



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

12 DECEMBER 1996

Thursday, 12 December 1996

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Thursday, 12 December 1996

The Assembly met at 10.30 am.

(Quorum formed)

MR SPEAKER (Mr Cornwell) took the chair and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

LEGAL AFFAIRS - STANDING COMMITTEE
Reference - Emergency Services Restructuring

MR OSBORNE (10.32): I move:

That:

- (1) notwithstanding the resolution of the Assembly of 9 March 1995 establishing general purpose standing committees, this Assembly refer the proposed restructuring of the Australian Capital Territory Emergency Services (ACTES) to the Standing Committee on Legal Affairs for inquiry and report by the first sitting day in May 1997, with particular reference to the effect that this will have on the Services':
 - (a) operational capabilities;
 - (b) roles, management, training and responsibilities of volunteers and staff;
 - (c) efficiency and management (including equipment);
 - (d) operational budget; and
 - (e) any other related matter;
- (2) no structural changes are implemented until such time as the report is presented to the Assembly.

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I was first approached by Mr Humphries's office in, I believe, early October about this issue and was asked whether I required a briefing. At that stage I said, "No", because at that time I did not feel that there would be much controversy over this issue. Between that time and now, I was approached by members of the ACT Emergency Services Bureau and had a number of concerns raised with me and with my office about this proposed restructuring. I had a meeting about two weeks ago with members of the Emergency Services Bureau, South Region, who had heard that I was proposing to knock back all the changes that the Government had announced.

I have no intention of doing that at this stage; but what I have proposed is that, rather than that any changes be made to the emergency services organisation in the ACT, we all step back a little, take a breath and allow the Legal Affairs Committee, which is made up of different members of this Assembly - me, representing the crossbenches; Mr Kaine, representing the Government; and Ms Follett, representing the Opposition - to inquire into the matter. I think it is very sensible that we, as the committee which looks at legal affairs, which I would imagine includes emergency services, should have a thorough inquiry into the proposed changes. It is all very well for the Government to come and lay their story and their side of the argument on the table - that is fair enough - but the thing that has really stuck out to me is that it appears that the people on the ground, the people that this will affect, members of the emergency services, have not had, in my opinion, a fair and adequate say in these proposed major changes.

Mr Speaker, we may well report back to the Assembly in the new year that what the Government has proposed is good; but, as chair of that committee, I do believe we should have the opportunity to have some input from all interested parties; we should have a public hearing to allow the people who will be affected, people who do such a tremendous job in disaster and emergency situations, an opportunity to have their say. I have no desire to necessarily black-ban everything that the Government is proposing. However, I do think it prudent that, especially with a minority government, all interested parties should have a say. I have a nine-page paper countering all the alleged pluses that these proposed restructurings will have. I think that alone certainly warrants the Legal Affairs Committee at least inquiring into this proposed restructuring. As I said before, I think it is vital that the people on the ground, the people that this will affect, be given the opportunity to address members of the Assembly, have a say, allay any fears or provide us with any information which will be helpful.

Mr Speaker, I am not going into this inquiry with any set agenda, other than to be very open-minded and, as I said, to give the people who are involved an opportunity to have their say. I hope that the Government will see the sense in this. Certainly, there will be a delay. However, given that we are entering the summer season, which I believe to be the peak season for bushfires - I may be wrong - I would have thought that making major changes to any organisation during the peak time, when you have no idea how it will work, was quite silly. If you are going to make changes to emergency services - although you can never quite tell when the quiet times are - I would have thought that perhaps over the winter would have been a more sensible time. That would then give a number of months for the new changes to set in. The emergency services people are very comfortable with the way things are at the moment. I think that making major restructural changes at this time of the year is not, as I said, sensible.

I hope the Government will support this motion. I hope I will get support from the Opposition and the crossbenches. As I said, there is no set agenda, other than to give this Assembly the opportunity to hear from the Government and from any other interested parties on what they are proposing.

MR HUMPHRIES (Attorney-General and Minister for Police and Emergency Services) (10.38): Mr Speaker, I rise to urge the Assembly very strongly not to support the motion which Mr Osborne has moved today. In speaking against this motion, I want to argue that there are a number of reasons why the Assembly should not support this reference to the Legal Affairs Committee. Briefly, they are that, although Mr Osborne describes the process of change as being imposed suddenly on those who he claims are affected by the decision, in fact, the process of engineering change and addressing long term the quite endemic structural problems in the way in which the Emergency Services Bureau operated has been going on for quite some time. In fact, it began in the middle of last year, at least in a formal sense.

The process that Mr Osborne has involved himself in only quite recently has, in fact, been a process with a great many tos-and-fros and ups and downs in that period. I accept that Mr Osborne has not had much exposure to these issues before, but those within the emergency services community of this city have had considerable exposure to the issues that have been given rise to here. I would respectfully suggest to Mr Osborne that his statement that, when he was invited to be briefed on this subject some months ago, he did not have much interest in the subject demonstrates, I think, that this issue has come to his attention only because of concern expressed to him by some constituents. Although I am sure they are very real concerns, they do not represent the concerns, certainly, of most people involved in the management of emergency services issues in this Territory or even of most people who are emergency services volunteers in this city. I will come back to those points in a moment.

Mr Speaker, let me describe very briefly what these changes are all about. It has been clear for some time that there were some problems with the operation of the ACT Emergency Services Bureau. Obviously, many elements of the ACT's emergency services generally - and I include other services in that description - have been the subject of much review and much change in recent years. Members will be aware of changes that have occurred to the bush fire brigades, bringing them closer to the urban fire brigade; changes in the structure and management of other emergency services; the integration, at the North Curtin centre, of all of the ACT's emergency functions, except for the police. In some cases those changes have been quite traumatic. There have been some debates in this place on those changes.

The changes to the ACT's emergency service that have been announced more recently reflect a desire to engineer a better means of operation of that service than I think we have had until now. Essentially, it is about taking what are now three units of the emergency service and dispersing them to line up with or be co-located with the existing ACT bush fire brigades. A dozen or so brigades have operated for some time around the Territory on a dispersed basis. They are a unit of operation which, I would suggest, has worked well. They provide a larger number of locations from which to operate

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emergency functions - in this case, bushfire functions - in the Territory. They have the capability, I think, if they have co-located with them the emergency service as well, of delivering a diversified range of services to the people of those communities that are served.

The new arrangement gives the capacity to take a great many more volunteers into the service. I have certainly been spoken to in recent days by a number of people who are concerned about what I would describe as the lack of dynamism in the structure of our service at the moment and the need to ensure that there is a capacity to pick up and use additional volunteers who wish to become part of the process. I am advised that at the moment there are approximately 115 active volunteers in the emergency service. The point of the new arrangement that we announced a few months ago is that it will provide for something like 200 active emergency service volunteers.

It might appear to some that 115 active volunteers is quite enough. But we have to bear in mind that there are all sorts of structural and, if you like, cultural barriers to people taking part in the existing structure. In the severe storms we had last month, for example, on 13 and 14 November, we could have used a very large number of emergency service trained volunteers. There were only 68 involved in the two existing operational units, the northside and southside units. There has been, at least in the past, a backlog of people wishing to become involved in those units who have not been capable of being accommodated. I think that, by co-locating emergency service units with the bush fire brigades, we have the opportunity of picking up a great many more people and integrating their skills, through working with other services, with others who have similar but slightly different roles to play in the whole management of bushfire issues.

I am told, for example, that at a recent meeting of the Guises Creek Volunteer Bush Fire Brigade, which occurred since the joint structure announcement, those present agreed unanimously that they would all be cross-trained to be able to assist with emergency service tasks. Not only does this provide a number of people who are capable of being co-located or who will be co-located with those other brigades; there is also the capacity to pick up a whole number of people who, through exposure to other services, get the opportunity of being able to develop their skills. This provides a broader skills base in those areas to strengthen the way in which those bodies work.

Mr Speaker, let me also address the point that Mr Osborne made that we all need to step back, take a breath and think about these issues. The process whereby we have been looking at ways of accommodating what we saw as problems - cultural problems, if you like - with the emergency service began in the middle of last year. For the Assembly's benefit, I want to read an itinerary of the meetings that have been held to discuss ways in which the emergency service might operate better and improve operations within the emergency services generally in the Territory. Meetings of what has been termed the Emergency Service Advisory Group are normally attended by controllers, deputy controllers and a team leader representative from each unit, plus the chief officer of the Bushfire and Emergency Service and the manager of the emergency service. Their monthly meetings are to discuss issues of concern or progress operational or coordination matters for the emergency service. For some time those meetings have been addressing the very issues that Mr Osborne is now concerned about. Meetings have been held over a period of time.

The first meeting I am advised about was held on 3 July last year. Discussion included issues like duty officer arrangements and draft proposals for standard operating procedures. A further meeting on 7 August included discussion on things like communications and liaison. On 6 September there was a meeting discussing the role and the future of the ACT emergency service specifically. The meeting in October was cancelled. The meeting on 27 November included occupational health and safety policy, future directions and discussion carried over from the previous meeting.

On 29 January this year there was a meeting which discussed the role of concepts and research. On 12 February there was a further meeting. The meeting in March was cancelled. On 1 April a meeting was held. It is interesting to report what did not happen at the meeting. The Belconnen unit did not attend that meeting on 1 April as use of the Belconnen unit vehicles had been suspended due to an unauthorised vehicle usage to attend a social golf day in New South Wales. It should be noted that the Belconnen unit is the only one of the Emergency Service Advisory Group members to use official vehicles to attend those ESAG meetings. I would have thought that other members of the unit would have had access to other vehicles to attend that meeting if they did not have an emergency service vehicle to use. The meeting included approval of a consultation process, and ESAG terms of reference were approved.

A further meeting was held on 13 May to discuss these sorts of issues. The meeting commenced at half past seven in the evening. At 7.35 the controller of the Belconnen unit stated he did not wish to have anything more to do with the advisory group and left the meeting. The deputy controller of the Belconnen unit, after a 10-minute speech about how the Belconnen unit does things, also left the meeting, stating that he would not be back until the process of consultation was in place to Belconnen's satisfaction. There have been meetings since then, on 1 July and 19 August. The meeting on 30 September was cancelled because, I am told, the Belconnen unit refused to attend. Those two meetings set down for 1 July and 19 August also were not attended by the Belconnen unit.

I think it is clear to members who would have had some exposure to these issues that there is a difference of view among emergency service volunteers about the efficacy of the changes the Government has announced. But it is quite wrong to suggest that emergency service volunteers generally are opposed to these changes. Mr Osborne conceded that he had been approached by members of the southside unit of the ACT emergency service arguing that there was a need to be able to advance these changes. They have been discussed now for well over 12 months. I do not concede that a further process of discussion of them is necessary or, given the time of year that we are now facing, the beginning of the bushfire season, appropriate.

Mr Speaker, I think it is important that we consider the benefits of the arrangements that have been put forward by the Government. I think it is important that we acknowledge that the ACT is a small jurisdiction and some sharing of resources between bodies such as the bush fire brigades and the emergency service is appropriate. I think members will be aware that, although there are sometimes occasions when both the emergency service and the bush fire brigades are operating simultaneously, very often that is not the case.

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In fact, I dare say that most of the time it is not the case. The emergency service is very useful on occasions such as floods; with the severe storms we had last month, for example, getting out there on occasions when a large infusion of manpower is necessary in order to assist the community to cope with a particular problem. Bushfires, of course, occur in hotter weather. They very rarely coincide with floods or storms. There is a necessity, therefore, to consider how some of the resources that are available to the emergency service and to the bush fire brigades, in fact, could be shared better than they are now. That is what all the changes are all about - getting cooperation between those two arms of the service and sharing resources.

Mr Speaker, quite apart from the benefits which I have argued today ought to demonstrate the need for and the desirability of taking on these changes, I would firmly reject the proposition put by Mr Osborne that people have not had what he calls a fair and adequate say. They have had that opportunity. There are obviously - I have to put it bluntly - different camps, different factions, if you like, in this argument. It is unfortunate that that should be the case. I would prefer it were not; but I think it is important to be able to identify that we have taken the issue so far and it is now appropriate to be able to move ahead with these changes, to see how they work and to ensure that the benefits, if they are benefits, are examined and explored. The Assembly has my commitment that, if this process does not produce benefits that will assist people who provide those services and receive those services, then they will be reconsidered. But, Mr Speaker, we have had enough discussion and debate about these matters. They do not warrant further discussion and debate, particularly by an Assembly committee.

I appreciate Mr Osborne's loyalty to his constituents, but I would say that the issue has been well canvassed. The changes that we have announced are not unusual; they are not novel, as Mr Osborne has suggested; they are, in fact, a structure used by a number of other emergency service operations elsewhere in this country. The model is very similar, in fact, to other State services. I appreciate Mr Osborne's concern about these matters, but I would say that it is important for us to press ahead with these changes and ensure that the benefits which will flow to the community are realised and that we at least explore how this can benefit the ACT community. If they do not appear to provide those benefits, then obviously we will have to reconsider our position. I do not believe that a further examination, after the process of change has been put in place, would be appropriate. In fact, given the season we are now facing - it could well be a very bad bushfire season this year - I think it is most important that we not change tack at this point in time.

MS HORODNY (10.53): Mr Speaker, like other members of this Assembly, I have had briefings from Mr Humphries's department and a visit from people from the ACT Emergency Services Bureau. I have heard claim and counterclaim on this issue. I am not sure why Mr Humphries has a problem with it going to a committee. If, as he says, there are no problems with the restructuring, then let us have an open, full and fair hearing on it; let us inquire into it in a more open way; and let us get to the truth of the matter.

Mr Humphries: It says that no structural changes will be implemented. This is already happening, Lucy.

MS HORODNY: I think it is appropriate that no changes be implemented until we do have an inquiry. I think it is appropriate that the Legal Affairs Committee inquire into this issue. Mr Osborne has very sensibly put a reporting time in his motion. It is May 1997; it is not that far away. If these changes are worth making, then you should feel all right about having them go to the committee. Let them have an airing, and let us make sure that everyone is happy with these changes that you are proposing.

Mr Humphries: Let us see them without holding them up in the meantime.

MS HORODNY: You are saying, Mr Humphries, "Let us step back, take a breath and think about these issues". That is exactly what Mr Osborne is proposing. I have the same concerns as Mr Osborne has about bringing in these very major changes at such a time, just before the bushfire season. I also think it is unfair of Mr Humphries to go into some of the details of some of the alleged problems; for instance, the car that was supposedly misused. I think it is unfair because this is not the forum for us to go into that sort of detail. People who are being accused of doing the wrong thing are not represented in this forum. It is unfair of Mr Humphries to make those sorts of statements here. As I said, it is not a good time of year to have these major restructures going on.

If this is a worthwhile proposal, then let us have a committee look at it and produce a report after a full and open process. It obviously has not been a full process, because members of this Assembly, for instance, have been called upon to look into this issue only very recently. Obviously, it has not been as open as it could have been. We will be supporting this matter going to the committee.

MS FOLLETT (10.57): Mr Speaker, I realise that there have been quite longstanding administrative and coordination issues in emergency services. As Mr Humphries said, there has been a process of change occurring across the spectrum in that area of the ACT administration over recent years. I agree with Mr Humphries that change, particularly where it is dramatic change, is often very painful and very difficult for the people who are involved in that change. Like other members of the Assembly, I was briefed by officers of Mr Humphries's department on the restructure - it was not a proposed restructure at the time - of the emergency services area, and very fully briefed. Since I have been briefed, I have been approached by a number of groups who have put forward differing views on the efficacy and the workability of the restructure that the department has embarked upon. I realise, as Mr Humphries said, that this restructure most definitely has its supporters as well as its detractors; that is undoubtedly the case. I would accept Mr Humphries's word that the supporters of the restructure are probably a majority. Nevertheless, the people who do not agree with it and who have had significant difficulty in coming to terms with the restructure are a significant group within emergency services.

Mr Speaker, I think we should all bear in mind just how many people in emergency services actually work as volunteers who give up their time when they could otherwise be spending time with their family or on hobbies or some form of recreation. They give up their time to train for and to undertake absolutely vital emergency work in our community. I find that kind of dedication to your community completely praiseworthy and I believe that the people who have been involved do deserve a thorough say in how their services are reorganised.

I understand that the Government is well and truly into the implementation phase of this restructure, and I accept that; just as I accept that it has been a long and drawn out process to come to the point where the restructure is now at that implementation phase. Mr Speaker, it is my view that the Government is at fault in trying to implement such a major change at the start of probably the busiest season for emergency services. From what I know of Canberra's climatic conditions, it would seem to me that spring and summer are always going to be the busiest seasons. It may have been very advisable to have held over this restructure, continued talking about it, continued consulting on it, until, say, the autumn and winter period, when there may have been some quieter times. But it seems to me that you are putting real stress on the whole service. Even if everybody agreed with the restructure, you are putting real stress on them to expect them to implement that at a very busy time of year and a time of year when many of the volunteers, as well as the officers involved, could be on leave and could be out of town. That is a real difficulty.

Mr Speaker, I believe the Government should proceed with its implementation. I think it would be extremely disruptive to an already very difficult and contentious process to stop that implementation. But I do believe that, through the committee process, it is appropriate to give groups of people who feel that they have not been properly consulted and who are not satisfied with the process that the Government has in place an opportunity to place formally on the record their objections, and to oblige the Government to respond, again on the record, to those objections. I do accept that there is at least one major group involved in emergency services which does not feel satisfied with the way the process has been developed and the way it is continuing to be implemented and which does not have a great deal of confidence in the ability of the current process to deliver a fair hearing to them. It is my view that they deserve a fair hearing but that that hearing should be more in the nature of a conciliation, a mediation or a response to their concerns, rather than just riding roughshod over them.

