to talk the economy up. Six months ago she was telling us all that there were no problems with John Howard sacking public servants; that it was a piece of malicious Labor Party propaganda that the Federal Liberal Party were going to sack some people in Canberra. We all know how true that was. Mrs Carnell and her deputy, Mr De Domenico, then spent the next few months telling us that they were all going to get jobs in the private sector, so we did not need to worry.

In fact, Mr De Domenico was so confident that in speaking about Federal public servants losing their jobs he even said, "So what?". They were all going to get jobs in the private sector. Their consistent policy all the way along has been to turn a blind eye to the facts and to try to talk the economy up. There is nothing wrong with being an optimist, but it is no substitute for real economic policies.

I want to touch on a couple of other important issues which cannot be ignored in this debate. One of those is this whole question of assets sales to fund the budget deficit. Mrs Carnell, on the first page of her budget speech said, "There are no borrowings in this budget". No serious economic commentator accepts Mrs Carnell's claim at face value. The reality is that the sale and lease-back arrangements she has entered into are exactly the same as borrowing. They are borrowing under another name.

Mrs Carnell has found this option so attractive not because of any financial responsibility inherent in selling a stream of income as Mrs Carnell did. There is only one reason she has done it. By doing it this way, she is able to put these borrowings into the ledger as income, whereas if they were borrowings she would not be able to put them into the cash accounts of the ledger and she would have to admit that what she really has is a \$98m deficit. Not only could she not be accurate in her claims about creating jobs in the budget, not only could she not be accurate about last month's labour market figures; she could not be accurate about something as fundamental as whether the cash budget is in surplus or in deficit.

There is one last thing I want to touch on, and that is the issue of fairness. In this budget there are some new taxes, some new charges, which I think are particularly unfair and which I think this Assembly should be looking very closely at. One of them is a bank account debits tax and a related reduction in the financial institutions duty. The reality of this change is that every time anybody withdraws less than \$750 from their bank account they will be paying more tax than they were before, and every time they withdraw more than \$750 they will be paying less tax. You do the maths. Who wins and who loses? How many ordinary families in Canberra make withdrawals of more than \$750? Who makes withdrawals of more than \$750 and is going to win out of this? It is an unfair tax. At a time when charges are going up all over the place, when employment is declining and when unemployment has been rising and has stabilised only because people have given up and left the work force, Mrs Carnell has introduced a new tax which is going to hit ordinary families harder while relieving tax on business people, who are the people who make these big withdrawals? I think the Assembly should take that very seriously when that comes up.

Another interesting proposal that Mrs Carnell has included in her budget ought to be a matter of concern. That is the capping of the general rates concession for new pensioners. What that means is that any new pensioner with rates of over \$500 is going to be worse off than under the current rules. What a class act this is! Mrs Carnell has picked out families operating cheque accounts and new pensioners as targets for tax increases. This is on top of increases in fees and charges in the last 12 months of 12 per cent - three times the rate of inflation. When you examine this budget from the point of view of fairness, there is not too much good news about the Government's performance. That is on top of the fact that we have a Chief Minister who simply cannot be honest about the facts of her budget when it comes to either the cash surplus - - -

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**Mrs Carnell:** Mr Speaker, I raise a point of order. I think Mr Whitecross would need to withdraw his comment that I was not being honest.

**MR SPEAKER:** Please do.

**MR WHITECROSS:** Mr Speaker, I am sure that you did not hear me say that.

**MR SPEAKER:** No, but Mrs Carnell did.

**MR WHITECROSS:** Mr Speaker, when Ms Follett tells you that they have said something but you have not heard it, you do not ask for a withdrawal, but if Mrs Carnell tells you something you do ask for a withdrawal.

**MR SPEAKER:** If Mrs Carnell has taken offence, then I would ask you to withdraw it.

**MR WHITECROSS:** What about when Ms Follett takes offence?

**MR SPEAKER:** Would you mind withdrawing.

**Mr Berry:** Mr Speaker, I did not hear it either. Would you mind checking the *Hansard*, and we will come back to it later?

**MR SPEAKER:** Would you mind sitting down. Would you mind withdrawing, Mr Whitecross. Otherwise - - -

**MR WHITECROSS:** Mr Speaker, if Mrs Carnell is offended by that, I withdraw.

**MR SPEAKER:** Thank you.

**MR WHITECROSS:** But the facts speak for themselves, Mr Speaker.

**Mrs Carnell:** Mr Speaker, he just said it again.

**MR WHITECROSS:** No, I did not. I said that the facts speak for themselves, Mr Speaker. It is a simple enough statement.

**MR SPEAKER:** What facts are you talking about?

**MR WHITECROSS:** The facts of what Mrs Carnell said, as the *Hansard* will record, about employment going up when the October labour market figures show that it has gone down. That is a fact and I think it speaks for itself, Mr Speaker.



**MRS CARNELL** (Chief Minister and Treasurer) (12.27 am): One of the things that obviously Mr Whitecross does not know or is not interested in telling us about is that the trend in job vacancies did go up in October. In fact, the increase in the ACT in October was the largest of all States and Territories except South Australia. As you can see, there is a small potential for turnaround there, but certainly not much. We heard in Mr Whitecross's statement exactly what Mr Humphries said before. Mr Whitecross decided to bag or to oppose a number of the revenue-raising measures that this budget has in it.

**Mr Whitecross:** I voted for one earlier.

**MRS CARNELL:** One. You bagged all the others. There is absolutely no indication of what he would do, no idea of how they would address the current situation; just ways that we could make sure we had less revenue - no less expenditure, no more jobs; just less revenue. Mr Whitecross said that he did not support a couple of the revenue-raising approaches.

**Mr Whitecross:** Two.

**MRS CARNELL:** Two. He did not indicate that he would cut expenditure to balance those, not one place where they would spend less money. That just shows categorically an Opposition that has absolutely no ideas, that just wants to bag everything. Mr Whitecross cannot get it quite right on borrowings. If Mr Whitecross can show me where we have borrowed one new dollar in this budget, I will accept that there are borrowings in the budget. The fact is that he cannot, because we did not borrow one dollar or a hundred dollars. We did not borrow any new money in this budget. This is the reality, and I think it is very important. If he can show me one place where we have borrowed money, then he has made his point. The fact is that he cannot, because we did not borrow any money.

**MR BERRY** (12.29 am): Looking at the employment figures for the year from October to October, do you know what I see? I see 5,600 fewer people employed.

**Mr Whitecross:** That is an economy on the move!

**MR BERRY:** It is on the way up! I look at the unemployment rate since Mrs Carnell came to office, and I see 2,600 more out of work. So 5,600 jobs have been lost in a year, and 2,600 more are out of work since Mrs Carnell came to office. As you say, Mr Whitecross, it is an economy on the move! I would not like to be going too far with it. Mrs Carnell says that she has not borrowed another dollar. David Chessell says that it is disingenuous - - -

**Mrs Carnell:** Go on, Wayne. Quote David Chessell.

**Mr De Domenico:** He spends all his nights in bed reading David Chessell's papers.

**MR BERRY:** No; I just listen to ABC radio. He said that it is disingenuous to say - - -

**Mrs Carnell:** A well-known economic rationalist quoted by Wayne Berry.

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**MR BERRY:** He said:

It is disingenuous to say that the budget has been returned to surplus a year earlier than planned.

They are the words of an economic expert, I would say. He went on:

It's not true, the reason being that there are over \$100m of asset sales. And asset sales are just another form of borrowing.

**Mrs Carnell:** The ABS does not agree with Chessell's statement, so whom would you believe?

**MR BERRY:** There you go. Mrs Carnell says that not another dollar has been borrowed but somebody disagrees. Mrs Carnell says, "What would you do?". We would not do what she did and come up with this dodgy little budget stunt that she went on about on Thursday, 16 June 1994, when she spoke of ACTION reform saving \$27m - - -

**MR SPEAKER:** Relevance! If that is June 1994, it is not relevant to this particular debate.

**MR BERRY:** Mr Speaker, you do not have to yell at me. I can hear you quite easily. We have loudspeakers. This matter was, in fact, referred to in a speech by the Minister, and I would just like to - - -

**Mr De Domenico:** Which Minister?

**MR BERRY:** I think it was you.

**Mr De Domenico:** When? I have not spoken.

**MR BERRY:** In the course of the debate the Chief Minister, when in opposition - - -

**Mr De Domenico:** I raise a point of order, Mr Speaker. Mr Berry is obviously reading from a document dated 1994. I suggest that he read one that is related to this budget and that he become relevant.

**MR SPEAKER:** We are discussing the Appropriation Bill 1996-97, plus the Government's response to the Estimates Committee report. Will you address those, Mr Berry?

**Ms Follett:** On that point, Mr Speaker: You and I have had debates about the relevance of previous budget documents and previous budget statements to the budget under discussion. I believe that you have found on previous occasions that earlier budget documents are relevant.

**MR SPEAKER:** It depends entirely on the circumstances. I remember a previous discussion, but I have yet to see where this has relevance.

**MR BERRY:** It is relevant, because we were accused of doing nothing and those opposite claimed that they had done something in the form of a budget. I am just referring to how shallow it was and why we would not do that sort of thing. It would be a fraud on the community to do that sort of thing. She talked about a casemix funding saving of \$26m. We know that Mrs Carnell promised to save \$30m in health. That has evaporated. She talked about sharing resources with New South Wales and saving a couple of million dollars, using private health facilities and saving \$5m.

**MR SPEAKER:** How can you relate that in 1994 to what we are discussing at the moment?

**MR BERRY:** I am trying to tell you why we would not do it. It is a fraud. I need go no further.

**Mrs Carnell:** He is actually quoting from my response to their budget when we were in opposition.

**MR BERRY:** Indeed. We would not do that sort of thing, because it is a fraud and it is dishonest. That was a public relations exercise which you tried to perpetrate on the community. This budget here is another public relations exercise. You keep harping about 600 new jobs. The figures from the ABS show that we are 5,600 jobs down.

**Mrs Carnell:** They show that we have 600 more jobs since we came to office.

**MR BERRY:** I will read out the figures for you. This is the total employed: October 1995, 159,700; October 1996, 154,100. That comes to about 5,600 in my book.

**Mrs Carnell:** Six hundred extra jobs.

**MR BERRY:** Five thousand, six hundred fewer jobs. Then we have a look at the unemployment rate.

**Mrs Carnell:** No, it is not.

**MR BERRY:** The facts speak for themselves.

**Mr Whitecross:** Be careful about saying, "The facts speak for themselves". You might get called on to withdraw that.

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**MR BERRY:** These facts make it self-evident that the 600 extra jobs claims by Mrs Carnell are untrue.

**Mrs Carnell:** Since we came to government there are 600 extra jobs.

**MR BERRY:** In the last 12 months there are 5,600 fewer.

**Mrs Carnell:** You are talking about the wrong figures.

**Mr De Domenico:** You are talking about the wrong figures.

**MR BERRY:** Since you came to government there are 2,600 more people in the unemployment queue.

**Mrs Carnell:** And there are 600 extra jobs.

**Mr De Domenico:** And there are 600 extra jobs.

**Ms Follett:** Mr Speaker, I raise a point of order. I see you shaking your head in despair.

**MR SPEAKER:** I am indeed.

**Ms Follett:** I suggest that, instead of shaking your head in despair, you actually call Mrs Carnell and Mr De Domenico to order. I think it may well be worth your while.

**MR SPEAKER:** I call both sides to order. I am just amazed by this exchange across the chamber at 25 to 1 in the morning. I wonder just what it is contributing to the entire budget debate.

**MR WHITECROSS (Leader of the Opposition) (12.36 am):** Mr Speaker, I am happy to solve your problem. I move:

That the debate be adjourned.

Mr Speaker, speaking of that motion, I can see how stressed you are by being up - - -

**MR SPEAKER:** I am sorry; you cannot speak to the motion, I am advised by the Clerk.

**MR WHITECROSS:** Mr Speaker, I seek leave.

Leave not granted.

Question put:

That the debate be adjourned.

The Assembly voted -

*AYES, 5*

Mr Berry  
Ms Follett  
Ms McRae  
Ms Reilly  
Mr Whitecross

*NOES, 10*

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

Question so resolved in the negative.

Proposed expenditure agreed to.

**Part 4 - ACT Executive**

Proposed expenditure - ACT Executive, \$1,726,000 - agreed to.

**Part 5- Central Financing Unit**

Proposed expenditure - Central Financing Unit, \$34,776,000

**MR WHITECROSS** (Leader of the Opposition) (12.41 am): I noticed that you quickly moved your head to the right in the hope that I would not catch your eye, Mr Speaker.

**MR SPEAKER:** Mr Whitecross, I am always on the right.

**MR WHITECROSS:** I know how committed you are to a good debate in the Assembly, Mr Speaker. It would be remiss of me to let the Central Financing Unit vote pass without once again reflecting on the fraud that has been perpetrated on the Canberra community by pretending that selling a stream of rental payments is somehow intrinsically different from borrowing money, Mr Speaker. The fact that the sales are handled by the Central Financing Unit, which is responsible for borrowing money, does suggest that in the mind of even the Government there is a very close nexus between these sale and lease-back arrangements and borrowing. It is no wonder that Dr Chessell calls them another form of borrowing. It is no wonder that in considering these kinds of arrangements in the Federal context they are inclined to call them borrowing. We just have to recall, as we vote on this, that the Government has perpetrated a fraud on the Canberra community by pretending that this arrangement is anything other than a form of borrowing.

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Madam Deputy Speaker, it is significant to understand that this is another form of borrowing, for two reasons. The first is that what that means is that Mrs Carnell's cash surplus of \$10m is really a cash deficit of \$98m. A fraud was perpetrated on the Canberra community when the claim was made that there was a cash deficit. Secondly, Madam Deputy Speaker, it is important to understand that this is really just another form of borrowing because, when we look at the outyears, we see that the same thing exists through the outyears. In other words, there is actually no financial management strategy on the part of the Government to reduce this cash deficit. There is no financial management strategy at work in the Government to bring down that cash deficit. Instead, Madam Deputy Speaker, we have the possibility that the Central Financing Unit will be kept busy in future years once again selling off assets in order to fund Mrs Carnell's deficit. I think it is very important that people understand that, in fact, this appropriation is being topped up by borrowing dressed up as asset sales.

Proposed expenditure agreed to.

#### **Part 6 - ACT Superannuation Provision**

Proposed expenditure - ACT Superannuation Provision, \$13,324,000 - agreed to.

#### **Part 7 - Department of Health and Community Care**

Proposed expenditure - Department of Health and Community Care, \$322,402,000

**MR BERRY** (12.45 am): The first thing I have to refer to in the context of the overall budget is what Mrs Carnell said about the jobs that people have not got and that have been advertised. We are 18 per cent worse off than we were a year ago. The first thing I want to deal with is the Government's response to the Select Committee on Estimates.

**Mrs Carnell:** We have done that.

**MR BERRY:** It is a cognate debate. Mrs Carnell, in her Government response, complains:

This matter was dealt with at some length during the Hearings of the Committee but failed to identify any relationship to its consideration of the Budget.

That is, a conflict of interest. Well, six members of the committee disagree with you, because in the committee report they make it quite clear - - -

**Mr De Domenico:** Where?

**MR BERRY:** Beginning on page 25, about those recommendations, and the approved - - -

**Mr De Domenico:** What does it say?

**Mrs Carnell:** There is no recommendation on it.

**MADAM DEPUTY SPEAKER:** Order! It will be less painful if you just let him finish.

**MR BERRY:** The approved text of the report is very clear because it goes on to say this:

There was a view within the committee that conflict of interest can be perceived or actual and that the methadone program is a case where government funding is involved in the management of a program which could provide a subsidy to the Minister's pharmacy should it become involved in the program.

A further point of concern within the committee is that the Minister's registration as a pharmacist and the management of the pharmacy are regulated subject to the Pharmacy Act 1931 for which the Minister is responsible.

The committee also noted that the Drugs of Dependence Act 1989 has a direct impact on the management of pharmacies, in particular - - -

**Mr De Domenico:** We have read it.

**MADAM DEPUTY SPEAKER:** Steady, Mr De Domenico. You will have 20 minutes all to yourself in a minute. Order!

**MR BERRY:** The report continues:

... in particular with regard to the keeping and dispensing of drugs of dependence.

Mrs Carnell, you must not have read these comments - - -

**Mrs Carnell:** It says that there was a view. It did not say it was unanimous. In fact, I know it was not.

**MR BERRY:** This text could not have appeared in this report without the approval of the committee members.

**Mrs Carnell:** "There was a view".

**MR BERRY:** This text could not have appeared in this report without the approval of the members. There was no dissenting view, even from the Liberals. They even agreed with the text. So both the Pharmacy Act - - -

**Mr Hird:** No, we did not.

**MR BERRY:** You did. Yes, you did - - -

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**MADAM DEPUTY SPEAKER:** Order! You will have your turn, Mr Hird.

**MR BERRY:** Yes, you did; you agreed.

**Mr Hird:** I raise a point of order.

**MR BERRY:** Well, where is the dissenting report?

**MADAM DEPUTY SPEAKER:** Mr Berry, we have a point of order.

**Mr Hird:** The point of order, when Mr Berry chooses to sit down, is this: He is trying to give an interpretation of what the Estimates Committee membership arrived at. The fact is that they did not arrive at the conclusion that Mr Berry is inferring they did. He was not there for the concluding evidence and the decision of that committee, because he was not a member.

**MADAM DEPUTY SPEAKER:** Mr Hird, thank you for pointing that out to me, but you will have an opportunity to debate the issue when Mr Berry is finished. Mr Berry, continue.

**MR BERRY:** I do not know whether that was a point of order, but it was a useful comment for me to respond to. He was referring to a number of comments in the report which could not have appeared there without the approval of the Liberal members. If they had wished to make a dissenting comment about that, they could have. Such a comment does not appear anywhere in the report or attached to it, so you agree. So, Madam Deputy Speaker, it was with the Liberals' concurrence that these things turned up in the report. Mrs Carnell, in her response to the committee's report, said:

... but failed to identify any relationship to its consideration of the Budget.

What a silly thing for a government to say! With thousands and thousands of highly paid, expensive consultants, workers and staff, you come up with such a silly statement. I have just referred to a couple of pieces of legislation. When we look at page 105 of Budget Paper No. 4, Volume 1, it talks about the health protection and surveillance output - \$6m worth. Down the list a bit it talks about the Drugs of Dependence Act, and one assumes that those are the administrative costs of looking after the Act - \$140,000.

**Mrs Carnell:** It is somebody who goes around and counts the drugs in people's safes.

**MR BERRY:** It does relate to the budget, Mrs Carnell. You do not understand this issue of conflict of interest. You obviously just do not understand it. We have a situation, clearly, where the Minister is the watchdog on her own pharmacy and on her own professional registration.

**Mrs Carnell:** Madam Deputy Speaker, nowhere in the Estimates Committee report is there that comment. I think Mr Berry should withdraw it or, alternatively, say that that is his view, not the Estimates Committee's view.



**Mr Moore:** Hear, hear! Paragraph 3.38 makes very clear that it does not say that. It says it is a matter - - -

**MADAM DEPUTY SPEAKER:** Order!

**MR BERRY:** It says:

The committee sees the issue of conflict of interest as a matter for the Assembly to consider and notes that such a reference is presently before the Standing Committee ...

The point that I make, in expressing the view that you are the watchdog on your own professional registration and yourself in respect of the drugs of dependence program, is - - -

**Mrs Carnell:** The Pharmacy Board is.

**MR BERRY:** That is right. Three of them are appointed by you and the chair is appointed by you. In effect, you are the watchdog on yourself. That is fairly clear.

**Mr Osborne:** I raise a point of order. I would like to remind Mr Berry of standing order 62, which relates to irrelevance and tedious repetition. We have heard what Mr Berry has had to say probably every sitting day in the last month. I would like to remind him of that standing order.

**MR BERRY:** You should not take your advice from Mr Moore on these things. You have not heard me say it in the course of this debate.

**MADAM DEPUTY SPEAKER:** Thank you, Mr Osborne. That is correct, Mr Berry. Continue.

**MR BERRY:** Just be careful where you take your advice from.

**Mr Moore:** I take a point of order, Madam Deputy Speaker. You would know that the standing order does not restrict it to the particular debate at hand, although that is a normal interpretation.

**MADAM DEPUTY SPEAKER:** Mr Moore, that is true, but it would be a very brave Speaker who tried to remember what happened in previous debates. I am barely conscious through this one.

**MR BERRY:** Then we come to mental health services. This became a bigger issue really after the Estimates Committee had considered the matter. Mental health services are the subject of much interest in the Territory, principally because of the mismanagement of the program. The appointment of the head of the Mental Health Service has still not been done in accordance with the Act. The Act requires it and it has not been done. Mrs Carnell ignores legislation which has been endorsed by this Assembly. It is a contempt of the Assembly for her to do that.

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**Mrs Carnell:** Madam Deputy Speaker, if Mr Berry believes that, tell him to move it. We are quite happy to debate it right now. If he believes that I have acted in contempt of this Assembly, why does he not do something about it and not just talk about it, or withdraw it?

**MR BERRY:** I do not think I have to withdraw it.

**MADAM DEPUTY SPEAKER:** I do not think he made a personal accusation there, Mrs Carnell.

**Mrs Carnell:** You are not going to move it, so you must not have any facts.

**MR BERRY:** It is a contempt of the Assembly to ignore the legislation which is passed by it, in my view. The clear facts of the matter are that the law requires that the director of mental health services be appointed by the Minister. You must appoint one, and you have not done so. It also envisages that, in the absence of a director of mental health services, you would have an acting one, and you have not. There is also the situation of the delegations, which you just supplied this evening, and I note that you have not approved any of them.

**Mrs Carnell:** I take a point of order. There is a relevance issue here. For the life of me, I do not know how appointments under the Mental Health Act have anything to do with the budget that we are debating, or the Government response to the Estimates Committee, or even the Estimates Committee report, Madam Deputy Speaker.

**MR BERRY:** It does. There are 13 or 16 - - -

**MADAM DEPUTY SPEAKER:** Mr Berry, the challenge is there, and your time has expired.

**MS TUCKER (12.56 am):** I want to make a couple of brief comments. I have made a lot of comments already this week about my concerns about health expenditure. I certainly do still question the claim from the Government that record expenditure in mental health is necessarily equal to appropriate resourcing for mental health. We are disappointed with the health budget because of the priorities of this Government, and I have already made quite clear why, on Tuesday; so I will not go into that again.

There is one other point I would like to make here. It is about the funding for the hep C interferon program. It is good to see some action from the Government on this important public health issue; but, again, I am concerned about the lack of education and prevention strategies in that funding. The other comment I would make is that I notice from the Health Complaints Commissioner's annual report that he is being kept very busy and he has a lot of complaints still open. I hope that Mrs Carnell will consider increasing his resources, if that is necessary.

**MS REILLY** (12.58 am): I want to raise a couple of issues in relation to the Health and Community Care budget that we are discussing. One of the things I want to raise is the SACS award and the payment of that award to the people who work in the social and community sector.

**Mrs Carnell:** There is a bit of tedious repetition here, too.

**MADAM DEPUTY SPEAKER:** Pay no attention. Just continue, Ms Reilly.

**MS REILLY:** Thank you, Madam Deputy Speaker. It was very pleasing in the discussion at the Estimates Committee hearings to find that there was the money available for people to be paid proper award wages. We have been talking a lot tonight about jobs. If the community sector is not given sufficient money to pay award wages there will be a loss of jobs in this sector. In particular, there will be a loss of jobs for women because a number of the people who work in this sector are women. I think it would be a pity to lose these women out of the work force. For many years these people have been bringing high levels of skills and experience to these jobs. The establishment of an award ensures that these people will be fully recompensed for their skills and competency. I think it is important that, when this process is finished, they will be fully rewarded, and that, in the tendering process, organisations that pay award wages will not be disadvantaged in any way as against those who refuse to pay or do not worry about paying award wages.

The other part of the program I wish to mention is the growth funds of \$418,000 under the HACC budget. Because these funds always become available later in the financial year, there is much effort made to distribute them as soon as possible. This is the only opportunity to introduce new services. It is the only opportunity to look at innovation in the area. If there are delays in this money being allocated and there are delays in setting up new programs, a lot of this could be lost.

The other issue I want to raise is in relation to the community houses for younger disabled. One of the questions I asked about at the Estimates Committee hearings was the number of people who were in Jindalee. I do not seem to have received those figures. That aside, there is to be the construction of four houses as residences for 16 younger people with disabilities. I think everyone is looking forward to the announcement of these. During the 1995 election campaign it was said that we were going to set up houses to house 40 younger people with disabilities. When are we going to see the rest of them?

This is a very disadvantaged group. It is a group that needs high levels of care. Everyone accepts that nursing homes are not the place for these people. They should be in separate homes and we need to house them as soon as possible. The fact that 16 may be housed by the end of 2½ years is not a suggestion of any real commitment to those people. It is interesting to note, in relation to the questions about the Jindalee Nursing Home and the capital upgrades, that a number of the items that they have expended money on have nothing to do with capital costs. Most of them are ordinary maintenance and consumables items. I am wondering how much Johnson Village Services is spending on Jindalee Nursing Home.

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**MRS CARNELL** (Chief Minister and Minister for Health and Community Care) (1.01 am): I find it absolutely remarkable that, when we could be talking about a budget of \$322m, Mr Berry talks about my pharmacy. Madam Deputy Speaker, my pharmacy is a very nice little pharmacy, but I tell you what: \$322m makes it pale into insignificance. Again I make the point that this is a major budget. This budget is what sets the agenda for this city over the next 12 months. Mr Berry wants to speak about station wagons, meal allowances and my pharmacy.

**Mr De Domenico:** And goggles.

**MRS CARNELL:** And goggles, not about the issues that make a difference. One of the things that my health officials and I were most surprised about in the Estimates Committee hearings - I am sure, Madam Deputy Speaker, that when you were chair of that committee you also were surprised - was that we did seem to spend most of the time that we had for consideration of the estimates speaking about my pharmacy and about the methadone program. The methadone program is a very important program, but it is an extremely small amount in the health budget. That was a significant part of the health estimates. Mr Speaker, it does show an unfortunate part of Mr Berry's personality that he has a large amount of trouble concentrating on the issue at hand, and that is a budget of \$322m.

Our budget this year has a large number of new initiatives of which I am very proud. We have cardio-thoracic surgery in this budget. We will have surgery in June or July next year. Significant amounts of money are being spent on training staff and on the purchase of equipment. I think it is \$2.7m. We are spending \$1.5m on waiting list reduction. Already we have managed to reduce the waiting list by 1,068 since we came to government - a reduction of 23 per cent. That is a pretty good effort by the people who work in our hospital system. In post-natal care, there is \$3m for the construction of the new residential facility for mums and babies and two new family care cottages. Healthpact is getting \$3.1m and the community midwife program \$178,000. We have already heard about the home and community care program, which is to get an extra \$800,000. There is the completion of the hospital redevelopment, costing \$12m. We have the COOL project, as we have already heard, which I think is a very exciting program; the renal dialysis unit, \$1m; hospital in the home; hepatitis C; the Canberra Clinical School; the extra \$350,000 for mental health; and, of course, the upgrade of the methadone program from 350 to 400 people.

Those are just some of the issues that are in this budget; so there is a lot to debate, Mr Speaker, but it seems that the Opposition health spokesperson wants to speak about something that is not even in the budget - my pharmacy. I find that fairly unusual, Mr Speaker; but, equally, we are all getting quite used to it around here now. This is a good health budget. It is certainly a budget that must be brought in on track. Those who have had time to look at the first three months' report know that health is on budget at this stage, which, I must admit, is a pretty impressive exercise, taking into account that we are significantly up again in admissions.

**Mr Berry:** Four per cent up.

**MRS CARNELL:** No, we are not. It is on budget at the moment. There are a lot of people out there who think we are doing a pretty good job. Again, I would like to commend the health budget and all of the people who work so hard to make our health system work as well as it does.

**MR BERRY (1.06 am):** Mr Speaker, Mrs Carnell distorts events again. I have no interest in Mrs Carnell's pharmacy. All I am interested in is her conflict of interest and making it - - -

**Mrs Carnell:** Mr Speaker, I think that Mr Berry is reflecting on a vote of this Assembly. We have voted on the issue of conflict of interest.