Mr Speaker, the Opposition will be supporting Mr Osborne's motion, but I should say that we do not expect the Legal Affairs Committee to start looking again at the structure of emergency services. As Mr Humphries says, that work has been done at extreme length. But we do believe that people who are involved in emergency services deserve to have their concerns expressed in public and addressed in public. For that reason, we are prepared to allow the Legal Affairs Committee inquiry to go ahead.

MR MOORE (11.03): Mr Speaker, it is interesting, I think, that Mr Humphries actually defeated the motion himself when he said he recognised that there was a series of conflicts; there was one group of people saying one thing, and one set of people saying another thing; there was a series of differences that were clearly, as yet, unresolved. Having listened to the debate and having talked to a series of people about this issue, it seems to me that that is the case. There is still a series of outstanding issues, and there is one of two ways of dealing with that. You can stomp your way through it, as is the Government's wont and has become their practice in trying to do things; or you can take just a little time and assess what are the concerns and then proceed in an open way along those lines.

Mr Humphries: We have taken a bit of time already, Michael.

MR MOORE: Mr Humphries interjects that he has taken a bit of time. Yes, but not to the satisfaction, clearly, as is the indication now, of the Assembly. When we are dealing with such important issues as this one, where people put in so much time and effort and take so much risk for our community, I think it is appropriate that we deal with it carefully. Mr Speaker, I, too, will be supporting Mr Osborne's motion.

MR HUMPHRIES (Attorney-General and Minister for Police and Emergency Services) (11.04): I seek leave to move an amendment.

Leave granted.

MR HUMPHRIES: I move:

Omit "the first sitting day in May 1997", substitute "the first sitting day in February 1997".

Mr Moore: A great consultation that will be! Over Christmas and in January people can pop in. "What are you doing on Christmas Day?". "I am appearing before a committee".

MR HUMPHRIES: I am concerned about the decision this Assembly proposes to take today. I can see that members are prepared to support this referral, but I want to emphasise that there has been an extensive process of discussion and consultation about these matters. What has happened, though, is that some people have not been brought along in that process because, as I indicated in my remarks earlier, they chose not to take part in the process. If the process has not resulted in agreement, it is hardly the Government's fault. We are not in the business of dragging people to meetings, tying them to chairs and forcing them to tell us what their views are. In this case, that would be the only alternative, I think - to get a set of people around the table to conclude the discussion on those issues.

I think the Assembly is marching to the tune of a small minority of people within this debate who happen to think this is the wrong way to go. I also think it is a dangerous course of action because of the changes already put in place. I am singularly unclear about the Labor Party's position. Ms Follett, particularly, says she does not wish any structural change to be held up for this process. But the second part of this motion says:

no structural changes are implemented until such time as the report is presented to the Assembly.

I am not sure whether or not Ms Follett supports the second half of this motion. If this motion is passed as it stands now, the changes that are already partly in place would have to have a halt put to them and we would be forced, presumably, to go back to the status quo of a few months ago. Some brigades are partly in the process of amalgamation at the moment. I am not sure exactly what it is suggested by the Assembly that we should do. Do we allow those that are partly amalgamated to stay amalgamated?

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Some people have, presumably, accepted the invitation to move from an emergency service unit to a bush fire brigades unit. What do we do about those people? I am just not clear about that. I have to confess I did not talk to members about this. I thought this motion was transparently not going to be a sensible way to proceed. I say to members very clearly, "Please reconsider what we are doing about this".

We are halfway through a process. It was not announced at the beginning of the bushfire season; it was announced two months ago, at the end of a very long process of discussion and consultation within the Emergency Services Bureau with the people concerned. I just caution the Assembly against changing horses at this very late point. It is dangerous; it is going to result in some risk to the efficiency of our services. I would say we are not doing the bushfire and other services of this community any favours by taking this step.

I do ask members to at least consider bringing forward the hearings of this committee so that we can have a report by the first sitting day of February; that is two months away. It is a short period, I quite agree. But the people concerned are going to be in town. They are not people who go away on holidays; the people stay here to fight fires and to help out when there are emergencies. We are not going to lose people to the south coast in large numbers. I do not expect us to be having inquiries while bushfires are going on, but I am sure that there will be some opportunity to do that work over that period. I would suggest, Mr Speaker, it is important to make sure we are not left too much in the lurch by this process.

MR MOORE (11.09): I love the suggestion in the amendment of Mr Humphries to report not on the first sitting day in May but on the first sitting day in February. As I interjected quietly before, "What have we here? 'Where are you on Christmas Day?'. 'I am over appearing before a committee of the Assembly.' ". This is an absolutely ludicrous timeframe, considering the period over which it is based. It should be rejected out of hand.

Amendment negatived.

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

That the question be divided.

MR SPEAKER: The question now is: That paragraph (1) be agreed to.

MR OSBORNE (11.10): I am intrigued as to what the Labor Party is up to here.

Mr Moore: On a point of procedure, Mr Speaker: Can you clarify for me whether Mr Osborne is going to close the whole debate or just the debate on paragraph (1)?

MR SPEAKER: He will be closing the debate on paragraph (1).

MR OSBORNE: I must admit I am intrigued as to what the Labor Party is up to here. If they are not going to support the second part of my motion, which I think is probably the most important, what is the point in having an inquiry if we allow the Government to implement changes? What is the point of going through the whole process, wasting everybody's time in having a thorough inquiry, if you are going to allow them to go through with what they are planning? Wayne, be serious. How can we go ahead with this inquiry? I am intrigued. I cannot see the point. If the structural changes are going to take place, why the hell have the inquiry? What is the point? You are better off not having an inquiry.

Mr Humphries: I will tell you, if you like.

MR OSBORNE: I am not speaking to you. I am intrigued.

MR SPEAKER: You are speaking to me, Mr Osborne.

MR OSBORNE: Mr Speaker, I had not intended reading through the letter that I have here, but Mr Humphries raised a number of points. I think it is only fair that I read out some of the concerns that members of the ACTES have. I would like to speak on a couple of things that he said before I do that. He said that this process had been going on for a long time, since the middle of last year. One could then argue: What is the problem with adding an extra six months? If it has been going on for 18 months, what is the big rush to do it tomorrow?

He spoke about the South Region of the ACTES, saying that there are different factions. Well, the South Region came and saw me. Who put them onto me, I do not know; who sent them into my office, I do not know; but they came and saw me. They said, "You are going to stop every change that is taking place". I said, "No, I am not. I am going to give you the opportunity to have some say".

Mr Humphries: But you are. Look at paragraph (2).

MR OSBORNE: At the end of the day, I am going into this inquiry with an open mind, Mr Humphries.

Mr Humphries: Are you, Mr Osborne?

MR OSBORNE: Yes, I am; absolutely. You know you can trust me. The South Region said, "Great". They wanted the opportunity to have a say. I said, "That is all I am doing; that is all I am providing you with". I can give you my guarantee that I am going in with an open mind, Mr Humphries. If what you said is correct, if what you are claiming is correct, only a silly person would not support it.

Mr Speaker, in relation to some of the claims that the Government made, I have a detailed examination of the so-called rationale for the changes. Under the heading "Improve Operational Capability", in the paper produced by ACTES, the following appears:

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Claim: Provides a legislative framework for ACTES operations

It does not. It provides a legislative framework for bushfire operations only

Claim: Provides a decentralised community based arrangement

This statement is devoid of meaning

That is a fair call. The paper continues:

Claim: Provides greater ACTES officer opportunities for all its members

It does not. It reduces these opportunities by a factor of 4

Claim: Provides clearly defined roles

Yes, for firefighting only

Claim: Provides clearly defined duty statements for each position

It does not. It provides a limited set of responsibilities for Team Leaders and does not even address the issues of eligibility and appointment

Claim: Provides a more co-ordinated approach to ACTES and Bushfire Operations through a centralised duty officer arrangement

Nonsense. The duty officer will be a bushfire or urban brigade member. These people have no knowledge of ACTES operational roles, responsibilities or capabilities and will not be equipped to make sensible or even rational administrative or operational decisions with regard to ACTES. Operational tasking will be a shambles

Claim: Provide improved training opportunities and facilities

It will not. There will be nowhere to train (particularly in winter), no equipment to train with and a severe degradation in "facilities"

Claim: Provide standard volunteer management policies ...

Waffle. We already have these in place

Claim: Provide a brigade level support arrangement for both agencies.

This statement is devoid of meaning.

It goes on and on, with page after page of claim and counterclaim. Mr Speaker, there is one issue that I would also like to raise. Under "Our Objections", the paper states:

To begin with, placing volunteers into Brigades which operate under bushfire brigade legislation renders them bushfire brigades. Claims that the ACTES will retain its current identity are ridiculous. According to the well-known analogy - if it looks like a duck and walks like a duck and swims like a duck, then it's a duck - ACTES will lose its identity and its culture if the proposed dissection and dispersal goes ahead.

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

MR BERRY (11.17): Pursuant to standing order 77(e), I move:

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

Question resolved in the affirmative.

MR OSBORNE: The paper goes on:

The volunteers will lose the organisational structure which is the essence of the Emergency Service Australia-wide and they will lose their focus through their regions and region Controllers. ACTES team leaders will be forced to report to bushfire brigade deputy captains, who will not have the knowledge, nor the training, to properly administer their needs. All ACTES volunteers will be forced to submit to a brigade commander appointed from the bushfire brigade who will have neither the expertise nor the interest in ACTES to foster its interests. They will lose corporate spirit and they certainly will not be keen to spend the average \$1,000 extra per annum it will cost them to cover the extra distances to attend training. ACTES will cease to exist.

It is claimed that improved response times will result. This is a nonsense. The bushfire sheds are located out of suburbia, in rural areas, for good reason - that is where the bushfire brigade sphere of activity is. It is obvious that to place them in the centre of suburbia would lead to inefficiencies in bushfire service provision and response times. The exact opposite holds for ACTES. Bushfire operational support is only one of our roles and well down the list at that.

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Our sphere of activity is (with the exception of bush searches) the urban area, as the events of this last week (13 - 15 Nov 96) clearly indicate. Storm damage response is one of our most important roles and it occurs in the suburbs. If we had been operating from rural sheds this week our response times (half an hour extra on average) and basic operational effectiveness would have been dismal. Quite simply, we would not have been able to manage the task that we did.

Furthermore, this week's storms emphasise another flaw in the "logic" of the restructure. At the busiest time during the ACTES storm damage response, the bushfire service was flat out fighting fires at various locations around Canberra, including a large fire fanned by ferocious winds in Stromlo Forest. The clash of interests which would have occurred if we had been co-located, and sharing common resources, renders the notion absurd, operationally naive and arguably, dangerous to our members.

Mr Speaker, I could go on and on. Quite clearly, what this document does is satisfy me and, I thought, the Opposition that we should at least have a look at the proposed restructures the Government is planning to implement. Not to support paragraph (2) of my motion renders it toothless. We should not bother going through the process of looking at this whole issue if we are going to allow the Government to implement the changes. I see Mr Whitecross being rubbed up by Mr Humphries - - -

MR SPEAKER: Order!

MR OSBORNE: Well, what is another word?

Mr Moore: "Massage" is the term used in the locker room.

MR OSBORNE: Massaged. I am sorry. It is that football slang, Mr Speaker; I just cannot break the habit. I hope the Labor Party will see sense. Why go through supporting me if they are not going to allow us to have a look at the whole issue? Quite frankly, if the changes are going to take place, I can see no point.

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

MR BERRY (11.21): Mr Speaker, my contribution to the debate will be confined to the reasons why we have decided to consider this separately. The Labor Party will be opposing - - -

Mr Moore: You will need leave, which we will be happy to grant.

MR BERRY: No, I do not. Well, I seek leave.

Leave granted.

MR BERRY: The Opposition will be opposing paragraph (2) of the motion. The reasons for that are quite straightforward. These services which deal with emergencies are facing structural changes in one way or another. There is an element of agreement and disagreement in relation to it, but at the end of the day the services have to continue operations. We are not prepared to put in place a motion which closes off all options before the committee of inquiry has had time to look at the issues. How can you make judgments about what should and should not happen until you look at the issues?

Mr Moore: By the complaints about the things that are going wrong.

MR BERRY: You can interject all you like. You can seek leave to speak, too, Mr Moore.

MR SPEAKER: No, he cannot interject.

MR BERRY: The facts of the matter are that the Government knows that, if this inquiry finds that the Government should not proceed with particular changes, then the Government will be forced to reverse any changes it makes. It is as simple as that. You can behave like spoilt kids because part of your motion has been upset, but you have to have some commonsense about the issue.

Mr Osborne: That is the argument I have used many times, Wayne. You said, "Once they start, you cannot turn back. Once they do it, you cannot turn it back. Once they do it, you cannot change".

MR SPEAKER: Order!

Mr Osborne: Hypocrisy, Mr Speaker!

MR BERRY: Front rowers always behave like this in the scrum. They are an intemperate lot. They do not listen to reason.

MR SPEAKER: Do not provoke him, Mr Berry.

MR BERRY: They always have a shot at the half-back for not getting the ball in quickly. They are as rough as bags.

Mr Osborne: Half-backs have big mouths and no guts.

MR SPEAKER: Order!

MR BERRY: I used to be a front rower, would you believe?

Mr Speaker, this is a quite simple approach. The Government and management cannot be manacled in relation to management of emergency services during an inquiry, and that is why we will be opposing paragraph (2) of the motion. If the inquiry finds, in a convincing way, that some of these changes, or all of these changes, need to be reversed, then Labor will take a position which would cause the Government to reverse them. It is as simple as that.

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MR MOORE (11.24): Mr Speaker, I seek leave to speak.

MR SPEAKER: Mr Moore, you will not need leave. I am advised by the Clerk that these are new questions as a result of the splitting of the motion. You do not need leave.

MR MOORE: That was the clarification I sought before, Mr Speaker; hence the misunderstanding. I think this raises the general question: What will the committee achieve? Will it solve some problems or will it continue the agony under the proposal? I expect, from what Mr Berry is saying, that the Labor Party will oppose the second part of the motion. If I believed the second part of the motion was going to be opposed, then, for me, it is far better to oppose the whole lot.

I cannot see why we should put an Assembly committee through a process that is not going to bring about change. The Assembly committee may report and say, "Yes; all the changes that you have just made and have just put people through are very good, and everybody is happy". That is fine, and under such circumstances nothing is particularly lost. On the other hand, if there are some recommendations for significant modification to proposals that have just been put in place, then we have a situation where there will be a reluctance to put further changes or to undo what has just been put in place. Of course, there will be a reluctance to undo what has just been put in place. There will be a reluctance on the part of the committee, in the first place. There will be a reluctance on the part of the Government.

If the committee says, "These changes have been put in place. They are disastrous, so we will recommend change", the Government, in its response, will say, "No. These are in place. People have accepted them, reluctantly. They do not like them, but the vast majority of people have accepted them. The changes are now in place. So, our response to the committee is that it is far better if we do not change them". By that time, the process has taken place; four or five months have passed; and it will be very difficult to get change. This is a non-solution. It is a way of Mr Berry being able to side with the Government to prevent this again and at the same time pretend that they are trying to look after emergency services. It is a non-solution.

Mr Speaker, I regret that I voted to allow this motion to be split, but that is done now. It seems to me that, if that is the view that the Labor Party is going to take on a split motion, it is absolutely pointless. I think it will be far better for the Assembly as a whole to say, "No. We are not going to deal with this. We are not going to give it to the committee". It is ludicrous to give it to the committee after the fact. I suggest that, if members feel that they do not want to support it, that they really think the changes should take place, then, for heaven's sake, just let them take place; do not play this ridiculous game which will only extend the agony of the people who are dissatisfied with the changes.

MR HUMPHRIES (Attorney-General and Minister for Police and Emergency Services) (11.27): Just briefly, can I refer to a matter Mr Berry raised? The Government does give a commitment that, if the committee, having inquired into the matter, recommends that the process is inappropriate and should be either scrapped wholesale or modified significantly and the Assembly shares that view of the committee, the Government will implement that change.

Mr Moore is creating a myth by suggesting that either we do not have inquiries into things that have already happened - we do, all the time, Mr Moore, and you know that very well - or we cannot change things that have already happened. With great respect, I suggest the Assembly is a master at changing things that have already happened. I think we need to be able to accept that that is possible and, in some cases, appropriate. But let me make it clear that you are talking about having to change something that has already happened. You are doing that if you pass the motion in its present form, because the process has already started. You cannot pretend that this is a motion about no change; it is not. There is no status quo motion anymore in that sense.

The process is already starting to happen and it would have to be wound back. Significant work on this proposal is already being done in a number of quarters. I urge members to consider that these changes will be difficult to manage but that there will be a process of complying with the Assembly's wishes with respect to whatever the changes might be.

MR OSBORNE (11.29): I am glad, Mr Speaker, that there are members of the emergency service here to see the huge backflip from the Labor Party on this issue.

MR SPEAKER: Mr Osborne, if you wish to speak again, ask for leave. I am sure it will be granted.

MR OSBORNE: I seek leave, Mr Speaker.

Leave granted.

MR OSBORNE: I am pleased that there are members here to see the disgraceful backflip from the Labor Party. Maybe it was when I started mentioning fire brigades that one member of the Labor Party got his back up a little; maybe not. Nevertheless, I am glad that they are here to see it.

Quite frankly, this is going to be a toothless inquiry. I still believe we should go through the process, though, because, if some of these allegations are proven to be correct, then certainly we will change things. Nevertheless, I am very disappointed in the attitude of the Labor Party on this. I find it quite interesting that Mr Berry stands up and says, "If they have done it, let them do it and we will change it later". Going back over the last 18 months, I remember Mr Berry on many occasions saying, "Do not let them do it. Do not trust them. Do not trust them, Ossie. They will burn you". I am very pleased that there are people here to see the backflip, especially by you, Mr Berry. I am very disappointed - - -

MR SPEAKER: Address your remarks through the Chair, Mr Osborne.

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MR OSBORNE: I am very disappointed in Mr Berry, Mr Speaker. It appears that the Labor Party will not support the second part of this motion. However, I do believe we should still go through the process and still give the people on the ground the opportunity to have a say. Perhaps my judgment has been tainted a little. I might not go in with an open mind; I might go in purely to overturn some of these changes. I will try to be unbiased.

Mr Humphries: I do not know what sort of an inquiry that is. That is a great recommendation! I will note those comments when the report comes down, Mr Osborne.

MR OSBORNE: I will try to be unbiased, Mr Humphries. I try to be balanced and sensible in here, Mr Speaker. After listening to the arguments, firstly from the Government and now from the Opposition, I am certainly left with a very bitter taste in my mouth. It will be in the memory banks every time Mr Berry comes to me on things and says, "Do not trust them". I am just pleased to see again this afternoon, as we have seen with issues of truck parking and planning, that the major party coalition gets together again. When it really comes down to it, Mr Speaker, they are no different from each other. I think I have discovered that neither major party is any different from the other.

I am very disappointed at the outcome. At least, I suppose, it is a small victory - to give the Legal Affairs Committee the opportunity to look at this issue. If there are any valid arguments put up by some people, then perhaps we can change. But I only hope that it is not too late.

Paragraph (1) agreed to.

Question put:

That paragraph (2) be agreed to.

The Assembly voted -

AYES, 4

NOES, 13

Ms Horodny
Mr Moore
Mr Osborne
Ms Tucker

Mr Berry
Mrs Carnell
Mr Cornwell
Mr De Domenico
Ms Follett
Mr Hird
Mr Humphries

Mr Kaine
Ms McRae
Ms Reilly
Mr Stefaniak
Mr Whitecross
Mr Wood

Question so resolved in the negative.

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

MS FOLLETT: Mr Speaker, I present Report No. 18 of 1996 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation, and I ask for leave to make a brief statement on the report.

Leave granted.

MS FOLLETT: Report No. 18 of 1996 contains the report on the committee's consideration of the Land Acquisition (Northbourne Oval) Bill 1996. I commend the report to the Assembly.

EXECUTIVE BUSINESS - PRECEDENCE

MR HUMPHRIES (Attorney-General) (11.38): Mr Speaker, I move, pursuant to standing order 77(d):

That Executive business be called on.

Question resolved in the affirmative.

LAND ACQUISITION (NORTHBOURNE OVAL) BILL 1996

Debate resumed from 10 December 1996, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MS McRAE (11.38): Mr Speaker, we are disappointed that this move has to be taken, and we are disappointed that it has to be taken in such a rush this week; but we see it, at the same time, as a logical application of lease management in the ACT. Having said that, we insist that the Minister make absolutely crystal clear why this move has to be taken, what the benefits are to the ACT, and what the real reasons behind the move are.

Not only is the apparent misuse of the lease in question; but, as I have said publicly, a whole range of other rumours abound about the site and about buildings that surround the site. Given that those rumours are well and truly known and spoken of, we would like the Minister, in this in-principle debate, to put to rest some of the accusations that have been made, some of the conspiracy theories that have been raised as to why these moves have been taken, and put forward, absolutely in a crystal clear way, why this is of benefit to the ACT.

We know that, for some, this is seen as a pre-emptory and hurried move; but we know full well that the cause of the move, the disputes and the dissension behind the management of the lease has been going on for a very long time. Whilst we can always be told that just next week the solution is about to be taken, it is not actually the problem that is in court that Mr Humphries is seeking to fix today with this Bill, as we understand it. That is a problem that will still be settled by the court. This is a logical application of lease management in the ACT, for which purposes the Government has every right to resume a lease.

We accept that the Government has a right to determine that a solution has to be found and that the park should be used according to its first lease allocation, as was understood when the lease was first given. That was the wish of the people who live nearby, and the wish of the people of the ACT, and over time it has been subverted and changed. We are therefore accepting this move and supporting the Bill, but with the very strong caveat that the Minister give an explanation, in as full a way as he can, of the reasons for this move having to be taken, which is, I think, unprecedented in the history of the Assembly, at least. The Minister should give us his understanding of some of the issues surrounding this block and the surrounding areas that have been the subject of so much rumour, discussion and innuendo in the time leading up to this change.

MR MOORE (11.41): It is indeed an unusual move, Mr Speaker. The Assembly has before it legislation to acquire a specific piece of land. The Bill is so entitled. That is what it is. The Minister has identified specifically what this legislation is about in its title.

Mr Speaker, we have seen this problem of the ownership of Northbourne Oval boiling and bubbling away for quite a number of years. Before I came into this Assembly there was already a dispute over this issue. That dispute has continued for a long time. It seems to me that some action is necessary to resolve this dispute. It is, to my mind, a shame that we require a specific piece of legislation to be able to resolve it. Has our lease administration in the past been so poor that we have not been able to identify exactly what has been going on with this lease, and exactly who the owners are; and are we not able to acquire the lease for the normal range of reasons?

The answer is self-evident. That is not the case, otherwise I am sure Mr Humphries would not have brought this legislation before the Assembly. I am sure he would have preferred to take administrative action within the current planning and leasehold system if he had been able to. I would be interested in his response as to advice he had in those terms. The situation is that the Assembly is being asked by the Government to take pre-emptory action in order to override the normal agreement in the lease, the normal expectation some people would have about the lease, and to take sides in a dispute over this lease of land.

Mr Speaker, I have been lobbied on this issue, I think since before I came into the Assembly and certainly since I have been here. There has been proposal after proposal for this piece of land. I must say, Mr Speaker, that one of the reasons why I will be supporting this Bill is that the proposals that I have seen again and again have not been about maintaining the oval for its current use, sporting and community use.

The proposals I have seen again and again have been about redeveloping the oval so that the people involved would be able to have money in order to support their club and other club activities. To me, that is an inappropriate way to use a lease, and I am pleased that it has never occurred. For the area to be redeveloped to enhance the sporting use of the oval, with facilities that are tied to the oval so as to enhance its use, as designated, is a very positive thing. That is the outcome that I am looking for in terms of this Bill.

Mr Speaker, it seems to me that we should have other ways of going about this sort of legislation. We should have in place a general method of being able to deal with this, rather than being put in a situation where a specific dispute has to be settled in this way, by legislation. I was looking at a piece of legislation that went through the Queensland Parliament not so long ago and that did a similar sort of thing. At the time I remember thinking that it was unusual that a parliament would take a step of that kind. So I do this with reluctance, I must say, Mr Speaker, even more so because we have had the Bill for such a short time. To be fair to Mr Humphries, he indicated to me quite some time ago in a private meeting - I hope he does not mind my sharing this - that he felt there was no longer - - -

Ms McRae: He went public on it.

MR MOORE: Indeed. Ms McRae points out that he did go public on it. He said that he was considering that this was the only possible course of action left to him to resolve this dispute. Mr Speaker, it is now before the Assembly, and for those reasons I will be supporting the Bill in principle.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (11.47), in reply: In closing this debate, let me make a few things quite clear. First of all, I thank members of the Opposition and the crossbenches for, in a sense, their willingness to take the Government on trust on this approach. I have no illusions about how unusual this course of action is. It is highly exceptional for the Government to use a power conferred in legislation to specifically acquire a block of land in the Territory. I understand that this power has been exercised in similar circumstances in other jurisdictions for particular other sensitive pieces of land. As far as I am aware, this is the first time that it has ever been used in the ACT. It is certainly the first time that it has been used by the ACT since self-government. I concede readily that this is a highly exceptional course of action - one which I would not recommend as an everyday means of government achieving its purposes - but I believe it is important that we consider the use of this power at this time.

I am happy to explain, as Ms McRae has urged me to explain, in crystal clear terms, why it is that the Government proposes to take this course of action. Mr Speaker, it has been clear for some time that the dispute concerning the use of Northbourne Oval is not likely to be resolved in the immediate future, notwithstanding litigation which is presently before the Supreme Court and is due to be heard in the Supreme Court later this month. It is also clear to the Government that Northbourne Oval constitutes an extremely important community asset. I use the term "community asset", despite the fact that the land is leased, in acknowledgment of the fact that a large number of community sporting

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organisations use that oval and the fact that the use of that oval by a peak sporting organisation is a matter in which the community as a whole has a very important vested interest. That important vested interest, Mr Speaker, is that the purposes for which that land has been dedicated ought to be the purposes for which the land is used. It is quite plain to the Government, and I hope to other members, that the land is not used in that way at the moment, has not been used in that way for a number of years, and because of the litigation now under way will not be used in that way for probably some time to come yet. Perhaps years is an overly pessimistic view, but I think it is not unlikely that this matter could still drag on for years if it were not for some action by the Assembly.

So, Mr Speaker, the Government intends that power should be conferred to acquire this land, using processes of compensation akin to the Lands Acquisition Act processes but not with the limitations of time and rights of appeal which are given rise to under the Lands Acquisition Act process. That is not to say that the Government does not intend to fairly compensate the party or parties which have an interest, whether legal or otherwise, in the land. I refer members particularly to clause 3 of this Bill and to the definition of the word "interest". It is not the intention of the Government to deprive people of those interests or not to compensate them for those interests.

It is the intention of the Government, however, to ensure that, whatever the resolution of that conflict about the historical right of access to or the historical benefit of the ownership of that land, for the immediate and foreseeable future the land be used for the peak sporting organisation for rugby league in the Territory, that organisation being the Canberra and District Rugby League. By that I mean not the whole of the land, but that part of the land which is effectively a sporting oval with associated buildings such as change rooms and grandstands. That part of the oval which is a licensed club should continue to be used as a licensed club by those who operate that licensed club at the moment. The exclusivity of those two things, which I think is the case at the moment - the mutual exclusivity - should be put to an end, and it should be possible for those two uses to operate on that site, albeit on either side of a fence going through part of that site.

Mr Speaker, the Government is well aware that the Canberra and District Rugby League, the Raiders, do not have an operational base within the ACT at the present time. They operate at present, I understand, in a training sense, from Seiffert Oval in Queanbeyan. They have recently, I understand, divested themselves of the club that they operated at Mawson. The Government is anxious to ensure that the Raiders, the Canberra and District Rugby League, have a base to operate from within the Territory which reflects their status as the Canberra Raiders. Mr Speaker, I hope that the legislation that the Assembly will pass today will achieve that outcome.

I also hope that the result of the passage of this legislation will be that it does not need to be used. I can advise the Assembly that I had some contact with the ACT Leagues Club and they have indicated their desire to come and speak to me early next week. I indicate to the Assembly and to the broader community that the Government would be very willing to negotiate the resolution of this dispute about that land without employing the power which the Assembly will, I trust, confer on the Government today. It is my desire that the Government use that negotiation process to resolve the matter, rather than use legislation.

Mr Speaker, I indicate to the Assembly that it is the desire of the Government to be able to resolve this matter quickly. It is not the desire of the Government to divest anybody of a legitimate interest or a right to compensation which is given rise to. I hope that the result of the legislation will be some negotiated non-legislative solution to this problem. Mr Speaker, I thank members for the support they have indicated for the legislation.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (11.55): Mr Speaker, I move the amendment to clause 5, circulated in my name, which reads:

Page 2, line 30, clause 5, omit "28", substitute "7".

This is a simple amendment to reduce the period of notice provided for in clause 5 from 28 days to seven days. As I indicated before, I think it is appropriate to bring this matter to a resolution fairly quickly. I do not believe that the truncation of notice in this case would prejudice in any way any legitimate rights that a person would have, particularly given the fact that this is not subject to judicial review. So, in that sense, that longer period is not necessary, and I would argue that the period should be seven days rather than 28 days.

MS McRAE (11.55): Mr Speaker, the Opposition will be supporting this amendment.

Amendment agreed to.

Bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

Sitting suspended from 11.56 am to 2.30 pm

RESIGNATION OF MEMBER

MR SPEAKER: Pursuant to the resolution of the Assembly of 27 March 1992 which authorises me to receive written notice of a resignation of a member, I wish to inform the Assembly that I have received a written notice of resignation from Ms Follett dated this day. Pursuant to subsection 13(3) of the Australian Capital Territory (Self-Government) Act 1988, I present the letter.

MR WHITECROSS (Leader of the Opposition): Mr Speaker, I seek leave to make a short statement.

Leave granted.

MR WHITECROSS: Mr Speaker, as you have just announced, Ms Follett has resigned from the Assembly to accept an appointment as Discrimination Commissioner in the ACT. This is a great recognition of Ms Follett's eight years of service to the ACT community as a member of this Assembly and before that as a member of the House of Assembly, and her contribution to the public life of the Territory, particularly on the issues of discrimination and human rights. I believe that she has made a significant contribution to the ACT on these issues and will continue to do so in this position. It is a matter of great pride to her, I am sure, to have been chosen for this position. It is also a matter of great pride to the Labor Party to have been able to serve with her, each of us in our capacity as a member of this Assembly.

Mr Speaker, Ms Follett was the first woman to be a head of government in Australia and, as far as my knowledge goes, the only woman head of government to win an election in Australia.

Mr Humphries: Apart from the present Chief Minister.

MR WHITECROSS: I will pay that one, Mr Speaker. Her contribution to the public life not only of the Territory but of Australia is indeed significant and I think not sufficiently recognised, but I hope that it will be increasingly recognised in the future. I am very pleased, and my Labor colleagues are very pleased, that she is going to continue to serve the people of the ACT in this new capacity. We wish her all the best, as I am sure all members of this place do, and we look forward to a future with a new fresh member of the Labor team in the new year.

QUESTIONS WITHOUT NOTICE

Senior Executive Service

MR WHITECROSS: I have a question for the Chief Minister. Chief Minister, can you inform the Assembly how many former Senior Executive Service officers have still not been placed in positions as a result of the restructure that you undertook this year? Is it the intention of the Government to involuntarily retire any of these officers in the new year?

MRS CARNELL: Mr Speaker, may I start by saying that I intend to make a statement on Ms Follett's departure in the adjournment debate today.

Ms McRae: If we ever adjourn.

MRS CARNELL: That is right; if we ever adjourn. Mr Speaker, with regard to former chief executives and SES officers, of the total number of SES officers existing prior to the introduction of the new arrangements, 15 have taken early age retirement, 38 have been offered contracts and, on my last advice on this, 18 were still performing duties as SES or SES equivalent officers as the executive positions in their agencies had not yet been finalised. That means that in some areas we are still in the process of advertising and going through merit selection processes. There have been no transfers by reduction in status at this stage, Mr Speaker.

MR WHITECROSS: Mrs Carnell did not exactly answer my question. She answered half of my question. The other half of my question was: Is it the intention of the Government to involuntarily retrench any of these excess officers in the new year? Can she please answer that question?

MRS CARNELL: I am sorry; I did not realise you said "involuntarily retrench". I do not think you did, really. Mr Speaker, as you would know from the Bill and the new arrangements that we passed, if SES positions are not available, and if a former SES officer chooses not to take a voluntary redundancy, they are offered a position at SOG level.

Clinical Waste - Disposal

MR HIRD: My question is directed to Mr De Domenico, the Minister for Industrial Relations. Yesterday during question time Mr Berry asked you a question relating to the alleged dumping of "a truckload of hospital waste at the sullage pit at the Belconnen landfill". Minister, has Mr Berry at long last stumbled upon a truth, or is this yet another instance of him misinforming the parliament?

MR DE DOMENICO: I thank Mr Hird for his question, Mr Speaker.

Mr Berry: I think the question is out of order, Mr Speaker, because it makes an imputation.

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MR SPEAKER: Mr Hird, you might like to rephrase the last part of it.

Mr Berry: I think he should withdraw the question. It is an imputation.

MR SPEAKER: No; Mr Hird can rephrase the tail of his question. The question that was asked yesterday was perfectly in order, but the suggestion that Mr Berry has misled the house in asking it is not. If you could just rephrase that last part - - -

Mr Berry: No; I would like him to withdraw it, Mr Speaker.

MR SPEAKER: Well, would you withdraw the imputation, first of all?

MR HIRD: I do.

MR SPEAKER: Thank you.

MR HIRD: I was about to do that. Just wait your turn.

Mr Berry: Asking him to rephrase it is a bit of a tall order.

MR SPEAKER: That is what I am asking.

MR HIRD: Mr Speaker, is Mr Berry misinformed, in other words, on this subject?

MR SPEAKER: Thank you, Mr Hird.