**MR BERRY:** No, we have never - - -

**Mrs Carnell:** Yes, we have.

**MR BERRY:** When? We voted on whether you could have two jobs or not. That is the only vote we had. We never had a vote on conflict of interest. Thank you, Mr Speaker.

**MR SPEAKER:** No, you are not thanking me. We will be checking this matter.

**MR BERRY:** You can check it all you like, Mr Speaker.

**MR SPEAKER:** We will be.

**MR BERRY:** If there was a vote, I am not reflecting on it. What I am saying is that there is an issue of conflict of interest at large - - -

**Mr De Domenico:** I take a point of order, Mr Speaker. Standing order 62 talks about repetition. I suggest that that is about the seventeenth time Mr Berry has mentioned conflict of interest. Perhaps he should get on with the job at hand.

**Mrs Carnell:** Mr Speaker, may I add to that? There is also a standing order that says that you cannot reflect on the conduct of a member, and that is exactly what he is doing.

**MR BERRY:** No; hang on a minute.

**Mr De Domenico:** Standing order 62, for a start, Mr Speaker.

**MR BERRY:** Well, which one? Mr Speaker, we have a situation where the issue of conflict of interest has been raised.

**Mr De Domenico:** I take a point of order, Mr Speaker. Standing order 62 talks about repetition. I suggest that Mr Berry be called to order or named.

**MR SPEAKER:** I am trying to find the other one.

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**MR BERRY:** Mr Speaker, let us get to the health budget for a little while.

**Mr De Domenico:** Yes, let us do that.

**MR SPEAKER:** Yes, let us address the health budget.

**MR BERRY:** Mrs Carnell attempts to sing its praises. In her response to the Estimates Committee report she goes on to say:

The Government rejects the view that problems with the Health budget “have been probably the single biggest factor leading to the sale of Government assets”.

She offers no justification for that claim, because they cannot. The fact of the matter is that the \$22.3m which has been overspent in health is the single greatest cause of many of our problems in the Territory’s budget. It has, of course, been one of the elements which have led to asset sales to fund the problems in the health system.

One of the reasons why the \$22.3m ended up as it did was Jindalee. Mrs Carnell originally intended to get \$2m for that, according to her budget strategy in 1994, but in the end she almost gave it away. That is one of the reasons why the Territory is in trouble. It is just plain mismanagement. This health budget is something like \$37m more than was estimated for the 1996-97 estimates. The 1996-97 estimates, at page 116, stand at \$283,781,000, and the 1996-97 budget is \$322,401,000 - a difference of about \$37m. We know now that the incompetence which has resulted in this health budget blow-out has been built into future budgets.

**Mrs Carnell:** You blew out four budgets in four years.

**Mr De Domenico:** You got the quadrella, mate.

**MR BERRY:** That is not quite true.

**Mrs Carnell:** Four budgets; four years; 200 fewer beds; doubled waiting lists.

**MR BERRY:** That is not true. After Gary Humphries’s massive blow-out whilst he was Minister, Labor gradually pulled the health budget back under control, and the books balanced before we left office.

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

**MR BERRY:** The only person who has done worse than Gary Humphries in budget management has been Kate Carnell. Mr Speaker, we have this massive budget problem in health now. She is just throwing money at the health black hole. She cannot deal with any of the savings problems which need to be dealt with within the health system.

It is just out of control. The situation is that massive amounts of money have been thrown at the health system and it has cost the ACT economy fairly dearly. We are paying millions and millions of dollars to try to buy Kate Carnell's popularity. Anybody else's money is all right if it goes to the cause of her popularity. Mr Speaker, I am going pretty well. I have been speaking and I still have 10 minutes.

**MR SPEAKER:** No, you have not. You have six minutes. I have been watching the clock. Do not worry.

**MR BERRY:** Which clock are you watching, Mr Speaker?

**MR SPEAKER:** I am watching the one in front of me down here, which you cannot see.

**MR BERRY:** I cannot see that one. We have to work out which one we are going by. Mr Speaker, the health budget problems which have been built in for future generations will have to be resolved by future governments.

**Mrs Carnell:** That is what we do every year. That is what you did every year.

**MR BERRY:** Nobody has ever built in the sort of blow-out that you have built in this year - around \$22.3m. That will be a legacy that we will never forget. It is all because of a Health Minister who has not been able to take hold of the reins, grab the levers with a firm hand and deal with the problems that confront her.

The first one that Mrs Carnell failed to deal with was the issue which confronted her over the visiting medical officers. She just folded and gave them the money. Of course, they walked away with a big smile on their faces, and no wonder. It was a nice easy little touch. I would have liked that as well. The situation was taken on by Labor and we intended to do something with that.

**Mrs Carnell:** You had done nothing and you had had months and months. There is no relevance.

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

**MR BERRY:** It is entirely relevant, Mr Speaker, because part of the \$22.3m overrun in health as a result of health expenditure and the failure of the health budget was caused by Mrs Carnell's failure to be able to grapple with the problem of the very high visiting medical officer cost. It was incompetence. There is no question about that.

Mr Speaker, we are lumbered with a budget you could not possibly vote for. We are lumbered with a budget that is going to be managed by a Minister who has proven herself not to be up to the job. We could not possibly vote for a budget where a question of conflict of interest exists as it does in this case. That matter may be resolved in future months or even years. The fact of the matter is that, under John Howard's code of practice, Mrs Carnell could not even hold down the job, and that would be a relief to the people of the ACT.

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**MRS CARNELL** (Chief Minister and Minister for Health and Community Care) (1.14 am): Mr Speaker, there was an overrun in the health budget, as everybody would know. We never tried to hide it. In fact, we brought it back and there was a second appropriation of \$14.5m. That \$14.5m was voted for by this Assembly. Mr Speaker, Mr Berry blew out four budgets in four years; he cut 200 hospital beds; and he doubled the waiting list. I think the very sad thing for Mr Berry is that he just cannot handle the situation that we really are addressing a lot of the fundamental problems. It is very sad to see somebody that bitter and twisted about something as important as health.

Mr Berry just said something very interesting, and I would like to finish on this note. He said he could not possibly vote for this health budget. That obviously means that Mr Berry believes that this budget should be lower, that he believes that we should have cut the budget. The line of the appropriation does not say where we are spending it. It is just a total figure.

**Mr Berry:** No; it is the manager that I have troubles with.

**MRS CARNELL:** You are not voting for the manager; you are voting for the dollars, Mr Berry. The reality is that Mr Berry has just indicated to this Assembly that he would cut the health budget. The fact is that we believe this is the right way to go.

Proposed expenditure agreed to.

## **Part 8 - Department of Business, the Arts, Sport and Tourism**

Proposed expenditure - Business and Regional Development, \$13,198,000

*(Quorum formed)*

**MS McRAE** (1.17 am): Mr Speaker, this element of the budget contains funding for the Bureau of Sport, Recreation and Racing. The Government often talks about how much money it gives to this area. It has a new tax which allows money to be given to this area, and it is an area that the Government can rightly be proud of. However, during the Estimates Committee process we found out that we really can have no confidence in the Government's capacity to prioritise its spending. In fact, we are unable to have any faith that what is put in front of us is what is going to end up at the end of the year. We discovered, perhaps less than a month before the budget, that \$250,000 was magically available for a futsal stadium. We do not know where it came from. We had never heard of it. We woke up one morning and saw in Pryor's brilliant cartoon that, like a mushroom, there was this futsal stadium. We all thought that they were fixing the car park; but, no, it was a futsal stadium.

Last year at Estimates Committee time, when we asked, we were given a 10-year plan for sporting facilities. So, of course, what did we do? We found our 10-year plan. We looked at page one, we looked at page 2, we looked at page 3, we looked at page 4, and we kept looking. Nowhere in the 10-year plan, from beginning to end, could we find



a futsal stadium. It was curious. There was no futsal stadium. All sorts of other things with emerging needs were talked about. Badminton and table tennis were talked about as having emerging needs that might be needing some support in the future. I read all the fine print, all the big print and all the print in between, and nowhere did I find futsal.

That was all right. We thought, "Aha! The Estimates Committee hearings are coming up. We will ask the Minister what is the secret". Lots of sporting groups come to me all the time wanting money. I thought, "This is the time to ask the Minister what is the secret. How do you get from nowhere on a 10-year plan to No. 1 on the top of the list?". What did we find? The Minister did not give us an answer at all. In fact, the Minister said that he did not think that anybody was in the least concerned about their funding, that they were all perfectly happy. But what the Minister did not know was that our intrepid Mr Moore was not going to be outdone by this. He had the other bits of paper - the grants that had already been given. And what did the grants show? They listed a whole series of groups that had asked for lots of money and, beside it, what little bit of money each of them was given.

From this Mr Moore quite cleverly drew the inference that perhaps there were lots of groups that would have liked more money. Did the Minister produce the secret for getting from nowhere on a 10-year plan to No. 1? No. We tried. Instead of being too aggressive, we thought, "Maybe there is a factor in all of this that we do not understand". Of course, what we did not add to the debate was that we had been approached at various phases and asked not to spoil this attempt for SOCOG in case we got blamed for upsetting this great international conspiracy that was going to bring futsal to the ACT. So, we thought, "We will not get too aggressive about this. We will just note the fact that the Minister has no idea how, from nowhere, on a 10-year plan, we suddenly get a futsal field". Perhaps it was as much of a surprise to him as to anybody else in this city. As Mr Pryor quite nicely put it in the cartoon, mushrooms do spring up, except that this one cost \$250,000.

We thought, "Maybe we will just be gentle. We will ask the Bureau of Sport, Recreation and Racing to do some further policy work, read between the lines, and tell us when you are going to build futsal fields". We got the extra policy work. I cannot help myself; I have to read this into *Hansard*. If Mr Moore was a little worried about the previous comment, this one is truly one of the most puzzling of the answers:

The Bureau of Sport, Recreation and Racing has consulted widely in developing a 10 year Facilities Plan. It will continue to do so through ACTSPORT and the Sport and Recreation Council.

That is good. It went on:

The 10 year plan will be reviewed in 1997 to ensure that emerging needs are identified.

One hopes that no more surprises will appear, but one is not sure. So, this plan is going to be reviewed.

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The consultation consisted of a number of steps. An initial questionnaire was sent to all peak sporting bodies; a draft strategic plan was developed; the draft plan was sent back; additional face-to-face meetings were held; and a subcommittee was formed. This was a 10-year plan that was already drawn up. This is what happened. Note the change. This really takes a few prizes. The answer was:

The sub-committee is currently reviewing the draft plan in light of these extensive consultations.

On page 16 of the Government's response to the Estimates Committee we had a plan. It was the same plan as I saw last year. On page 17 - hey, presto! - it has become a "draft" plan. I wonder whether they noticed that something had happened between all these consultations and when they wrote this answer, and they thought, "Oh, my God! We had better go back to the drawing board. There is something that has come up by the lake, all of a sudden". It is very strange. What is more, they will continue to support the development of a sport and recreation directory and calendar. The connection to the previous sentence defies all logic, but this is what they are going to do. Maybe from the calendar we will find out when the next futsal field is to appear.

It is a matter of major concern. There are bits of national land all over the ACT. Where else has the NCA set a futsal field seed to grow? Where else is \$250,000 suddenly going to emerge in the form of an international stadium for a sport that is going to be played at Olympic standard, for an indoor sport to be played outside? Members, we have a major worry here. If these things happen like that at a quarter of a million dollars and the Minister has no idea, we do have some major concerns about the sport budget. At the very least, I hope that the Minister can explain how an existing 10-year plan becomes a draft plan. Secondly, how on earth can budgets talk about emerging needs and not have anything in them about emerging needs that grow all of a sudden? I will call on the Minister to come clean about this process. It was obviously a good idea in some place at some time.

One hopes sincerely that this will not become a white elephant. I will take at face value the idea that it will have some attraction for some people at the lake one day. I have yet to drive past and see anyone there. But I do find it extraordinary that such an expensive item can come up in the budget, unexpectedly, unprepared, unplanned for, and then be dealt with as a wonderful thing for the ACT. I sincerely hope that it will be a wonderful thing for the ACT. But I do not think that anybody can have any faith in a sport budget which claims to have a 10-year plan, which claims to have a schedule of events, which claims to have a process of grant giving and management of facilities, suddenly to discover that a quarter of a million dollars can be spent like that. I wish that I did have a few friends who could line up and find out how this happened, because I do not think it is a very good indication of how our sport budget is being managed.

I do think that those emerging needs were extremely important. Table tennis and badminton are played by an awful lot of people. If there was this much money able to be found, I think it would be good if the rest of the people of the ACT knew that at some point they too could be in on this and did not have to wait for some magic formula that none of us have yet found out about.

**MR STEFANIAK** (Minister for Education and Training and Minister for Sport and Recreation) (1.26 am): I think we have just seen the problem with the lot opposite. They have absolutely no imagination. What would be your idea of a good budget for the Territory? About three hours ago, Mr De Domenico held up a blank piece of paper. That is about it. Here we have someone who has a rigid adherence to a five- or 10-year plan, and anything that might deviate from that, no matter how good, is something to be criticised, something that there is some great conspiracy about.

Have a look at page 16 of *Your Money at Work*, Budget Paper No. 2, Ms McRae. That deals with the Acton Park multipurpose venue, \$0.25m. Have a look at the rest of the budget and see the capital works items there. You will see that the sports community is very happy with that. Have a look and see what ACTSport thinks. It represents the sporting community in Canberra, and probably through that about 50 per cent of the population, who are well and truly in favour of this new addition to the Canberra sporting scene. Consider who else is going to use it. Maybe you should go past it a few times, because I certainly have and I have seen a lot of people using it.

**Ms McRae:** This is irrelevant.

**MR STEFANIAK:** It is not. It is very relevant, Ms McRae.

**Ms McRae:** This is irrelevant. I said that I was happy for it to be used.

**MR STEFANIAK:** And who is going to be using it in February, Ms McRae? The Woodies.

**Ms McRae:** When?

**MR STEFANIAK:** In February.

**Mr Berry:** No. That has been cancelled; I am sorry.

**MR STEFANIAK:** No, it has not. So, I think you are going to find that that little item is going to get a lot of extra use. Sometimes, Ms McRae, governments have to do a few things fairly quickly. They cannot rigidly stick to a 10-year plan. This is not the Soviet Union, Ms McRae. We know what happened to that. I think you need to wake up. In fact, I was rather appalled to listen to your speech. I do not think the sporting community would be terribly impressed with it because actually, unlike you, they like the idea. They actually like this budget, just as they liked our first budget, and for very good reasons. Community sporting organisations benefited considerably by this. All those little organisations that Ms McRae talked about had an extra \$304,000 in the sport and recreation development grants program. That brought the total Government funding for community sporting organisations to \$2.148m this financial year.

In terms of some of the other initiatives, \$400,000 is being spent on upgrading playing fields. Another \$300,000 is being spent on the installation of floodlighting. There is to be a refurbishment of the Erindale Leisure Centre. There is to be funding of \$742,000 for the Masters Games - an event that is going to bring at least 10,000 visitors to this Territory, which will inject significant funds into the Territory. Through Project 2000,

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there is to be allocated a sum of \$285,000 to fund marketing activities and, finally, an events coordinator to attract national and international sporting competitions to Canberra - activities that will position Canberra as a training venue for international teams in the lead-up to the Sydney 2000 Olympics.

It is a very good budget, containing a large number of initiatives, Ms McRae. The Academy of Sport is to be funded \$1.5m this year, largely through the one per cent additional tax on poker machines - something that the licensed clubs, to their credit, have got behind because they know the value of that. There is to be \$2m for the Gungahlin playing fields; and, in terms of recreation, such things as a Civic skateboard park and some improvements to the Erindale skateboard area.

**Mr De Domenico:** An indoor sporting facility at Tuggeranong.

**MR STEFANIAK:** Yes, that comes on stream this year, Mr De Domenico. The car park at the Hawker Softball Centre for the ACT is to be sealed. The car park at the netball centre, with the long running problem there with potholes, is going to be fixed up.

**Mr Whitecross:** So, now we have a sports stadium which is not only the world's first outdoor stadium for indoor soccer but also - - -

**MR STEFANIAK:** Shut up and you might learn something, Mr Whitecross.

**Mr Whitecross:** It is also the first stadium in Australia for blade hockey.

**MR STEFANIAK:** It is little wonder that the sporting community of Canberra is very happy with this Government. The trouble with you lot is that you show a very disturbing lack of any sort of imagination.

**Mr De Domenico:** They are just whingers.

**MR STEFANIAK:** That is right. You whinge, whinge, whinge, carp, carp, carp. You do not have an original idea between you. I suppose, in a way, we should take it as a compliment if all you can do is criticise what is already a very good additional facility in Canberra, in terms of the Acton Park facility.

**Ms McRae:** Why do you not just ditch your 10-year plan?

**MR STEFANIAK:** Who has ditched it, Ms McRae? It is just that you do have to have a little bit of flexibility, and the States that tend to do very well have that flexibility. They have the ability to jump in and seize an opportunity, which this Government is trying to do. If you want to see someone who does it very well, have a look at Kennett in Victoria and his events-led recovery. That man will jump in and seize anything he possibly can. He has got the Bledisloe Cup now. That is the sort of innovative ability you need to do well these days. That is something that this Government is doing, and that is something that we have done in relation to that outdoor stadium at Acton,

which is a multipurpose facility. I think you will be pleased to see that it will be a very good adjunct to the Canberra sporting scene. So, Ms McRae, I think it is rather hard to criticise the sports budget, because it is a good one. If that is the best you can do, good luck to you.

**MR WHITECROSS** (Leader of the Opposition) (1.32 am): Mr Speaker, I have to apologise for some of my colleagues who were suggesting that this Government lacks imagination. I think that any government which is not only in the vanguard of innovative ideas like outdoor stadiums for indoor soccer but also on the cutting edge of introducing new and widely acclaimed sports like blade hockey to Canberra has to be congratulated. I look forward to the imminent announcement by SOCOG that blade hockey will be one of the sports at the Olympics in the year 2000.

**MRS CARNELL** (Chief Minister and Treasurer) (1.33 am): Mr Speaker, those opposite do not know anything about sport. That is really what it comes down to. When Mr Lamont walked out the door, that was when their credibility in the sporting community really died. Under the previous Government, David Lamont provided funding to the Australian futsal championships of \$120,000 over three years. David Lamont kept the national championships in Canberra over a number of years, to put us in a position of being able to be looked at as the futsal capital of Australia. We worked on that work that was done by David Lamont. Unfortunately, David Lamont would be extremely embarrassed and ashamed now.

Mr Speaker, the reality is that those opposite obviously would not realise that futsal is regularly played on outdoor fields. In fact, it is played on Copacabana Beach, in a stadium that looks a little bit more upmarket than ours, I have to admit; but it is played outdoors. There is one thing that I think is most important, Mr Speaker. Obviously, those opposite do not really seem to mind about it. I am surprised at Ms McRae, who always claims to be very interested in women's affairs, and particularly women's sport. The fact that the ACT will host the inaugural world women's championship for futsal next year is something that I believe we should all be proud of. I am certainly proud of that.

I believe that it shows that we are seen not only as the futsal capital of Australia but also as a prime venue in the world. The inaugural women's championship, a FIFA event, is a major sporting event. And why did we get it, Mr Speaker? We got it because we were interested. We went over to Brazil and did the background work. Interestingly, Mr Speaker, the four-nations championship that we recently had ended up with our getting a letter from probably the world's best known futsal advocate, somebody who is - - -

**MR SPEAKER:** Michael Jackson?

**MRS CARNELL:** No, not Michael Jackson; I am sorry. Mr Speaker, it has meant that we really do have a quite large profile amongst the FIFA community worldwide. That can only go to help us with our Olympic soccer bid. But it is the sort of thing you have to do, Mr Speaker, if you are going to get in there and give it a go. We want to make sure that we have a very good chance of getting some of these events. If you sit on your hands and do nothing, then nothing happens, Mr Speaker.

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**MS McRAE** (1.36 am): Mr Speaker, they miss the point, of course, and twist and turn. Let us get serious. Why bother producing a 10-year plan? Why bother claiming extensive consultation? It is even worse when I hear that Mr Lamont funded futsal for three years to the level that he did. It clearly shows that this nonsense about a 10-year plan is just that - nonsense. That is what I am most aggrieved about. They give us a sham of some sort of 10-year plan, of some sort of overview about facilities, of some sort of considered planning about sport, of some sort of idea that they, and only they, understand about sport in the ACT. When it comes to the crunch, it is not worth the paper it is written on. When it comes to the crunch, the grammar in the response that they give does not even make any sense. That is what the problem is.

I could not care less whether futsal is there or not in the end. I could not care less whether Mrs Carnell wants to take risks. That is not the point. The point is that this is a Minister who, one year, gives me a 10-year plan - according to this, there has been an initial questionnaire, a draft strategic plan, a plan sent to all peak bodies for comment and additional face-to-face meetings - who gave me all of that last year, hand on heart, saying that this is a fantastic 10-year plan, and then has the audacity to stand up this year and just say that arbitrarily, out of the sky, without any planning or forethought, just like that, \$250,000 can be spent. That is my grievance. That is what is wrong. That is what is wrong with the sporting communities management. We cannot have faith that a 10-year plan that is supposed to have had this level of consultation will yield the possibility of a futsal stadium. That is what is bad about this budget and bad about the management of this - - -

**Mrs Carnell:** It is not a futsal stadium; it is a multipurpose - - -

**MS McRAE:** Oh! It is a multipurpose outdoor stadium. You know that its main purpose is to distract traffic driving past and to provide a little level of amusement. Give me a go! What have I seen there? I have seen futsal and a bit of rain. A multipurpose outdoor stadium!

**Mrs Carnell:** The police games.

**MS McRAE:** We have yet to see it all. Okay. When we have it all there, we will have it all there. That is all the worse. This is a 10-year plan, where every peak group was consulted. Did each of the peak groups say, "We want a multipurpose outdoor stadium at the edge of the lake."? No. Then why bother with this sham? Why bother with this sham of a 10-year plan? Why do you not simply come out and honestly say that, whenever Mrs Carnell has a good idea, the money will be found, and too bad about priorities, too bad about peak groups, too bad about consultation, too bad about 10-year plans? That is what is bothering me. What I am complaining about is that you simply do not understand. You want to twist and turn. You want to call me names. You can do whatever you like. Put it in front of the sporting communities. Do whatever you please; but do not give me this nonsense of a well and thoroughly prepared 10-year plan and, as you did last year and this year, come to me and say "a multipurpose outdoor stadium". No-one, but no-one, in this extensive level of consultation had ever even thought about it. It is outrageous.

Proposed expenditure agreed to.

Proposed expenditure - Canberra Tourism, \$6,416,000 - agreed to.

Proposed expenditure - Arts and Heritage, \$18,340,000 - agreed to.

Proposed expenditure - Bureau of Sport, Recreation and Racing, \$19,593,000 - agreed to.

### **Part 9 - Department of Urban Services**

Proposed expenditure - Urban Services, \$194,331,000

**MR WHITECROSS** (Leader of the Opposition) (1.41 am): Mr Speaker, I rise on this appropriation to draw members' attention to a few matters in relation to this proposed expenditure. The first thing to which I want to draw members' attention is that the Urban Services appropriation is one of the appropriations where you will find - - -

**Mr Stefaniak:** We have not got there yet. He has to do the final part - - -

**MR WHITECROSS:** No; we are in the Urban Services appropriation. You have not been paying attention.

**Mr Stefaniak:** Have you done the total, Mr Speaker?

**MR WHITECROSS:** You do not have to do the total. You do the appropriation units.

**Mr Stefaniak:** My apologies. Please carry on.

**MR WHITECROSS:** That is okay. Mr Stefaniak, I am always happy to wait while you catch up.

Mr Speaker, the appropriation unit for Urban Services is one of the appropriation units in which you will find debt servicing charges for the Government's borrowing to fund their budget deficit. In the Urban Services portfolio you will find things called lease payments for the Challis Street building and lease payments for Macarthur House, which are, in reality, debt servicing costs for the money that the Government borrowed by the sale and lease-back agreements to fund their budget deficit. So, instead of this money showing up where it should show up, as a Central Financing Unit item, Mr Speaker, what you will find is that we are spending money in the Urban Services portfolio, effectively paying for the servicing of part of the \$100m which the Government had to borrow to fund their budget deficit.

Mr Speaker, I think that is an important point for members to note, because it makes the accounts more confusing. It is even more confusing when you contemplate that, according to Mrs Carnell, even though lease costs associated with the Challis Street building, for instance, or the Macarthur House building, will show up here, there will be

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no accounting in these figures for the cost of residing in accommodation in government-owned premises, because Mrs Carnell imagines that there is some distinction between leasing a building owned by the private sector and occupying a building owned by the government sector.

Mr Speaker, I wanted to also draw attention to another part of the Government's program for financing their budget deficit, which Mrs Carnell falsely called a budget "surplus". That is the sale and lease-back of the bus fleet. Mr Speaker, it was readily concluded by the Estimates Committee that this was just another piece of borrowing. The result of the borrowing is that ACTION has been saddled with leasing costs of \$4m while reducing the cost of servicing its existing borrowings by only \$3m, which means that its actual costs of operations have gone up by \$1m, thanks to Mrs Carnell's desire to use the bus fleet to help pay for her budget deficit. What a class act! And these are the people who would like to pretend that they are interested in making ACTION more efficient. In fact, they are not making ACTION more efficient; they are saddling ACTION with the costs of financing Mrs Carnell's budget deficit.

It gets worse, Mr Speaker, when you contemplate that the selling price of the ACTION bus fleet is estimated to be in the vicinity of \$55m and that ACTION itself has a debt in the order of \$55m. But are they using the \$55m of proceeds from selling the bus fleet to retire ACTION's debt and to allow ACTION to operate free of debt once they have realised this asset? No, of course not. Instead, the Government is keeping \$31m of that money, while leaving ACTION with an ongoing debt of \$24m. So, the Government, having ripped assets off ACTION and sold them, instead of using the money to retire debt in ACTION, is using that money to fund its budget deficit. That is the reality of what the Government has done here. They have stolen ACTION's assets to pay for their budget deficit. They have saddled ACTION with an increased cost of operations - effectively, a \$1m bill for servicing the Government's debt associated with their \$100m cash deficit. So, Mr Speaker, it is not a good record and not a fair treatment of an operation of the Government which Mr De Domenico has claimed it is working to put on a commercial basis.

Mr Speaker, how will ACTION be paying for a \$1m increase in its costs? It is going to pay for it in one of the two ways that Mr De Domenico knows to pay for increases in ACTION's costs; that is, they are going to increase fares and they are going to reduce services. Over the past year-and-a-half, while Mr De Domenico has been the Minister, fares in ACTION have been ratcheted up by over 50 per cent and services have been radically cut back - cut back in a way which Mr De Domenico somehow manages to characterise as an improvement.

Indeed, Mr Speaker, the Estimates Committee provided some interesting insights into how the Government can describe cutting services as an improvement in the service. It is pretty simple. This is how you do it: You set a service standard which is worse than ACTION is currently providing and then you reduce the services to the service standard and say, "No, we have not reduced services. We have cut out overservicing. We have not reduced the service, because it still meets the service standard. It is just that there are fewer buses going around. We have not reduced services. It is just that you have to walk further to the bus stop". In fact, Mrs Carnell invented a new one on ABC radio earlier in the year, namely, "We have not increased ACTION's fares.



We have reduced the subsidy". That was a classic piece of Carnell doublespeak - "We have not increased the fares; we have reduced the subsidy". Mr Speaker, these are examples of the double-dealing that we have seen by this Government in its handling of Canberra' public transport system.

I want to touch on a couple of other matters in relation to these appropriations. One, of course, is the proposed transfer of Works and Commercial Services to Totalcare and of some of the operations of Totalcare to ACTION. This arrangement was so thoroughly thought through by the Government and so carefully considered by the Minister that for the one function being transferred from Totalcare to ACTION the Minister cannot even tell the Assembly whether it is running at a profit or a loss. He told us one thing in the Assembly. He told the Estimates Committee another thing. Today, when asked to clarify the situation, he said, "I am not really sure. I have to go away and think about that". For the one function that he is transferring from Totalcare to ACTION, which he decided to do, he cannot even tell us whether the service is running at a profit or a loss.

Mr Speaker, another extraordinary event was witnessed by those of us in the Estimates Committee when discussing this Totalcare fleet transfer with the Minister. We asked the Minister when the contracts - which have already expired - with Education and Health for the operation of the Totalcare fleet were going to be put out to tender. They said, "They are going to be put out to tender in January 1997". I said, "Wait a minute. So, you are telling us that you are going to put these things out to tender in January 1997, immediately after you have handed them over to ACTION. You are going to give them to ACTION and then, effectively, tender the contracts out to somebody else". A little huddle formed, with Mr Turner, Mr De Domenico and some others. Then up they bobbed and said, "No. We will go through to December 1997 and then we will tender them". That is how clearly Mr De Domenico had thought out the transfer of these functions to Totalcare and of the functions from Totalcare to ACTION. This shows what a disgrace this Minister is.

**MS HORODNY** (1.51 am): Mr Speaker, we have a range of concerns about the operations of this department. First of all, I turn to the environment part of the department. It has been an ongoing irritation to us that the environment is treated with such a low priority by this Government. There is no clearly defined part of the ACT Public Service which is responsible for environmental matters. The environment functions within Urban Services are split up across a number of groups and branches within the department. Parks and conservation is in the City Services Group. Environment policy and regulation is in the Strategy and Business Group. Environmental assessments are in the Planning and Land Management Group. There is no provision made for advice on environmental matters to be easily coordinated and given directly to the Government.

The Government's lack of concern for the environment also shows up in the budget papers. In Budget Paper No. 2 - *The 1996-97 Budget at a Glance* - the environment section of this paper is the only section that does not show the proposed budget expenditure. Does the Government not know how much it is spending on the environment, or does it not care?

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**Mr Whitecross:** They do not want you to know.

**MS HORODNY:** Clearly, it does not want anyone to know. That is exactly right. In Budget Paper No. 4 - *Budget Estimates 1996-97* - the section on the environment does not contain any budgetary figures. Why is this so? Most of the items referred to in this section are actions that are already under way. There is very little that is new in this section. What few initiatives the Government has made in the environmental area have been funded from cuts to other environmental programs.

The overall budget for the environmental outputs of Urban Services is virtually unchanged from last year, at a bit over \$23m. There has just been a reshuffle of expenditure from one output to another. Much of this reshuffle has been done to free up the \$3.1m for the purchase and remediation of sheep dip sites. This is obviously a very worthy program, but it is not new money. It has come at the expense of other environment spending.

**Mr Whitecross:** Shame!

**MS HORODNY:** Shame! Yes. In this regard, we are very concerned about the 15 per cent cut to the budget of output class 5; that is, policy advice, administration and regulation. It is this part of the department which develops the major strategic policies relating to nature conservation and environment protection, and it should be regarded as the cornerstone of Government policies towards the environment. The Government says that departmental resources have merely been moved to the delivery end of the department. However, it is our concern that the delivery of environmental services could be ineffective without the overriding strategies and management plans being in place.

This output also contains the environmental regulation function. It is of considerable concern to us that cases of environmental degradation are not being investigated fully because of these budget cutbacks. On another environment matter, the Government made much of its proposal to spend \$728,000 on weed control in the ACT; but, despite questioning during the Estimates Committee hearings, I have still not received any information on the breakdown of how this money will be spent. Again, I wonder whether this is, in fact, new money or whether it is just a reshuffling of existing expenditure.

I turn to the transport side of Urban Services. There are no initiatives in this budget that seriously attempt to reduce the level of car dependence that Canberrans have to put up with. For example, we are concerned about the minimal amount of \$600,000 that is being put into upgrading Canberra's cyclepath network, compared to the expenditure on roads - - -

**Mr De Domenico:** Minimal amount?

**MS HORODNY:** How much are you spending on roads, Mr De Domenico?

**Mr De Domenico:** About \$13m, Ms Horodny.

**MS HORODNY:** We are still waiting for Gungahlin to be connected to North Canberra by a cycleway, even though Gungahlin has been in existence for at least five years. We are also very concerned about the inadequate system of vehicle testing in the ACT that allows excessive exhaust emissions to go virtually undetected, even though this Government made a commitment to have equipment used that does detect vehicle exhaust emissions.

On the planning side, we are concerned about the drop in the rate of betterment being charged on changes to lease purpose clauses from 100 per cent to 75 per cent. There has not been adequate investigation of the implications of this change. The Government has acknowledged, through declaring that it had commissioned a study into the impact of the use rights charge on investment, therefore, that it is not certain about the effect of this charge. Yet, it has already made up its mind on the level of the charge. We are also concerned about the level of resources being devoted to community participation on planning issues; for example, the administrative support given to the LAPACs. We look forward with interest to the Government's announcement on the future of the LAPACs. There is often criticism levelled at community councils and residents groups for not fully representing their members; but true participation requires resources to disseminate information, conduct reviews, process questionnaires and hold public meetings. So, for real community participation, you need real funds.

**MR DE DOMENICO** (Minister for Urban Services) (1.58 am): Mr Speaker, I am conscious of the time. So, I will not get into a lengthy diatribe. I need to correct Mr Whitecross on a couple of things. For Mr Whitecross's edification, the \$55m that he alluded to is the book value of the buses, not the sale price. That is point No. 1. He also needs to know, Mr Speaker, if he listens, that all of the debt associated with the acquisition of the bus fleet will be retired - obviously, when we receive the money. The residual debt he was speaking about related to the land and buildings, not to the buses as well. That is lesson No. 1 in economics for Mr Whitecross. In fact, the reality - once again, if Mr Whitecross cares to listen - is an improvement of the operating result after doing the sale and lease-back arrangement, quite obviously. Once again for Mr Whitecross's notes, if he is taking notes, in 1995-96 ACTION lost \$1.661m, and in 1996-97 the operating result is a surplus of \$784,000. "Surplus" means more than, not less than. So, that is another point that needs to be made.

I will not comment on the other things that Mr Whitecross said, because we have already seen those things on the front pages on the *Chronicle* and all sorts of things. By the way, had Mr Whitecross been Minister for Urban Services in charge of transport, he tells us, he would not have increased fares; he would not have rationalised bus services; he would not have sold and leased back the buses; but he still would have made a profit anyway. That is the sort of economic reasoning that members opposite relate to all the time. Of course, it cannot happen, but that is another matter.

Ms Horodny talked about the environment. Once again, the negative side of her comments came through loudly and clearly. Mr Humphries would have been horrified had he been here to listen to Ms Horodny, because there are a lot of positive things being done. There is the creation of five trainee positions, including two rangers, in the ACT Parks and Conservation Service. There was no mention of that by Ms Horodny.

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There is the introduction of integrated environment protection legislation governing all aspects of pollution, ozone protection and environmentally hazardous materials. There was nothing like that mentioned by Ms Horodny. There is \$112,000 for experimental composting and worm farming research. She said nothing about that. There is over \$3m for assessment and remediation of contaminated sites surrounding former sheep dips - something started by the previous Labor Government and continued by this Government. There was not a mention of that by Ms Horodny. There is half a million dollars through continuing energy management programs in government buildings to reduce excess energy consumption and improve heating and cooling units, ultimately saving on the Government's energy bills. There was no mention of that by Ms Horodny.

A real and successful waste management strategy - in fact, the most successful in the country - the effects of which have already been seen, kerbside recycling and other waste management initiatives have seen a 40 per cent reduction in waste being delivered to tips, proving that Canberrans are willing to accept environmentally-friendly measures.

**Ms Horodny:** What has kerbside recycling to do with this budget?

**MR DE DOMENICO:** There is the classic comment: "What has kerbside recycling to do with this budget?". Who pays for the tips, Ms Horodny?

**Ms Horodny:** It is two years old. What has it to do with this budget?

**MR DE DOMENICO:** I do not have time to argue with you. The \$728,000 for weed control, dismissed glibly by Ms Horodny, including \$150,000 - - -

**Ms Horodny:** I have had no response on how that money is being spent.

**MR DE DOMENICO:** I heard you in silence, believe it or not. It is too early in the morning to have argy-bargy across the floor.

I was mentioning the \$150,000 to control woody weeds in Canberra Nature Park, Mr Speaker. Environmentally-friendly initiatives are to be trialled in the new Condamine Court housing development being done by Mr Stefaniak, including solar collectors, stormwater retention and grey water recycling. There is the development of action plans for the protection of threatened species in the 500-hectare Gungahlin grassland reserve. It goes on and on. Mr Speaker, this Government has a very good record on the environment. It has a very good record on public transport. It is getting very close to the stage of having the most effective and cost-efficient public transport system in the country - with the cooperation, might I say, of the Transport Workers Union. They are to be congratulated for cooperating with the Government in the way they did. This Government is very proud of its record, Mr Speaker. It is very proud of its budget. I commend this line to the Assembly.

**MR WHITECROSS** (Leader of the Opposition) (2.03 am): Mr Speaker, I rise to support some of Ms Horodny's remarks about the environment budget. She covered some of the ground that I was going to cover about the way in which this Government - - -

**Mr De Domenico:** Then do not repeat it.

**MR WHITECROSS:** I have to repeat it, Mr De Domenico, because I think you missed the point. Mr Speaker, the reality is that this Government has buried its environment efforts deep inside the Urban Services budget in a way which makes it difficult to figure out exactly how much they are spending on it. If this Government had a serious commitment to the environment it would have found a way of making environment an identifiable appropriation unit so that it was transparent about what funding it was putting into the environment.

Ms Horodny made another point which I think bears repetition, which is that the sheep dip site remediation - which she did mention, contrary to what Mr De Domenico said - is being paid for out of cuts to other programs. It seems to me, Mr Speaker, that that is something Mr De Domenico should take more seriously. He was boasting about the Government's performance on the environment. Sheep dip site remediation ought not to be paid for by cuts in other programs. If anything, it ought to be being paid for out of the land and planning budget, since it was the land and planning people who issued the sites in the first place. They are the ones who issued the sites where the sheep dips were. It makes sense that it should be paid for out of their budget rather than out of the environment budget. I do not think Mr De Domenico was paying attention. I think he should have taken more seriously some of the remarks that Ms Horodny made. I hope that he will draw Ms Horodny's remarks to the attention of Mr Humphries. Hopefully, Mr Humphries will take them more seriously than Mr De Domenico did.

Mr Speaker, there is only one other thing I want to say. Mr De Domenico made much of the fact that ACTION is set to make an operating surplus this year and said that we should be impressed by that. What he did not point out is that, after they start paying the debt servicing costs associated with the lease of the fleet, part of the debt servicing costs from Mrs Carnell's budget deficit, a \$1m net increase in costs for the fleet compared to what we are paying now, we go from an operating surplus to an operating deficit. So, Mr De Domenico, as a result of the sale and lease-back of the fleet, your public transport system is actually going to be running at a loss, not at a profit; in fact, there will be a \$2m turnaround from profit to loss. Mr De Domenico, if you want to quote the budget papers, at least be honest. The fact is that you are going from an operating - - -

**Mr De Domenico:** I raise a point of order, Mr Speaker. I ask that he withdraw that remark - "at least be honest".

**MR SPEAKER:** Yes. Withdraw, Mr Whitecross.

**MR WHITECROSS:** I will withdraw that. Let the facts speak for themselves, Mr Speaker. The facts are a \$700,000 operating surplus this year, and a \$1.2m operating loss next year. At the same time they sell the fleet and the cost of operating the buses goes up from \$6m to \$7m because of this decision by this Government. ACTION has been saddled with an extra \$1m worth of costs. The Government is going to be spending that money to pay for its budget deficit. Mr Speaker, the facts speak for themselves. Mr De Domenico can characterise it how he likes; the facts speak for themselves.

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**MR DE DOMENICO** (Minister for Urban Services) (2.07 am): Mr Speaker, the \$55m, as Mrs Carnell quite rightly says, comes back to us, and guess what we will spend it on? Health, education, cutting grass - all those sorts of things that members opposite would not agree to. That is the point. I repeat, for Mr Whitecross's edification, that the reality for ACTION is an improvement in the operating result after doing the sale and lease-back. In 1995-96 ACTION lost \$1.661m. In 1996-97 the operating result is a surplus of \$784,000, Mr Whitecross.

**Mr Whitecross:** And the costs do not come in until 1997-98.

**MR DE DOMENICO:** Read and jig the figures as you wish, the facts of the matter are that that is what the result will be.

**Mr Whitecross:** You just misled the Assembly.

**MR DE DOMENICO:** Mr Speaker, please ask him to withdraw that or move a motion right now.

**MR SPEAKER:** Withdraw it, Mr Whitecross.

**Mr Whitecross:** Mr Speaker, he has misled the Assembly.

**MR SPEAKER:** Withdraw it, Mr Whitecross.

**Mr Whitecross:** I will withdraw it, but the facts speak for themselves. The costs do not come in until 1997-98, and he should know it. He is the Minister.

**MR SPEAKER:** Sit down.

**MR DE DOMENICO:** Thank you, Mr Speaker. I have finished.

Proposed expenditure agreed to.

Proposed expenditure - Planning and Land Management, \$39,566,000 - agreed to.

#### **Part 10 - InTACT**

Part agreed to.

#### **Part 11 - ACT Housing**

Proposed expenditure - ACT Housing, \$31,562,000

**MS REILLY** (2.09 am): Housing has an interesting budget. First of all, I just cannot resist mentioning the Condamine Court redevelopment.

**Mrs Carnell:** Isn't it good?

**MS REILLY:** Mrs Carnell, may I finish? You might agree with what I say. The money for Condamine Court has come from the better cities program. The Condamine Court redevelopment must be the most announced project that you have. Every time we turn around we hear of it yet again. Announce it once, announce it twice and, if you can, bring it up again. Condamine Court probably has been mentioned at every sitting since I have been here.

**Mr Hird:** Praise the Minister. Give the Minister a pat on the back.

**MS REILLY:** I would like to give the Minister who initiated it a pat on the back - Mr Brian Howe. Better cities money is seen as almost saving the housing budget in terms of propping up capital works this year. What did the Federal Liberal Government do as soon as it got in? It cut the better cities program. You would never believe from this ACT Liberal Government that the better cities program was not the best thing since sliced bread. It seems to be propping up the capital works budget this year. It is mentioned regularly. Maybe we can expect an announcement about Condamine Court again soon. It must be opening soon. I was taken to see it the other day and it is coming along apace. It is a very good project. I would not deny that. Some of the aspects that I think Mr De Domenico mentioned are also very good.

It has one problem, of course. There will be a reduced number of units for public tenants in the finished project. I know the advantages of selling off some and having mixed developments, but we will still be reducing the number of public housing tenants who are living in that area when it is all completed. That is probably the biggest minus of that project. We can be thankful that at least some public housing tenants will be living in an area that is close to services, close to transport and close to the centre of town. Not all public tenants are being pushed to the edge of the city. If you listened to some of the discussion on Ainslie and the discussion last Sunday at the public meeting, you gained the impression from the housing bureaucrats, unnamed because we do not name bureaucrats, that without Ainslie - - -

**Mr Berry:** Leave that to Mr De Domenico.

**MS REILLY:** That is right. One was left with the impression that if we did not sell up Ainslie there was no way that we could meet our capital works commitment in housing this year. This is extremely worrying when you think about what the suburb of Ainslie is and the amount of public housing there, which I think is a credit to the ACT community. In that suburb you have people of various ages, public tenants, private tenants and home owners, looking at the development of their suburb and not getting into small enclaves. Some people living in Ainslie were the first residents of some of the houses. I think these people should be cared for and not left feeling insecure, wondering when the Housing Trust is going to sell their houses. I realise it is now called ACT Housing. One of the other bureaucrats who work for ACT Housing was very sensitive about the fact that it was called the Housing Trust. It was a very interesting meeting. Obviously, people who have not had a connection with ACT Housing over a long period forget that a lot of people knew it as the Housing Trust and quite happily refer to it as the Housing Trust.

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Another interesting point about the budget for this year is the \$10.4m taken out of it. As I said to you the other day, this was seen as something quite stunning. It was specifically mentioned at a national meeting last Friday that the ACT Government allowed that much money to come out of public housing. There seemed to be no problem in taking out that much from a budget of the size that we have in housing. When you look at the figures in this book, which I think we are saying is the truth and honesty one, it shows that there is a reduction of only \$7.9m in the budget. I am not quite sure how you tie the \$10.4m to the \$7.9m overall. We have the same problem in trying to add them all up. It is very difficult to discover.

When you look at the budget papers, page 364 shows the capital grants. They show a reduction of 38 per cent this year, which I assume picks up the \$10.4m, and the same reduction in the outyears. Are we going to take this much capital money out of the budget in future years? This is something that is of concern. One was given the impression - I know it was not said directly - that this \$10.4m that is being taken out this year was a special for this year to fill up Costello's black hole. But it is also shown as a reduction in the outyears. We would be interested, Minister, to hear what is happening.

We have a construction program shown as costing \$34m. This is to put up 195 units. I talked about some of the lags that were in that the other day. We also have sales that are going to realise \$21m. This would suggest that the capital works this year, which have gone from \$40m last year, will have \$13m of new money. Of the total of \$34m, you are replacing that money with \$21m from sales. How much real money is going into capital works this year? I am not doubting that the 195 units will be commenced in some form or other, but I want to know what is the net gain in the capital works budget this year.

You are going to get your \$21m from sales, which you have been heralding around the place, Minister. In the first two months of this year you got \$4.8m out of sales, according to the figures you gave me.

**Mr Stefaniak:** I think it was \$8.55m.

**MS REILLY:** I worked it out at \$4.882m, but I did not use a calculator. I did not have one with me. I understand that you sold another 16 in the next month. I think that added up to about 55. It came to \$11m for what we sold all up. I think that was the figure you used. There was \$6m worth of sales in September. It must have averaged \$382,000 for each sale. It would be interesting to look at the sales for September. We have argued before about whether we are going to realise the whole \$21m in sales this year. It still comes down to what money has gone into the capital works budget this year, having taken out the \$10.4m that we so joyfully gave back to the Commonwealth.

What capital works are going to be done this year? If you look at the annual report from last year you see what the new starts are in 1994-95. When you look at the annual report for 1995-96 there is no information about what was done, about what was completed last year. You do get some information on what is starting for the 1996-97 program.



But what happened in 1995-96? Did you stop all construction? There is no indication from this annual report that anything was done. This brings up the complaint that we have made before - that a lot of the annual reports are fairly deficient in information. One is left with the feeling that maybe it is all secret. Or maybe nothing did happen last year. Maybe everybody sat around in absolute stunned amazement for a year and achieved very little. I doubt that that was the case.

When we look at what is planned for 1996-97, from the little detail that is given in the budget papers we have only 10 APUs, 18 flats and 15 houses. I think it is disappointing that so few APUs are being constructed when they have one of the longest waiting lists. It is an extremely successful program and there is a waiting list of five years. As was pointed out last Sunday, and it would have been pointed out at any time, when you are 60 or 65 a waiting list of five years is extremely daunting. With the move for more people to age in place, for people to age within the community where they have been living, I would have thought that revving up the APU program would be a useful thing to do.

The other day the Minister told us that the maintenance budget has gone up this year. There is no way of finding out from the budget papers how much is in the maintenance budget and how much it has gone up for this year. This increase is extremely pleasing. What I hear from tenants is that there is no maintenance budget; that there is no maintenance to be done.

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

**MS REILLY:** May I seek an extension of time?

**MR SPEAKER:** You can have another 10 minutes now, if you wish.

**MS REILLY (2.20 am):** Having asked a few questions about maintenance, to which I have not received answers yet, I think we need to look at the maintenance. If there is additional money in the maintenance budget, can we spend it? Can we spend it on the tenants who need it? It was very generous of you to replace doors in a shower for a woman that she did not request and then charge her. It would be better if some of the maintenance was done in a quick way so that people feel comfortable and secure about it. Often they do not. I would be interested to see any figures that you have for your tenants service charter and what they mean in relation to maintenance. How often do they meet the one week timing and the one month timing? How often do people sit at home waiting for a housing inspector to come to look at the maintenance to be done and the housing inspector does not turn up? You never hear from them again because they do not return their phone calls either. Maintenance is very frustrating, particularly for older people. You have told us a number of times, Minister, but I have forgotten what percentage of people are over 50.

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The last point that I want to discuss is Kick Start. There is no way that you can discuss the housing budget for 1996-97 without discussing Kick Start.

**Mr De Domenico:** It is a great concept.

**MS REILLY:** It may be. Quite often there is a big gap between concept and fruition.

**Ms McRae:** It is a lack of imagination, Ms Reilly.

**MS REILLY:** I have the imagination to see it happening, but there seems to be a big black - - -

**Mr De Domenico:** It is all happening.

**MS REILLY:** How many people have taken it up, Mr De Domenico?

**Mr De Domenico:** I do not know. The Minister will tell you in a minute.

**MS REILLY:** It is a deposit gap assistance program, as Mr Lilley told us at the Estimates Committee hearings. It is a quite different program from the old housing loans. It involves \$2.5m that is generously going to one bank in this town. That is one of the very concerning parts. There was no tender process for the decision as to which financial institution would have the benefits of this program.

**Mr De Domenico:** Do you agree with the decision or do you not?

**MS REILLY:** I am talking about the fact that you have a program involving \$2.5m, as you have told us so many times, and there was no tender process for deciding which financial institution should have it.

**Mr De Domenico:** It does not go to the banks. It goes to individuals. The banks do not get the \$2.5m. They give out the money; they do not take it back.

**MS REILLY:** The banks will be getting the benefit of those additional 500 customers, if 500 people take it up. If 500 eligible public housing tenants take up the opportunity of Kick Start there will be 500 additional customers for this financial institution. That is a nice little earner, I would suggest. It would be interesting to know at the moment how many people are interested in purchasing the public housing house that they are currently living in, or looking at some of the other really terrific bargains, or buying a new house. I think it is going to be fascinating to look at what jobs can be allocated to this program when we review it in February, which is not very far away. It will be interesting to see what happens with Kick Start in February. I think it is such a shift, such a change in the style of loans, that it needs very close looking at. Of course, we could raise the housing loans program that has been under review for so many months. We wait, not with bated breath because it is too dangerous, for the results of that review. When was it due? Was it not about September? We do need that review because those loans are offered to a completely different group of people.

If we look at the sales program for this year - the 180 to 200 sales that will go ahead - it would be interesting to know where they are and how many are just happening through opportunistic events such as the tenant dying and you quickly whipping out the auction sign and putting the house up for sale. How much is planned? A lot of people wonder how a decision is made about which houses are sold and which ones are not. There is a very low pick-up, and there has been over the years, of tenants purchasing their own homes; so there must be an awful lot of public houses being sold, apart from the very large ones which I think are in Manuka and Griffith. I also wonder why we have such a huge sales program at a time when the housing market in the ACT is so flat. By selling off this many houses you are not changing that housing market. You are actually pushing out other ACT residents who may wish to sell at this time and move elsewhere, apart from all those who are leaving the ACT. They are the ones who are missing out through these large sales because their house prices have gone down too. Why are we selling off our assets so cheaply at this time?

We have a large public housing sector in the ACT and it is an asset we should be proud of. We should not be selling it at some sort of fire sale for rock bottom prices. We should be nurturing that asset. We should be looking after those 4,000 people who are still on the waiting list. We should be finding ways of housing those people, rather than selling off houses. If we do have 195, and 180 are being sold, we will not get that many people into houses this year because it starts only this year, and most of those will not be finished within this financial year. All in all, this seems to be a very disorganised part of the budget. It is one that could have closer scrutiny as the year continues.

**MR STEFANIAK** (Minister for Education and Training and Minister for Housing and Family Services) (2.27 am): I am glad that at least Ms Reilly is happy with Condamine Court. Ms Reilly, I will send you an invitation to the opening. I think one of the blocks will be opened fairly soon. That will provide some very good accommodation for a number of our tenants. There is also the potential there for another block to go up, a combination of both public and private. That could be stage 2 Condamine Court. I suppose it is a case of "Watch this space". That could overcome some of the problems you see with it in terms of better units, but perhaps not quite so many. That could certainly address that.

You raised a number of points. You talked about Ainslie. We talked about Ainslie yesterday. Yes, there is a lot of public housing in Ainslie, and yes, there are some plans there which will be worked through over the next few months or even longer. In relation to that particular suburb, Ms Reilly, I have said a number of times, and I reiterate it, that it is ACT Housing's policy, in terms of sale and in terms of placement of tenants, that we have a presence right across Canberra. There are very few suburbs where there is no public housing stock.

In terms of the current sales, just like the sales which occurred during the time your party was in power, the sales are right across Canberra, so it is hardly getting rid of a lot of properties just in Ainslie. If you look at where the sales are - I think you have that information - you will see that there are sales right across Canberra. This is hardly a fire sale. As I said to the Estimates Committee, something like 54 or 55 houses had been sold this financial year up to the time I gave evidence, raising some \$8.556m.

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They were sold at an average of \$161,000 a property, which is not bad in such a dreadful, depressed market. Sure, some of those properties were in Griffith and Ainslie and good suburbs like that, which bring a lot of money, but others were in outer suburbs and did not necessarily bring a lot of money. Still, it was a very good result.

Yes, no-one likes having to give money to the Commonwealth, or not getting money from the Commonwealth, and that \$10.4m was a very difficult decision which the Chief Minister had to take.

**Mrs Carnell:** It was not a decision. They said, "This is what you will do".

**MR STEFANIAK:** It was just a reality, I suppose, which was forced upon us. We are, I suppose, fortunate in that at least we can do something to counter that. We can have an effective sales program. It is pleasing to see the results of that and the figures to date, which I have just told you about. It is pleasing to still have a very significant capital works program which, I think you will recall from the Estimates Committee hearings, is only about \$3m or \$4m down from last year. In fact, it is higher than at some stages during the course of the previous Government. It is close on \$34m in terms of new building.

There are some very impressive new buildings, if you have a look at the budget papers, such as 10 aged person units in Hall, 10 townhouses in Ngunnawal, eight flats in Ngunnawal, 15 houses in Ngunnawal and Nicholls, the Condamine Court redevelopment which we all like, and, finally, finishing off the Ainslie Village redevelopment, a project worth about \$2m, and special purchase and dual occupancies. There are also such things as the COOL project and further housing for the disabled. There is some money, \$500,000, for a pilot project in Charnwood. That should be a very useful project, and you will see more of that in years to come in terms of the improvement to public housing there. So there are some very good projects going on, and we are always gearing our construction work to creating the type of housing that is more relevant now for our tenants. You have heard these figures quoted before, but over 30 per cent of our tenants are over 55 years of age, yet only about 10 per cent of the housing available is really appropriate for those needs. Now we often have one or two people in properties, whereas in the past it was more the traditional family units. Times are changing and we have to change. That is very important when you consider such things as the redevelopments proposed for Ainslie. It is a significant capital works program, Ms Reilly.

I do not know whether any of my colleagues in the Opposition have been the Housing Minister. I think Mr Connolly was, and then Mr Lamont, I think. I am not too sure whether Mr Berry ever was. Certainly, in terms of some of the old files I get, maintenance is a perennial problem and people will always complain about it. You can never do enough. We have a lot of old properties that need a hell of a lot of maintenance. Yes, we have been able to increase that budget by about \$2.9m, and yes, that will be of some assistance. I would like to say that we will not get any complaints, Ms Reilly; but I am sure we still will, because maintenance is always a problem. I would hark back to what your leader said when we had this debate in September. That was that, whilst there might be a few problems from time to time in terms of maintenance in public housing, it is a hell of a lot better than in the private market. I only need refer you to what Mr Whitecross said about that.

Further, in relation to maintenance, before I go on, you will recall that we are currently trialling a new one-stop shop type of system in Belconnen. It has proved to be a pretty successful trial. An individual officer has responsibility for about 300 or 320 houses and is the contact point for tenants in terms of maintenance. That is working quite well. That means that a tenant knows who their housing officer is and who can be called upon to look after various matters relating to the tenant, various tenant problems, including maintenance. That is a logical system which is working quite well. Recent customer surveys done at the Belconnen office indicate that some 73 per cent of people think that the service that they are getting there is considerably improved on what was there before. That will be extended to Tuggeranong, assuming the Belconnen pilot works well, and it is working well to date. Those are some of the improvements which should benefit tenants.