MR DE DOMENICO: I thank Mr Hird for his question, Mr Speaker. Yesterday I was extremely concerned to hear by Mr Berry's question of the possibility of medical waste being dumped at the sullage pit at Belconnen landfill. Mr Berry said:

Today I received an urgent telephone call informing me that a truckload of what appeared to be hospital waste was dumped in the pit. The waste included hazardous and possibly infectious material, in particular used cotton buds and syringes.

Coincidentally, Mr Speaker, Ms Horodny, I think, asked a similar question of the Chief Minister, again prompted by a phone call, I am told, to her office. I am also informed that a Capital Ten news crew received a tip-off and were out at the tip with a camera crew filming the sludge pit and interviewing a CFMEU official who stated quite categorically that what had been uncovered was hospital waste. Funnily enough, Mr Speaker, the only people, it would appear, who were not alerted to the situation were the Government, the management at the Belconnen tip, the Registrar of Occupational Health and Safety and the Pollution Control Authority. Mr Speaker, it does not take Sherlock Holmes to figure out what is going on here, does it? It would be interesting to see who rang Ms Horodny's office, but we do not need to know the answer. I think we all know.

Mr Speaker, following question time yesterday I asked for an immediate briefing on what were the very serious allegations raised by Mr Berry and Ms Horodny. What I found out was this: Firstly, no public hospital dumped waste of any sort, medical or otherwise, at the Belconnen tip yesterday.

Mr Berry: What was the stuff at the tip?

MR DE DOMENICO: Mr Speaker, just so Mr Berry can hear it, no public hospital dumped waste of any sort, medical or otherwise, at the Belconnen tip yesterday. In fact, Canberra Hospital does not even use the Belconnen tip. This Government has in place very clear guidelines relating to the disposal of medical waste, Mr Speaker, and I would like to take this opportunity to table them for Ms Horodny's edification, in particular. Secondly, Mr Speaker, I discovered that only three trucks were logged in as using the sludge pit facilities yesterday, all three bringing waste from grease traps - precisely what the sludge pit is there for, obviously. Thirdly, what in fact was found in the pit was a small number of needles and some rubber gloves.

Mr Berry: Oh!

MR DE DOMENICO: Hold on. They found a small number of needles and some rubber gloves. Mr Berry said "a truckful of hospital waste".

Mr Humphries: It was a very little truck, obviously.

MR DE DOMENICO: A very big, mini, little truck that Mr Humphries's son plays with, obviously. Mr Speaker, these things should not have been dumped at the pit. No rubber gloves are allowed, and no needles are allowed. I have asked Waste Management to investigate the source of the problem - the rubber gloves and the needles - and to ensure that, in future, trucks disposing of waste at the pit are closely supervised so that they do not dump any rubber gloves or needles.

Mr Berry: Well done! You are doing something at last.

MR DE DOMENICO: We are doing something at last. Thank you for that interjection.

Mr Berry: You admit there is a problem out there.

MR DE DOMENICO: Just sit back there. What we are talking about here, Mr Speaker, hardly constitutes a truckload of hospital waste, as Mr Berry would have us believe. What we have here is more likely some needles washed into a drain somewhere - a regrettable situation, I grant you, but one that is unlikely to engender the mass hysterics Mr Berry was hoping for yesterday.

Mr Speaker, whilst the Government will do everything possible to ensure that needles do not turn up in the sludge pit regularly, we do not believe that this constitutes a risk to public health and safety. The pit is a secured area and is not accessible by the public at any time. Appropriate occupational health and safety procedures are in place, and have been in place, to protect the health and safety of workers.

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For some weeks now the CFMEU - no friend of this Government or many other people - has been trying to make an issue out of the sludge pit, a facility that has been in operation in Canberra for some 20 years, Mr Speaker. It is not as if this Government put the sludge pit in. It has been there for 20 years. Just ask some people around the place how it operated under Ms Follett's Government, for example, because it was operating under Ms Follett's Government.

Mr Speaker, yesterday they managed to conscript, let us say, two of the less sharp members of this Assembly into their ranks as well. They also managed to sell the story to a particular television journalist who put to air one of the most irresponsible - in my view, and the Government's view - and factless stories I have come across in my experience, even though we tried to sort it out. We all know that Mr Berry started off life as a fireman, Mr Speaker. He then progressed to being a politician and, more recently, a lawyer and an actuary, and yesterday he gained his qualifications in environmental science as well. So, congratulations, Mr Berry! This Government, Mr Speaker, will investigate the situation at the sludge pit and do everything possible to find out where these few needles have come from. If they have come from a drain, as I suspect they have, it is very difficult to do anything about it until you find out what drain. I reiterate, however, that they have not come from one of Canberra's public hospitals; nor is there evidence of it being hospital waste.

Mr Berry should be condemned by this Assembly for yet another irresponsible act. His party has no policies, only glib catchlines like, "There's got to be a better way". The original version, by the way, Mr Speaker, I believe, is, "There's got to be a better way; we've just got no idea what it is". The second line apparently had to be taken out to make room for Mr Whitecross's photo in the pamphlet.

Mr Berry: I take a point of order. Is frothing at the mouth in order?

Mrs Carnell: That is not a point of order, Mr Speaker.

MR SPEAKER: Relevance, Mr De Domenico.

MR DE DOMENICO: Mr Speaker, I was rudely interrupted and I ask you to protect me from the interjections of Mr Berry because the question is a very important one and it needs a very important answer. Ms Horodny, I suggest that you show some commonsense as well. Next time you get a hot tip from anyone, a phone call to my office may save you some embarrassment.

MR HIRD: Mr Speaker, is Mr Berry misinformed? Minister, was Mr Berry misinformed, or was Mr Berry wrong, once again?

MR SPEAKER: That is asking for an opinion.

MR DE DOMENICO: It is asking for an opinion, Mr Speaker. I think either of the above.

MR SPEAKER: Does anybody else want to ask a question? Mr Kaine, you were first on your feet.

Bonds Issue

MR KAINE: Nobody else wants to ask one, Mr Speaker. In the absence of any questions from the Opposition, I would like to ask a question, through you, of the Chief Minister. Chief Minister, last month the Government undertook its first ever offshore fundraising with a bonds issue in Japan. Can you give the Assembly an update on that bonds issue and tell us how it is progressing?

MRS CARNELL: Thank you very much, Mr Kaine. I think this should be an issue that everybody in this Assembly should be very interested in. Mr Speaker, the ACT Samurai Bonds issue was released into the Japanese market early last month and closed on 28 November. I am delighted to inform members that the issue was fully subscribed after generating very keen interest among Japanese investors. The bonds were widely distributed throughout Japan, with 76 branches of Kokusai Securities participating in the placement. Individual Japanese investors purchased 89 per cent of the issue, with the remaining 11 per cent being taken up by Japanese corporate investors.

Mr Speaker, the total bonds issue raised in the order of 6.5 billion Japanese yen, or about \$A70m, and was to refinance existing ACT Government borrowings. It may be of interest to members that the average subscribed amount was just under \$A23,800, indicating that a large number of subscribers were attracted to the issue - in fact, more than 3,000 individuals and 23 corporations. The attractiveness of the ACT Government's Samurai Bonds issue was directly related to the ACT's excellent credit rating, Standard and Poor's AA for overseas borrowings. This is the highest rating available to an Australian borrower and it reflects the market's perception of the long-term strength of the ACT economy and ACT Government finances, Mr Speaker.

That is backed up by recent information in the Yellow Pages small business index which found that there was a net balance of small businesses surveyed in the ACT who expect to increase the size of their work force in the next three months to January 1997. It also is in line with the ANZ job advertisement statistics which are showing that the ACT is somewhat better placed than the majority of other States. Probably for very close to six months now unemployment has plateaued in the ACT. Of course, this month youth unemployment is actually down, Mr Speaker.

It does show that Japanese investors do not believe the ACT economy is doomed, contrary to those opposite who are forever going down the path of doom and gloom. In fact, Japanese investors, and a lot are very small investors - 3,000 individuals and 23 corporations - believe that this is a very good place to invest. Add that to the fact that our job advertisements are up, business confidence appears to be up in small business, and unemployment has now plateaued.

Mr Speaker, I think those opposite should rethink the sorts of statements that they are making. I think that Mr Whitecross should show some leadership, for a change. Mr Whitecross, instead of just knocking everything that is ever put forward, should spend the Christmas holidays having a bit of a look at himself, a bit of a look at his own leadership, and come back with some positive ideas for the future of this city. He should be a statesman to the extent of being able to say "Yes" to the things that he supports in this Assembly, and not just knock everything the Government does.

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MR KAINE: I have a supplementary question, Mr Speaker. Clearly, from the Chief Minister's response, our first venture in offshore fundraising is an outstanding success. Given that, does the Government have it in mind to pursue a second float at some time in the future?

MRS CARNELL: Mr Speaker, the Government will be looking very seriously at the best ways of refinancing ACT Government debt. We have managed to raise \$A70m in the Japanese market. The thing that is very interesting about this, Mr Speaker, is that we save \$150,000-plus a year by going into this sort of an arrangement rather than borrowing in our traditional ways. We will continue to look at the best ways possible to refinance our debt. One thing that is most important about debt financing generally is that it is well balanced, Mr Speaker; that all the eggs are not in one basket; that we make sure that any offshore borrowings that we are involved in are appropriately hedged on the market. That will continue to happen, and we will continue to have a balanced borrowing portfolio, Mr Speaker.

Leasehold System

MR BERRY: My question is to Mr Humphries in his capacity as Minister for Land and Minister for Planning. Minister, in your tabling statement on the Government's response to the Stein report - you might recall this - you said:

... this Government will not seek, during the term of this Assembly, to change the current system of tenure to freehold or perpetual leasehold, notwithstanding our preferred policy to move towards perpetual leasehold.

I will repeat that:

... this Government will not seek, during the term of this Assembly, to change the current system of tenure to freehold or perpetual leasehold, notwithstanding our preferred policy to move towards perpetual leasehold.

Minister, can you explain the move to change the Federal Land Act to enable 999-year leases in the ACT, or did it happen without your knowledge?

MR HUMPHRIES: Mr Speaker, first of all, I must say that I am referring to us, the ACT Government. Much as I would love to be able to direct the Federal Government - I can assure you that we could all think of some wonderful things to do, if we had that power, Mr Speaker - - -

Mr Berry: I take a point of order. I think the Minister is pretending to be a little bit obtuse. I know he is sharper than that. The question that was asked of him was whether he can explain the move to change the Federal Land Act. Did it happen without his knowledge?

MR HUMPHRIES: No, Mr Speaker; he quoted words that I had used - "We will not move to change the system to perpetual leasehold" - and I am making the point that "we" means the ACT Government, not the Federal Government. Mr Speaker, the Federal Government has announced its intention to allow the ACT Legislative Assembly to change the system of land tenure through legislation enacted in this place; not to do it by itself; not to have the Federal Parliament create that tenure by an enactment that imposes on the ACT, a la the Andrews Bill, but rather to allow the ACT Assembly to enact that if it so chooses. When I made the commitment that Mr Berry refers to there was a Labor government in power federally, and I certainly could not speak for a Federal Labor government, much less than I could speak for a Federal Liberal government.

Mrs Carnell: I do not know. It is about even, I reckon.

MR HUMPHRIES: We will not go into that debate, Mr Speaker. I must say I welcome the move by the Federal Government. I think that has changed the complexion of this debate very considerably and I welcome that. I hope that it does allow us to have a debate in this place, perhaps even in this term of the Assembly, on the provisions for changing the nature of the tenure of land in the ACT.

My party's position has long been that we support a longer sense of tenure for those who hold land in the ACT, both residential and commercial land, and possibly also rural land. We take the view that citizens in the ACT who invest in land should not obtain a significantly lesser estate in that land than do citizens making a similarly sized investment in, say, New South Wales or Victoria or anywhere else in the country, and that is why we support these sorts of measures. The measures which appear in the debate today concerning automatic renewal, Mr Speaker, do not amount to perpetual leasehold. They are something that approaches that in terms of security, but are not perpetual leasehold and should not be mistaken for that, although we feel it is certainly a step in the right direction.

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

MR BERRY: Minister, were you aware of the letter from Mrs Carnell to the Federal Minister requesting this outcome?

Mr Humphries: What outcome?

MR BERRY: Were you aware of the letter from Chief Minister Carnell to the Federal Minister for Territories requesting this result?

MR HUMPHRIES: Yes, Mr Speaker, I was aware of that letter - - -

Mr Moore: After you guaranteed no action.

MR HUMPHRIES: No, it was long afterwards. That letter was written, as I recall, a couple of months ago. The statement you referred to I made in the Assembly last year. Mr Speaker, I can hardly be responsible for having made an assumption about what the Commonwealth Government was going to do last year, which has now changed in the course of this year.

Job Placement Service

MS TUCKER: Mr Speaker, my question is to Mr De Domenico. On 7 November you announced funding of \$60,000 for a job placement service aimed at providing short- and long-term employment opportunities for disadvantaged unemployed and others disadvantaged in the ACT job market. On 8 November Jobline closed as their funding ceased. Mr De Domenico, when was the \$60,000 paid to run Working Connections? When was the contract finalised to run this service, and can you please table this contract by the close of business today? Can you also tell me what the Government is planning to do to assist unemployed youth and long-term unemployed to find casual employment over the Christmas period - a time when many unskilled youth in particular could find work - in light of the fact that Working Connections will not be properly operating until January because of the move to a new building in City Walk?

MR DE DOMENICO: I thank Ms Tucker for her question. I do not know the exact date and the exact moment when the contract was signed, so I cannot answer that part of the question. No, I will not table the contract by the close of business today because I need to talk to Working Connections. It is commercial-in-confidence, obviously, and I need to ask them whether there is anything in that contract which would prevent me from tabling it. I am advised that Jobline got an extra \$5,000 to stay open until Working Connections started. I think I have answered all your questions.

MS TUCKER: Could you please tell me exactly when Jobline is going to be able to continue work till? Are you saying that Jobline is still working now?

MR DE DOMENICO: No, I am not. They were offered \$5,000 and they did not take it.

MS TUCKER: My supplementary question is what you did not answer in the first question.

MR SPEAKER: Order! You cannot ask another supplementary question.

Disabled Persons - Swimming Lessons

MS McRAE: Mr Speaker, my question is to Mr Stefaniak in his capacity as Minister for Sport. Minister, can you outline to the Assembly what funds have been made available to enable people with disabilities to participate in swimming lessons, and when were the first grants given?

MR STEFANIAK: I do not think I have that information with me at present, Ms McRae. I will take that question on notice.

Futsal

MR WOOD: My question is to the Minister for Sport. Minister, can you confirm that futsal will not be a sport played at the 2000 Olympics and that FIFA has withdrawn all soccer from future Olympic Games?

MR STEFANIAK: No, I do not think I can, Mr Wood. I understand that there is still some possibility that futsal might well still be in the running as a sport in the Olympic Games. In relation to withdrawing all soccer, I have not heard that one before, Mr Wood. Perhaps you can give me a bit more information as to where you heard that.

MR WOOD: My supplementary question is this: Will the Minister make a statement in this Assembly early next year on the role of futsal in or out of the 2000 Olympics? He seems to be a little behind events.

MR STEFANIAK: I will be making a statement in relation to futsal when we know for sure exactly what is in the 2000 Games and exactly what role Canberra will play in that in relation to soccer, Mr Wood. I would certainly hope to be able to make an announcement prior to the end of this year. I understand that we might well find out how we are going with the soccer bid by Christmas at this stage, or a little bit before Christmas, so I would be hoping to make a statement before then. If you would like me to make another statement early next year in the Assembly, I will do that too.

Public Housing

MS REILLY: My question is to Mr Stefaniak in his capacity as Minister for Housing. Minister, considering the fundamental and far-reaching changes which are being proposed for the funding and delivery of public housing in Australia - - -

Mrs Carnell: Which we have not agreed with.

MS REILLY: May I ask my question, Mr Speaker?

MR SPEAKER: You may.

MS REILLY: Can you advise how often the Ministerial Advisory Committee on Housing in the ACT has been meeting to advise you on matters relating to these housing reforms and their impacts on the ACT community?

MR STEFANIAK: In relation to the new Commonwealth-State Housing Agreement, Ms Reilly - - -

Ms Reilly: My question was to do with the committee, Mr Stefaniak.

MR STEFANIAK: In relation to the committee, that is still being organised, Ms Reilly. I have asked Housing to put together a committee as soon as possible because I think it is absolutely essential that I have a formal structure in place as we go further down the track of this new agreement. However, Ms Reilly, as you are no doubt aware, I attend quite a few housing meetings with various people in the sector, from Shelter through to community housing and various SAAP programs. My door is always open, Ms Reilly. I have had a number of recent meetings with the sector. I have indicated to them, as recently, I think, as last week, that I wanted to have a meeting with anyone interested in the housing area prior to any new Commonwealth-State Housing Ministers conference, which might be as early as about March next year. So I want to see them in about February next year. I think it is very important that we consult as much as possible, Ms Reilly, in relation to the new Commonwealth-State Housing Agreement.

As the Chief Minister interjected when you were asking your question, we are certainly not going to sign anything that we do not agree with. I think that could be true of all the States and Territories. This gives me an opportunity, Mr Speaker, to indicate to Ms Reilly that at the last meeting of the Commonwealth-State Housing Ministers we made a number of points. The States and Territories had a number of concerns and we issued a joint communique whereby we restated our commitment - all Ministers, State and Territory and the Commonwealth Minister, Jocelyn Newman - to better housing outcomes for Australians on low incomes.