You people knock Kick Start. You knock Kick Start like you knock any good idea, like you knocked the stadium at Acton. If you go nitpicking you will find a problem with anything. Kick Start started towards the end of September. I cannot remember the exact date, but it was after the budget. As at 5 November, 23 people had either taken it up or were in the process of taking it up. That is not too bad in about five weeks. As you know, we will be looking at that in February and reporting back to see how well it goes. It is a program that gives people a chance to own their own home. It is a program which gives them \$5,000 and a few extra benefits worth up to about \$8,500. It is for people who have an income of less than \$45,000. It gives those people an opportunity to own their own home and that, I think, is a very desirable thing. If 500 take it up, that is great. If only 200 or 300 take it up, that is 200 or 300 people who might not have had that opportunity if we had not developed a program like that.

**Ms Reilly:** How many jobs?

**MR STEFANIAK:** Because some of those houses will be new, that will create some jobs. Also, Ms Reilly, that then will also create houses available for people on the waiting list to go into. You may knock that all you like, but it is a good program that certainly is going to benefit a number of people.

When you look at all those things, all being considered it certainly is not a bad housing budget. There are some new projects coming on stream. Yes, we do have a lot of public housing stock that, in a way, because some of it is old, causes problems with maintenance; but it does give us considerable flexibility compared with other States. It is spread right throughout Canberra and there are a number of initiatives being taken this year. This year is a tough year for every area in the ACT because of the state of the economy and the problems that we face financially. Some of the initiatives taken here, I think, are very positive and will be of considerable benefit to our tenants.

**MS TUCKER** (2.36 am): Mr Speaker, direct provision of affordable housing for low-income earners is the most important item in the budget of any State or Territory government whose primary objective is to alleviate poverty and economic hardship. In the budget before us tonight the Government has demonstrated by its attitude to housing that poverty alleviation is not a high priority. The ACT Government can do little to increase people's incomes. Most of the areas that directly impact on individual and family incomes are controlled by the Commonwealth. However, the ACT Government

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can have a profound effect on costs faced by people suffering economic hardship by reducing the amount they need to spend to get certain basic needs like water and warmth in a cold climate, and, most importantly, shelter. Housing is the major expenditure item faced by most low-income earners. Therefore, I repeat that the ACT Government's primary strategy for reducing poverty must be to reduce the housing costs of people on low incomes.

The most effective way to achieve that is to increase the availability of public and community housing. That is the only direct and effective mechanism we have for addressing homelessness and housing-related poverty, because the private rental market and the home purchase market do not adequately and affordably meet the needs of low-income earners. However, in this budget \$10.4m has been returned to the Commonwealth from the housing budget to meet the whole of the ACT's fiscal contributions commitment. Next year \$10.8m will be taken, and the year after \$5m. To take \$10m that could have housed people on our waiting list, while bringing down a budget with a \$10m surplus, is unjustifiable, in our view.

The second shameful element in the housing budget was the introduction of the Kick Start scheme. The Kick Start scheme was rushed into consideration 14 days before the budget, and officers in the relevant section of ACT Housing have confirmed publicly, Mr Speaker, that they had three days to examine the proposal. Those same officers told a public meeting that they had been working carefully towards considered changes to the existing home purchase assistance schemes but that the introduction of Kick Start out of the blue had cut across that work.

Kick Start is a Housing Industry Association initiative developed in conjunction with two banks which have since become one bank. It was designed to stimulate activity for HIA members who were holding a stock of undeveloped blocks and vacant new houses in the outer suburbs. It is a quite unremarkable deposit gap scheme which relied predominantly on Government funds and actually promises very little in the way of industry subsidy. Despite that, and despite the Government's religious adherence in other sectors to the enforcement of competitive tendering, no opportunity was given for competitive proposals for a deposit gap scheme. Kick Start was rushed into the budget by the Chief Minister's Department in an attempt to bolster the very weak job targets in the budget. However, because no market assessment was done and because applicants have a range of buying choices, the Government has no real data on which to base its job creation estimates. The needs of public housing tenants were never really a consideration in the development of this scheme. Kick Start is a misuse of public housing funds.

In future, if the proposed new Commonwealth-State housing arrangements are introduced, the power of the ACT Government to determine the adequacy of the public and community housing stock will be increased. If this year's housing budget is any guide, the ACT can look forward to increasing homelessness and housing-related poverty as we approach 2000 - a disgraceful situation.

Proposed expenditure agreed to.

## Part 12 - ACTION

Proposed expenditure - ACTION, \$41,785,000

**MS HORODNY** (2.41 am): Mr Speaker, the Government has not demonstrated that the budget of ACTION can be cut without services being cut. The Government keeps justifying these cuts to bus services by saying that no-one is on the buses. It is no wonder that fewer people are catching buses. Not only have fares gone up, not only have routes been cut, but also there are fewer buses on other routes. Disadvantaged people and the environment are suffering as a result of these cuts.

The Estimates Committee recommended that the Government develop environmental community service obligations for ACTION, which recommendation was noted by the Government. The Government explained the difficulties in defining in dollar terms the environmental obligations of ACTION. I do not doubt that this is a difficult task, but the Government has created this dilemma itself. They decided that ACTION and other government agencies should be run as businesses on commercial grounds. In recognition of the fact that government is not a business, the concept of CSOs was invented. CSOs are a mechanism for acknowledging and trying to take account of ways of financing social and community services when they are being considered in an economic framework. If you are going to use this model, you have to use it properly. Surely, an essential element of a public transport system is its contribution to reducing the environmental and real economic impact of cars. The Government assured last year's Estimates Committee, through Mr Walker:

... what it is we are producing is that we can enter into CSO contracts with organisations like ACTION that seek to define the real costs of providing the service, and that will include the question of environmental externalities and the externalities relating to road costs. So, the process of implementing these financial reforms will actually allow us for the first time to focus on the real costs and benefits of providing those services and I think what this financial reform program is about is doing just what you are suggesting needs to be done.

To say that you cannot quantify environmental effects is a pathetic cop-out. That was our whole criticism of the model from the beginning. It is about translating very complicated social obligations of government into specifically measurable terms. It also sets up a very dangerous situation where the provision of social obligations - let me remind members that this is the whole point of why we have government - becomes an add-on which, I am afraid, can be conveniently knocked off when funding gets tight. Government is not a business. We are a community of citizens; we are not merely customers. We had a whole committee report that considered the problems this poses and came up with a number of recommendations, which the Government responded to rather poorly. Questioning during the Estimates Committee hearings also revealed that the sale and lease-back of the buses is not likely to be a very good proposal from a financial perspective. Mr Whitecross's line of questioning revealed that it might result in the operating costs of ACTION actually going up. The main justification for this and other sale and lease-back arrangements is that other jurisdictions are entering into similar arrangements. What a good reason! Where is the cost-benefit analysis?

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**MS REILLY** (2.46 am): The last sentence of the Government's response to the Select Committee on Estimates reads:

In the Weston Creek area, improved frequency has been provided on one of the central routes.

The question you have to ask is: Do not people in Weston Creek pay their rates and taxes? I understand that they do. Why can they not have a decent bus service? There has been a reduction in 21 per cent of services in Weston Creek. What have we done wrong that we are not allowed to have a decent bus service? There was a very peculiar consultation process in which most people did not receive the material they needed to know that the consultation was going on. The decision had been made before the consultation was held.

**Mr De Domenico:** No, it had not. It has not been made yet. It is a 1997 network.

**MS REILLY:** I have raised queries and I have been told they are not important. It is not important that buses go past schools at a reasonable time to pick up primary school children! It is amazing that you can say that the service has been increased on one of the central routes. It is probably the only route left in Weston Creek. It would be appreciated, when you are doing the next consultation on the leftover bus route that you have to cut, if you let everybody in Weston Creek know about it.

It is sad to see the loss of bus services throughout this town, with the excuse that there is no patronage. If there are no buses you cannot patronise them and, if you keep taking off the routes that people use, it is very hard to continue to patronise them. We are talking in some cases about people who have used the bus services for years, but who are leaving them because they cannot use them to get to work, to get to doctors' appointments or to do anything else. This is particularly important for young people, who need buses to get around, to take part in recreation and sporting activities - not to take part in vandalism, but to do really useful things to keep them occupied. There are no buses they can catch to participate. That is why you end up with kids not having anything to do, getting bored and probably doing some graffiti around the place. Oh, shock, horror! Can we look at the bus services in a reasonable way in future?

**MS TUCKER** (2.48 am): On that last point on ACTION, I saw members over there scoffing at Ms Reilly's connection between graffiti and waiting for a bus. I use the bus service quite often to commute to and from this place. I guess I am not going to be able to get home on a bus tonight. As I was waiting recently - there is an hour's wait after 7 o'clock - two young boys were sitting at the bus stop with me in the cold, dark winter because they had missed their bus. I saw one boy start doing engraving in the seat with his pen. I had been watching that boy for an hour, and he was hungry, he was cold, and he was distressed. I thought it would be interesting for Mr De Domenico to sit at that bus stop with me for an hour and watch who else is sitting there. It is a real shame that, as a Minister who keeps encouraging people - - -



**Mr Hird:** Did you ring the police?

**MS TUCKER:** Did I ring the police? That is a typical law and order response to a social problem. It is unbelievable.

**Mr Hird:** Did you ring the police? You are a responsible person.

**MS TUCKER:** Mr Hird asks did I ring the police because a 12-year-old boy has got upset sitting at a bus stop for an hour, in the cold, in the dark, with his young brother, and engraves a little bit on the bus seat. I would be very impressed if I saw this Minister, who says over and over again in this place, "We want to get more people on the buses", using the bus service himself. He is not too grand; he is not too important. If he really believes that people should use the buses, why does he not set an example?

Proposed expenditure agreed to.

### **Part 13 - ACT Forests**

Proposed expenditure - ACT Forests, \$960,000 - agreed to.

### **Part 14 - Attorney-General's Department**

Proposed expenditure - Attorney-General's, \$57,187,000

**MR WHITECROSS** (Leader of the Opposition) (2.51 am): Mr Speaker, it would be remiss of me not to point out under this appropriation that \$1m of the \$57,187,000 that is being appropriated to Attorney-General's is to pay debt servicing charges on the sale and lease-back of the Magistrates Court, which, of course, is part of the financing arrangement for the \$100m budget deficit Mrs Carnell has. Next financial year, when we are debating next year's budget, there will be \$2.6m in the Attorney-General's budget to pay the debt servicing costs of Mrs Carnell's sale and lease-back arrangement, which is really borrowings to pay for Mrs Carnell's budget deficit, plus some extra sales of whatever assets Mrs Carnell can lay her hands on next year to make up next year's \$100m budget deficit. When we are voting on this, it is worth considering that a full \$1m of this money is debt servicing costs associated with plugging Mrs Carnell's budget deficit, which has been disguised and buried in the Attorney-General's appropriation rather than being put where it should be, namely, in the appropriation of the Central Financing Unit.

**MS TUCKER** (2.52 am): I would like to commend the Government at this point.

**Mrs Carnell:** Don't. Just sit down. That is what we want you to do.

**MS TUCKER:** The issue of legal aid funding was of great concern to the Estimates Committee, and I would like to take this opportunity to congratulate the Attorney-General, Mr Humphries - - -

**Mr Whitecross:** If you are tired we can adjourn.

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**Mr De Domenico:** Haven't you had enough drubbings today?

**MS TUCKER:** My goodness, Mr Speaker; they interject even when you are saying complimentary things.

**MR SPEAKER:** I am listening, Ms Tucker.

**MS TUCKER:** Maybe you could pass this on to Mr Humphries. I would like to take this opportunity to congratulate the Attorney-General for taking a strong stand on this issue with the Federal Attorney-General. It is, indeed, a critical social justice issue, and it was one of the most appalling aspects of the Federal budget, although there was a lot of competition for that prize. I hope the ACT will never have to take up the option Mr Humphries has outlined in his letter, of setting up a separate legal aid commission for the ACT, because I think it would pose significant problems. I do think it is good that there is such a strong commitment from all members of this place about the importance of fighting this unacceptable and unjust decision.

Proposed expenditure agreed to.

Proposed expenditure - Maintenance of Law and Order, \$56,415,000 - agreed to.

#### **Part 15 - Emergency Services Bureau**

Proposed expenditure - Emergency Services Bureau, \$17,974,000 - agreed to.

#### **Part 16 - Department of Education and Training**

Proposed expenditure - Government Schooling, \$232,976,000

**MS McRAE (2.54 am):** I cannot let this go by.

**Mr Hird:** We will be disappointed.

**MS McRAE:** No, I do not want to support this budget. The problems with the education budget were quite straightforward and many.

**Mr De Domenico:** Too much money in it!

**MS McRAE:** We have already seen that preschools have had to revert to full-time management - - -

**Mrs Carnell:** You are not suggesting that we are not spending enough?

**Mr Whitecross:** Mr De Domenico suggested a cut. He wants to cut it.

**MS McRAE:** I am sure he does. It would help his budget a lot. Preschool arrangements had to be changed, and we find out, thanks to a bit of earnest questioning at Estimates Committee hearings, that North Ainslie is now going full time and so is Turner,

contrary to the announcements the Minister made before. The changes were made at Ngunnawal after the work on the estimates was done. It is a great pity that decisions that really should have been made a little more thoroughly are reviewed after the work on the estimates.

I was very concerned at the response in relation to policy issues and consultation, even more concerned at the responses within the Estimates Committee process itself, and still more concerned when I saw the Government's response. It is one of these typical responses where the Government has said, "Yes, we agree", but when you look at the actuality of the agreement it is rather a gilding of the lily to suggest that there is agreement. May I remind members that the committee recommended that a policy of consultation in regard to significant decisions should be developed. The Government's response claims that, prior to making significant decisions, the Department of Education and Training is committed to extensive consultative processes involving school communities. What a lot of nonsense!

When we came to the Estimates Committee hearings and asked about the changes that were being made in central office, nobody had been consulted. The teachers union was very upset about the changes that had been made. Quite inadequate answers were given on the shifts in professional support that were offered in the central office, and there was really no indication whatsoever that anybody had been consulted about it. That is why the Estimates Committee specifically asked that a policy be developed. The nonsense continues:

Where a significant issue impacts on schools the Department consults with the community through the School Board Forum, Parents and Citizen's Council, Principal's Associations and where appropriate individual school boards.

We asked for this policy to be developed with the clear intent that it be debated and spread around the place. As I pointed out yesterday in the adjournment debate, what we find with this much vaunted policy of significant changes being consulted on is that not many schools are very happy with the level of consultation about school-based management, as the letters that are starting to trickle in show. If there is a policy of consultation, it certainly was not clear during the questioning in the Estimates Committee process and it is certainly not made any clearer here. We specifically related the recommendation to the management of the closure of schools and the surprise twinning that happened in the last few months. We are told:

The Department has established a consultation process specifically to enable school communities facing declining enrolments to examine the issues and propose options to Government for maintaining quality education.

We are told, with no tongue in cheek or not any problem:

This process was used with the Stirling College and Charnwood High School communities.

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Really and truly! What a contempt! What an absolute nonsense! We are hearing daily from different people within the Stirling and Phillip communities of the complete lack of consultation and the major levels of concern with the management of that process. They did not have a principal for a year, yet it is said that the consultative processes include principals and school boards. How on earth can it take place? The Estimates Committee was specifically asking for something to be developed, not some twaddle about what is purportedly done already. The response goes on:

In relation to significant policy or staffing changes the Department also consults with the relevant staff associations.

That was not the information gleaned from the Education Union, and that was the level of concern that was raised with various Estimates Committee members. People were not comfortable with the consultation that has been going on. We are not confident at all that there is any process of thorough consultation going on that is consistent and yields the sort of information communities are comfortable with. This recommendation called for some further development and some new work to be done if the sorts of concerns we heard about during the Estimates Committee hearings were to be allayed. We find out that the Government is developing a community liaison manual to ensure a consistent approach across the ACT Public Service. We are hoping this manual is not based on what happens in schools, because what we saw during the Estimates Committee process certainly did not make us feel very comfortable.

The other major point I am very concerned about in this budget is that the Minister could give no reassuring answer to the question of whether it is the case that, every time you have a new policy initiative or some major problem you want to address, you are going to sell something. We were told in this budget that up to \$1m was going to be spent on solving literacy problems. It did not quite turn out that \$1m was going to be spent in this financial year. The interest from this \$1m was going to be drawn on as a continuous fund to work with literacy, which would yield about \$30,000 or so. That would perhaps give a part-time teacher - not quite the earth-shattering solution to literacy that might have been thought about.

That was not so much the problem as this notion that, if there is a new policy initiative, something has to be sold to make it happen. What is going to finance this literacy fund is the \$1m that is taken from the closure of Charnwood High School. This is all perfectly agreeable, it seems, to some people; but if you start to think about the implications of that - and the Minister certainly could not follow this when we tried it on him - does this happen every time an expensive new machine is needed in a hospital? Say we needed some more intensive care equipment or some fancy new machine. I do not know the details, but I am well aware that a lot of very expensive machinery is needed in hospitals and needed quite frequently. If we follow this model, does it mean that every time we want to buy a major new piece of equipment we are going to sell a piece of land that the Health Department owns, or sell a school? What ridiculous nonsense it is to link the disposal of property to a new and ongoing policy initiative that is going to be

continuously funded. You are not seriously telling me that, every time a major new capital injection is needed for a major item, this is how it is going to be dealt with, are you? I was most unimpressed, and I think it sets an extraordinarily bad precedent for the management of education to think that the management of property is going to be what yields the recurrent funds.

Schools belong to the community. I will not accept this nonsense from Mrs Carnell that, all of a sudden, the schools belong only to the Education Department. They belong to the community. As such, I do not see how you can say that, because the Education Department has these schools and one day may have some surplus schools, those funds should stay within education. It is outrageous. They are our community assets. It may well be, as it turns out, that one year you sell a school and buy a new piece of equipment for the hospital; or it may be that you fix the roads with it, that you have different priorities. But I find it absolutely outrageous, firstly, that, all of a sudden, by dint of its being labelled the Education Department's property, all that money stays there when they are basic community assets which we all paid for; and, secondly, that the linking of the sale of a specific asset should be the criterion for the development of a literacy program. Worst of all, \$1m is being set aside for this literacy program, yet we find in the budget papers that \$10.8m was the value that was attributed to Charnwood High. So we are not even getting a fair deal with that logic. It just does not follow. It deserves a great deal more scrutiny and a great deal more debate, and I think it sends a very bad signal about how new and important Government initiatives that are lauded and trumpeted as great new breakthroughs for education come only because the property at Charnwood High is disposed of. It deserves far more scrutiny.

**MR STEFANIAK** (Minister for Education and Training) (3.04 am): Firstly, if you pass this budget tonight, which you will do, that \$1.2m is there. It is there now, and you might note that nothing has happened with the Charnwood High School site yet. So \$1.2m is there. If the Charnwood High School site is sold, \$1.2m of that will go to pay for that fund, and really, what is wrong with that? What on earth is wrong with that, Ms McRae? It is a perfectly good use of money. This is a bit like the sports budget and your speech on that. You are clutching at straws.

This budget has been very well regarded by the education community. In very difficult times, not only have we increased it by the CPI figure from last year but there are also additional funds there: \$1.41m funding for other emerging costs; the literacy fund of \$1.2m, albeit that the interest on that will be used; and most specifically, Ms McRae, \$452,000 this financial year for the student record keeping system, a system that has long been in need of replacement because it is so crucial. That is a system that looks after all the marks and scores for our Year 12 students, not only government but also non-government. So there are some excellent initiatives there. Additional funding is also provided in the training and children, youth and family services budgets - a rollover of Commonwealth funding of \$2.161m and increased territorial funding of \$1.48m.

It is a good budget for education, and I think it has been regarded as such. Indeed, I think that was probably indicated during the Estimates Committee hearing, in that the only thing you really had any problem with, the only thing you seemed to hang your hat on, was preschools. In terms of preschools and the way in which numbers

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are counted, we have taken into account some views of the committee there, and that is obvious from the Government response. From the word go, I said that, if anyone had a better idea of counting for preschools for the next year, to let us hear about it. We use the same system you used when you were in government. Quite clearly, as a result of the Estimates Committee process and as a result of certain problems we ourselves identified this year, what is being put in place, and it is in the Government response, will improve that system immensely.

Again, I think a potentially very good operation has been torpedoed by your narrow ideological stance, and that is the Ngunnawal preschool concept. It is a very sensible concept where there is joint use of a building, and some very sensible procedures were to be put in place which now will not occur. I will announce now that the preschool will go ahead there; it is a government preschool. Again, because of your blinkered attitude, something very sensible, innovative and worth trialling has been torpedoed by you. Overall, it is a very good budget for education, and I think the lack of things you could substantially criticise indicates that that is so.

**MR MOORE** (3.08 am): Not quite so, Mr Speaker. I hear Mr Stefaniak saying that it is a very good budget for education, and indeed it is important that the budget is maintained in real terms. But there is a problem facing us in these financial terms, Minister, and it is that we saw under this budget an increase of funding for the non-government school sector, for private schools, and we hear from the Federal Government the suggestion of going towards what could only be described as per capita funding. Under that sort of process, what we will see is a very rapid division between the private schools and the government schools. It is going to be a great challenge for you, Minister, to ensure, if you consider it part of your responsibility, that our government schools retain the same standards as the other schools, that they retain the same standards as the private schools, as they do at the moment.

I am very proud of the fact that my own children attend government schools. I am very comfortable with that; but, when it comes to the crunch, if the schools become marginalised, parents will make the decision as to what is going to be the best for their children. That has to be their priority. Under such circumstances, some children whose parents cannot afford that or whose parents have a different set of values will find that they become marginalised and disadvantaged. That is going to be the real challenge for you, as Minister for Education, in the next budget.

**MS TUCKER** (3.10 am): Mr Speaker, we have not had the furore over the education budget that we had last year, but there are some areas in education that are in real need of resources, particularly in relation to support and such things as alternative programs for primary students with behavioural problems and programs for people who are on suspension. The safe schools policy the Government has announced is all very nice rhetoric, but these things are not going to happen without resources, particularly with school-based management coming in. I am concerned about the response this Government has made to the Social Policy Committee's report and recommendations on prevention of violence in schools, and the safe schools policy has not done a lot to reassure me.

We did not have very much time to look at children's services in the Estimates Committee hearings. I put a number of questions on notice, which produced some interesting answers. There has been a notable increase in the number of people in Quamby assessed as having mental health problems. In 1994 there were three; in 1995-96 there were 14. This is an issue that needs addressing, and I have no doubt that the Social Policy Committee will consider it in its inquiry.

In regard to family support and education, I believe that there is a need for greater focus on preventative measures and family support. The fact that there are no performance measures on these issues in the output statements is of concern. I was also surprised that the Government kept no records about the number of visits that take place under supervision orders.

**MR BERRY** (3.11 am): Mr Stefaniak, when he was talking a little while ago on the sale of assets to fund recurrent expenditure, asked, "What is wrong with that?". There is a lot wrong with that. If you are selling your schools to fund recurrent expenditure within the system, you will pretty soon run out of an education system. That is plainly what is wrong with that. What is wrong with it in terms of Charnwood High School? That is well known. They were bludgeoned into the closure of that school by the withdrawal of funds. There was a sneak attack on the community there, a community that needed a strong public education system nearby. Of course, the Liberals broke their promise in relation - - -

**Mr Stefaniak:** Why did you not do something about it? You had five years to do something.

**MR BERRY:** I am glad that you interjected and asked us that question. We did something. We developed new suburbs and improved the catchment area for that school. If it were not for your ideological position in relation to the matter, and your willingness to breach your election promises, the school would be still open. I am surprised that this Government is able to survive with its persistent attitude to its education system. How could somebody like Mr Moore, who says that he supports education, support a Minister who asks the question, "What is wrong with selling our schools to fund recurrent spending within the education system"?

**Mr Hird:** That is not what he said.

**MR BERRY:** That is what he said. He said that it was all right to sell Charnwood High School to fund programs within the system. "What is wrong with that?", he said. This attitude of selling off assets to pay for recurrent funding permeates the whole Government. It is all about popularity, short-term gains and the next election. Do not worry about the community. Do not worry about the society. Worry about the economy. We live in a society, not in an economy. You have to pick up a little bit of that sort of commitment before you get anywhere in ensuring the future of our children in education.

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It is a serious matter to have it in your head that the sale of assets is okay to fund recurrent expenditure. It is a dead-end street. That you have not woken up to the fact probably explains the modus operandi of the Liberal Party. It is all about living in an economy and not having much concern for the community and the society which we are supposed to be building, not tearing apart.

Proposed expenditure agreed to.

Proposed expenditure - Non-Government Schooling, \$69,588,000 - agreed to.

Proposed expenditure - Training, \$9,184,000 - agreed to.

Proposed expenditure - Children's, Family and Youth Services, \$57,947,000

**MS REILLY** (3.16 am): Before we agree to the actual expenditure I would like to look at a few elements of this part of the budget. As with some other areas of the budget, there is a considerable lack of information about what is going to happen. There seems to be very little increase from last year's budget, even though an increase in substitute care was announced and there will be further expenditure to prepare for mandatory reporting. It will be interesting to see how they both develop through this year. Obviously, these are two crucial issues in the area of protection of children.

It is quite heartening to see that the Treasurer's Advance has \$13.6m in it. This is the pool which we will be looking to for any additional expenditure on mandatory reporting. Its introduction is so important that we have to take great care about how we progress in that direction. For a number of reasons, it has taken a long time to get off the ground in the ACT, and it is crucial that it be done well. You only have to look at some of the problems that have arisen in Victoria, where they removed money from looking after and protecting children. I am quite sure that we do not want to see anything similar in the ACT. We are going to have to watch our expenditure in that area.

A surprising part of this budget is the provision for youth. We have one of the highest rates of youth unemployment in the whole of Australia, but the draft youth strategy that is circulating at the moment leaves out any mention of training and employment. We do not seem to have any increases in expenditure in this vital area. If young people do not have the opportunity either to get employment or to do other things, it leads to trouble. This is an area that should be looked at.

Another area of concern is juvenile justice. The electric fence was mentioned the other day. Of course, you cannot find it in the budget, but there is going to be expenditure on that. When I raised this issue the other day the Minister said, "What about the education program?". This education program is a fairly recent innovation. Detainees go outside Quamby to attend various educational and other programs in the community and they go back at night. Later in the night they go over the fence. If they have the opportunity to walk away, it makes you wonder why they do not and why they need the extra challenge of going over the fence that is currently there and in the future being stung a bit as they go over an electric fence. You have to ask what is



wrong with the whole system when getting out of Quamby by going over the fence is a challenge or part of some sort of initiation ceremony. I understand that some people have done it a number of times, so I presume it goes beyond an initiation. You wonder what sorts of programs are running inside Quamby that cause this sort of response.

I think it would be interesting to have an investigation into our juvenile justice system. You also have to look at the lack of programs for juveniles in the system who are in non-residential situations. There might be a number of parole officers or other people employed, but there appear to be very few programs to ensure that alternatives are offered to those kids who come through the juvenile justice system. A lot of the children or young people who go through Quamby you eventually see in the Belconnen Remand Centre awaiting sentencing to the big persons' gaol across the border. We need to look at the graduation from Quamby to other areas of the justice system. It seems such a loss to the community when that happens. Why are we erecting an electric fence when we have not evaluated the education programs that are running? They are a very good initiative, but we did not wait to see what impact they were going to have. Rather than just sticking in an electric fence, why do we not have programs that look at why detainees feel the need to escape?

Proposed expenditure agreed to.

#### **Part 17 - Canberra Institute of Technology**

Proposed expenditure - Canberra Institute of Technology, \$57,262,000 - agreed to.

#### **Part 18 - Treasurer's Advance**

Proposed expenditure - Treasurer's Advance, \$13,600,000 - agreed to.

Remainder of Bill, by leave, taken as a whole

Question put:

That the remainder of the Bill be agreed to.

The Assembly voted -

*AYES, 8*

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

*NOES, 7*

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

Question so resolved in the affirmative.

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Question put:

That this Bill be agreed to.

The Assembly voted -

*AYES, 8*

*NOES, 7*

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

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

Question so resolved in the affirmative.

Bill agreed to.

**ESTIMATES 1996-97 - SELECT COMMITTEE**  
**Report on the Appropriation Bill 1996-97 - Government Response**

Debate resumed from 19 November 1996, on motion by **Mrs Carnell**:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

## ADJOURNMENT

Motion (by **Mrs Carnell**) proposed:

That the Assembly do now adjourn.

### **Leasehold Administration**

**MR MOORE** (3.27 am): I want to take a couple of minutes to raise a point on leasing, on account of the fact that we will not be sitting for another couple of weeks. I want to talk about the incremental process of land acquisition. The Stein report suggested a different approach to leasehold. One of the New South Wales royal commissions illustrated that, in local government, planning is often achieved in an incremental fashion. I have with me here this evening some papers that illustrate how this happens. I seek leave to table those papers to illustrate the point I am making.

Leave granted.

**MR MOORE**: I believe that they aptly illustrate just what can be achieved. Mr Speaker, it being so late, I will pursue the matter at a later date.

### **Totalcare Industries Ltd - Buses**

**MR DE DOMENICO** (Minister for Urban Services) (3.29 am): Today in question time Ms Follett drew my attention to an inconsistency between statements I had made in the Assembly on 3 September and evidence given to the Estimates Committee by public servants relating to the Totalcare bus fleet. On 3 September I stated that the bus fleet did not realise a profit. I have been advised today that this is not the case. The words they use are, "It makes a positive contribution". I am assuming that "positive contribution" means profit. On that basis, if it is true, I apologise for unintentionally misinforming Ms Reilly on this matter in the Assembly. I apologise, as I always do.

Question resolved in the affirmative.

**Assembly adjourned at 3.30 am (Friday) until Tuesday, 3 December 1996,  
at 10.30 am**

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**ANSWERS TO QUESTIONS**

**MINISTER FOR URBAN SERVICES  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO. 323**

**Public Service - Waste Recycling**

**Ms Tucker** asked the Minister for Urban Services - In relation to waste recycling services provided to ACT Government Offices -

- 1) Are all ACT Government offices provided with waste recycling services and if not:
  - (a) which offices are not provided with this services; and
  - (b) why do they not have this service.
  
- (2) For those ACT Government offices which do have waste recycling services
  - (a) what waste materials are currently being collected for recycling; and
  - (b) what is the proportion of these recycled materials relative to the total amount of waste generated by ACT Government offices.

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

- (1)
  - (a) All government buildings have some form of waste recycling, although the type of service varies.
  - (b) Not applicable.
  
- (2)
  - (a) The waste materials collected for recycling are paper, glass and food and beverage containers.
    - . Paper recycling facilities have been established in all Government offices.
    - . Mixed container recycling, which includes glass, aluminium cans, plastic containers, cartons and tins is progressively being installed in all workplaces in the Department of Urban Services. Macarthur House is in the process of installing mixed container recycling. Mixed container recycling has also been operating successfully in the Homeworld building. Recycling measures (for paper and mixed containers) will be incorporated into the new Dickson building.
    - . CIT has mixed container recycling in all canteens on all campuses. Further trade waste reductions have been made at the Bruce Campus in the Engineering Department where metals are collected for recycling and in the building departments where considerable quantities of waste bricks and mortar, timber and plasterboard are being used in a local Landcare project.

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- . The Chief Minister's Department currently occupies four floors in FAI House and offices in ACTAC. Mixed container recycling facilities exist in both of these buildings.
  - . The Department of Education and Training and Children's Youth and Family Services Bureau currently does not have facilities for mixed container recycling in offices. However, it is being established in schools at a cost of \$4.00 per bin using BFI to service the bins.
  - . The Attorney-General's Department has offices in GIO House, Callam Offices, the Belconnen Remand centre and Allara House. It is proposed to add a clause to the existing cleaning contract to install mixed container recycling.
  - . The Department of Health and Community Care does not have mixed container recycling in place in the hospital or in Moore Street offices. Mixed container recycling is available for staff (in Health only) in North Building, and in Scullin where Health Protection Service is location.
- (b) A recent Waste Audit of Macarthur House revealed that approximately 70% of the waste generated was recyclable. The other 30% was predominantly paper which is already recycled. The survey indicated that an average of 32 tonnes per annum of waste would go to landfill without any recycling programs. The audit revealed that with recycling, this figure could be reduced to 5.4 tonnes per annum, representing a significant drop in the potential waste going to landfill. A campaign to encourage staff to recycle proficiently will be carried out in 1996/97 and a further audit conducted to assess the campaign's effectiveness.

*Brief*

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

**QUESTION NO 325**

**Housing Trust Properties - Sales**

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

- (1) How many properties were sold by ACT Housing from rental accommodation stock for public housing tenants for the periods (a) 1 July 1995 to 31 June 1996; and (b) 1 July 1996 to 31 August 1996.
- (2) Can you provide the following details of these properties for each month:
  - (a) the location, including street address of each property;
  - (b) what type of properties were sold;
  - (c) what was the sale price of each of these properties; and
  - (d) who purchased these properties.

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

- (1) & (2) Please find the answer at Attachment A.

ACT DEPARTMENT  
OF URBAN SERVICES

*Quality housing for all Canberrans*

*ACT Government*

STT = sold to tenant

Month	Suburb	(a) Section	Block	(b) Type	(c) Sale Price	STT or Auction
<b>1 July 1995 - 30 June 1996 (36 STT + 28 Auction = Total 64)</b>						
July '95	Cook	6	11	3 Bed House	\$138,000.00	Auction *
	Curtin	94	23	3 Bed House	\$115,000.00	Auction
	Fraser	60	8	4 Bed House	\$107,000.00	STT
	Narrabundah	118	18	3 Bed House	\$75,000.00	Auction
	Wanniassa	116	21	3 Bed House	\$105,000.00	Auction *
	Yarralumla	23	16	3 Bed House	\$230,000.00	Auction
August '95	Narrabundah	50	22	3 Bed House	\$188,000.00	STT
	Narrabundah	114	5	2 Bed House	\$92,000.00	Auction
	Stirling	9	6	3 Bed House	\$122,000.00	STT
September '95	Charnwood	65	3	3 Bed House	\$55,000.00	Sold by tender
	Chifley	30	19	3 Bed House	\$120,000.00	Auction *
	Downer	50	39	3 Bed House	\$116,000.00	Auction *
	Duffy	47	2	3 Bed House	\$122,000.00	STT
	Florey	50	32	3 Bed House	\$120,000.00	STT
	Flynn	19	5	3 Bed House	\$101,000.00	STT
	O'Connor	15	5	3 Bed House	\$135,000.00	Auction *
	O'Connor	54	6	4 Bed House	\$185,000.00	Auction
October '95	Dickson	74	3	2 Bed House	\$125,800.00	Auction
	Duffy	9	25	3 Bed House	\$109,000.00	Auction *
	Kaleen	129	5	3 Bed House	\$125,000.00	STT
	Yarralumla	58	5	3 Bed House	\$250,200.00	Auction
November '95	Ainslie	97	17	2 Bed House	\$134,500.00	STT
	Griffith	2	20	3 Bed House	\$480,000.00	Auction
	Macgregor	100	3	3 Bed House	\$96,000.00	STT
	O'Connor	33	7	2 Bed House	\$138,750.00	STT
	Oxley	28	4	3 Bed House	\$111,000.00	STT
	Reid	31	1	3 Bed House	\$286,000.00	Auction
	Scullin	11	5	3 Bed House	\$101,000.00	STT
December '95	Ainslie	74	13	2 Bed House	\$140,000.00	STT
	Florey	156	9	3 Bed House	\$116,000.00	STT
	Kambah	480	20	3 Bed House	\$99,000.00	STT
	Majura	0	513	3 Bed House	\$34,000.00	STT
	Mawson	28	5	3 Bed House	\$121,000.00	STT
	Page	25	6	3 Bed House	\$94,000.00	STT
	Stirling	35	1	3 Bed House	\$124,000.00	STT
	January '96	Evatt	102	38	3 Bed House	\$104,500.00
Kambah		251	8	3 Bed House	\$103,000.00	STT
Kambah		315	5	3 Bed House	\$106,000.00	STT
Macquarie		55	18	3 Bed House	\$110,000.00	STT
Macquarie		56	17	2 Bed House	\$103,000.00	STT
Narrabundah		39	13	3 Bed House	\$112,500.00	Auction *
O'Connor		13	43	3 Bed House	\$150,000.00	Auction
O'Connor		56	13	4 Bed House	\$175,000.00	STT
February '96	Griffith	46	17	3 Bed House	\$234,000.00	Auction
	Narrabundah	120	18	2 Bed House	\$110,000.00	STT
	O'Connor	29	22	3 Bed House	\$150,000.00	Auction *
	O'Connor	55	3	4 Bed House	\$175,000.00	Auction *
	Scullin	8	1	3 Bed House	\$108,500.00	STT
	Yarralumla	57	9	3 Bed House	\$193,000.00	Auction *

\* sold after auction  
by private treaty



STT = sold to tenant

Month	Suburb	(a) Section	Block	(b) Type	(c) Sale Price	STT or Auction
March '96	Bonython	10	23	3 Bed House	\$120,000.00	STT
	Kaleen	16	17	3 Bed House	\$108,000.00	STT
	Lyneham	39	5	3 Bed House	\$162,000.00	STT
	Lyons	35	9	3 Bed House	\$114,000.00	Auction *
	Mawson	8	30	3 Bed House	\$122,000.00	Auction *
	O'Connor	54	11	4 Bed House	\$157,500.00	Auction
	Stirling	34	3	3 Bed House	\$123,000.00	STT
	Wanniassa	258	42	3 Bed House	\$87,000.00	Auction *
	Yarralumla	54	4	3 Bed House	\$215,000.00	Auction *
April '96	Belconnen	71	6	3 Bed House	\$120,000.00	STT
	Chisholm	566	27	3 Bed House	\$119,000.00	STT
May '96	Curtin	13	1	3 Bed House	\$133,000.00	STT
	Kaleen	130	1	3 Bed House	\$108,000.00	STT
	Lyneham	28	6	3 Bed House	\$127,000.00	STT
June '96	Chisholm	584	42	3 Bed House	\$116,500.00	STT

**1 July 1996 - 31 August 1996 (5 STT + 24 Auction = Total 29)**

July '96	Ainslie	97	20	3 Bed House	\$134,000.00	Auction
	Braddon	25	6	1 Bed House	\$200,000.00	Auction *
	Charnwood	66	1	3 Bed House	\$96,000.00	STT
	Deakin	18	15	3 Bed House	\$200,000.00	Auction
	Deakin	24	24	3 Bed House	\$151,000.00	Auction *
	Evatt	111	5	3 Bed House	\$112,000.00	STT
	Griffith	2	4	3 Bed House	\$550,000.00	Auction *
	Griffith	2	5	3 Bed House	\$530,000.00	Auction *
	Griffith	61	1	3 Bed House	\$210,000.00	Auction
	Narrabundah	73	11	3 Bed House	\$127,500.00	Auction *
	Narrabundah	82	46	3 Bed House	\$128,000.00	Auction *
	Narrabundah	116	17	3 Bed House	\$84,000.00	Auction
	O'Connor	59	3	4 Bed House	\$175,000.00	Auction
	Reid	35	23	3 Bed House	\$245,000.00	Auction
	Turner	51	15	3 Bed House	\$145,000.00	Auction *
	Turner	51	16	3 Bed House	\$134,500.00	Auction
	Yarralumla	23	5	3 Bed House	\$247,000.00	Auction
	August '96	Ainslie	71	3	3 Bed House	\$172,000.00
Ainslie		73	2	3 Bed House	\$126,000.00	Auction
Ainslie		77	8	3 Bed House	\$160,000.00	Auction
Curtin		33	4	3 Bed House	\$122,000.00	Auction *
Curtin		53	38	3 Bed House	\$124,000.00	Auction *
Evatt		100	4	3 Bed House	\$105,000.00	STT
Florey		48	2	3 Bed House	\$114,000.00	STT
Lyons		3	5	3 Bed House	\$118,000.00	Auction *
Narrabundah		2	11	3 Bed House	\$100,000.00	Auction
O'Connor		36	12	2 Bed House	\$140,000.00	Auction *
Rural				3 Bed House	\$40,000.00	Auction
Spence		20	32	3 Bed House	\$93,000.00	STT

\* = sold after auction  
by private treaty

**MINISTER FOR URBAN SERVICES**  
**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO. 326**

**ACTTAB - Contract with VITAB Ltd**

**Mr Osborne** - asked the Minister for Business Employment and Tourism - In relation to ACTTAB and its former relationship with VITAB:

1. How much, including legal costs and other associates expenses, did the ACT Government pay out to VITAB on behalf of ACTTAB in 1994.
2. Which legal firm acted on behalf of the ACTTAB board in relation to the drafting of Heads of Agreement dated 22 October 1993, between VITAB and ACTTAB.
3. Has ACTTAB or the Minister investigated whether or not the Heads of Agreement document was flawed and if so have either instigated action for negligence against ACTTAB's former solicitors.

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

1. ACTTAB made the following payments:

Legal and associated costs paid in 1993-94	\$79 427
VITAB contract termination costs	\$3 300 000
<b>Total</b>	<b>\$3 379 427</b>

Additional legal and associated costs paid in 1994-95 \$15 709

2. Macphillamy Cummins Gibson (now part of Deacons, Graham and James).
3. ACTTAB sought independent legal advice from Sydney solicitors Freehill Hollingdale and Page in February 1995 as to whether it would have any claim against Macphillamy Cummins and Gibson, in relation to the agreement it entered with VITAB on 22 October 1993. Freehill Hollingdale and Page concluded "that ACTTAB would not be able to establish a cause of action against Macphillamy Cummins and Gibson giving rise to a right to recover damages".

**ATTORNEY GENERAL OF THE AUSTRALIAN CAPITAL TERRITORY**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NUMBER 327**

**Gender Reassignment Legislation**

**Ms Follett** - Asked the Attorney General:

Is the Government planning to introduce gender-reassignment legislation to the ACT Legislative Assembly and if so (a) what is the current progress on preparation of this legislation, and (b) what is the timetable for its introduction.

**Mr Humphries** - The answer to the member's question to the Attorney General is as follows:

A uniform, Australia-wide approach to recognition of gender reassignment is a matter which has been canvassed by the Standing Committee of Attorneys-General. While I favour uniformity, which would provide a consistent and simple approach to recognition for those who undergo gender reassignment, agreement on this issue does not appear to be imminent.

As a result, I have directed that my Department examine options for ACT legislation to recognise gender reassignment and the matter is now under active consideration. There are a number of legislative models for the recognition of gender reassignment. Different approaches have been taken by South Australia, New South Wales and the National Gender Dysphoria Advisory Group of Australia.

I intend that, once I have received advice on these options, the matter be considered by the Government before the end of this year, with a view to the preparation of legislation to recognise gender reassignment for introduction in the 1997 Autumn sittings of the Legislative Assembly.

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**MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NUMBER 328**

**Gungahlin Town Centre**

**Ms Rosemary Follett** asked the Minister for Urban Services:

In relation to the Gungahlin Town Centre.-

- (1) What consultation has been conducted (detailing dates and forums) with the residents of Gungahlin over the planning?
- (2) What was the population of Gungahlin at the time this consultation was conducted?
- (3) What future consultation will be conducted with the residents of Gungahlin over the final form of the Gungahlin Town Centre?

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

(1) Consultation with the Gungahlin residents occurred over a period from March 1995 to September 1995, during the formulation of proposals for Gungahlin Town Centre for inclusion in a Variation to the Territory Plan. Five community workshops were held during this period. To maximise resident participation in the Workshops each one was held at the Ngunnawal Community Centre with sessions held in the morning and in the evening. Child care was made available for the morning sessions. Notification of each Community Workshop was made well in advance by letterbox drop to all Gungahlin residents and advertisements in Canberra Times "Fridge Door".

The Workshop dates were:

22 March 1995  
11 May 1995  
15 June 1995  
13 July 1995  
7 September 1995

All Workshops were open to all Gungahlin residents and were informal. The aim of the workshops was to facilitate resident participation in the formulation of planning concepts.

- (2) The number of occupied dwellings in Gungahlin rose from 3,100 to 3,700 and population rose from approximately 8,000 to 10,000.
- (3) The responsibility for future consultation over the form of Gungahlin Town Centre will rest with the Gungahlin Development Authority. The Gungahlin Development Authority will, I am assured, be conducting extensive consultation with the residents of Gungahlin in relation to the initial and future stages of development.

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**MINISTER FOR THE ENVIRONMENT LAND AND PLANNING  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO. 330**

**Gungahlin - Population Projections**

**Ms Follett** - to ask the Minister for the Environment, Land and Planning -

- (1) What are the current projections of (a) population and (b) suburb development in Gungahlin?
- (2) How do these projections differ from those at the initial establishment of Gungahlin?

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

- (1) The current planning assumption for Gungahlin population in 2001 is 21,500 which is about 13,000 less people than the latest official district population projections prepared in 1993/94 by the Chief Minister's Department.

The existing estimated population level in Gungahlin is around 13,000. In June 1996, the total number of occupied dwellings were 4458 in Gungahlin (Amaroo 251; Ngunnawal 1869; Nicholls 568 and Palmerston 1750).

The current Residential Land Release Program includes further land releases in the existing suburbs until 2001. In June 1996, there were 2388 dwellings in developers' pipeline and about 700 dwellings under construction or unoccupied in Gungahlin. The Planning and Land Management Group (PALM) in DUS is currently reviewing the development sequence in Gungahlin, in the light of the slowed growth and the Gungahlin Town Centre variation which changed the layout of some suburbs around the Town Centre. This study will determine the sequence of suburbs to be developed after Palmerston, Ngunnawal, Nicholls and Amaroo.

- (2) It is now estimated that there will be about 13,000 less people in 2001 compared to the projections at the initial establishment of Gungahlin. By also considering the recent estimates in the Budget Paper (about 0.4 & 0.6% annual population growth for three years), the difference of 13,000 is expected to increase.

There are no current revised district/suburb population projections reflecting the recent changes to the total ACT population forecasts. The Economic Policy and Research Section of the CMD will shortly be starting the preparation of official district/suburb population projections which are expected for release in early 1997. This work depends on the finalisation of the land release and development program for the next ten years. The figures I am giving today are the assumptions used for current planning studies in Gungahlin at PALM.

**MINISTER FOR BUSINESS, EMPLOYMENT AND TOURISM**

**QUESTION NO. 332**

**Gungahlin - Broadband Project**

**Ms Follett** - asked the Chief Minister (referred to you as Minister responsible) - In relation to the Gungahlin Broadband Project -

- (1) What is the current status of the agreement between the ACT Government and Telecom Australia (now Telstra) over fibre optic cabling and multimedia facilities in Gungahlin.
- (2) How is the current status different from that at the commencement of the agreement.
- (3) What action will you take to enforce Telstra's compliance with the original agreement.

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

- (1) The ACT Government and Telstra are currently negotiating a range of projects to replace the Gungahlin Broadband Project which Telstra has decided not to undertake in its original form. As those projects are subject to commercial negotiations I am not at liberty to discuss them. However, the result of these discussions will be announced in due course.
- (2) The status is different in that the major project outlined - the Gungahlin Broadband Project will not go ahead as was originally envisaged.
- (3) The Government has made it clear to Telstra that it is disappointed with the decision not to go ahead with the original project. The agreement which was negotiated in July 1993 has no formal compliance clauses, but was by its nature a basic Memorandum of Understanding whereby both parties sought, within their best endeavours, to undertake a range of mutually beneficial projects. Telstra has, with the exception of the Gungahlin project, undertaken and completed all other activities.

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**MINISTER FOR EDUCATION AND TRAINING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NUMBER 333**

**Gungahlin - High School**

**MS FOLLETT** - asked the Minister for Education and Training on notice on 24 September 1996:

- 1 What is the current timetable for the construction of a high school in Gungahlin.
- 2 What is the status of plans for Gungahlin's initial Year 7 students to be accommodated and taught in Gungahlin's primary schools pending the opening of their local high school.

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

- 1 The first high school to be established in Gungahlin is to be located in the suburb of Nicholls and is to open for the commencement of the 1998 school year. The construction timetable provides for completion of the school buildings and associated landscape works by 23 December 1997. The gymnasium complex is to be completed by 14 April 1998.
- 2 The high school in Nicholls will enrol year 7 and 8 students for the commencement of the 1998 school year. Until 1998, high school students resident in Gungahlin are guaranteed a place at Lyneham High School, the "holding school". They can also attend other high schools of their choice (subject to capacity of those schools).

A number of possible options for year 7 students in 1997, were discussed with the community. Establishing a year 7 in a local Gungahlin primary school would have been viable if a minimum enrolment of 30 students could be reached. Unfortunately this number of students could not be identified in time for the necessary planning to occur.



**MINISTER FOR URBAN SERVICES**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 334**

**Gungahlin - School Buses**

**Ms Follett** - asked the Minister for Urban Services: What action will you take to address the problem of overcrowding on school buses from Gungahlin, especially buses to Merici and Daramalan.

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

ACTION has examined patronage of all Gungahlin school services. Of these services, school route 795 service to Daramalan and Merici has been overloaded on some days.

From Monday 14 October 1996 an articulated bus has been used on school route 795 to overcome this problem.

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**ATTORNEY-GENERAL OF THE AUSTRALIAN CAPITAL TERRITORY**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NUMBER 335**

**Mr David Eastman - Appeal Costs**

**Ms Follett** - Asked the Attorney-General:

What are the expected costs to the ACT of the forthcoming appeal by David Harold Eastman?

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

As was published recently in *The Canberra Times*, Mr Eastman applied unsuccessfully to the Legal Aid Commission for assistance to pursue his appeal.

The Director of Public Prosecutions has not yet been apprised of the settled grounds on the appeal and, until such time as they are, any answer I might make as to the costs of this side of the appeal would be speculative.

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY  
LEGISLATIVE ASSEMBLY QUESTION  
Question No. 336**

**Financial Management Reform Unit**

**MR WHITECROSS** - Asked the Chief Minister upon notice on 25 September 1996:

In relation to your response to a question without notice to Ms Follett on 13 December 1995, answered on 28 December 1995, concerning the appointment of Mr Stephen Anderson as Head of the Financial Management Reform Unit -

In your reply you stated that Mr Anderson's contract was based on a daily fee of \$1440 and that he was expected to work for "about 150 days .... at a total cost \$200,000".

- (1) What was the final cost of the contract.
- (2) What was the total of travel and accommodation costs paid to Mr Anderson.
- (3) Were there any additional costs or reimbursements paid to Mr Anderson, and if so what.
- (4) How many days did Mr Anderson work for the Government.
- (5) Has he subsequently been retained for a further contract or under a contract of employment. If so, what are the details.

**MRS CARNELL** - The answer to the Member's question is as follows:

- (1), (2) and (4). The final cost of the contract as at 31 July 1996 was \$263,463 including travel and accommodation.

While the preamble to your question correctly quotes from my earlier reply, it omits to note that I also advised in that reply that "In addition Mr Anderson will be reimbursed for reasonable travel and accommodation expenses". These amounted to:

Travel	\$13,883
Accommodation	<u>\$19,900</u>
	\$33,783

The amount of \$229,680, which reflects the remainder of the costs incurred in employing Mr Anderson, is for 159.5 days' work between October 1995 and July 1996 inclusive.

- (3) No.
- (5) Mr Anderson's contract has been extended on an "as requested" basis until 30 June 1997. There is no obligation for the Territory to employ Mr Anderson

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at all during that period. Mr Anderson worked on this basis for 3 days in August in the Chief Minister's Department on issues related to the preparation of, and monitoring of performance against, the Budget. Mr Anderson was also employed to assist the Department of Health and Community Care for 4.5 days in August 1996, principally to advise the Department how to optimise the benefits from implementing the financial management reforms and to review the arrangements between the Department and the Calvary Hospital.

**MINISTER FOR URBAN SERVICES**  
**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 337**

**Erindale Centre - Skating Area**

**Mr Wood** - asked the Minister for Urban Services - Given that the Erindale Skating area (the Snake Pit) has been newly developed:

- (1) What money has been allocated for extra lighting for this area given that it is also a main public thoroughfare.
- (2) When will this extra lighting be installed.

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

- (1) No funds were allocated as part of the recent upgrading project which was specifically aimed at improving the skating surface to meet the needs of skaters and removing some of the original dilapidated structure.
- (2) An investigation of the standard of public lighting is being carried out now by Works and Commercial Services and, dependent on the result of this study, additional lighting will be provided this financial year as part of the "Sportsground Floodlighting" project administered by the Bureau of Sport, Recreation and Racing.

**MINISTER FOR URBAN SERVICES**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 339**

**ACTION - School Bus Services**

**Mr Whitecross** - asked the Minister for Urban Services: In relation to school bus services

- (1) Can you provide a list of all public school services provided by ACTION including:
  - (a) the route number;
  - (b) the name of the public school services;
  - (c) the area serviced; (including route maps if available)
  - (d) the service provided, ie. morning only, afternoon only or morning and afternoon;
  - (e) how many buses are needed to service each route;
  - (f) how many students were carried on each morning for each route for the week beginning 16 September 1996 and ending 20 September 1996 (inclusive);
  - (g) how many students were carried on each afternoon of the week beginning 16 September 1996 and ending 20 September 1996;
  - (h) the type of bus used on each route (eg. articulated); and
  - (l) what number of student boardings does ACTION regard as the minimum in order to provide a school service.
  
- (b) Can you provide a list of all private school services provided by ACTION including:
  - (a) the route number;
  - (b) the name of the public school services;
  - (c) the area serviced; (including route maps if available)

- (d) the service provided, ie. morning only, afternoon only or morning and afternoon;
- (e) how many buses are needed to service each route;
- (f) how many students were carried on each morning for each route for the week beginning 16 September 1996 and ending 20 September 1996 (inclusive);
- (g) how many students were carried on each afternoon of the week beginning 16 September 1996 and ending 20 September 1996;
- (h) the type of bus used on each route (eg. articulated); and
- (l) what number of student boardings does ACTION regard as the minimum in order to provide a school service.

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

The information for response is attached.

Due to the large number of services included in the response, route maps are not attached. However, maps can be provided for specific routes on request.

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**ATTORNEY-GENERAL OF THE AUSTRALIAN CAPITAL  
TERRITORY**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NUMBER 340**

**Closed-Circuit Television Cameras**

**Mr Osborne** - Asked the Attorney-General:

- (1) Where in the ACT are closed circuit television (CCTV) cameras currently located in public places.
- (2) For each location -
  - (a) how many cameras are installed;
  - (b) where are they located on the site;
  - (c) why were the cameras originally installed and what are they used for now;
  - (d) has the system been subjected to a trial and; if so, what are the results of the trial;
  - (e) who monitors the system;
  - (f) what protocols and procedures are in place for the management of the system;
  - (g) has the installation been part of a broader strategy in a crime reduction and/or prevention strategy; if so what are the other parts of the strategy (with examples);
  - (h) has the system been expanded or changed since installation;
  - (i) is there a complaints mechanism for the public;
  - (j) are there signs advising the public that they are under surveillance by CCTV;
  - (k) is there a "system ombudsman" with powers to investigate the system at any time;
  - (l) what are the features of the equipment (for example: recording, zoom, tilt, pan);
  - (m) when and how is the system used; and
  - (n) has the system been used to identify people in criminal activities; if so, what are the results.

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**Mr Humphries** - The answer to the member's question to the Attorney-General is as follows:

I am advised that, on the basis of information provided by relevant agencies, closed circuit television cameras are located in public places and operated, supervised or regulated by authorities as indicated in the answer below.

**Part 1:**

**(1) Where in the ACT are closed circuit television (CCTV) cameras currently located in public places?**

City Police Station and the Winchester Centre - The AFP. However this does not include cameras used for operational purposes.