We noted that the desire for better housing outcomes was the pre-eminent purpose in any reform. We reiterated the firm principle that any housing reform is not about achieving savings. We also supported the firm principle that reforms to housing assistance arrangements should achieve fiscal neutrality and be determined on the basis that neither the Commonwealth nor any State or Territory will be financially disadvantaged. I have said on a number of occasions that this is all about dollars, and if the Commonwealth is not going to provide sufficient dollars these reforms simply cannot go ahead. They will be impractical and will not work.

We also agreed, Ms Reilly, that the task force that is looking at this issue must address the following issues which are of concern to people in our housing sector. I think you might have been at the Shelter meeting I went to. Certainly, Ms Tucker and Mr Moore were. Prior to going off to that meeting I was given a whole series of concerns by various representatives of various groups in the housing area. The next day I sent those off to Jocelyn Newman so she had them in time for the meeting.

It was interesting that the concerns expressed by people involved with ACT Housing are common concerns throughout the country. The task force has to address the following issues: Protection of existing tenants; subsidy design; special needs; housing supply; private sector responses; home ownership policy; the form of intergovernmental agreement and the basis for adjustment to financial assistance grants; community housing and crisis accommodation. I think those issues are common right throughout housing in Australia. Those are the fundamental things that have to be addressed.

MR SPEAKER: Do you have a supplementary question, Ms Reilly?

MS REILLY: Thank you, Mr Speaker. It was obvious that the Minister did not have a briefing on the Ministerial Advisory Committee. I will ask again. When was the last time that you met with the Ministerial Advisory Committee, or do you not think that you need a formal advisory committee to assist you at this time?

MR STEFANIAK: At this time, Ms Reilly, I think it is highly desirable, and that is why I have told Housing to organise it as soon as possible. In terms of advisory committees, there have been a number of changes over recent years because of changes within housing programs at a Commonwealth and State level. Ms Reilly, if you ever become Housing Minister, or Minister for anything, I will give you a little pointer.

Ms Reilly: When.

MR STEFANIAK: When. I like to see that confidence, Mr Speaker. If and when. How is that?

Mrs Carnell: She is now the senior member for Molonglo.

MR STEFANIAK: She is now. Congratulations. If and when, Ms Reilly, you become Housing Minister, I hope you see as many groups as I do. I like seeing groups. I think it is important to get feedback from the sector, and that is something I have been trying to do. Since I am Minister, I am keen to see the new advisory committee get up and running as soon as possible so that we can have formal meetings. Apart from that, Ms Reilly, I still want to see other people involved in the sector to get their input, to get their views, so that I can take all those into account and so that the Government can take all those into account.

Ginninderra Drive - Removal of Shrubs

MS HORODNY: My question is directed to the Minister for Urban Services. I gave him some notice of this question. I recently noticed that some three-quarters of the native shrubs in the median strip of Ginninderra Drive between Southern Cross Drive and Kaleen had been removed, for no apparent reason. I found this quite shocking as this row of shrubs was quite healthy and contributed greatly to softening the harsh appearance of that major road and also provided some habitat for small birds. Can you explain why these shrubs were removed and why Urban Services staff have not put the same amount of effort into removing the woody weeds along the edge of Ginninderra Drive near Lake Ginninderra and the naval base?

MR DE DOMENICO: I thank Ms Horodny for her question, Mr Speaker. She might have asked the question of Mr Berry because I think Mr Berry had a recent experience with the same area of vegetation. He tried to get his picture taken there but was told not to because they were too dangerous. City Services recently carried out maintenance work on the shrubs on Ginninderra Drive, as Ms Horodny said, to remove vegetation that was overhanging onto the road and causing an obstruction to traffic and knocking cyclists off their bikes. Some old unhealthy shrubs were also removed at this time. The department, I am advised, is currently looking at options for replacing the shrubs that were removed.

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MS HORODNY: I have a supplementary question. Can you also tell me why the department does not make greater use of native grasses for planting on the median strips, because they obviously do not have the same maintenance requirement for watering and mowing?

MR DE DOMENICO: I thank Ms Horodny for the supplementary question. Yes, the Department of Urban Services has conducted trials of the use of native grasses for road verges and other similar areas. It has been found, though, Mr Speaker, that many areas are unfortunately unsuitable for native grass plantings. Some of the disadvantages of native grasses include difficulties in maintenance and in controlling weeds. Native grasslands cannot be consistently mowed, as this encourages weed growth, obviously, which can result in the planting reverting entirely to weeds and exotic grass growth. However, the department uses native shrubs and trees extensively throughout the ACT, and will continue to trial native grasses where appropriate.

School Bus Services and Drug Education

MR MOORE: Mr Speaker, my question is to Mr Osborne, under standing order 116.

Mr Humphries: Come on, Dorothy. Ask the question.

MR MOORE: I am glad Mr Humphries has reminded me. I did give Mr Osborne some notice that I would be asking this question.

Ms McRae: It is a question on notice. That is cheating.

MR MOORE: It is a shame that Ms McRae does not understand the difference between a question on notice and a question without notice. Mr Osborne, you have two items of business on the notice paper. One is to do with the provision of school bus services; the other concerns drug education. Has the Government handled either of these issues in a competent manner? Has it fulfilled its election promise to establish a council for the family, which I am sure you have researched in detail and have made appropriate recommendations to the Government? That would have saved you having to put such notices on the notice paper.

MR SPEAKER: The question is out of order.

Mr Moore: No, Mr Speaker, the question is in order. This question is in order.

MR SPEAKER: No; I am sorry. Questions may be asked to elicit information regarding business pending on the notice paper, but discussion must not be anticipated.

Mr Moore: No, we are not going to anticipate discussion.

MR SPEAKER: It is going to be a very short answer, then, Mr Osborne, is it not?

Mr Moore: No, it is quite within order, Mr Speaker. You listen to Mr Osborne's answer and you will see.

MR OSBORNE: Thank you, Mr Speaker, and thank you, Mr Moore, for that very intelligent question. How very astute of you to notice that I do have two items of business on the notice paper. I thank you for following up on my work there.

Mr Moore: You have to be careful not to anticipate discussion.

MR OSBORNE: I will be very careful not to anticipate, too.

Mr Moore: We know that the Speaker is concerned about this.

MR OSBORNE: Very concerned. The first one, Mr Moore, reflects my concern that Mr De Domenico is being too hasty in cutting back school bus services, and I also felt that he was being a little bit too secretive in this matter. Without being guilty of - - -

Mr Kaine: I take a point of order, Mr Speaker. Is Mr Osborne not already debating the issue?

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

MR OSBORNE: I will explain why I used the word "secretive", Mr Speaker - - -

MR SPEAKER: No, I am sorry; you are debating. You must not anticipate discussion or debate.

MR OSBORNE: No, no. I am just explaining to Mr Moore why I had to go to the trouble of placing this issue on the notice paper.

Mr Moore: That is not debating the issue.

Mr Kaine: Yes, it is.

MR OSBORNE: I am just explaining why I had to put it on the notice paper. That is all, Mr Speaker. I do not lie. You know that.

MR SPEAKER: You are going to have to tread very carefully here, Mr Osborne.

MR OSBORNE: I always do. The reason why I have had a problem with this school bus issue, Mr Moore, is that the Minister's office will not even afford me the courtesy of telling me who is on the school bus liaison committee which is advising him on this matter. That is why I had to place it on the notice paper, Mr Moore. The second item of business, Mr Speaker, concerns the quality and level of education that our schoolchildren have on illicit drug use - I know that that is a topic that is very close to your heart, Mr Moore - and also excess alcohol and tobacco products in the community.

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Both of these issues, I believe, Mr Moore, are very important matters and ones that have significant impacts on families here in Canberra, "families" being the important word there. That brings us, Mr Speaker, to the Government's promised council for the family. Do you remember that?

Mr Moore: I do. I do recall seeing that.

MR OSBORNE: I have to say, Mr Speaker - - -

Mr De Domenico: This is farcical.

MR SPEAKER: The question is now out of order.

MR OSBORNE: Why is that?

MR SPEAKER: Your answer is now out of order. I am sorry. You have now moved over to some other matter relating to families which, I might add, is a matter of Government policy, not yours, Mr Osborne.

MR MOORE: I have a supplementary question, Mr Speaker. When I ask my supplementary question I will draw your attention to the fact that I included in my question a matter of the family. Mr Osborne, did you or, in fact, anyone else actually make a commitment to the family during the election?

MR OSBORNE: Thank you, Mr Moore, and how I would love to answer that question. I certainly - - -

Mr Kaine: I take a point of order, Mr Speaker: It seems to me that Mr Osborne is about to launch into a statement of what his policy was at the last election. I thought policy questions were out of order.

MR OSBORNE: Not at all.

MR SPEAKER: The other point is that questions - - -

Mr Moore: On the point of order, Mr Speaker; I think it is very important to note that standing order 117(c)(ii) says that questions shall not ask Ministers to announce Executive policy, et cetera. He is not a Minister.

Mr Kaine: He is not anything.

Mr Moore: I have asked him a question and I want an answer to it.

MR SPEAKER: I am looking at standing order 117(f), which says:

Questions may be asked to elicit information regarding business pending on the Notice Paper but discussion must not be anticipated;

There is no business on the notice paper regarding Mr Osborne's electoral promises, as far as I am concerned; so the supplementary question is out of order.

Mr Moore: No, Mr Speaker; it certainly is in order.

MR SPEAKER: The supplementary question is out of order.

MR OSBORNE: Mr Speaker, all I want to say is that the Liberal Party - - -

MR SPEAKER: No, Mr Osborne. Resume your seat.

MR OSBORNE: The Liberal Party made a written promise to form a council for the family and they did not do it. That is simple.

MR SPEAKER: Order! Return to your seat, Mr Osborne, or I shall deal with you. Resume your seat.

Questions without notice. I call Mr Osborne.

Kingston Foreshore

MR OSBORNE: Thank you, Mr Speaker. I will ask a question under standing order 116, addressed to Mr Moore. My question is to you, Mr Moore, as the chair of the Planning and Environment Committee. I did give Mr Moore some notice of this question. Mr Moore, I understand that your committee had the Kingston Foreshore Development Authority appear before you a few weeks ago. Is that correct?

Mr Moore: Indeed.

MR OSBORNE: Thank you. At that meeting was there any discussion about the community consultation on contamination within the site? Was there a positive community consultation process regarding these issues? Will your committee continue to monitor the process?

Mr Kaine: On a point of order, Mr Speaker: I understand that what happens within a committee meeting is confidential to the committee. There has been a report tabled which deals with a matter that the committee thinks appropriate to refer to the house. Anything outside of that would be improper for the chairman of the committee to discuss without the approval of the committee.

MR SPEAKER: I uphold the point of order. It seems to me that if you were going to ask the chair of the committee to comment on these things you could at least have had the courtesy to contact the other committee members first to ascertain whether they were happy with the arrangement.

Mr Kaine: Otherwise it can only be opinion.

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MR SPEAKER: And opinions are out of order.

Mr Moore: Mr Speaker, if the committee is unhappy with their chair, they will roll the chair. That is their prerogative.

MR SPEAKER: Just a moment.

Mr Moore: Just allow me to answer the question, Mr Speaker. You allow latitude for those Ministers to answer the question, Mr Speaker. It is appropriate that you allow the same latitude to other members who have been asked a question under standing order 116, Mr Speaker. Otherwise there will be standing orders referred to again and again every time a Minister is asked a question.

Mrs Carnell: Mr Speaker, it is Christmas.

Mr Osborne: Mr Speaker, if it is Christmas - - -

MR SPEAKER: The Chief Minister reminds me it is Christmas. All I can say is that either the elves or the reindeers are loose in here at the moment.

Mr Osborne: Mr Speaker, if it is Christmas, can I answer that supplementary question? Just say yes.

MR SPEAKER: Order!

Mr Kaine: Does anybody else have a question?

MR SPEAKER: Does anybody else have a question?

Mr Moore: Mr Speaker, Mr Kaine has drawn your attention to a possibility that I might inappropriately answer the question. I will not inappropriately answer the question, Mr Speaker, and I think I should be given latitude and the opportunity to do that.

MR SPEAKER: Try me.

Mr Osborne: Mr Speaker, if Mr Moore is allowed to have a go, why can't I?

MR SPEAKER: Order! Resume your seat, Mr Osborne. Order! The house will come to order.

MR MOORE: Thank you, Mr Osborne, for that question. Mr Osborne, allow me to say to you that the Planning and Environment Committee tabled a report on this matter of the Kingston foreshore development. There was a particularly interesting part of a public hearing, Mr Speaker, where the committee was briefed by departmental officials, including people from the Kingston Foreshore Development Authority. They told us that there had been an interesting public consultation process that had occurred on the Kingston contamination site. One of the reasons - - -

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

MR SPEAKER: Resume your seat, Mr Moore.

Mr Kaine: If the events that Mr Moore is recounting actually occurred in a public meeting, could I ask him to table the transcript of the meeting?

MR SPEAKER: You have been asked to table the transcript of the meeting.

MR MOORE: Mr Speaker, I would be delighted to table full transcripts of whatever public hearings we have had, as soon as I get the opportunity, as soon as I can. In fact, if Mr Kaine wants, he can have transcripts of every public hearing we have had, but I think it is a ludicrous question from Mr Kaine. You know it is, Mr Speaker. He is a member of the committee and has access to them, as any member of the committee does. Mr Speaker, I believe it is unnecessary but I - - -

Mr Hird: I raise a point of order. Mr Speaker, I have not seen the transcript that Mr Moore has referred to, like a lot of other people. I think it is reasonable that the transcript that Mr Moore has just referred to be tabled forthwith in the Assembly.

MR MOORE: I am quite comfortable, Mr Speaker, to table any transcript that we have of the public hearings on Kingston-Acton, and to do it as soon as I can. Mr Speaker, one of the interesting things that came out of that public hearing was the issue of contamination. There had been a very good public process which had involved the community and the Conservation Council to ensure that there was agreement between different sectors of the community about contamination in order to allow the development of the Kingston foreshore to occur.

Mr Speaker, it is extraordinary, therefore, that a particular letter should come to my attention, a letter in which the Deputy Chief Minister, Mr De Domenico, has fired a member of that board. Mr Speaker, I will seek to table this letter in a minute, but I will read from it first. The letter is from Mr De Domenico to Ms Jacqui Rees. This is the person who was responsible for organising and coordinating the range of groups involved in that consultation process on behalf of that board. Mr Speaker, the letter, which I will table shortly, says:

It has become increasingly clear that you do not have any confidence in the ability of the Government to manage community consultation surrounding major projects such as the National Capital Beyond 2000 Report or the Kingston Foreshore redevelopment.

Mr De Domenico: She said it publicly.

MR MOORE: You will get your turn, maybe. It continues:

I refer particularly to the comments attributed to you in an article in *The Canberra Times* of 8 December 1996 regarding the former project.

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The project we are talking about is the National Capital Beyond 2000 project. Mr Speaker, the other day somebody indicated that I was quoting selectively. In fact, it was Mr De Domenico. Just to put it in perspective, I shall quote from the article. In fact, I had better go back a little bit further.

MR SPEAKER: Where is the relevance of this to the question, Mr Moore?

MR MOORE: Thank you, Mr Speaker. The question generally is about the Kingston foreshore and the processes. Now, Mr Speaker - - -

Mrs Carnell: Mr Speaker, I do not think that is actually the case.

MR SPEAKER: No, I do not believe so either.

Mrs Carnell: I think it was about what happened in a particular committee meeting, Mr Speaker, and I do not think anything that Mr Moore is now saying is anything to do with the committee.

MR MOORE: Mr Speaker, do you want me to draw your attention to this particular point of order?

Mr Hird: I have a point of order.

MR SPEAKER: Order!

Mr Hird: I have a point of order, Mr Speaker.

MR MOORE: If I can draw your attention to - - -

MR SPEAKER: Both of you, sit down. I uphold Mrs Carnell's point of order.

MR MOORE: No, Mr Speaker, before you uphold the point of order, can I draw your attention - - -

MR SPEAKER: Now you want to take a point of order. I am upholding Mrs Carnell's.

MR MOORE: Can I draw your attention to the fact that time and again in this Assembly you have said to the Ministers who are sitting there that a Minister can answer the question the way they want. Deliver me the same courtesy, for heaven's sake.

MR SPEAKER: I am afraid that that is not so. The question was related to the Kingston foreshore. You are now referring to something that occurred in relation to some committee member.

MR MOORE: Mr Speaker, I am referring to the Kingston Foreshore Development Authority that appeared before us. My intention is to point out to this Minister that, if he does not fix this, then he certainly does not have my confidence and will not have my confidence at next - - -

Mr De Domenico: Well, you move the motion. You move the motion now. Come on.

Mrs Carnell: Mr Speaker, on a point of order: This is quite out of order, Mr Speaker.

Mr De Domenico: Have enough guts to move the motion now.

MR SPEAKER: Dear me! Order!

MR MOORE: I am going to give you enough time to - - -

Mr De Domenico: No. I am not going to change my mind. You move the motion now.

MR MOORE: I am going to give you two months to think about it.

MR SPEAKER: Order! Sit down, both of you.

Mr De Domenico: You move the motion now. You are gutless.

MR MOORE: I will give you two months to think about it.

Mr De Domenico: You are gutless.

MR SPEAKER: Order! Sit down, both of you. Sit down!

Mr De Domenico: Move it now. Go on. I am not going to change my mind, I tell you. You move it now.

MR MOORE: Are you going to name him?

MR SPEAKER: It is interesting. I shall be naming somebody, Mr Moore, and it may very well be you. I am just warning both of you.

MR OSBORNE: I have a supplementary question, Mr Speaker.

Mr Hird: You have had a supplementary question.

MR SPEAKER: No, he has not had a supplementary question.

MR OSBORNE: I have not. Just before I go to that, Mr Speaker, Mr De Domenico called Mr Moore "gutless". I think he should withdraw that. I think it is a terribly damaging - - -

MR SPEAKER: I beg your pardon. I did not catch the word he used anyway.

Mr De Domenico: "Gutless", I said, Mr Speaker.

Mrs Carnell: I think that Mr Moore may have used that this week.

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Ms McRae: I hardly think that is unparliamentary.

Mr Moore: I am happy, Mr Speaker. I do not think it is unparliamentary.

MR OSBORNE: Mr Moore is happy with being called “gutless”. My supplementary question to you, Mr Moore, is this: Given what you have said, it would seem that the Government’s commitment to be consultative really means that they will consult with only people who agree with them, and it was nothing more than an electoral stunt.

MR MOORE: Thank you, Mr Osborne, for the question. Indeed, the message that has now been sent out is that, if you agree with the Government, that is okay; you can come onto their committees. If you disagree with them or you say anything outside of it, then you can expect to be punished by Mr De Domenico and by this Government. That is what you can expect.

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

Disabled Persons - Swimming Lessons

MR STEFANIAK: Mr Speaker, I have received a piece of paper in relation to the question Ms McRae asked me earlier in question time. Ms McRae, I am advised that from the 1997 ACT sport and recreation development program - that is the one that comes to me from the Sport and Recreation Council - \$1,420 was granted to ACT Swimming to conduct a swimmers with a disability learn to swim program. As well as that, in terms of other programs, Ms McRae, you might not be aware, but the Royal Lifesaving Society has, for a number of years - it continues for a few more years under the current contract - conducted learn to swim classes for school students as part of an education program. I have checked with my colleague Mr Hird, who is involved with that organisation. He advises me that that also involves a number of children with disabilities. They gain experience in learning how to swim through the program conducted for schools by the Royal Lifesaving Society.

PERSONAL EXPLANATION

MR DE DOMENICO (Minister for Urban Services): Mr Speaker, in question time, during a question asked of Mr Osborne by Mr Moore - - -

Mr Osborne: What are you explaining for? I did not ask you the bloody question.

Mr Moore: It has nothing to do with him. He can sit down, Mr Speaker. I do not think it is appropriate, if Mr De Domenico has not been asked a question, for him to elaborate anymore. It is inappropriate. It is totally out of order for him to answer a question he was not asked.

MR SPEAKER: Order!

MR DE DOMENICO: Mr Speaker, can I use standing order 47 to make a personal explanation?

MR SPEAKER: It is standing order 46, in fact. It is after the event.

MR DE DOMENICO: Thank you. Mr Speaker, during the course of question time, during a question that Mr Moore asked of Mr Osborne, which may or may not have been in order, but seeing it is Christmas you held that it was in order - - -

MR SPEAKER: Order! You cannot reflect on that, Mr De Domenico. This is a personal explanation under standing order 46.

MR DE DOMENICO: Okay. I take away the reflection. Thank you. Mr Osborne said that - - -

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

MR SPEAKER: What is your point of order?

Mr Moore: Mr Speaker, standing order 46 makes it very clear in its last section that such matters may not be debated. Already Mr De Domenico is debating it.

MR SPEAKER: I will be the judge of that. It is a personal explanation.

Mr Moore: On a point of order, Mr Speaker: Of course, you will be the judge of it, Mr Speaker.

MR SPEAKER: Mr Moore, if you continue to interrupt I will deal with you under standing order 202.

Mr Moore: Mr Speaker, of course you will; but I will point out that it is appropriate for members to rise to draw your attention to when standing orders are being breached.

MR SPEAKER: I will be the judge of that. I have already reminded Mr De Domenico that it is an explanation of a personal nature.

Mr Osborne: Give us as fair a go as you give the Government. That is all.

MR DE DOMENICO: Thank you, Mr Speaker. I will refer to that under standing order 46, if I am not rudely interrupted again, and then you will use standing order 202, I am sure. Considering the legislation that is going to be debated this afternoon, I am sure you will use standing order 202. Mr Speaker, Mr Osborne suggested that he had not been - - -

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Mr Moore: On a point of order, Mr Speaker: I think it is entirely inappropriate for Mr De Domenico to indicate how you should act.

MR DE DOMENICO: Do it, Greg.

MR SPEAKER: Mr Moore, I warn you under standing order 202.

Mr Osborne: On a point of order, Mr Speaker: Why would you warn Mr Moore? All we want on the crossbenches is as fair a go as the Government.

MR SPEAKER: For persistently and wilfully obstructing the business of the Assembly.

Mr Osborne: Yes, but you have not given us a fair go today. That is why we are interrupting.

MR SPEAKER: You are going to be next.

Mr Osborne: I do not care. We have not had a fair go today.

MR SPEAKER: As you will.

MR DE DOMENICO: Thank you for your protection, Mr Speaker. Mr Speaker, under standing order 46 I wish to make a personal explanation because during question time this afternoon Mr Osborne suggested that he was not given a list - - -

Mr Osborne: On a point of order, Mr Speaker: Now Mr De Domenico is saying I am a liar.

MR SPEAKER: Sit down, Mr Osborne. He has not made any such allegation.

Mr Osborne: He said that I said something and it is not true. That is what he was about to say.

MR SPEAKER: Would you mind resuming your seat.

Mr Osborne: He is debating the matter, Mr Speaker. Pull him into line like you pull us into line.

MR SPEAKER: He is not debating the matter.

Mr Osborne: Pull him into line like you pull us into line. That is only fair.

MR SPEAKER: Sit down or I will - - -

Mr Osborne: No; you pull them into line as much as you pull us into line. That is fair.

MR SPEAKER: Mr Osborne, you are also warned.

Mr Osborne: I do not care, Mr Speaker. All we want is fairness on the crossbenches.

MR SPEAKER: Withdraw that.

Mr Osborne: No; we just want to be treated fairly.

MR SPEAKER: I name you, Mr Osborne.

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

That Mr Osborne be suspended from the service of the Assembly.

Mr Moore: Just to clarify the situation under the standing orders, Mr Speaker, I believe that this motion is put without debate, is it not?

MR SPEAKER: It is not open to debate. That is correct.

Question put:

That Mr Osborne be suspended from the service of the Assembly.

The Assembly voted -

AYES, 13

NOES, 2

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

Question so resolved in the affirmative.

MR SPEAKER: Mr Osborne, you are suspended for three sitting hours.

Mr Moore: On a point of order, Mr Speaker: Standing order 165 provides that in case of error the Assembly votes again. The Clerk, in reading out the names, called the name of Ms Follett. Perhaps we should call the count again.

MR SPEAKER: There is no point of order. Mr Osborne, you are suspended from the Assembly for three sitting hours.

Mr Osborne accordingly withdrew from the chamber.

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MR DE DOMENICO: Mr Speaker, under standing order 46: Mr Osborne said during question time that he was not given a list of members of the Transport Liaison Committee by me. I concede that. It is because he did not ask me for one. I now table a list, for Mr Osborne's edification.

PAPERS

MR MOORE: Mr Speaker, during my answer to the question I indicated to the Assembly that I would seek leave to table the letter that I have. I seek leave now to table that letter.

Leave granted.

MR BERRY: Mr Speaker, during question time Mr Humphries referred to a letter that was written by the Chief Minister to the Federal Minister for Territories. I would ask Mrs Carnell whether she would table that letter.

MRS CARNELL (Chief Minister): I do not have the letter with me, Mr Speaker. I understand that I do not have to table a letter that I do not have with me at this stage, Mr Speaker. It was a private letter. I will certainly have a look at it.

Mr Berry: We might move a motion requiring you - - -

Mr De Domenico: Why? Perhaps it is a private letter.

MR SPEAKER: Order!

Mr Whitecross: On a point of order: Last week, in answer to a question I asked Mr Stefaniak, he undertook to table some papers. I wish to remind him that as yet he has not tabled those papers. I am hoping he will.

MR STEFANIAK (Minister for Education and Training and Minister for Sport and Recreation): Mr Speaker, I am sorry about that. I table the following paper:

ACT Government leisure centre and pools - Request for tender,
Tender No. T96505.

STUDY TRIP Paper

MR SPEAKER: I present, for the information of members, a report of a study trip undertaken by Mr Whitecross, MLA, to the United States of America between 13 October and 11 November 1996.

AUDITOR-GENERAL - REPORT NO. 11 OF 1996
Financial Audits with Years Ending to 30 June 1996

MR SPEAKER: I present, for the information of members, Auditor-General's Report No. 11 of 1996, "Financial Audits with Years Ending to 30 June 1996".

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

That the Assembly authorises the publication of the Auditor-General's Report No. 11 of 1996.

OWNERSHIP AGREEMENTS
Papers

MRS CARNELL (Chief Minister and Treasurer): For the information of members, I present amendments to the ownership agreements between me as Treasurer and the chief executives of the following departments: Attorney-General's Department; Department of Business, the Arts, Sport and Tourism; Canberra Hospital; Chief Minister's Department; Department of Education and Training, and Children's, Youth and Family Services Bureau; Department of Health and Community Care; and Department of Urban Services. I move:

That the Assembly takes note of the papers.

As part of the financial reforms introduced from 1 July 1996, departments' chief executives were required to enter into ownership agreements with the Treasurer. These agreements set out guidelines to ensure that the Government receives the best possible return from the resources employed by the department through the efficient and businesslike management of those resources and the prudent management of financial risk to the Territory. The ownership agreements showed each department's budgeted financial statements, including the unaudited financial position at the beginning of the 1996-97 year. These agreements were tabled in the Assembly as part of the 1996-97 budget process.

As the Assembly is aware, some minor changes have been identified in the audit of last year's financial statements. In order to present an accurate picture of each department's financial position, ownership agreements have been amended to reflect the 1995-96 audited outcome. These amendments include both opening balances for 1996-97 balance sheets and cash flow statements, and the flowthrough effects on closing balances. I table these amendments for the interest of the Assembly.

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

SWIMMING POOLS AND LEISURE CENTRES Paper

MR STEFANIAK (Minister for Education and Training): It was Ms Reilly, I think, who asked me a question on this matter. I indicated that I tendered two documents. There is another document as well that I thought was with that tender. It is the groups that actually submitted tenders, which I think she also requested. I am advised that it is appropriate to tender that, and I now formally table that document as well.

FINANCIAL MANAGEMENT ACT Report

MRS CARNELL (Chief Minister and Treasurer) (3.39): Mr Speaker, for the information of members and pursuant to section 26 of the Financial Management Act 1996, I present the financial management report for the period ending 31 October 1996. I move:

That the Assembly takes note of the paper.

I am pleased to present the Territory's financial report for the period to the end of October 1996. The report presents information for both the general government sector and the public trading enterprise sector. The general government sector reports an operating loss of \$57m. This is a \$39m improvement on the budgeted seasonal operating result. This positive result is attributable to revenues being \$46m higher than the seasonal budget, offset by expenses being \$7m higher than budget. Net assets for the general government sector have decreased by \$60m from the beginning of the year. While total assets have increased by \$184m, this is offset by a corresponding increase in total liabilities of \$245m.

The PTE sector has experienced an operating gain before tax of \$24m. This is a \$4m improvement on the seasonal budget. This positive result has been achieved through reduced expenditure of \$5m, offset by reduced revenue of \$1m. Net assets for the PTE sector have increased by \$8m from the opening balance, due to a decrease in liabilities. Capital works full year expenditure is not expected to vary from forecasts. Although expenditure is \$2m lower than forecast for this time of year, expenditure is expected to pick up as more projects move to the construction phase.

Based on this report, the 1996-97 budget limits will be met. A statement of cash flows for both sectors has been provided in this report. In order to present this report today, a total Territory statement has not yet been consolidated. This consolidation will be circulated to Assembly members as soon as possible. The report presents a very positive result for the Territory, and I am pleased to be able to present this report to the end of October to the Assembly today.

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

MOTOR TRAFFIC LEGISLATION
Exposure Draft and Paper

MR DE DOMENICO (Minister for Urban Services) (3.41): For the information of members, I present an exposure draft of the Motor Traffic (Amendment) legislation relating to compulsory third-party insurance, including explanatory notes. I move:

That the Assembly takes note of the papers.

The Government has tabled in the Assembly today a draft exposure Bill, which I will refer to as the Bill, that provides detail of the proposed changes to the current ACT compulsory third-party insurance scheme. The Bill is not the final view of Government, but it does represent our thinking on proposed amendments to the scheme. We are proposing the amendments because this is what the steering committee established by the previous Government to review the ACT CTPI scheme has recommended. It is in response to the findings of that review that the Government has decided to amend the current CTPI legislation to encourage additional insurers into the ACT market. The Government has also accepted many of the recommendations of the review committee, which aim to ensure that the scheme operating in the ACT is fair and effective and provides compensation at an affordable price. The basis of the scheme remains unchanged, in that injured third parties will continue to be compensated for the negligence of another person, with access to full common law benefits.

The key amendments include establishing an interim independent authority to regulate the competitive market and to perform the functions of the Nominal Defendant, although the Government is having discussions with the New South Wales Motor Accidents Authority with a view to contracting the regulatory function to them; separating the purchase of third-party insurance from the registration process, which involves interdicting of a New South Wales-type greenslip scheme that will enable motorists to shop around for the best price, as insurers will be permitted to vary their base premium to reward groups with a good accident history; and introducing measures to improve scheme efficiency through encouraging early investigation and assessment of claims, alternative dispute resolution, rehabilitation, and fraud prevention.

Tabling the amendments as we have done provides for the best possible community consultative process on the proposed changes. I invite the community to comment on the proposed changes by 24 January 1997, preparatory to finalising legislation for the introduction of an amending Bill into the Assembly in February 1997, if I am still the Minister. I expect that the amendments will take effect from 1 July 1997.

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

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PLANNING AND ENVIRONMENT - STANDING COMMITTEE
Acton-Kingston Land Swap - Paper

MR MOORE: Mr Speaker, during question time, when I was not given a reasonable chance to answer a sensible question, I was asked by Mr Kaine to table some papers and that was reiterated by Mr Hird. I am quite happy to do that, but I remind members that at this stage it is an uncorrected proof copy. I think members are aware of how to treat it. I seek leave to table the paper.

Leave granted.

TERRITORY OWNED CORPORATIONS ACT
Papers and Ministerial Statement

MR DE DOMENICO (Minister for Urban Services): For the information of members and pursuant to subsection 19(3) of the Territory Owned Corporations Act 1990, I present statements of corporate intent for ACTTAB Ltd for the period 1 July 1996 to 30 June 1999, ACTEW Corporation Ltd, and Totalcare Industries Ltd for the period 1 July 1996 to 30 June 1999. I ask for leave to make a statement.

Leave granted.

MR DE DOMENICO: I would like to bring the Assembly up to date with some important developments that relate to the Government's Territory-owned corporations, each of them a successful business. By way of background, the Territory Owned Corporations Act 1990 requires that when a government business enterprise has been corporatised it must provide a statement of corporate intent annually. ACTTAB Ltd is the latest ACT Government business to be corporatised - an event that occurred earlier this year. I therefore take great pleasure in tabling ACTTAB's first statement of corporate intent, and similar statements for 1996-97 for ACTEW Corporation Ltd and Totalcare Industries Ltd.

ACTTAB has a new direction. It is moving into an area that will see significant improvements on returns to the Government, the racing industry and the community. ACTTAB will upgrade technology in betting outlets and explore new betting pool links and gaming products. The new arrangements establish a framework whereby ACTTAB has a much greater commercial focus, coupled with the ability to respond quickly to the market and new developments in gaming. I recall that during question time Mr Berry found it difficult to understand why we would have to see what New South Wales did in terms of the TAB. I note that the New South Wales Labor Government has recently announced its intention to privatise its TAB.

ACTEW Corporation, which is already chalking up some impressive achievements by seeking and gaining work outside the Australian Capital Territory, will continue its quest for diversity and bigger market share. ACTEW's statement of corporate intent for 1996-97 says that the corporation will continue to provide cost-effective water, sewerage and electricity services to the Canberra community. ACTEW has been very much a success story since its corporatisation, and its statement of corporate intent indicates some of ACTEW's innovative approaches to new markets.

The year has also been a big one for Totalcare Industries, which will assume even greater responsibilities from 1 January 1997. Totalcare staff numbers will expand from 240 to almost 800 as a result of 560 employees being transferred from the Works and Commercial Services Group of the Department of Urban Services. This will usher in a new era for Totalcare, with increased responsibilities and a sharper competitive focus to its new business activities. From being an organisation whose main activity was running the ACT's largest commercial laundry, Totalcare can look forward to a bright future in an expanding commercial environment. I will table an amended statement of corporate intent for Totalcare when details and forecasts for the business units of Works and Commercial Services have been finalised.