The Emergency Service Headquarters Building in North Curtin - the Emergency Services Bureau.

The foyer/entrance to the ground floor, Callam Offices - ACT Housing.

Woden and Belconnen Interchanges - ACTION.

West Belconnen and Mugga landfills - Waste Management.

Casino Canberra Ltd - the Casino Authority.

Bruce, Reid and Southside Campuses as well as the Flexible Learning Centre - the Canberra Institute of Technology.

Canberra Hospital, the Health Building, Calvary Hospital in the Xavier Building, Calvary Hospital in the Marion Building, Calvary Hospital in the Emergency Department, ACT Hospice - Mother Mary Cottage and the main building - ACT Department of Health

The ACT Legislative Assembly - public and members entrances.

**Part (2) For each location -**

**Part 2(a): how many cameras are installed;**

The AFP - have six cameras located at the Civic Police Station and two at the Winchester Centre.

The Emergency Services Bureau - two cameras at the Emergency Services Headquarters Building.

The ACT Department of Housing - one camera at Callam Offices.

ACTION - eleven cameras at the Belconnen Interchange and fourteen cameras at the Woden Interchange.

Waste Management - three cameras installed at both the West Belconnen and Mugga lane landfills.

The Casino Surveillance Authority - currently 69 in public places.

The Canberra Institute of Technology - has 82 located on three campuses.

Department of Health - has 18 cameras installed.

The ACT Legislative Assembly - has 2 cameras installed.

***Part 2(b): where are they located on the site;***

AFP - at the City Police Station the cameras are located directly outside the front doors, inside the front doors, front foyer, rear entrance door, entrance to the rear loading area and the police vehicle car park. At the Winchester Police Centre the cameras are located outside the front doors and in the public car park at the front of the building.

Emergency Services Bureau - have located one camera in an entrance foyer and one at an external door.

The ACT Department of Housing - in the foyer/front entrance of Callam Offices.

ACTION - Woden Interchange has cameras located on platforms 2, 3, 4, 5, 6, 10, 11, 12, 13, 14, 15, 16 and 18. The Belconnen Interchange has cameras located on platforms 1, 2, 3, 5, 7, 10, 12, 14, 15, 16 and overlooking Chandler Street observing the busway.

Waste Management - have cameras located on the weighbridges at the entrance to each landfill.

The Casino Surveillance Authority - in the roof area in public places both inside and outside the Casino.

Canberra Institute of Technology - inside buildings with coverage of corridors, entrances and teaching spaces such as computer laboratories and workshops.

Department of Health - located at entrances, ambulance bays and nurses stations.

The ACT Legislative Assembly - under the eaves of the Assembly building.

***Part 2(c): why were the cameras originally installed and what are they used for now;***

The AFP - all cameras were installed to secure the facility and are still utilised for that purpose.

The Emergency Services Bureau - provide security for the Communications Centre and allows remote entry by staff and are still utilised for that purpose.

The ACT Department of Housing - update of an old system and security against theft.

ACTION - installed to allow ACTION Transport Officers to observe bus and passenger movements and are still used for that purpose. Both Interchanges have poor line of sight. Cameras also used to assist in the prevention of vandalism.

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Waste Management - installed to provide an audit of transactions, to allow the weighbridge operator to inspect registration numbers and contents of loads and to protect access to the weighbridge from the rear. They are still used for those purposes.

The Casino Surveillance Authority - to monitor gaming activity and public entry. They are still used for that purpose.

The Canberra Institute of Technology - reduction of theft and tracking of offender movement. Use has not altered since installation apart from increasing the coverage of cameras as an additional safety measure for staff and students.

Department of Health - identification of staff and visitors, safety of clients, staff and assets.

At the Xavier building (Calvary Hospital) the cameras were originally installed to assist people requiring after hours emergency care ( prior to 1991 the Emergency Section of the Hospital only operated between 8.00am and 10.00pm). The Emergency care section is now open 24 hours and the use of the cameras will be reviewed after an upgrade of lighting and signage.

At the Marian Building (Calvary Hospital) cameras were originally installed to allow expectant mothers to gain entry to the maternity ward.

Cameras fitted to the Emergency Department of Calvary Hospital are to alert the triage sister to incoming ambulances. The cameras have a security function for staff also.

The ACT Legislative Assembly - security and protection against vandalism.

***Part 2(d): has the system been subjected to a trial and; if so, what are the results of the trial;***

The AFP - No trial.

The Emergency Services Bureau - No trial.

The ACT Department of Housing - No trial.

ACTION - No trial.

Waste Management - No trial.

The Casino Surveillance Authority - No trial.

The Canberra Institute of Technology - No trial. Able to draw on the experience of other comparable institutions.

Department of Health - No trial.

The ACT Legislative Assembly - No.

***Part 2(e): who monitors the system;***

AFP - AFP personnel.

The Emergency Services Bureau - Communications Centre staff.

The ACT Department of Housing - Department of Housing staff (2 persons).

ACTION - ACTION's Transport Officers.

The Casino Surveillance Authority - Casino Canberra's Surveillance Department and the Casino Surveillance Authority.

Waste Management - monitored by weighbridge operators on site and ACT Waste management staff.

Canberra Institute of Technology - Campus managers.

Department of Health - Reception, nursing staff, security.

The ACT Legislative Assembly - two attendants during business hours.

***Part 2 (f): what protocols and procedures are in place for the management of the system;***

The protocols and procedures are listed below. It should be noted that the cameras at the Emergency Services Bureau do not have the ability to record.

AFP - normal security procedures.

The Emergency Services Bureau - responsibility of the Communications Centre manager.

The ACT Department of Housing - checked every three or four days. Turned on from 5pm to 8am. Activated by movement and automatically rewinds when the video is full.

ACTION - Nil.

Waste Management - no protocols. Procedures are in place for collection, storage and reviewing prior to be recycled through the system.

The Casino Surveillance Authority - a detailed procedures manual developed by the Casino's Surveillance Department and approved by the Casino Surveillance Authority. A code of conduct on the use of the system is also in place.

Canberra Institute of Technology - tapes are only viewed if an incident is reported and access and viewing of the tapes is limited to a "needs to know" basis. The recorded tapes are kept for a period of four weeks and then erased.

Department of Health - visual monitoring with recording on weekends.

The ACT Legislative Assembly -no protocols. Management of the system involves the changing of the tapes daily by attendants during business hours and a private security firm on weekend and public holidays. The tapes are stored in the attendant's station - a secure area out of business hours.

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**Part 2 (g):** *has the installation been part of a broader strategy in a crime reduction and/or prevention strategy; if so what are the other parts of the strategy (with examples);*

AFP - No.

The Emergency Services Bureau - camera is part of a remote controlled entry point for staff.

The ACT Department of Housing - No.

ACTION - No.

Waste Management -No.

The Casino Surveillance Authority - the CCTV system is part of the Casino's (and the Surveillance Authority's) crime prevention and resolution strategy. It assists and provides backup to those gaming and security staff working on the gaming floor. It provides protection to both staff and patrons in the event of a dispute.

The Canberra Institute of Technology - part of an overall strategy to prevent/reduce crime. The strategy has been broadened to include a more secure environment for both staff and students.

Department of Health - only the two cameras at the ACT Hospice. The cameras provide a degree of security for female staff working during the night and are coupled with a call-in security service.

The ACT Legislative Assembly - No.

**Part 2 (h):** *has the system been expanded or changed since installation;*

The AFP - No.

The Emergency Services Bureau - No.

The ACT Department of Housing - Yes. Updated because old system faulty.

ACTION - Yes. The Belconnen system has been updated to include a record function.

Waste Management - No.

The Casino Surveillance Authority - the system is regularly changed to suit the different table layout configurations on the gaming floor and to move cameras to higher risk areas as necessary.

Canberra Institute of Technology - system has been broadened to include 24 hr access to laboratories on Bruce Campus.

Department of Health - at the Health Building two additional cameras have been added to level 1.

The ACT Legislative Assembly - No.



**Part 2 (i): is there a complaints mechanism for the public;**

Depending on the nature of the complaint, it may be possible for the public to make a complaint to the Ombudsman *Ombudsman Act (1989)* or the Privacy Commissioner *Privacy Act (1988) (Clth)*. Internal complaint mechanisms are as follows:

The AFP - Complaints are dealt with under the *Complaints (AFP) Act 1981*.

The Emergency Services Bureau - responsibility of the Communications Manager.

The ACT Department of Housing - No.

ACTION - No.

Waste Management - utilises the existing complaints system in place for Waste Management operations.

Casino Surveillance Authority - the public can lodge complaints with the Authority.

Canberra Institute of Technology - complaints can be made through existing CIT procedures including complaints to the Faculty, School or Director level. Students have input via the CIT Student Association.

Department of Health - Health complaints procedure.

The ACT Legislative Assembly - No.

**Part 2 (j): are there signs advising the public that they are under surveillance by CCTV;**

The AFP - No.

Emergency Services Bureau - No.

The ACT Department of Housing - No.

ACTION - Yes. Signs at Belconnen but not at Woden.

Waste Management - No.

Casino Surveillance Authority - Yes, at the entrance to the Casino.

Canberra Institute of Technology - Yes, at entry ways, on internal notice boards and on classroom doors.

Department of Health - signs only erected at the Health building.

The ACT Legislative Assembly - No.

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**Part 2 (k)** *is there a “system ombudsman” with powers to investigate the system at any time;*

The AFP - No.

The Emergency Services Bureau - responsibility of the Communications Manager.

The ACT Department of Housing - No.

ACTION - No.

Waste Management - No.

Casino Surveillance Authority - the Authority has power under the *Casino Control Act 1988* to investigate any Casino operational matter.

Canberra Institute of Technology - each Campus Manager, together with the Operations Manager, have the sole responsibility for the system and its access.

Department of Health - have no system ombudsman.

**Part 2 (l):** *what are the features of the equipment (for example: recording, zoom, tilt, pan);*

AFP - City Police Station cameras can record but the function is not used. The cameras can also zoom, tilt and pan. At the Winchester Centre the cameras record to video tape.

The Emergency Services Bureau - cameras are a fixed system monitor with no ability to record.

The ACT Department of Housing - camera is movement activated and automatically rewinds the video when it is full.

ACTION - most cameras are fixed but some do swivel. All cameras have the ability to record.

Waste Management - the cameras have a fixed focus and record all within their vision.

Casino Surveillance Authority - cameras are a mix of fixed black/white and colour with the ability to pan, tilt and zoom in the gaming areas. Input from every camera is recorded with tapes being kept for 7 days.

Canberra Institute of Technology - all cameras record and some have limited zoom capability.

Department of Health - eleven cameras have fixed focus, one of which has the function of record. The remaining seven cameras are not further described other than they have the function of record.

The ACT Legislative Assembly - cameras can pan, tilt, and zoom. They can record 24 hours a day.

**Part 2(m): when and how is the system used; and**

AFP - 24 hours per day.

The Emergency Services Bureau - provides for remote entry control by staff.

The ACT Department of Housing - 5pm to 8am.

ACTION - camera's operate all day and where the function is provided the cameras record after hours.

Waste Management - 6.00am to 5.00pm each day (Good Friday and Christmas day excluded).

The Casino Surveillance Authority - 24 hours per day and is constantly monitored by the Casino's Surveillance Department and the Authority.

Canberra Institute of Technology - use is continuous.

Department of Health - for security, after hours access and access for patients in emergency situations.

The ACT Legislative Assembly - 24 hours a day and during demonstrations.

**Part 2 (n): has the system been used to identify people in criminal activities; if so, what are the results.**

AFP - No.

The Emergency Services Bureau - No.

The ACT Department of Housing - the system is used to identify people conducting criminal activities. To date there have been no people detected.

ACTION - Yes. Persons recorded stealing a camera and successfully prosecuted. The camera's also assist in preventing vandalism at interchanges.

Waste Management - No.

Casino Surveillance Authority - a number of persons have been successfully identified through the system and this has assisted in successful prosecutions for a range of criminal offences.

Canberra Institute of Technology - criminal activity has been recorded in one instance and the matter was the subject of legal action.

Department of Health - No.

The ACT Legislative Assembly - tapes have been viewed on a couple of occasions to help with investigations in relation to minor theft.

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**APPENDIX 1:** Incorporated in Hansard on 19 November 1996 at page 3746.

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**AMENDMENTS - STATEMENT BY SPEAKER**

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I wish to make a statement to the Assembly concerning the rules relating to amendments.

Members will recall that on 25 September last Mr Moore moved a motion relating to the use of Canberra's Lakes or their foreshores. The motion was:

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.

Ms McRae circulated an amendment to the motion. The amendment proposed to omit all words after "That this Assembly require the Government to" and substitute the words "undertake appropriate consultation in regard to significant public works development in the ACT".

A point of order having been raised that the foreshadowed amendment was not relevant to the motion, I upheld the point of order. A motion of dissent from the ruling was then moved, by leave. Following debate, the motion of dissent was negatived.

Mr Humphries then moved an amendment to insert the word "significant" before the words "proposed use". That amendment was ruled as being in order.

Ms Follett, on a point of order, asked that I present the Assembly with my reasons for having ruled out of order an amendment which sought to expand a motion and having ruled in order an amendment which

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sought to contract a motion. It was proposed by Ms Follett that if the first amendment was out of order, so was the second.

Ms Follett also sought guidance on what form a legitimate amendment might take, referring to previous occasions where amendments went so far as to negate a motion entirely.

I undertook to consider the matter.

Assembly standing orders contain a number of provisions relating to amendments. Standing orders 138 to 147 contain provisions relating to the form of amendments, relevancy, consistency, the order in moving amendments, amendments to amendments and the putting of the question on amendments. In addition, Chapters XV and XVI of standing orders contain provisions particular to amendments to Bills and financial procedures and other chapters contain provisions on amendments such as those that anticipate matters on the *Notice Paper* (s.o. 130) and the same question rule (s.o. 138). Amendments may not be moved to certain questions and motions, for example a motion for the adjournment of the Assembly or the question "That the question be now put". Also, of course, amendments should be framed in such a manner that, if agreed to by the Assembly, the question as amended would be intelligible and not a meaningless form of words.

The question that arose in the Assembly on 25 September was that of the relevance of the foreshadowed amendment to Mr Moore's motion. It is stated in *House of Representatives Practice* that of fundamental importance to the conduct of debate is the rule that no Member may digress from the subject matter of any question under discussion and this rule, together with certain provisos, is set down in Assembly standing order 58. This rule is also set down in standing order 140, which stipulates that every amendment must be relevant to the question that it is proposed to amend.

Clearly, an amendment can be proposed to alter the details of a motion, another amendment or a clause of a Bill, but it cannot propose to alter the subject matter of the question under consideration. Whilst an amendment may restrict the area of relevancy in a debate, it may

not expand it. The subject of Mr Moore's motion was the use of Canberra's lakes and foreshores and the proposed requirement for the Government to put any new use before the Assembly. Thus the amendment proposing to restrict the requirement on the Government to consult with the Assembly to consultation on "significant" proposals for the use of the lakes or their foreshores was ruled in order. Ms McRae's amendment as originally worded and foreshadowed, proposed to require the Government to undertake appropriate consultation in regard to significant public works development in the Territory as a whole. This was ruled out of order as it expanded the question beyond the initial proposal which dealt only with new uses (not necessarily capital works) of the lakes and their foreshores (not the whole of the Territory).

Ms Follett also requested guidance on the form of legitimate amendments and referred to previous occasions where amendments went so far as to negate a motion entirely.

The standing orders do not contain a reference to amendments which are a direct negative of a question before the Assembly. However, as pointed out in *House of Representatives Practice*, there is a parliamentary rule that such amendments are not in order if they are confined to the mere negation of a motion. The proper method of expressing a completely contrary opinion is to vote against a motion. For example, an amendment proposing to insert the word "not" before a verb would be out of order. A working rule for determining whether an amendment is a direct negative is to ask the question whether the proposed amendment would have the same effect as voting against the motion. If so, it would be out of order.

Many amendments have been moved in the Assembly which could be claimed to be expanded negatives as they usually seek to put an alternative proposition to the Assembly and have been accepted as being in order. The practice the Assembly has followed is that of the House of Representatives in that amendments have been allowed which evade an expression of opinion on the main question by altering its meaning and object. For example, on 19 June this year a Minister moved a motion of censure of an Opposition Member. The Leader of

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the Opposition moved an amendment which proposed to substantially change the nature of the motion in that it proposed to censure the Minister for Health on a related matter.

Pages 361 to 364 of *House of Representatives Practice* provide a very useful guide to Members to the rules relating to the form and content of amendments in that House, rules which are substantially the same as those that apply in the Assembly.



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**APPENDIX 2:** Incorporated in Hansard on 19 November 1996 at page 3751.

1996

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL  
TERRITORY

MINISTERIAL STATEMENT ON MENTAL HEALTH CARE

“MOVING AHEAD”

To be delivered by:  
Kate Carnell MLA  
Minister for Health and Community Care

Mr Speaker, for some time now the Government has been concerned about the direction of the Territory's mental health services.

This concern has been reflected in the Government's decision to release a new strategy entitled "Mental Health Care in Canberra - Moving Ahead."

In recent years mental health care in the ACT, as in the rest of Australia, has undergone significant changes.

Up until twenty years ago most psychiatric services were delivered through the auspices of asylums and the psychiatric profession.

But since that time the system has undergone vast change and reform. The early seventies saw the growth in demand for more consumer and community based mental health services, services that weren't run just by the medical profession and that did not just focus on acute care.

And the focus of support **has** changed. Asylums and institutions are no longer accepted as the main focus of care.

This Government is determined to continue these reforms and provide the type of support services which allow those with a mental dysfunction to maintain their independence and dignity and live successfully within the community structure.

However to continue these reforms we need to make sure we have a good mix of self-help groups and community-based organisations, as well as a range of public and private hospital beds and services and psychiatrists both within the medical system and also in the broader community.

And importantly, there must be a “whole of government” approach to addressing these issues.

This statement outlines a range of reforms to bring the ACT into line with, and ultimately to lead, the rest of Australia in the provision of a caring and integrated mental health service.

In support of a whole of Government approach, a Standing Committee on Mental Health has been established within the ACT Public Service.

The aim of the Committee will be to provide a regular forum for the discussion of mental health issues across agencies at a senior officer level.

In particular it has been asked to monitor mental health issues that affect all agencies: issues such as legislation, complex client needs and accommodation services.

The Committee will meet for the first time on 28 November.

A number of other initiatives will support this approach.

ACT Housing Contact Officer positions are to be established within the ACT Mental Health Service to improve coordination between these two agencies.

These officers will be responsible for pro-active liaison with ACT Housing clients and staff and for dealing with problems and issues as they arise.

Information packages for clients, advocates and ACT Housing staff will also be developed to improve awareness about the availability of mental health services and ways of accessing support and assistance.

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A new Memorandum of Understanding has now been developed between the ACT Mental Health Service and the Australian Federal Police.

The Memorandum outlines the roles, responsibilities and the anticipated interaction between the two agencies, especially during a crisis situation.

The agreement will be reviewed at six monthly intervals to ensure that it remains relevant.

The Government is also conscious of the principle that to ensure better outcomes for people with a mental dysfunction the focus must always be on the client.

The *Mental Health (Treatment and Care) Act 1994* is due to cease in February 1997.

The Government has already sought to extend the provisions of the existing Act so that a detailed review of the legislation can be undertaken.

We are concerned to ensure that the Act facilitates improved outcomes for people with a mental dysfunction and provides clear pathways through the treatment and care systems.

Issues such as enhancing the mechanism for complaints and the licensing of mental health facilities will be included in the review.

The review process will see consultation across all government agencies, as well as the community, and is due to be completed by August 1997.

Another area where the Government has acted is in the provision of psychiatric services at The Canberra Hospital.

As identified in the recent Review of Mental Health Services, there is a need for psychiatric services to be available to all patients.

The Government will therefore re-establish the position of Liaison Psychiatrist at TCH to ensure that all patients, particularly those in the geriatrics ward, can access psychiatric services.

The Government has also recognised a need to manage people with a mental dysfunction and complex care requirements.

We have therefore established, for the first time, a Management Assessment Panel (MAP) within the Department of Health and Community Care.

This Panel will promote and facilitate coordination and cooperation between all service providers in the ACT and enable those with a mental dysfunction to access an integrated package of support and resources that meet their individual needs.

It will be chaired by Ms Marie Coleman and members will include Canberrans from a variety of community backgrounds.

Mr Speaker, the Mental Health Crisis Team has performed an invaluable role within the Canberra Community, often working under extremely difficult circumstances.

However in May 1996 the Gianfrancesco Report, which examined the structure and functions of the Crisis Team, recommended that the Team broaden its role from being simply that of an admission assessment service.

The Government strongly supports this recommendation.

The role of the Team will now be refocussed to provide community based crisis intervention and acute psychiatric treatment as well as assessment for acute admission.

This enhanced role will allow the Crisis Team to deliver services in line with similar teams in other states, especially NSW and Victoria.

The ACT Government is also developing an implementation plan for the provision of accommodation services in Canberra, as recommended in the 'Purdon' Review carried out in 1995.

It addresses issues such as the need for increased levels and resourcing of community-based, supported accommodation; the investigation of a 'step down' facility for people discharged from hospital; the need for increased respite services; and the provision of different levels of supported accommodation.

To support these strategic directions, we will also review a series of other reports on ACT services which were funded under the National Mental Health Strategy.

The various recommendations will be examined and, where appropriate, implemented.

Several of these reports focus on areas of particular need including Aboriginal and Torres Strait Islander people, those suffering from HIV/AIDS and those with an intellectual disability or acquired brain injury.

Clearly, the issue of improving continuity of care for people with a mental dysfunction is one of the major challenges we must face.

As part of that continuity of care, we have allocated an additional \$100,000 in the 1996-97 Budget to establish a new mental health discharge liaison program at The Canberra Hospital.

Two nurses will be employed to improve linkages between the acute psychiatric unit and the Accident and Emergency Department at TCH, and to provide improved discharge planning and follow-up with clients discharged from the Hospital into community settings.

This Government has also recently approved the construction of the Territory's first private psychiatric facility on the Bruce campus of Calvary Hospital.

This \$2.5 million project, due for completion in late 1997, will feature a 20 bed facility.

It will effectively increase the number of acute beds in the ACT by 30 per cent.

A mix of services will be offered, some requiring residential stays, others through consultations and attendance at day programs and through followup community care.

Programs will include acute psychiatric care, rehabilitation, chemical dependence, post trauma stress disorder, post natal depression, specialised programs and day hospital services.

It will give people needing psychiatric care additional choice and will help ease the pressure on public facilities at both Calvary and The Canberra Hospitals.

The Government will immediately examine bringing the 20 public psychiatric beds at Calvary Hospital under the auspices of the *Mental Health (Treatment and Care) Act 1994*.

These beds are not currently 'gazetted' under the legislation, which has meant that the Mental Health Tribunal and the courts have not been able to refer people with mental health problems to Calvary Hospital for assessment and possible treatment.

This has seen The Canberra Hospital assuming responsibility for patients with a higher degree of acuity.

The Government, in consultation with Calvary Hospital management, has commissioned an independent review this month, to assess the impact of the proposal and any changes that may be required to enable gazettal of this facility under the Act.

The Department of Health and Community Care will also undertake an investigation into the viability of establishing a secure, dedicated facility for people with a mental dysfunction who require involuntary accommodation.

In the short term the Government has approached the NSW Government with a view to gaining increased access to facilities in that State.



As well, in the 1996-97 Budget, additional funding of \$45,000 was provided for the secondment of a mental health nurse to the Belconnen Remand Centre.

A long overdue review of child and adolescent mental health programs in the ACT will also be conducted in response to concerns that services are fragmented across agencies and inadequately resourced.

As part of moving ahead, major changes will also take place within the ACT Mental Health Services, under the guidance of the new Executive Director, Mr Richard Clarke.

Mr Clarke was formerly the Director of Mental Health Services for the Southern Tablelands Health Service and Manager of Kenmore Hospital at Goulburn.

He was responsible for developing innovative community-based mental health programs in NSW and Victoria between 1992 and 1996.

One of the challenges the new Executive Director has accepted is that of restructuring the organisation in line with the key recommendations of the Mental Health Services Review completed in July this year.

Mr Clarke has agreed to provide the ACT Government with a directions statement for the Services in early 1997 after he has had the opportunity to consult with staff, clients and the non-government sector.

Under the new arrangements, policy development, planning and service purchasing will become the responsibility of the Department of Health and Community Care.

This will free up the Mental Health Service to concentrate on providing more effective services under a purchaser/ provider agreement.

Currently the Government is awaiting the outcome of a selection process being conducted by the University of Sydney before appointing The Canberra Clinical School's first Chair of Psychiatry.

It is anticipated that the Professor will assume the responsibilities of the Director of Mental Health as outlined in the *Mental Health (Treatment and Care) Act 1994*.

Until this appointment, the senior psychiatrists at The Canberra Hospital have agreed to fulfil the statutory role on a rotational basis.

These changes are the first step in changing the focus to better meet community expectations.

The community itself has an important role to play in implementing these reforms which, to be successful, must be accepted and supported.

As part of the Government's commitment to enhancing the role of community services in mental health care, we have provided an additional \$150,000 in the 1996-97 Budget to support a significant increase in community based supported accommodation options for people with a mental dysfunction.

Expressions of Interest were called for from community agencies in October and early November.

To date, 15 organisations have expressed interest in this proposal. It is anticipated that the Government will announce successful projects before the end of 1996.

The recommendations of the 1995 'Purdon' Review clearly highlighted the need for increased resources to provide independent respite care options in the community.

To support of this recommendation, the ACT Government recently announced the provision of recurrent funding of \$50,000 to the Mental Health Foundation for the operation of the Warren I'Anson Memorial Respite House.

Mental health organisations have also benefited from the Government's decision to significantly increase the level of funding for its new health promotion authority, Healthpact.

The Board of Healthpact has recently identified mental health as a priority area for support and have approved a total of \$166,000 for spending on mental health programs in 1996-97, compared with \$31,000 in 1995-96.

This represents a significant increase in spending on awareness raising projects.

Projects attracting support include Mental Health and Schizophrenia Awareness Weeks, information on post-natal depression, assistance to support groups, and consumer training for people with a mental dysfunction.

The Government has also decided to establish an identified funding pool from 1997-98 onwards for mental health services and programs. It will include government and non-government sectors.

This initiative will lead to increased coordination of resources in the mental health sector; allow the introduction of common service standards; and facilitate better planning for future requirements.

The Government has decided that the ACT should participate in two important national research projects being conducted under the National Survey of Mental Health and Wellbeing.

The first project, to be carried out by the Australian Bureau of Statistics, will involve more than 10,000 households across Australia and will seek to gain an overall picture of adult mental health issues.

The second project is the Low Prevalence Disorders Component, which will be carried out under the auspices of the University of Western Australia.

It will seek to determine characteristics and needs of people with a severe psychosis in key centres around Australia, including Brisbane, Melbourne and Perth.

The Government will support an application to the Private Practice Trust Fund to enable Canberra, hopefully, to be included.

It is anticipated that the data collected in these surveys will provide an excellent basis for planning effective future service delivery in the ACT.

Under the National Mental Health Strategy, funds have been made available in 1996-97 for the following projects:

- alcohol, drug and mental illness (dual diagnosis) research;
- aboriginal and Torres Strait Islander mental health worker project; and
- a consumer involvement project.

To ensure greater accountability for these and other changes, the Government has decided to produce an annual report for all mental health services in the ACT.

Along with other information, the report will provide public information about the operation of all services and information about the financial resources dedicated to those services.

The first of these reports will be produced in September 1997.

Mr Speaker, when it comes to providing greater resources for mental health services, this Government has certainly put its money where its mouth is.

In our first two years we have increased funding by more than \$1.3 million, including provision of an extra \$350,000 in 1996-97 for new services.

We will spend more than \$16 million on mental health services alone.

And the Government will continue to review the level of resources required to provide adequate mental health programs across the Territory.

In summary, the changes proposed will help to ensure better outcomes for those with a mental dysfunction, a choice in the range of services they have to access, a broader range of treatment and care pathways and the knowledge that the people of Canberra can better rely upon receiving appropriate help and support in a time of need

This statement is all about moving ahead and not looking back.