Although the tabling of these statements of corporate intent can be said to be merely procedural, to comply with subsection 19(3) of the Territory Owned Corporations Act 1990, they are in reality much more than that. They are all evidence and proof of what government businesses can achieve when they are established in a framework that requires a more commercial focus where roles and responsibilities between government and its businesses are clearly defined. Importantly, the statements of corporate intent provide to the Assembly and the community plans for which the businesses are totally accountable. This ensures that the community interest is not only thoroughly monitored but also thoroughly protected.

MEDIATION LEGISLATION Exposure Draft and Paper

MR HUMPHRIES (Attorney-General) (3.48): Mr Speaker, for the information of members, I present an exposure draft of the mediation legislation, together with explanatory notes, and I move:

That the Assembly takes note of the papers.

In light of the time, I also seek leave to have my presentation speech incorporated in *Hansard*.

Leave granted.

Document incorporated at Appendix 5.

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

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**LAND (PLANNING AND ENVIRONMENT) ACT -
PUBLIC ENVIRONMENT REPORTS
Papers**

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (3.49): For the information of members and pursuant to section 132 of the Land (Planning and Environment) Act 1991, I present public environment reports, together with the relevant assessment, any notice given under sections 129 or 130, and any report, comment or written information submitted under sections 127, 129 or 130, for three proposals: The proposed soccer stadium and associated facilities for the Belconnen Soccer Club on section 71, McKellar; the proposed Tuggeranong Hyperdome extension; and the proposed Woden Plaza redevelopment. I move:

That the Assembly takes note of the papers.

Pursuant to section 132 of the Act, I am now tabling that information, together with my evaluations of those three public environment reports. The three reports are the three I have just mentioned. In each case, my evaluation includes an assessment of the adequacy of the report, a statement of any environmental impacts which I identify, reports of the round table conferences held, and my recommendations for any conditions subject to which the proposals might be approved.

The PER on the McKellar proposal was submitted to my delegate by the proponent on 8 November. The PER prepared by Gutteridge Haskins and Davey on behalf of the proponent adequately identifies all environmental impacts and means for amelioration of the proposal. Both the Concerned Residents Network and Ms Horodny raised concerns about a number of legal issues. The first of these was the fact that the expanded scoping direction was not gazetted. Legal advice is that this second direction was not required to be gazetted, and it is important to note that, as the revised requirements arose out of the round table conference process, all interested parties were aware of them.

There was, however, a technical problem relating to the identification of objectives in the PER which was drawn to my attention by the Concerned Residents Network. In response, I sought a revision to the PER, which has now been made. I understand that the PER, as now revised and tabled, complies with the provisions of the relevant legislation, including the regulations. I also obtained advice from the Attorney-General's Department on the concerns raised by Ms Horodny and some community groups about the consideration of the alternatives. This advice confirms my own judgment that the PER is adequate in relation to this aspect because none of the proposed alternative sites identified by the community was viable in terms of the proponent's objectives.

I understand that during the last round table conference a concern was raised about some documents. The documents in question refer to correspondence between a consultant and the proponent about the assessment of the alternative sites. I have seen the documents, Mr Speaker. I, too, had a concern. However, my role in this process is assessing whether the evaluation has responded to what is set out in the scoping and the regulations. As I said earlier, my judgment is that the PER is adequate, and this is confirmed by the legal advice I mentioned earlier. As it were to clear the air, I think documents should be made available, and I seek leave to table them.

My evaluation report recommends that the granting of a lease to the Belconnen Soccer Club be approved, subject to 32 conditions outlined in my evaluation report of the proposal. The main conditions relate to parking and traffic, where I have recommended a review before stage 2 of the development be carried out; relocation of wetlands; maximum capacity; noise, where I have made several recommendations about noise attenuation measures; the types of loudspeakers to be used; the location of windows in the sports hall; siren use; days of operation and so on; and the monitoring of impacts generally. These recommendations were designed to protect residential amenity and environmental quality, at the same time as allowing for a first-class soccer centre and associated facilities to be built.

I wish to thank the Assembly members for their thoughtful contributions to last Thursday's discussion of the proposal and to confirm that all issues raised were taken into account before I made my decision. The evaluation of the PER and attached documents addresses all these issues in detail. I also wish to thank community groups for their involvement in the process. It was a long and difficult process, but I thank them for the time and effort they put into that.

As you would be aware, the process has been a long and arduous one. Due to the thoroughness of the scoping of further work, the high level of professional expertise in the preparation and evaluation of the work and the openness of the process, I am confident that all impacts and concerns relating to the proposal have been more than adequately investigated. On this basis, I share the view of my colleagues Ms McRae and Mr Moore that the proposal should now proceed without any further assessment. I acknowledge that there remain some members of the community who do not wish the proposal to proceed. I can assure these people that the very stringent recommendations I have made in relation to this proposal will protect their amenity as much as possible. I think it is also important to recognise that this has been a learning process for all the parties involved and that the lessons learnt will allow the more efficient processing of such proposals in the future.

Mr Speaker, I turn now to the proposed expansions of the Tuggeranong Hyperdome and Woden Plaza. These reports were lodged with my delegates on 3 October and 31 October, respectively. As both involve significant expansion of retail malls and town centres and each impacts on the viability of the other, I believe that it is appropriate to respond to both projects at the same time so that the community, the proponents and the Assembly can understand the context in which I have made the recommendations on each.

It may be helpful to briefly traverse the history of these proposals. The Hyperdome proposal was lodged in 1995, and I directed further assessment in the form of a public environment report in January 1996. After that process had commenced, an application was lodged for the expansion of Woden Plaza in April 1996, and further assessment was required in May 1996. The PER for Woden Plaza was asked to look at the proposal in the context of the proposed development of the Hyperdome, although the Hyperdome PER was not subject to a similar requirement because of the timing of the direction for further assessment. In total, the two proposals, if approved in full, would involve approximately 38,000 square metres of additional floor space in the two centres - approximately 16,500 for the Hyperdome and almost 22,000 for Woden Plaza.

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The higher figure for Woden Plaza reflects the fact that approximately 5,000 square metres of floor space in the current lease is not currently in use for retailing. The lessee's proposals involve using this entitlement, together with approximately 17,000 square metres sought in this application.

Both the Government and the Assembly are acutely aware of the issues surrounding retailing in Canberra at present. The Government's retailing strategy, released earlier this year, is an approach to a complex set of issues where we need to balance a commitment to the benefits of the retail hierarchy for all ACT residents with the need for a flexible approach which responds to changes in community needs and preferences. We are all aware that changes in working hours and employment participation rates have led to an increasing reliance on town centres for food shopping, which was originally concentrated in local group centres. Nevertheless, we are also conscious of the need to retain accessible and convenient shops for those members of the community who cannot readily access the larger town centres.

In both cases, the further environmental assessment required in the form of a public environment report was to respond to the issues of economic impacts, social impacts, traffic and parking, and the overall scale of development proposed. In the case of the Hyperdome, these elements were supplemented by the need to look at access, because the proposal involves closing a significant road access. In relation to the economic impacts, I do not believe that it is the Government's role to intervene directly in the development approval process simply to protect existing retail from competition. On the other hand, it would be irresponsible for the Government to allow expansions of a magnitude which could potentially alter the overall retail structure of the city or run the risk of rendering existing local centres unviable.

I turn to the detailed evaluation of the PER for the Hyperdome. The proposal involves a total of 16,300 square metres retail, including a discount department store of approximately 7,000 square metres, almost 6,000 square metres of specialty shops, with a balance of mini-majors and minor expansion of the existing supermarket. The Hyperdome proposal does not involve any new supermarkets, but will improve their attractiveness and accessibility by relocation. I have made several recommendations as a result of the work contained in the PER. In particular, I am concerned to ensure legible and safe access for pedestrians and to ensure that the community uses, such as the child-care centre, remain adequate.

The PER argues that the primary and secondary trade area for the Hyperdome will support the level of expansion proposed without unacceptable impacts on other town centres and the group and local centres in these areas. As I mentioned earlier, this analysis did not look at the combined impacts of both Woden and Tuggeranong. In these circumstances, my evaluation has had to rely on the advice of the Planning and Land Management Group. Their advice, based on their own modelling using the Ibecon model, endorsed by the Government as part of our retail strategy, is that the magnitude of the proposal would have unacceptable impacts on local centres in Tuggeranong. However, their report recognises that there is a relative undersupply of retail space per capita in the Tuggeranong primary trade area and that the Tuggeranong Town Centre's location as an outboard centre also inhibits its ability to retain as high a percentage of district retailing as other town centres.

In the light of this advice and bearing in mind the need to steer between the inflexibility of a highly planned and rigid approach to retail and the recognition that development approvals are one of the mechanisms available to the Government for it to achieve the goals of its retail strategy, I recommended that a staged approach to this project be adopted, with approximately 13,000 square metres able to be built now, with a second stage to be approved once the population of the primary trade area reaches 97,500 people. That, Mr Speaker, is a reduction of about 3,800 square metres of what the Hyperdome originally sought for immediate commencement.

At this stage, as the Government's strategic plan *Canberra: A Capital Future* shows, there is considerable variation in population projections. It is for this reason that I propose that we rely on a population figure rather than on a particular date. I am also convinced that a recommendation that envisages the full extent of the - - -

Mr Moore: On a point of order, Mr Speaker: I believe that Mr Humphries has reflected on a vote of the Assembly. The Assembly very clearly considered the *Canberra: A Capital Future* to be not a strategic plan, and sent it back to the Government, saying that that is exactly what it was. Mr Humphries's comment is quite clearly a reflection on the vote of the Assembly. You can call it by its title; nothing else.

MR HUMPHRIES: Mr Speaker, I do not propose to enter into that debate at this hour of the day, so I will say at this stage that, as the Government's proposed strategic plan *Canberra: A Capital Future* shows, there is considerable variation in population figures - - -

Mr Moore: On a point of order, Mr Speaker: I think, if Mr Humphries wants to make it clear, what he should do is simply use the term *Canberra: A Capital Future*. Nobody can argue with that. It is not a strategic plan, it is not a proposed strategic plan, and that has been decided by the Assembly. He is reflecting on the vote of the Assembly.

MR HUMPHRIES: I think this is pedantry personified, Mr Speaker; but I will withdraw the words "strategic plan", if it satisfies Mr Moore. (*Quorum formed*)

Mr Speaker, I am convinced that a recommendation that envisages the full extent of the ultimate approval is helpful both for the proponent and for other market players, who can factor the future extent of the proposal into their investment decisions. I think it is fair to say that the proponent, Leda, would have preferred an unstaged approval. Since PALM staff advised them of my evaluation, which I concluded late last month, they have discussed a number of proposals with PALM staff and have now made a formal alternative proposal in writing. I should indicate that, if Leda came up with a proposal which achieved the same reduction in adverse impacts on local and group centres as my recommendations do, the Government would be happy to consider them.

The situation in the proposed redevelopment and refurbishment of the Woden Plaza is even more complex. The existing plaza is over 25 years old. The supermarkets are small by the standards now sought by national supermarket chains, and their location is poor. The main elements of the Woden Plaza proposal are relocation and expansion of the two existing supermarkets to a total of 7,700 square metres, a discount department store of

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7,400 square metres, approximately 6,200 square metres of specialty shops, and some new mini-majors, to a total capacity of 22,000 square metres additional floor space. The population of the Woden Plaza primary trade area is ageing and is predicted to decline over the next few years, although the population of the total of the secondary trade area is still growing. PALM's assessment is that the primary trade area has an oversupply of retail space per capita, although some of the space is of a lesser standard than that in newer centres.

The PER includes a very thorough assessment of economic and social impacts. It indicates that the Woden Plaza proposal without the Hyperdome would have negative impacts on the Civic and Tuggeranong town centres of over 10 per cent in the short term and a similar magnitude of impacts on several surrounding group and local centres. These figures are of particular concern because they were calculated on 1994 population projections, which have been revised down twice since then.

As I said earlier, population forecasts are prone to change; but we can be fairly clear that, to be viable, the full expansion would impose significant impacts on Civic and adjacent group and local centres for some years. Lend Lease, the proponent of this proposal, may claim that many of the impacts are not attributable to their proposal and arise only because of the direction to consider the proposed project in combination with the Hyperdome proposal. However, the figures in their PER do not bear this claim out. If both proposals are approved in full, the impacts in group centres apart from those in Tuggeranong remain similar, with the negative impact on the Hyperdome reversed and a 2 to 3 per cent increase in the adverse impacts on Civic. This analysis is borne out by modelling, using the Ibecon model, with the only significant differences being assessed greater impacts on the Curtin group centre and the local centres at Lyons, Garran and Hughes, and into South Canberra suburbs such as Deakin and Red Hill.

As the Assembly knows, the Government's strategic plan emphasises the importance of Civic as the metropolitan centre for Canberra and its region.

Mr Moore: On a point of order, Mr Speaker: The Government does not have a strategic plan. That is reflecting on a vote of the Assembly.

MR HUMPHRIES: Mr Speaker, as the Assembly knows, the Government's proposed strategic plan - no - the Government's drafted strategic plan - - -

Mr Berry: The document entitled "strategic plan".

MR HUMPHRIES: The Government's document entitled "strategic plan"? Yes, it was that. Mr Speaker, I think that is a fair description. What the Government's document entitled "strategic plan" emphasises is the importance of Civic as the metropolitan centre - - -
(*Extension of time granted*)

In the circumstances, I recommend that the project not be approved in full at this stage. I have recommended a first stage, involving relocation and expansion of the supermarkets and an increment of 11,000 square metres over the existing size of the Woden Plaza. That is approximately half of what was being sought for immediate approval, Mr Speaker.

My evaluation discusses some options Lend Lease have to achieve this in terms of their current preferred design; but it would obviously be a matter for Lend Lease to decide whether this approval would involve their seeking to change the proposed layout for the centre.

I have also recommended that the second stage, including the proposed discount department store, be approved only when the population in the primary and secondary trade areas reaches 207,000, which at this stage is not expected until early next century. As retail expansion is currently increasing at a faster rate than population, I have, however, indicated that if the population target is not reached by 2002 the target should be reviewed in the light of existing retail expansion at that time.

I commend both evaluations to the Assembly, knowing that they reflect a careful balance between the Government's responsibility to the broader community to protect the retail hierarchy, and so promote accessibility, convenience and choice, and the need to ensure that rigid and inflexible decisions do not inhibit the retail market from responding to improvements in our economic circumstances.

MR MOORE (4.07): Mr Speaker, I rise specifically to address my comments to the development of the Lend Lease proposal in Woden. I think it is very unfortunate that what the Minister seems to be indicating to the proponents is that they can go ahead and carry out a restricted development - I accept that Mr Humphries has not said, "Yes, you can go ahead and do all your development" - on a piece of land which one would have to question is theirs, in this sense. In terms of our leasehold system, it is not their land for this kind of use. It is their land, and has been for only two years, for use as a car park, into which they were committed to put large sums of money.

Mr Speaker, I tabled some documents in this Assembly last week, at the end of the last sitting, that identify quite specifically those large sums of money. Members can look at those documents. You, Mr Speaker, indicated that specific financial clauses should be struck out of those documents, in the public interest. I have not commented on those figures, apart from one on which I asked a question before you had indicated that you were going to do that, Mr Speaker. What we have is a situation where this community allowed Lend Lease to take control of a piece of land - - -

Mr Humphries: Mr Speaker, I rise on a point of order. I am aware of Mr Moore's concerns about the car parking at Woden; but my advice is that the approval I have given does not necessarily carry with it the approval to use the car parks that Mr Moore refers to. It is possible that this approval could be carried through in full without touching the car parks that Mr Moore is concerned about. Therefore, what he is saying is irrelevant to this debate.

MR MOORE: Mr Speaker, my comments are not irrelevant to the debate at all. We are talking about an approval for a supermarket. We are talking about a proposal for how to implement this development, which has been shown publicly to spread over a car park. I will take into account Mr Humphries's point that, indeed, it may progress in a different way from that. I will elaborate on that point. Lend Lease has what most of us

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consider to be a car park around the other side. It is being used as a car park, but it already has a number of other uses which may well be consistent with what Mr Humphries allows. I am just speaking off the top of my head. I am happy to be corrected. As I recall, the other lease includes theatres and so on.

Mr Humphries: Yes, but it has changed, Michael. It is half now.

MR MOORE: Mr Speaker, if Mr Humphries wants to correct something, there are standing orders that provide him with the ability to do that.

I think it is very important at this stage that we do not send a message to Lend Lease, or anybody else, that there is a piece of land upon which you have a right to do a particular task and you might be able to use it for something else.

Mr Humphries: I am not doing that.

MR MOORE: I am just clarifying that that ought not to be the case. What we should have is a situation where the Minister, appropriately, under the Act, goes through a process - I have not been critical of this process yet - that approves an expansion of retail space.

Now it is time to criticise that process. Mr Speaker, the expansion of retail space, to an outsider looking in, is a most extraordinary thing. On the one hand, we have this Government restricting retail hours in order to protect small businesses, supposedly. On the other hand, they allow a significant expansion of retail space and - - -

Mr Humphries: We have halved it.

MR MOORE: Mr Humphries says, "We have halved it". No, you have not halved it.

Mr Humphries: Yes, we have.

MR MOORE: What you have done is halve what they proposed. There is a very big difference. The logical thing for anybody else to do from now on - knowing that you are going to say, "We halved what they proposed" - is simply to put in an ambit claim.

Mr Humphries: That is not the way it works, Michael, and you know that.