While we are kidding ourselves if we think that we can solve all the problems that confront people with mental health dysfunction, we can find ways to ensure they do not slip through the cracks.

I commend this statement to the Assembly and urge all members to return to the non-partisan approach that has characterised reform in this area in the past.

Thank you.

*21 November 1996*

**APPENDIX 3**: Incorporated in Hansard on 21 November 1996 at page 3924.

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL  
TERRITORY**

**CASINO CONTROL (AMENDMENT) BILL 1996**

**PRESENTATION SPEECH**

**Circulated by authority of**

**Kate Carnell MLA  
Chief Minister**

Mr Speaker, I am introducing to members the Casino Control (Amendment) Bill 1996.

The Casino Control Act 1988 provides for the establishment and control of a casino in the Territory.

The operator of Casino Canberra, Casinos Austria International Limited proposes to expand its business opportunities by marketing Casino Canberra to individual high stake players. High stake players choose to visit a casino as an individual and are prepared to gamble substantial sums of money which will entitle them to receive commissions or rebates. These players are currently not catered for in the ACT.

Casinos Austria proposes to offer individual high stake players direct concessions to attract their patronage to Casino Canberra. These players enjoy the opportunity to play at more than one destination. Casinos Austria proposes as a marketing strategy offering incentives including airfares, accommodation and commissions to individual high stake players travelling between Sydney, Melbourne and Canberra to secure their patronage at Casino Canberra.

Under the Casino Control (Amendment) Act 1994, Casino Canberra commenced junket operations for groups managed by a junket operator in June 1995. Junkets are groups of high stake players who are brought to a casino by a junket operator. The operator is paid a commission by the casino licensee based on the sum of the wagers.

Casino Canberra generated \$954,812 in tax receipts at the ten per cent junket tax rate over a seven month period of junket operations until January 1996. However, junket operations ceased in February 1996 due to increased competition between interstate casinos which made it more difficult to attract players to Canberra.

Casino Canberra currently pays tax on gross profits for general gaming at twenty per cent. It is seeking the continuation of the lower tax rate on the profits for junket gaming at ten per cent beyond the current sunset clause which comes into effect on 1 January 1997.

The casino has also sought the lower tax rate of ten per cent on the gaming profits from individual high stake players. The lower taxation rate will reduce the casino's costs and allow it to offer concessions to individual high stake players.

Taxation rates on gaming profits vary from State to State. From twenty per cent on general gaming profit in Sydney and Queensland at Jupiters and Brisbane to eight per cent in Christmas Island and in the Northern Territory for taxation of profits generated at gaming tables.

Victoria has regulated a separate junket tax at a lower rate of nine per cent plus a one per cent community benefit levy. Queensland is proposing a ten per cent junket tax in Jupiters and Brisbane and an eight per cent junket tax in Cairns and Townsville.



Casino Canberra has estimated that by re-establishing junket operations and attracting individual high stake players, an additional \$13.00m in revenue will be generated. This will result in an additional \$1.3m taxation revenue to the ACT over a full year.

I realise that this estimate may be optimistic. However, I am prepared to assist any business to maximise its potential return without negatively impacting on other businesses in the ACT.

The Casino Control (Amendment) Bill 1996 redefines the regulation of junket type gaming with a more modern interpretation of this type of gaming, now defined as commission-based gaming.

Commission-based gaming provides for a broader interpretation of junket gaming activities. It allows the casino licensee to negotiate directly with a junket operator or with a prospective individual high stake player to offer concessions or inducements for their patronage at the casino.

The Bill allows the Minister to set the rate of tax paid on profits from commission-based gaming. It also repeals the sunset clause in the Casino Control (Amendment) Act 1994 that would otherwise discontinue the existing junket tax from 1 January 1997.

I commend the Bill to the Assembly.

21 November 1996

**APPENDIX 4**: Incorporated in Hansard on 21 November 1996 at page 3924.

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**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY**

**BLOOD DONATION (TRANSMITTABLE DISEASES)  
(AMENDMENT) BILL 1996**

**PRESENTATION SPEECH**

Circulated by authority of

Kate Carnell MLA  
Minister for Health and Community Care

Mr Speaker, this Bill amends the Blood Donation (Acquired Immune Deficiency Syndrome) Act 1985. The Blood Donation Act provides a defence to any action brought against the Australian Red Cross Society, a hospital or a medical practitioner by a person claiming to have contracted AIDS through a blood transfusion where the blood was supplied by, or the blood product derived from blood supplied by the Australian Red Cross Society.

This legislative defence is provided subject to certain specific requirements having been complied with. These requirements are that a statutory declaration must have been obtained from the donor prior to the donation of blood and that the Society, hospital or medical practitioner must not supply blood or blood products unless a sample of the blood shows negative results when subjected to approved tests. Currently the legislation provides protection from litigation only in respect of the AIDS Virus. Additionally it requires the Minister for Health and Community Care to approve the equipment and methods used for the testing of blood samples.

Mr Speaker since 1985 there have been additional diseases identified that are capable of being transmitted by blood and or blood products. Approved tests and equipment have been introduced to identify these diseases in blood donated to the Australian Red Cross Society. The Australian Red Cross Society currently tests samples of all blood donated for the transmittable diseases known as the Acquired Immune Deficiency Syndrome, hepatitis B, hepatitis C, Human T Cell Lymphoma virus 1 and 2 and syphilis. To provide enhanced statutory protection to the Australian Red Cross Society, ACT hospitals, medical practitioners and the ACT Government this Bill extends the coverage of the current Act to include the transmittable diseases I have mentioned. In addition this Bill provides the capacity to prescribe regulations to respond to emerging diseases that are identified and tests developed for.

Changes in the technology and methods of testing blood and blood products are occurring quite rapidly. There is a need to enhance the statutory processes to approve these changes so as to ensure that the protections afforded by this Bill remain current. The Bill enables the Medical Officer of Health to approve by Instrument changes to blood testing equipment and methodology.

Mr Speaker I commend this Bill to the Assembly.

*21 November 1996*

**APPENDIX 5**: Incorporated in Hansard on 21 November 1996 at page 3925.

THE LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY

MOTOR TRAFFIC (AMENDMENT) BILL (No 3) 1996

PRESENTATION SPEECH

Circulated by authority of  
Tony De Domenico MLA  
Minister for Urban Services

MOTOR TRAFFIC (AMENDMENT) BILL (No 3)1996

Road Rescue Fee

The Government has decided, in the Budget context, to introduce a Road Rescue Fee of \$15 which will commence on 1 January 1997. As announced by the Chief Minister, the fee will offset the cost of a fifth ambulance and crew to commence 24 hour operations this year.

Revenue collected from the fee will be paid to Territorial Revenue, and the Government's payment for outputs to the Emergency Services Bureau has been increased for the provision of a higher level of road rescue services to the community. The increased services will encompass road accident rescue, pre-hospital paramedic care, and transport associated with road accidents.

The Government seeks to deliver an agreed level of services to the community, and the revenue collected directly from the community focuses the Government on the required level of service and the cost of providing those services. These services include road accident rescue, pre-hospital paramedic care and any associated transport.

The Road Rescue Fee will be applied to all registered motor vehicles in the ACT other than those vehicles which are registered at nominal fees because of their limited exposure to normal road traffic conditions. Those vehicles include veteran, vintage and historic motor vehicles. Trailers and caravans are also exempt from the fee.

The Road Rescue Fee will be collected at the time registration fees are paid, for administrative simplicity. Registration certificates and renewal notices will show the fee as being separate from any fees or charges involved in the registration process.

*21 November 1996*

The Ambulance Service Levy Act 1990 already imposes a levy on health benefits organisations in connection with the provision of services by the ACT Ambulance Service. However, ambulance cover provided by private health insurers covers accidents which occur outside the ACT as well as within. In addition, the Road Rescue Fee is intended to offset the cost of all road rescue services provided by the ACT, not only ambulance services.

*21 November 1996*

**APPENDIX 6:** Incorporated in Hansard on 21 November 1996 at page 3925.

THE LEGISLATIVE ASSEMBLY FOR  
THE AUSTRALIAN CAPITAL TERRITORY

MOTOR TRAFFIC (AMENDMENT) BILL (NO. 4) 1996

PRESENTATION SPEECH

Circulated by authority of

Tony De Domenico, MLA  
Minister for Urban Services

*21 November 1996*

My Assembly Colleagues,

The parking of heavy commercial vehicles in residential areas has been a problem in the ACT for many years. Previous Governments both Federal and Local, were unwilling or unable to address the problem. This Government, however, is committed to bringing in legislation that is fair to both residents and the transport industry.

I established a Working Party in April 1995 with representatives from both the community and the transport industry. This working party spent 7 months in consultation to achieve a set of rules for parking heavy commercial vehicles in residential areas.

In May this year I tabled a document entitled 'Rules for Parking on Residential Leases of Vehicles Used for Commercial Purposes', and indicated that legislation would be prepared to allow them to be implemented. Although there was some debate about these draft Rules, most members of this Assembly generally supported them.

There were claims that the draft Rules did not go far enough, and that heavy vehicles should be banned from the suburbs entirely. This is a very unrealistic approach as it would have a major impact on the local transport industry. Over 80% of heavy vehicles registered in Canberra are operated by owner-drivers.

The drafting of this Bill was complex, as it uses both the Motor Traffic Act 1936 and the Land (Planning and Environment) Act 1991 to restrict heavy commercial vehicles parking in residential areas. The Rules were not initially drafted as a legal document, and some minor changes have been required to enable them to be implemented as a Code of Practice under the legislation.

There are three types of heavy vehicle parking which will now be controlled by the Motor Traffic Act 1936, and which will be able to be enforced by the issuing of parking infringement notices:



- a) Certain prohibited vehicles (stock trucks, semi trailer pantechnicons, and vehicles with a height of 3.6 metres or greater) will not be able to park on a residential lease;
- b) Heavy commercial vehicles will not be permitted to park for more than one hour on land adjacent to residential leases, including public streets;
- c) Where there are multi unit dwellings, vehicles that have a Gross Vehicle Mass (GVM) of 3.75 tonnes or greater, are more than 6 metres in length or 2.6 metres in height will be prohibited.

Vehicles that are broken down or carrying out legitimate business (such as deliveries or furniture removal) will not be covered by the above prohibitions, although they must be moved as soon as practicable.

Under the legislation, parking a heavy commercial vehicle on a residential lease will be permitted if it complies with the Code of Practice. There will be two different groups of operators, existing and new.

Existing operators are those that have been parking heavy commercial vehicles on their lease (a minimum of 24 times during the previous 2 years) from the time this legislation is passed. A new operator is one that begins to operate after the introduction of this legislation.

Existing operators will have some flexibility if they wish to operate outside the Code of Practice, but will require their neighbours' consent and must undertake improvements to the area where the vehicle is to be parked. New operators must strictly comply with the Code of Practice.

It is intended at this stage for the Code of Practice to include the following matters:

1. Generally, only one large heavy vehicle will be permitted to park on a residential lease. Two vehicles will be permitted, but only if they are less than 3.75 tonnes GVM, 6 metres in length, or 2.6 metres in height. Vehicles with plant type vehicles in the back (eg bobcats), or a vehicle and trailer

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combination, will also be acceptable if they otherwise comply with height restrictions.

2. Operating hours for existing operators are between 5.30 am and midnight, while operating hours for new operators are between 6 am and 10.00 pm.

3. The Registrar of Motor Vehicles will record operators who wish to be given existing operator status. Existing operators have 12 months from the commencement of this legislation to register, otherwise they will be classified as a new operator.

In conclusion, I believe that this draft Bill will fairly control the difficult issue of heavy commercial vehicles parking in residential areas, and I commend it to the Assembly.

**APPENDIX 7:** Incorporated in Hansard on 21 November 1996 at page 3926.

## **WORKERS' COMPENSATION (AMENDMENT) BILL (NO. 2) 1996**

### **MINISTER'S PRESENTATION SPEECH**

I am pleased to introduce into the Legislative Assembly, the Workers' Compensation (Amendment) Bill (No. 2) 1996.

The Bill, if passed by the Assembly as it is introduced, will provide:

- workers' compensation coverage for any one worker under one insurance policy;
- determination of the worker's State or Territory for compensation purposes;
- that the existing coverage for an ACT worker who receives an injury anywhere in Australia, is extended to include work injuries received while out of Australia (this will bring the ACT into line with NSW and other jurisdictions); and
- compensation for a worker injured in the ACT but who is not an ACT worker, and is not a worker of any other State or able to claim compensation outside Australia (this will bring the ACT into line with NSW and other jurisdictions).

These amendments to the Act demonstrate the Government's commitment to improving the ACT workers' compensation scheme,

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easing the financial burden on employers, and providing a fair and equitable compensation coverage for injured workers.

At present, ACT employers are required to have more than one workers' compensation policy to cover employees who work in more than one State. This is an unnecessary financial burden for our employers as it means that wherever an additional policy is required, there is a duplication in the payment of premium, although, of course, the employee(s) receives only one wage or salary.

Also, employees, who are injured while working interstate, may claim compensation, in either the "home" Territory (or State) or where the injury occurred, where the benefits are perceived to be more favourable. This creates an undesirable practice known as "forum shopping".

This has a particular disadvantage for the ACT scheme which is one of the few workers' compensation jurisdictions to still have unlimited access to common law. An interstate worker, if injured while working in the ACT, may lodge an ACT compensation claim and/or common law action (which may not be possible in the worker's "home State"). If either claim was successful and if no ACT policy was held by the interstate employer, then the ACT Nominal Insurer would pay the amount of compensation or damages. ACT insurers would then be levied for the amount of compensation or damages, meaning that our ACT insurers would be required to pay for a claim for which no premium had been received in the ACT.

Recovery action from the employer of the amount paid is not always successful due to administrative difficulties caused by their location interstate. As such, there is the likelihood that the ACT scheme may pay compensation for a non-ACT worker for which there is no recovery, and those compensation costs are subsequently passed on to ACT employers through increased premiums

Mr Speaker, these simple examples clearly show how our ACT employers and our ACT scheme with its unlimited access to common law may be financially disadvantaged compared to other jurisdictions.

In general, all employers are disadvantaged when they are required by law to maintain more than one worker's compensation policy if their employees work in more than one Territory or State. This imposes a significant duplication of costs on employers, in particular for the road transport industry in which case these costs have to be passed on to the consumer by way of higher freight charges.

The Heads of Workers' Compensation Authorities, acting under the auspices of Labour Ministers' Council, identified these inequities and have given "cross border" issues top priority in their objective of achieving national consistency in workers' compensation. The Territories and States have agreed to introduce uniform complementary legislation to commence on a common starting date, so that any Australian employer will only be required to have one workers' compensation policy and an injured worker will be required to seek compensation in his or her "home" Territory or State.

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The proposed amendments are based on those agreed by the NSW Parliament and agreed to in principle by the other jurisdictions and will:

- maintain the “status quo” in the ACT in requiring an ACT workers’ compensation policy to cover an employer’s common law liability, and to ensure both statutory and common law benefits are available to ACT workers;
- simplify workers’ compensation arrangements for employers who have interstate workers as recommended, and agreed to by the Government, in the Red Tape Task Force report; and
- remove inequities, which disadvantage the ACT scheme, that occur under the present Act.

The introduction of the proposed amendments has no financial implications for the ACT Government. However, savings in premiums will be available to ACT employers, who are currently required to take out multiple workers’ compensation cover for their employees who work in the ACT and interstate.

Savings should also be available to ACT insurers as interstate workers, injured while employed in the ACT, will claim compensation in their home State and not the ACT. ACT insurers may receive less revenue through a reduction in premium from non-ACT employers, but it is expected this will be more than offset by reduced administration and compensation costs

currently faced by the exposure to a compensation claim and likely common law action from a non-ACT injured worker.

These financial benefits will apply to all Australian workers' compensation jurisdictions as the "cross border" legislation is designed to provide workers' compensation coverage by the one policy in the worker's (or employer's) "home" Territory or State.

As for the provision of compensation, the current coverage will be expanded to include ACT workers temporarily working interstate or overseas, and to compensate a worker, who is not an ACT worker, if that worker is injured in the ACT, is not a worker of any other Territory or State, and is not entitled to any compensation for the injury under a law of a place outside Australia.

This Bill, which I present to the Assembly, is a very simple but significant improvement to the ACT workers' compensation scheme and in conjunction with other Australian jurisdictions, will deliver significant cost savings for all Australian employers while providing a fair and equitable compensation scheme for injured workers in the ACT and elsewhere.

I commend the Bill to the Assembly.

End.

*21 November 1996*

**APPENDIX 8**: Incorporated in Hansard on 21 November 1996 at page 3926.

1996

THE LEGISLATIVE ASSEMBLY FOR  
THE AUSTRALIAN CAPITAL TERRITORY

DISCRIMINATION (AMENDMENT) BILL 1996

Presentation Speech

Circulated by authority of the Attorney General  
Gary Humphries MLA



**DISCRIMINATION (AMENDMENT) BILL 1996**

**Presentation Speech**

Mr Speaker, I present the Discrimination (Amendment) Bill 1996. The principal purpose of this Bill is to amend the *Discrimination Act 1991* to put in place a better process for dealing with complaints made under the Act.

This legislation is being introduced against a background of significant changes being made, throughout the country, to arrangements for the delivery of services under anti-discrimination legislation. Members may be aware that the Federal Government is in the process of negotiating new arrangements with State and Territory governments for them to handle human rights complaints, made under federal legislation, on behalf of the Commonwealth.

A co-operative arrangement for handling Commonwealth and Territory human rights complaints has existed in the ACT for the past five years. The ACT Human Rights Office has been jointly funded by the ACT and the Commonwealth over this period, with the costs of the staff being shared equally between us. In addition the Territory has fully funded its own Discrimination Commissioner.

The ACT's arrangement with the Commonwealth comes to an end on 20 December, this year. My Department has been engaged in negotiations with the Commonwealth Attorney General's Department and the Human Rights and Equal Opportunity Commission since earlier this year, in an attempt to come to a co-operative arrangement, whereby the ACT would operate a Human Rights Office and deal with Commonwealth complaints on the Commonwealth's behalf.

Unfortunately, it has not been possible, to date, to come to an equitable agreement on this matter. The main stumbling block is the significant reduction in the proposed Commonwealth contribution towards the cost of the office. The ACT developed a model for a modest office to be funded by the ACT and the Commonwealth on a co-operative basis. The ACT sought a contribution of 37.5 per cent of the total cost of the office from the Commonwealth. The percentage of Commonwealth complaints received by the Human Rights Office last year was just under 39 per cent. The Territory believed that the proposed office represented a viable and affordable option, provided the Commonwealth was prepared to meet its share of the funding. However, the Commonwealth offered to fund only 27.5 per cent of the cost of the office. The practical impact of the Commonwealth's position is that the Territory would be required to pay 20% more for its human rights administration, than we pay under our current arrangement. At the same time, the Commonwealth would take the benefit of a more than 30% reduction in its ACT costs. This is totally unacceptable and untenable, and has meant that Government has had no choice but to consider alternatives to a co-operative arrangement, much as we have on the question of Legal Aid, faced with a not dissimilar reduction in Commonwealth contribution.

While I am disappointed that it has not been possible to come to a mutually satisfactory arrangement with the Commonwealth on this matter, I am pleased to inform the Assembly that an ACT Human Rights Office will be established by the ACT Government to deal with complaints made under ACT legislation.

The establishment of such an office will provide the Government with the opportunity to put in place more efficient processes for the handling of complaints and better reporting arrangements to monitor the performance of

the office. Both will contribute to the delivery of an improved service to the ACT community.

One of the main changes the Bill makes to the process of complaints handling is to put the focus of the Discrimination Commissioner on investigation and conciliation of complaints rather than the conduct of hearings.

Of the 86 complaints under the Act which were closed last financial year, 34 were conciliated and 8 were declined. Only 3 were referred for hearing. Yet the primary role of the Discrimination Commissioner, under the present legislation, is declining or hearing complaints. The Commissioner is precluded from participating in the resolution of complaints by conciliation, because of his or her determinative powers under the Act. The Commissioner must be kept at arms length from any conciliation process, in case he or she must, ultimately, determine the matter at a hearing. This has also restricted the capacity of the Commissioner in case management of complaints.

The Government has decided that the best use can be made of the Commissioner if he or she is able to conduct and participate in conciliations and oversee the management of complaints which are made under the Act. We also foresee an increased community education role for the Commissioner.

The Bill proposes that the determinative, or hearing, function under the Act be undertaken by a Discrimination Tribunal, which is established by the Bill. The Bill grants to the Tribunal the capacity to provide the same remedies against unlawful discrimination as are available under the present legislation. The President of the Tribunal will be a Magistrate.

This model, which separates the investigation and conciliation functions, giving them to the Commissioner, and the hearing function, which goes to the Tribunal, is consistent with established practice in most other jurisdictions.

It is a model which enables the best use to be made of Territory resources, drawing on the experience of the Magistrates' Court in hearing disputes and enabling the Discrimination Commissioner to take a greater role in the resolution of disputes by conciliation.

Another reform, in the Bill, is the introduction of a limit on the time which the Commissioner may take to determine whether a complaint will be entertained or declined. A complaint made about the current Human Rights Office is that it can take a very long time to deal with complaints.

The new provisions will impose a discipline upon the ACT Human Rights Office and the parties requiring that a decision to decline a complaint must be made within 60 days of the complaint being lodged. The Victorian experience, where similar provisions are in place, demonstrates that this time limit enables its Human Rights Office to deal expeditiously with complaints, particularly where one party is dragging the chain.

Where the complaint is not declined no time limit will be set on the further investigation and conciliation processes. However, there is a new requirement that where conciliation is successful the agreed outcome of the conciliation should be reduced to writing, enabling the Commissioner to confirm with the parties the details of the conciliated outcome and take no further action in respect of the complaint.

Another new provision is one which enables a respondent to apply to the Tribunal for a complaint to be struck out on the grounds that the complaint is

frivolous, vexatious, misconceived or lacking in substance or is not made in good faith. The Bill requires that an application to strike out a complaint commence to be heard within 14 days of the application.

The provision has been included to enable a respondent to have a complaint disposed of expeditiously where one of these grounds is made out. I will be disappointed if the application process is abused by respondents or their legal advisers, making futile applications.

A feature of the new structure is that where a complaint is declined by the Commissioner or the complaint is unable to be successfully conciliated by the Commissioner, the complainant will be entitled to require referral of the complaint to the Tribunal, for hearing, provided the complainant exercises this right within the time frame set down in the legislation.

Consistent with the provisions applying to other Tribunal hearings, in the ACT, the only appeal from a decision of the Tribunal will be on a question of law, to the Supreme Court.

The Bill includes transitional provisions to the effect that those complaints which have been received, as at the commencement, of the new provisions, but in respect of which the conciliation or hearing process has not commenced, will be treated as if they were complaints lodged under the new provisions. Other arrangements apply to ensure continuity and fairness in respect of part-conciliated or part-heard matters.

I am confident that the new procedures in the Discrimination Act, together with an autonomous ACT Human Rights Office will result in improved service delivery to the ACT community. I hope that, at some future stage, we might still be able to come to agreement with the Commonwealth, and undertake its complaints handling function. But, while the structure of the

Human Rights Office will accommodate this, it will only be possible if the Territory is satisfied with the terms of any agreement with the Commonwealth going to financial contribution.

Finally, I draw the attention of Members to a number of unrelated amendments which have been included in the Bill to assist in the administration of the legislation.

The first extends the application of the present provisions prohibiting discrimination against persons with guide dogs or hearing dogs, to persons with other “assistance animals”. This recognises that animals other than dogs can be used for assistance by persons with an impairment.

Other amendments clarify the position of employment agencies in selecting persons as suitable for a job vacancy. The amendments make clear that to the extent that it is not unlawful, under the Act, for an employer to discriminate in employing a person, it is not unlawful for an employment agency to discriminate in selecting persons suitable for a job vacancy, on behalf of an employer.

Finally, the provision dealing with discrimination by voluntary bodies has been amended to make it clear that it is not unlawful for a voluntary body to discriminate in connection with the provision of benefits, facilities or services to persons who are not members of the body. This is an extension of the existing provision which permits discrimination in connection with the provision of benefits, facilities or services to members. The amendment reflects the underlying policy of allowing voluntary bodies to cater for groups of persons (whether or not members) with particular attributes or interests.

I commend the Bill to the Assembly.

*21 November 1996*

**APPENDIX 9**: Incorporated in Hansard on 21 November 1996 at page 3927.

**PRESENTATION SPEECH**

**CRIMINAL INJURIES COMPENSATION (AMENDMENT) BILL 1996**

To be presented by:  
Gary Humphries MLA  
Attorney-General

MISTER SPEAKER, THIS BILL IMPLEMENTS A BUDGET DECISION TO INTRODUCE A CRIMINAL INJURIES COMPENSATION LEVY IN THE TERRITORY.

THE PURPOSE OF THE LEVY IS TO RECOVER FROM THOSE PEOPLE WHO ARE CONVICTED OF CRIMINAL OFFENCES A PART OF THE COST TO THE TERRITORY OF COMPENSATING VICTIMS OF CRIME.

AS MEMBERS WILL BE AWARE, THE TOTAL AMOUNT AWARDED IN CRIMINAL INJURIES COMPENSATION HAS INCREASED ENORMOUSLY IN RECENT YEARS. THE TOTAL AMOUNT AWARDED IN 1995-1996 WAS \$4.5 MILLION, AN INCREASE OF \$1 MILLION ON THE PREVIOUS YEAR.

THE BILL PROVIDES FOR A LEVY OF \$30 ON EACH PERSON CONVICTED OF A CRIMINAL OFFENCE. IT IS ESTIMATED THAT THE LEVY WILL RETURN AROUND \$332,000 IN A FULL YEAR.

BY COMPARISON WITH THE OVERALL COSTS OF THE SCHEME, THIS IS A RELATIVELY SMALL AMOUNT. NEVERTHELESS, THE GOVERNMENT BELIEVES IT IS AN IMPORTANT MATTER OF PRINCIPLE THAT PEOPLE WHO ENGAGE IN CRIMINAL ACTIVITY SHOULD BE REQUIRED TO CONTRIBUTE TOWARDS THE COST OF THE CRIMINAL INJURIES COMPENSATION SCHEME.

THE LEVY WILL APPLY TO ALL CONVICTIONS IN THE MAGISTRATES COURT, SUPREME COURT AND CHILDREN'S COURT, INCLUDING WHERE A COURT FINDS THAT A CHARGE IS PROVED BUT DEALS WITH THE OFFENDER WITHOUT PROCEEDING TO CONVICTION. IT WILL ALSO APPLY TO OFFENCES FOR WHICH A PERSON ADMITS



GUILT AND WHICH A COURT TAKES INTO ACCOUNT FOR SENTENCING PURPOSES.

IN THE CASE OF CHILDREN, A COURT WILL HAVE A DISCRETION TO ORDER THAT A CHILD IS NOT LIABLE TO PAY THE LEVY.

A COURT WILL ALSO HAVE A DISCRETION TO ORDER THAT A PERSON IS NOT LIABLE TO PAY THE LEVY FOR SECOND AND SUBSEQUENT CONVICTIONS IMPOSED ON THE OFFENDER ON THE SAME DAY. THIS DISCRETION WILL ALSO APPLY TO OFFENCES WHICH A COURT TAKES INTO ACCOUNT FOR SENTENCING PURPOSES. THIS IS TO ADDRESS THE SITUATION WHERE A PERSON HAS MULTIPLE CONVICTIONS. THE INTENTION IS THAT A COURT WILL CONSIDER POTENTIAL HARDSHIP TO AN OFFENDER AND, IF APPROPRIATE, HIS OR HER FAMILY, WHEN EXERCISING THIS DISCRETION.

THE LEVY WILL NOT APPLY TO CONVICTIONS THAT RESULT FROM PROSECUTION FOLLOWING THE SERVICE OF AN INFRINGEMENT NOTICE. THAT MEANS THAT A PERSON WHO RECEIVES, FOR INSTANCE, A TRAFFIC INFRINGEMENT NOTICE NEED NOT BE DETERRED FROM DISPUTING LIABILITY BECAUSE OF THE RISK OF INCURRING A LEVY IN ADDITION TO A FINE.

ALSO, THE BILL SEEKS TO AMEND SECTION 141 OF THE MAGISTRATES COURT ACT SO THAT THE LEVY AMOUNT IS IDENTIFIABLE IN COURT RECORDS AND CONVICTED PERSONS ARE AWARE OF THEIR LIABILITY TO PAY THE LEVY.

THE A.C.T. CRIMINAL LAW CONSULTATIVE COMMITTEE, WHICH INCLUDES REPRESENTATIVES OF THE COURTS AND LEGAL PROFESSIONAL BODIES, WAS CONSULTED ON THE BILL. THE BILL HAS

BEEN REVISED TO INCORPORATE A NUMBER OF SUGGESTIONS MADE BY THE COMMITTEE. THIS IS IN CONFORMITY WITH AN ESTIMATES COMMITTEE RECOMMENDATION TO CONSULT WIDELY ON THE COMPENSATION LEVY.

THE ESTIMATES COMMITTEE ALSO MADE THE OBSERVATION THAT "NO ONE SHOULD BE PUNISHED TWICE FOR THE SAME OFFENCE". THE PROPOSED LEVY IS NOT A SECOND PUNISHMENT. IT IS AN EXERCISE BY THE LEGISLATURE OF ITS LEGITIMATE ROLE OF SETTING PENALTIES FOR CRIMINAL OFFENCES. I AM ADVISED THAT THERE WAS NO CONCERN EXPRESSED ABOUT THIS ISSUE IN THE CONSULTATION PROCESS.

WITH THE INTRODUCTION OF THE LEVY, THE TERRITORY WILL FALL INTO LINE WITH NEW SOUTH WALES, SOUTH AUSTRALIA AND THE NORTHERN TERRITORY WHICH HAVE SIMILAR SCHEMES.

MEMBERS MAY HAVE NOTICED A MEDIA REPORT THAT THE N.S.W. GOVERNMENT IS CONSIDERING A PROPOSAL BY AN INDEPENDENT MEMBER OF THE LEGISLATIVE COUNCIL THAT AN ALCOHOL TAX BE INTRODUCED TO SUPPLEMENT THE FUNDING OF THE CRIMINAL INJURIES COMPENSATION SCHEME IN THAT STATE. THIS IS AN INTERESTING PROPOSAL AND I WILL BE INTERESTED TO SEE IF IT IS ADOPTED IN N.S.W.

MR SPEAKER, I COMMEND THE BILL TO THE ASSEMBLY.

**APPENDIX 10:** Incorporated in Hansard on 21 November 1996 at page 3927.

**1996**

**THE LEGISLATIVE ASSEMBLY**

**FOR THE**  
**AUSTRALIAN CAPITAL TERRITORY**

**REMAND CENTRES (AMENDMENT) BILL (NO. 2) 1996**

**PRESENTATION SPEECH**

**Gary Humphries MLA**

**Attorney-General**

21 November 1996

**REMAND CENTRES (AMENDMENT) BILL (NO. 2) 1996**

**PRESENTATION SPEECH**

Mr Speaker

The purpose of this Bill is to amend the *Remand Centres Act 1976* to clarify that the Administrator of the Remand Centre has the authority not only to make decisions about interstate removal of persons remanded into custody, but also to carry out the decisions made. Amendments will also need to be made to the *Magistrates Court Act 1930* (see this associated Bill).

Members of the Legislative Assembly will be aware that in recent months the Belconnen Remand Centre has suffered from overcrowding. Overcrowding can, of course, bring with it a number of problems, most obviously the potential for disruption in a custodial facility.

In October this year, in order to alleviate the situation, the Administrator directed the Sheriff to issue a warrant so that several remandees could be transferred to a NSW institution until the overcrowding problem had been resolved. The power to do so was thought to be provided for in the Remand Centres Act.

The Administrator also acted in the light of the long history of the Territory in utilising the facilities available in NSW. There have never been a full range of correctional facilities in the ACT and so the ACT has always used NSW as an extension of our system.

The remandees who were selected for transfer appealed to the Supreme Court in an attempt to stay the warrant and quash the decision made by the Administrator. In considering the matter, the Supreme Court interpreted the Remand Centres Act

as not providing explicitly that the Administrator of the Remand Centre has the power to order the transfer. In the absence of the explicit provision it was held that the power to do so resided not in the Administrator, but in the court.

In making its decision the Court also approached the surrounding circumstances - that is, the overcrowding - as a judicial issue.

As I have mentioned, it had always been thought that the Administrator had the legal power to make decisions about accommodation of remandees. However, as far as we know, this had not been tested in the years since the Belconnen Remand Centre became available.

The ACT population has grown, however, and occasional overcrowding problems will occur. In the light of the court decision, the Government has considered the problem very carefully. There are very good reasons why the power and the responsibility for the location of a person remanded in custody should remain with the Administrator.

First, it is the Administrator who is in a position to take into consideration all the matters which this decision requires. These include the availability of accommodation, the safety of all persons held in custody, and the requirements about the separation of prisoners or remandees.

Separation of prisoners and remandees must be achieved in relation to a number of factors such as age, sex of the person, mental health, and the need for protection. In considering the needs of selected individuals it is also necessary to consider the needs of the system as a whole, because this includes the safety of the individuals within it. Further, a remandee may be so disruptive that the Remand Centre is not in a position to manage the person. New South Wales may well have a facility with an environment better suited for the needs of the person. These are decisions taken every day by Administrators in other jurisdictions.

21 November 1996

During the most recent overcrowding situation, remandees have had to be accommodated at night in police cells in the City Watch House. This is not a satisfactory situation: the cells are not equipped for this type of custody and the remandees are disrupted in having to be transported to and fro daily so they can return to the Remand Centre for the daily activities and routine. This is only an expedient to which we had to resort in an emergency. The Ombudsman and the police officers themselves are not satisfied with this expedient.

Second, decisions of this type often need to be made and carried out quickly, possibly over a weekend, and any delay may prevent resolution of what may be an emergency or an inflammatory situation.

Third, if a crisis should occur, a government should not be able to blame the outcome on a court decision. It is for a government, in its administrative role, to ensure that order is maintained in its custodial facilities. It is for a government to resolve such problems so that the safety of those in custody, custodial officers and the general public is not jeopardised.

Finally, from a legal - and a budgetary - point of view, if the administrative decision to transfer a remandee is open to challenge in court the question of bail for the remandee may be reopened whenever it is proposed to make a transfer. The question may even be raised when bail is being considered at any time after the person is charged. All of this will result in inordinate court time, legal expenses for the defendants, and costs against the government if the application is refused by the court.

These are the problems which the Bill before you is designed to address.

The Bill amends the *Remand Centres Act 1976*, the *Removal of Prisoners Act 1968*, to provide that if the Court refuses bail, a defendant or witness is remanded into the custody of the Administrator, rather

than to a particular place or with particular conditions. The Administrator then has the authority to make decisions, in the light of many considerations, about where the person is to be held. The *Bail Act 1992* is also amended by this Bill to clarify that any inherent power of the Supreme Court to grant bail is abolished.

Along with this amendment it is proposed to amend the Regulations to the Remand Centres Act to make them similar to and consistent with the Prisoners Regulations (NSW) which would allow the Administrator to make classification, placement and/or transfer decisions concerning the remandee.

The Bill amending the Remand Centres Act provides that the Superintendent of a Remand Centre must take into account any recommendations made by a court concerning custody arrangements. (The Bill amending the Magistrates Court Act will enable the transfer of remandees to a NSW institution on the original court warrant remanding the defendant into the custody of the Administrator.) The Bill amending the Remand Centres Act will consequentially amend the *Removal of Prisoners Act 1968* to provide that the class of people to which that Act applies will include a person remanded into the custody of the Administrator.

Mr Speaker, the Government recognises that this is by no means a permanent solution. The Government will release soon, a paper which examines and canvasses the ACT's long-term needs for a custodial facility.

But even if we decide to proceed with a prison, it will still not be available for some time. In the meantime we need to be able to manage these problems of accommodation - so that we do not expect remandees to sleep and live in unsatisfactory conditions.

I commend the Bill to the Assembly

*21 November 1996*

**APPENDIX 11:** Incorporated in Hansard on 21 November 1996 at page 3928.

**1996**

**THE LEGISLATIVE ASSEMBLY**  
**FOR THE**  
**AUSTRALIAN CAPITAL TERRITORY**

**MAGISTRATES COURT (AMENDMENT) BILL (NO. 2) 1996**

**PRESENTATION SPEECH**

**Gary Humphries MLA**

**Attorney-General**



**MAGISTRATES COURT (AMENDMENT) BILL (NO. 2) 1996**

**PRESENTATION SPEECH**

Mr Speaker

As I stated in my presentation speech for the Remand Centres (Amendment) Bill (No. 2) 1996, the Magistrates Court (Amendment) Bill (No. 2) 1996 introduces amendments which are necessary in order to allow the Administrator to gain custody and control of a person in relation to interstate removal.

In particular this Bill will enable the transfer of remandees to a NSW institution on the original court warrant remanding the defendant into the custody of the Administrator.

I refer members to further remarks I made in conjunction with the Remand Centres (Amendment) Bill (No. 2) 1996.

*21 November 1996*

**APPENDIX 12:** Incorporated in Hansard on 21 November 1996 at page 3928.

**1996**

**AUSTRALIAN CAPITAL TERRITORY  
LEGISLATIVE ASSEMBLY**

**LAND (PLANNING AND ENVIRONMENT) (AMENDMENT)  
BILL (NO.4) 1996**

**PRESENTATION SPEECH**

**Circulated by authority of  
Gary Humphries MLA**

**Minister for the Environment, Land and Planning**

Mr Speaker

On 3 July 1995 the Chief Minister announced the establishment of a Board of Inquiry into the Administration of the ACT Leasehold, better known as the "Stein Inquiry". I think members of the Assembly will recall the significance of that Inquiry and its findings.

The Board presented its Report on 15 November 1995, and the Government formally responded to the Report on 28 May 1996.

The Government's response was forwarded to the Assembly's Standing Committee on Planning and the Environment on the same day. The Committee reported its findings in July 1996.

The *Land (Planning and Environment) (Amendment) Bill (No.4) 1996* makes a number of significant changes to the *Land (Planning and Environment) Act* in line with our response to the Stein Report, taking the Committee's findings into account. It presents a fundamental shift in the focus and operations of planning and lease management - the most fundamental change since the passage of the Act in 1991.

The Bill gives effect to a large number of the Government's response to the recommendations of the Stein Report, and also to the recommendations of the Red Tape Task Force Report and the Mant/Collins Review of Planning Functions and Structures.

In particular, the Bill provides for changes to:

- . the structure of the agency administering the Territory Plan and the leasehold system;

- the conduct of Preliminary Assessments under Part IV;
- the grant of further leases under Part V;
- the charges applicable to variations of leases under section 184;
- the process for notification and consideration of applications under Part VI, and for review of decisions under that Part; and
- the provisions for enforcement of the Principal Act and of leases.

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With the merging of the ACT Planning Authority and the ACT Land Division (responsible for the granting of leases and administration of the leasehold estate) into the Planning and Land Management Group, the composition of the Authority has been altered to reflect the joint function of the two former areas. There will no longer be a formal position of Chief Planner constituting the Authority - that function will be performed by the head of the administrative Group responsible for planning and the administration of leasehold.

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The process for requiring, notifying and assessing Preliminary Assessments under Part IV has been simplified by clarifying and streamlining the provisions relating to the giving of notice and public consultation.

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Sections 171 and 172 of the Act have been amended, and a new section 172A inserted, to provide for a simple and certain process for the granting of further leases at any time, rather than requiring the lease to be within the last 30 years of its original term. Section 171A will provide for the granting of further leases for rural purposes.

These changes, while not going as far as the Government would have preferred, will make possible the continuation of leasehold interests in the Territory with the minimum of red tape and expense possible under our existing Commonwealth legislation.

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The Bill repeals section 184 of the Principal Act and inserts new provisions relating to the charge applicable to all variations of leases. The former 'betterment' charge is now to be known as the Change of Use Charge.

Not only is the methodology for assessment of the charge changed by the Bill but, where the lease is held on the basis of payment of rent other than a nominal rent, provision is made for the imposition of the charge as an increase in rent payable under the lease.

The Change of Use Charge will generally be set at 75% of the 'added value' resulting from a lease variation, calculated according to the method known as "Method A" - the method that applied before the City Area Leases Act was amended in 1991. This is in accord with the interim arrangement proposed by the Stein Report.

Remissions or increases of the charge will be applied in some circumstances. The remissions already in place in respect of Local Centres, and variations of leases owned by the Commissioner for Housing will continue. Any remission or increase of the charge is to be identified in a regulation. The Bill provides that such a regulation instrument has no effect until it could have been disallowed by this Assembly.

The Bill substantially amends Part VI of the Principal Act by simplifying the application, notification, approval/refusal and appeals provisions.

Applications comprising several different activities will not require separate applications, notification, approvals and appeals for each of those activities, but will be dealt with as composite “Development” or “Building” applications.

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The notification and appeal provisions in Part VI have been reviewed, and the provision for identifying exclusions of those requirements or rights in the Territory Plan has been removed.

Under the new provisions, the standing of third parties to seek review of decisions under Part VI is restricted to those who have an interest that is substantially and adversely affected. This would extend to associations having objectives relevant to the decision in question.

The Bill inserts a new Division 4A into Part VI providing for the Commissioner for Land and Planning. The Commissioner is an independent officer empowered to make decisions relating to applications for approvals and orders under Part VI.

The new section 229A provides that the Minister will make a decision on an application or refer it to the Commissioner for decision. The classes of decision that must be referred to the Commissioner will be declared in a disallowable instrument. The Department may, however, refer any application to the Commissioner for decision.

The Minister is to have the power to “call in” certain matters. If an application has been referred to the Commissioner, that referral may be revoked, but notice of that is to be published in the Gazette.

The Act will provide that the person making the decision is the “relevant authority” for the purposes of certain requirements relating to the approval or refusal of an application, such as giving notice to parties or requiring further particulars before a decision is made.

The Commissioner is not intended to be the person administering Part VI of the Act - that will generally be done by the officers of the Department of Urban Services. The power of independent decision making is conferred on the Commissioner in respect of applications. The issuing of orders is another matter in which the Commissioner will play a role. However, this power is not expressly conferred on the Commissioner - certain enforcement matters will be referred to the Commissioner for determination under delegation.

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The Bill also makes a number of amendments to the Principal Act aimed at simplifying and clarifying processes or requirements, and correcting existing errors or anomalies. For example:

- . sections 173 and 174 are amended to provide for compensation for pastoral improvements on rural leases;
- . section 175 is amended to make it clear that certain activities may be permitted on leases notwithstanding the purpose clause in the lease. Approved home businesses and home occupations are expressly authorised under this provision; and
- . section 179 is amended to allow the grant of a partial or conditional certificate of compliance where development required under a lease is partially complete.

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In line with the amendments to the Principal Act, the Bill makes consequential amendments to other Acts and to the *Land (Planning and Environment) Regulations*. Most significantly:

- . The *Buildings (Design and Siting) Act 1964* is repealed. Applications for approval of the design and siting of building work are now within the meaning of “development” for the purposes of the Act. The Regulations will exclude from the Part VI process any building work that would normally be processed only by the Building Controller under the *Building Act*.
- . Due to the repeal of the Design and Siting Act, several amendments have been made to the *Building Act 1972* ensuring the validity of previous approvals and applying the provisions of the Land Act to the Building Act.
- . The *Unit Titles Act 1970* has been amended to provide for the renewal of unit titles leases and clarifying the interests of lessees upon cancellation of a units plan where unit holders have been granted a further lease before that cancellation.
- . The *Administrative Decisions (Judicial Review) Act 1989* has been amended to bring the standing of persons in respect of decisions under the Land Act into line with the general standing rules, and taking into account the changes to the standing of persons seeking review in the Administrative Appeals Tribunal of decisions under the Land Act.



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This Bill represents the spirit of compromise this Government has pursued in giving effect to those elements of the Stein Report, the Red Tape Task Force Report and the Mant/Collins Review which were realistically achievable in the Territory's current economic and social climate.

The planning and lease management function has for too long been the subject of political and social faction fighting, often at the cost not only of its administrators, but also of the efficient performance of the function itself. The Bill before you provides a mechanism for bringing common sense, clarity and effectiveness into the system by:

- . simplifying and shortening the approvals procedures;
- . providing for decisions to be made by a Commissioner who is independent of the officers processing applications;
- . fixing in the Act the methodology for charging in relation to lease variations;
- . providing for the grant of further leases on a simple and affordable basis;
- . removing the complication of having processes of notification and appeal excluded under the Territory Plan; and
- . restricting appeal rights to persons having an interest that is substantially and adversely affected by a decision.

The effect of this Bill, and of the reorganisation which is partially given effect by this Bill, are to be reviewed in 1997. I urge Members to be mindful of the need to progress the changes agreed to by the Government and, subject to the report of the Planning and Environment Committee, agreed to by this Assembly.

Without passage of this Bill, we cannot stand by and wait for change in planning and land management to occur - it is hypocritical to support the denigrators of a system we will not help to change.

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This Bill represents the first and major stage in a progressive review of the Land Act. I expect to present further amendments to Part III and IV of the Act, relating to the administration of heritage places and environmental assessment, in the next Autumn sittings. Those amendments will further streamline procedures under the Act.

It is time, after those amendments are dealt with, to undertake a comprehensive review and restructuring of the provisions of the Land Act, with a view to simplifying and rationalising the administration of all of the functions it encompasses. I think we would all welcome a sustained period of absence of controversy over planning and land management issues.

*21 November 1996*

**APPENDIX 13:** Incorporated in Hansard on 21 November 1996 at page 3929.

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

OZONE PROTECTION (AMENDMENT) BILL 1996

PRESENTATION SPEECH

Circulated by authority of

Gary Humphries MLA  
Minister for the Environment,  
Land and Planning

21 November 1996

### **Ozone Protection (Amendment) Bill 1996**

Mr Speaker, the *Ozone Protection Act 1991* was amended last year to give effect to aspects of the *Revised Strategy for Ozone Protection in Australia*. The Revised Strategy is a national policy developed under the auspices of the Australian and New Zealand Environment and Conservation Council, a ministerial council of which the ACT is a member. The amendments were effected by the *Ozone Protection (Amendment) Act 1995*.

That amendment Act unfortunately contains an error which, if not corrected, will make it an offence, after 31 December 1996, to refill articles such as refrigeration units and air-conditioners with chlorofluorocarbon (CFC). This Bill will prevent the commencement of that amendment. This will mean that equipment containing CFC can continue to be serviced by a person holding a licence under the Ozone Protection Act.

This amendment will in no way reduce the obligation of a person servicing equipment containing CFCs to comply with a range of licence conditions designed to minimise the loss of CFCs into the atmosphere.

I commend the Bill to the Assembly.

*21 November 1996*

**APPENDIX 14:** Incorporated in Hansard on 21 November 1996 at page 3929.

1996

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN  
CAPITAL TERRITORY

ROMAN CATHOLIC CHURCH PROPERTY TRUST  
(AMENDMENT) BILL 1996

PRESENTATION SPEECH

Circulated by authority of the Minister for the Environment,  
Land and Planning  
Mr Gary Humphries MLA

21 November 1996

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Mr Speaker, this Bill modifies the *Roman Catholic Church Property Trust Act 1937* (the Act) in relation to the activities of the trustees of the Catholic Church trust property (the Trust), handling of bequests and execution of instruments.

The Department of Urban Services was approached by the Business Manager of the Catholic Archdiocese for Canberra and Goulburn in relation to the application of the Act and management difficulties that have arisen in the administration of trusts and bequests to the Church.

The Bill addresses the concerns raised by expanding the powers of the Trust and providing consistency with NSW legislation. It is intended that other similar legislation regulating church property management will be amended only at the request of the relevant organisation.

The Act currently allows the Trust to hold, sublet, sell or raise money on the security of any estate or interest in Territory land on behalf of the Church.

Mr Speaker, this Bill expands the powers of the Trust to allow it to conduct, on behalf of the Church, educational, welfare and health services within the ACT community. The legislation will also allow the Trust to undertake other activities it deems appropriate and beneficial to it or the Church.

In 1986 NSW legislation was amended to allow the Trust to conduct educational, welfare and charitable services on behalf of the Church. The legislation will enable the Archdiocese's properties in NSW and the ACT to function in a consistent manner by removing discrepancies from the current operating arrangements.

Mr Speaker, there are some instances in which it is impractical for the Trust to observe the objects of a trust fund or gift bequested to the Church. The intention of the

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legislation is to ensure the initial purpose of a bequest continues to be fulfilled.

Under current arrangements the Trust may only vary the objects of a gift or trust fund it operates by application to the Supreme Court. This Bill will enable the Trust to vary the terms and conditions of a trust fund or gift it operates where the Trust is satisfied it is not possible or reasonable to observe the objects of that trust.

Where possible, the objects of a trust are to be restated in a form as near as possible to the original objects of that trust. This is not always feasible where circumstances surrounding the bequest have changed. In such instances the legislation will enable the Trust to replace the objects of a trust.

The Bill will also allow the Trust to blend trust funds. The Trust will be able to invest money or proportions of money which it holds in trust for a particular purpose or activity as one fund. Any income or loss resulting from the investment will be distributed rateably among the various activities or purposes for which the money invested is held in trust.

Currently the Act requires two members of the Trust to execute instruments in addition to the Bishop. This has proved to be a cumbersome exercise. The Bill will remove this requirement by allowing the Bishop to execute instruments on behalf of the Trust.

Mr Speaker, this Bill clearly defines the objects of the Trust and enables it to operate in accordance with contemporary requirements. The legislation will enable the Trust to execute its administrative and management requirements in an expedient manner and will improve cross border operations through a greater level of consistency and efficiency.

*21 November 1996*

**APPENDIX 15:** Incorporated in Hansard on 21 November 1996 at page 3930.

**1996**

**LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**HOTEL SCHOOL BILL 1996**

**PRESENTATION SPEECH**

**Circulated by authority of  
Mr Bill Stefaniak MLA  
Minister for Education and Training**



Mr Speaker, this Bill is the first legislative step in the Government's strategy to resolve the problems created by the previous Government's disastrous financial and management decisions with respect to the Australian International Hotel School (AIHS). The AIHS is, currently, a legal entity established under the Canberra Institute of Technology Act 1987 (Section 6).

The legislation I am presenting today creates the AIHS as a statutory corporation, separate from the Canberra Institute of Technology (CIT).

Mr Speaker, under this legislation, the Hotel School will be subject to greatly enhanced financial, accountability and reporting arrangements to those currently in place. It is imperative, Mr Speaker, if the mistakes of the former Government, made in respect of the school, are to be corrected, that the Hotel School's operating arrangements be restructured.

This Bill starts that process, and it is a decisive response to the Auditor General's Report, which was ordered earlier this year, by this Government.

Under this legislation, the Hotel School will be subject to the Financial Management Act 1996. The Hotel School will not be able to enter into contracts over \$50,000 without the approval of the Minister.

Neither will the School be able to enter into any partnerships, or participate in a joint venture without Ministerial approval.

As well Mr Speaker, I have already established an interim Management Advisory Board. Under this Bill, that interim Board, with the same number of members, becomes the

*21 November 1996*

Hotel School Board of Management. And the powers formerly vested in the Director of the AIHS, under the CIT ACT, will be transferred to it.

In contrast to management board arrangements made by the previous Government, this Board will be responsible for the governance and management of the Hotel School, reporting directly to the Minister for Education and Training.

This, Mr Speaker, is part of the significantly tighter and more transparent accountability requirements this Bill puts in place for the ongoing operations of the Hotel School.

As well, the Director of the Hotel School, the former Dean of the AIHS, will manage the Hotel School affairs on a day to day basis, on behalf of the Board of Management. And the Director will be appointed by the Minister for a maximum period of three years, on conditions specified in the instrument of appointment.

Mr Speaker, I move now to reporting requirements stipulated in this Bill. The Hotel School will be required to report on a financial year basis, subject to the Annual Reports (Government Agencies) Act 1996. The Hotel School's reporting arrangements will be brought into line with normal Territory reporting arrangements, including the publication of an annual report and financial statements at the end of each financial year, rather than on a calendar year basis.

Mr Speaker, this Bill establishes the basis for a new, well considered and strategic approach to managing the Hotel School.

The Board will be charged with the task of developing strategies to improve the financial position of the Hotel School. These strategies will focus on boosting student numbers, improving marketing techniques, reducing operating costs, reviewing degree costs, and examining affiliation options with an Australian university.

The problems facing the School are considerable. Once the Management Board has had the opportunity to consider the School's overall situation in detail, and advise the Government on future directions, there may be a need to further refine School operations.

Creating the Hotel School as a separate entity from the CIT, establishing a Board of Management with clear reporting lines to the Minister, with responsibility for the overall governance and management of the School, and with clear annual reporting requirements, is what is needed to get the School on a viable financial footing.

We need to move away from the sort of naive and overly optimistic fantasies swallowed by the previous Government, towards a hard headed approach to financial management, if the ACT taxpayer is to recover the millions of dollars already invested in the Hotel School.

I commend this Bill to the Assembly.

ends

*21 November 1996*

**APPENDIX 16:** Incorporated in Hansard on 21 November 1996 at page 3930.

**1996**

**LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**CANBERRA INSTITUTE OF TECHNOLOGY  
(AMENDMENT) BILL 1996**

**PRESENTATION SPEECH**

**Circulated by authority of  
Mr Bill Stefaniak MLA  
Minister for Education and Training**

*21 November 1996*

Mr Speaker, this legislation will amend the Canberra Institute of Technology Act 1987. The amendments remove all reference to the Australian International Hotel School, and are consequential to the Hotel School Bill, which I have previously presented to the Assembly.

This opportunity has also been taken to present an amendment which changes the composition of the CIT Council. This amendment deletes the AIHS representative from the CIT Council membership, retaining the position for Ministerial appointment.

I commend these amendments to the Canberra Institute of Technology Act 1987 to the Assembly.

21 November 1996

**APPENDIX 17:** Incorporated in Hansard on 21 November 1996 at page 3977.

21 November 1996

### **LRM - LINKS WITH LEISURE AUSTRALIA**

#### **Question**

Can the Minister confirm that the consultant LRM Australia Pty Ltd are the same organisation as Leisure Australia Inc., who are managing Erindale, Tuggeranong and Civic Pools?

#### **Answer**

In answer to the member's question, I must advise him that we are talking about two organisations.

- . In regard to the Strategic Pools Study, the Bureau has appointed LRM Australia Pty Ltd to do the work after receiving selected quotes from four well known leisure management consultants.
- . LRM Australia Pty Ltd are very well known Leisure Management Consultants who have consultants operating in Adelaide, Melbourne and Brisbane. They have undertaken work in the past for previous ACT Governments on leisure management issues, including a feasibility study for a Tuggeranong Sports Centre and on Erindale Leisure Centre management.
- . The majority shareholder in the company is Leisure Australia Inc.
- . LRM Australia Pty Ltd's Board of Directors is made up of three members. Their Chairman is Ian Gray, an Adelaide based chartered accountant. John Thompson is the Managing Director of the company, and a member of the Board. Graeme Alder, General Manager of Leisure Australia, is the other Board member.
- . LRM Australia's offices are in Adelaide and use space rented from Leisure Australia Inc.

- . In regard to the management of Civic and Tuggeranong Pools, the Government has recently awarded a contract to Leisure Australia Inc. Leisure Australia Inc have their headquarters in Adelaide, but operate facilities in Sydney, the NSW Central Coast, Melbourne, Perth and now Canberra.
- . As a point of information, Erindale Leisure Centre is now managed by the Department of Education and Training.
- . Leisure Australia Inc and LRM Australia Pty Ltd are not the same organisation, rather they are two organisations, linked through share ownership.
- . LRM Australia Pty Ltd have been used twice in the past by the ACT Government.
- . In 1990 they conducted a management review of Erindale Leisure Centre.
- . In 1992-93 they were part of a project team who carried out a feasibility study for the Follett Government on a possible Tuggeranong Sports Centre.