MR MOORE: I accept what you are saying. I accept that you have halved what they proposed. I am not debating that. I think that is a step in the right direction. To allow expansion of retail space, as you are doing, is clearly going to have an impact on small business and the small retail centres.

Ms McRae: They are going to have more of them in there. They are actually going to have greater opportunities. Get your facts straight, Mr Moore.

MR MOORE: I hear a voice from the wilderness over there - one of the few left - making some comments, Mr Speaker.

Ms McRae: Being polite enough to listen most of the time.

MR MOORE: The nice part is, Mr Speaker, as Ms McRae says, that she is actually here listening, unlike many of my other Assembly colleagues; but we will bring them back down in a minute.

Mr Speaker, it seems to me that we have to be very careful not to send a message to anybody, and to make sure that the message is not sent, that they have a right to a particular piece of ground that is not theirs for this particular use. I hope that representatives of Lend Lease will take note of that. Mr Speaker, since I tabled those documents, Lend Lease has written to me and has asked for a time to meet, which I am delighted to do. I will be happy to listen to them. Nevertheless, I am going to make it very clear that it is my perception that, when a lease is granted for car parking, it is granted for car parking. I want to make it clear, as a second perception, that, if the community considers it entirely appropriate that that area be developed for something else, then it should go to public auction or through an expressions of interest process, where it is not narrowed to a particular interest.

I am not picking on Lend Lease. I am talking generally. In all our town centres, why would we allow control of our town centres by one particular group? It is entirely inappropriate, Mr Speaker, unless it is the market forces that do it. In this case, we have land that we own that we have leased to Lend Lease for the last two years in order to run a car park. If we decide that it is appropriate to have a further expansion in terms of retail space, then it is appropriate for other would-be interests in the market to say, "Yes, I am interested in that. I will put up my hand. I am prepared to bid for that". That is how we get the best return to the Territory, because we are the landlord.

Not only do we get the best return to the Territory, but we also get competition. For the drier economic rationalists amongst us, competition is the most appropriate way to ensure the healthiest return. As a general rule, I think that having healthy competition is the right way to go. It is appropriate for us, in some circumstances, while we have competition, also to put into that competition just a few regulations and barriers, to ensure that we do not go completely down the competition line. That tends to be what all members of the Assembly have been involved in. We have different views sometimes about where those barriers should be. Nevertheless, it is appropriate to regulate to protect those who have difficulty protecting themselves. Indeed, Mr Speaker, I would argue that amongst those who have difficulty protecting themselves are those who are in small supermarkets in the suburbs.

Ms McRae: And what are you going to do to make the shoppers go there? Just what are you going to do to make me shop at my local shopping centre?

MR MOORE: Mr Speaker, Ms McRae asks what I am going to do to tell people to go and shop in their local centre.

Ms McRae: Pass a regulation?

MR MOORE: Mr Speaker, Ms McRae listens, but unfortunately she does not hear, or she does not understand - one of the two.

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Ms McRae: It is really sad how dumb I am, is it not?

MR MOORE: It is a very sad case when somebody has a little bit of knowledge but no understanding. Mr Speaker, what we have is a situation - - -

Mr Humphries: Mr Speaker, on a point of order: I think those comments were very patronising, if not out of order.

MR MOORE: Yes, quite deliberately so.

Mr Humphries: I would ask Mr Moore to consider withdrawing them, not so much in terms of the standing orders, but in terms of good taste.

MR SPEAKER: I cannot rule on that point of order, but I do take the point you are making.

MR MOORE: You certainly cannot, Mr Speaker. Three options came out as a consequence of the analysis. The first one of those is for Mr Humphries to talk about a staged process. Mr Speaker, I must say that, if the process is going to occur at all, then that is the appropriate way to go. But it is very important for us to step back from this - in the same way as you stood back, in one sense, from Manuka, although that still has a long way to go - and say, "What are we going to do about the sites? Are we going to allow an individual" - in the case of Manuka, it was Woolworths - "to have this site?". The overwhelming community opinion is that they should not have an automatic right to the site. That is what I am talking about. It is exactly the same thing.

The Minister should make it clear to Lend Lease, so that they do not spend more huge amounts of money, that they do not have an automatic right to that site. It would be just as bad to say that they have no right to that site. If, indeed, it is appropriate that we consider that it be developed, then they should have a right to bid, along with other people, for that site or to put up a series of proposals, through expressions of interest, in which case their proposal may well outrun a series of others. That may well be a better way to do it and may be a more effective way to get the best possible option for the Territory. So, Minister, in approving the process, I think there are other issues that need to be taken into account which, as you correctly pointed out earlier, parallel what you have done here. But they cannot be ignored at the same time.

Mr Speaker, I have taken the opportunity to respond at this time because we are not going to be sitting for another six or eight weeks and things may well have progressed beyond this. So, I think it is appropriate that I take the opportunity to speak on these things at this stage to make it clear where I stand and to encourage the Government to use, at the very least, the sort of process they would use in Manuka. Even though I object to the expansion of retail space, I am accepting that and saying, "Now let us go through an appropriate process. Do not give people the impression that they are likely to have access to a particular lease that is not theirs to be used for this particular purpose".

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

**HERITAGE COUNCIL - ANNUAL REPORT
Paper**

MR HUMPHRIES (Attorney-General and Minister for Arts and Heritage): Mr Speaker, for the information of members, I present the 1995-96 report of the Heritage Council, which was circulated to members in September when the Assembly was not sitting.

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

Debate resumed from 21 November 1996, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MS McRAE (4.20): Mr Speaker, the changes in this Bill that we are about to debate today result from the extensive review done by Stein, the Mant/Collins review and the work of the Red Tape Task Force and, as such, reflect a great deal of work and thought about land and planning in the ACT. The changes are not necessarily Labor's changes - although we will be supporting a great number of them - but they are, in our opinion, logical changes that come from this range of reviews. They put in place, in a legal framework, management structures - - -

Mr Moore: On a point of order, Mr Speaker: Apparently, there is no quorum in the house. For the information of members, Mr Speaker, let me say that I will be calling for quorums right throughout the afternoon. I will ensure that there is a quorum in the house. (*Quorum formed*)

MS McRAE: What this Bill does is put in place, in law, changes that reflect very good management structures, the conduct of preliminary assessments, the granting of leases and their renewal and the charges related to that, the processes of notification and the provision for their enforcement. Most importantly, it will put in place the role of the Commissioner for Land and Planning, which I think is a breakthrough in the management of land and planning in the ACT. They are changes that come about now, after eight years of self-government, and they reflect extensive inquiries and a great deal of history, testing and experience with the management of leases and land in the ACT since self-government.

As I have said, they are not necessarily changes that Labor might have put in place; but they have a logic of their own, they have substance, they have backup and they have the backing of extensive public inquiry. Overwhelmingly, what we have been hearing from the general public, from everyone who is concerned with the management of land and leases in the ACT, is that what people want most of all is openness, fairness and predictability. They do not mind restrictions placed on the management of our leases, they do not mind restrictions placed on what can be built where; but they want to know what you can do, where you can do it, in what time it can be finished and what the timeframe is for the whole thing. This is the message we have been getting overwhelmingly from the community.

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What Stein tried to put to rest was all the conspiracy theories that reigned; but, unfortunately, even an extensive inquiry such as Stein's could not quite put them to rest, although there was absolutely no finding of corruption or misdeed. In fact, I think that some of the chief bureaucrats were extremely badly treated as a result of the insinuations about the Stein report, as opposed to the correct findings. It was not a thorough investigation of those allegations, and for that I am sorry; but what it did show was where the levels of anxiety in the community come from and the reasons for the persistence of these notions of collusion and conspiracy. What we are seeing today is the correct outcome from that analysis - to put before the public, in the form of legislation, exactly what the processes are, how long they are going to take, who is responsible and how they are going to be dealt with if there is any form of appeal.

This is a solution for 1996. It is a solution that takes us into the future, not one that tries to peg us back to 1956, when we were primarily dealing with greenfield development and not with the complexities of the demands that are being put on leases, land, buildings and the whole management of the ACT. We believe that the formation of the PALM Group and putting into legislation the process of pre-application and then the process of application for development typify the sorts of changes that we need for 1996 and the future and move us forward from the romantic notion that land was so wonderfully managed back in the good old days.

Overwhelmingly, I believe that this legislation is trying to achieve something that is well covered by a very contemporary buzz word, and that is "outcomes". This legislation, in our opinion, focuses on outcomes: Where do people want to go, how are we going to get there, who is in charge, who is in the way, and what do you need to go through to get there? It squarely puts the responsibility for those final decisions and their evaluation on the people who rightly should have that responsibility - the Minister; the Government; the Assembly, in some cases; ultimately, if there is a problem, the Commissioner for Land and Planning; and, if there is another problem, the AAT. The whole process is transparent. There is no hiding. People who are responsible are publicly responsible and publicly accountable, and their responsibilities are clearly spelt out.

What we want from this legislation and what we believe it will deliver to pretty well a satisfactory extent is leasehold. This is Labor's view of what we want. That is what we would be looking to this legislation and subsequent legislation to amend the Land Act, which we know will be coming next year, to deliver. We want leasehold. There is no question of that, and there is no question of stopping that. We want leases to be granted properly, to be regranted properly and to be managed properly. We want the Territory Plan adhered to, correctly and openly. We want our community rights protected in such a way that the community feel secure about their right to protect their rights, as well as actually having their rights protected.

We want a Minister who takes responsibility and is able to argue - in the way that we saw today, with full public disclosure - his decisions, why he made them and the information that led to the decisions that were made, in such a way that the general public can feel secure that there is no possibility of decisions being made that are not in accord with the law. We want an arbitrator. We are getting one in the Commissioner for Land and Planning. We want a final umpire, which is the AAT, should things not go according to

people's liking. Within that, we are confident that the restrictions that are being put on the people's rights to appeal are correct. There is plenty of room for objection, and every objection is going to be taken seriously. It is going to be responded to and be offered a correct and serious place. I think, with that in line, objectors will have an opportunity to have their cases stated and dealt with. Then people who are adversely and severely affected will be able to appeal. We think that this is a correct and open process.

Above all, we are comfortable with this legislation so far, because it is 1996. It is not 1956 anymore. We are dealing with a city that is being redeveloped and finalised, not opened up. We are dealing with far more complex problems than ever assailed the first managers of leases in the ACT. We are dealing with people who have invested millions upon millions in their buildings and who are looking at being able to stay in this city, feeling that they are wanted, that their money is gladly taken and that they are praised for the input they give, rather than constantly being pointed to as some sort of scurrilous double-dealers, as we have heard today.

We think that this legislation will make it more secure for investors, in that they will know exactly what processes are to be followed, who is to be involved, what is required under the Territory Plan, what is required under the Land Act and how they are to be dealt with at every stage of the proceedings. What we are doing today is managing change and focusing it on the future. We have shaken out the leasehold system. We have shaken out the administration of the Territory Plan and our Land Act. We have taken the place of the Assembly, the place of the Minister and the place of land and lease management to its right place - to legislation.

Many people have criticised the Mant/Collins review for daring to suggest that lease management and planning - planning, in particular - is inherently a political process. I want to put on record that I believe that that is a very true statement. It is inherently a political process. To me, that means that we, the elected representatives, have to take responsibility for the decisions that we take, and we rise and fall on those decisions. I do not think that those decisions become lesser decisions because they are made after advice from a bureaucracy rather than from some statutory planner. What I am looking at is the process - where we begin, where we end, who is responsible and how they are accountable for that responsibility.

I will hear lots of argument about what we have lost. I will hear lots of argument, I am sure, about why it is so damaging to the Territory to lose statutory positions. I take no interest in any of that. What I am interested in is outcomes, accountability, openness of process and certainty. So far, this legislation meets my tests and Labor's tests. Locally represented members must be responsible and accountable. If we charge someone with being a Minister, that Minister must be accountable and responsible and must not shirk making the decisions that have been made by other people. I think perhaps Stein got some of his inquiry a little bit wrong, in that he did not pay sufficient attention to the political process and the responsibility of politicians versus the bureaucratic process. This legislation goes some way to putting into place the types of protections that our bureaucracy deserves and the removal of protections that our elected members do not deserve. We are here. We must be scrutinised for the decisions we take. We must take responsibility for them and not hide behind some process that is not openly accountable here. I believe that this legislation offers a way forward.

Labor is willing to support this Bill today, not because of all the conspiracy theories that have run amuck in the community and not because we believe that the Liberals have good answers - they have not, to an awful lot of things - but because we believe that this is an open and transparent process that is being proposed for the planning and management of land in the ACT. It does the following things that make it transparent: It puts into legislation the pre-application process, which was the subject of so much unfortunate comment in Stein. I will not accept for one moment that there was any corruption or any collusion, yet that was the insinuation that was made. I believe that the pre-application processes and the processes that were being negotiated before the inquiry were quite proper and helpful processes, in which bureaucrats were involved in trying to get the best outcome for the Territory. Without this sort of legislative protection, they were open to accusations of improper conduct - which were never verified, yet which still hang around.

This pre-application process that is now in legislation has already been tested and found to work. It puts into place quite clearly a way in which a proponent can come and find out what is possible, how it works, what they will have to do, what they cannot do, what barriers there are and how to get through them. It makes the decision process open beyond that. It offers the proponent a clear-cut path for the sorts of things that the proponent must do before a decision is finally reached. By putting it into a pre-application process, a proponent can then enter the process of a development application knowing full well what is to come, without any guarantee whatsoever that they are going to get the tick or are not going to get the tick. They were never given it anyway, but they were always left open to the suspicion that maybe somebody got something through because of something they said to someone along the way.

This makes the process transparent, open and absolutely straightforward, and no-one can ever be accused of falling outside it, unless they actually do. It creates a new and very important position. In creating the position of Commissioner for Land and Planning, it opens up the possibility for a circuit-breaker, which we have never had before. This position allows objections to be heard and dealt with. It allows decisions to be reviewed. It allows for an absolutely outside person. We have never had this position before. I think it is a breakthrough and a very intelligent solution to a very complex problem. It puts into the proper place, I believe, appeal rights and how they should be dealt with.

Overall, Labor finds that the legislation is the first step in dealing with the range of serious issues that were raised in the report into the administration of the ACT leasehold, in the Mant/Collins review and in the work of the Red Tape Task Force. It is taking seriously what both the community and the business sector want. I think it offers an intelligent way forward to deal with lease and land management for our future, rather than trying to link us to some past structures which no longer serve the emerging needs of the ACT.

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

That the debate be adjourned.

The Assembly voted -

AYES, 3

Ms Horodny
Mr Moore
Ms Tucker

NOES, 11

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

Question so resolved in the negative.

MR MOORE (4.43): Mr Speaker, some would argue that my moving the adjournment of the debate was a filibuster. Indeed, it was not. It was a very important part of what I would like to achieve. Mr Speaker, this Bill is a sprawling, convoluted collection of changes to our planning laws. This Bill of 127 clauses, together with at least 70 amendments to be moved by the Minister and other members as well as by me, is being debated in the pressurised atmosphere of a last sitting day. It calls into question our own professionalism as members of parliament. I will be arguing that it is grossly irresponsible for us to proceed with this Bill today. However, if members insist on continuing the debate - and I understand that they will - I will be doing my best to ensure that any legislation which emerges from this appalling procedure will do the least possible damage.

Mr Speaker, it gives me pleasure to speak following the incredible doublespeak from the Labor Party. It can be described in no other way, as we seek to protect community rights, we seek to protect leasehold, we seek to have it granted properly - we seek to do all these things, until we get to the detail stage of the Bill, when these things are being undermined, and Labor has indicated that it will be supporting the undermining.

Mr Speaker, there is a very limited amount of time in which to consider this law. The Minister no doubt believes that his exposure draft of seven weeks ago constitutes adequate consultation. We certainly were pleased to receive it. However, there were significant variations and policy shifts in that time. Only the final draft represents the changes that the Government would have us actually make to the law. So, do not let me hear what I have been hearing Mr Humphries say - that we have had much more than three weeks in which to prepare for debate on these provisions.

Mr Humphries: You have.

MR MOORE: He interjects that we have; but, indeed, Mr Speaker, we have not. What we have had is the legislation tabled at the previous sitting. During that time we had one week.

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The Bill was quite different from the exposure draft. When we look at the exposure draft it is quite clear - and Mr Humphries told us - that what this exposure draft does is implement the Government's response to Stein. Mr Speaker, my reaction is that I object to that. However, we have been through a committee process, and I know that the Labor Party is going to support it. So be it. Then I will wait for the final version so that I can see just to what extent that is true - of course, this Bill goes much further than that - and to what extent we can work on that. Mr Speaker, since the tabling of this legislation, we have dealt with some 27 other pieces of legislation, including the passage of the budget. This is the time in which we are supposed to have had plenty of community consultation and plenty of time to read the Bill.

Mr Speaker, I draw your attention to the fact that there are some persons on the floor of the Assembly who are not members of the Assembly or attendants. It is entirely inappropriate.

Mr Humphries: Mr Speaker, I have approached the Clerk about having members of the administration available, as is often the case for matters of this kind. Only a few weeks ago, it was the case for the budget debate, and it has been the case for the Electoral Bill, the Public Sector Management Bill, and so on, to have members of the administration on the floor. Permission has never been sought from the Assembly as a whole for that to happen. It has always been, presumably - - -

MR MOORE: Yes, it has. It has been given generally before.

Mr Humphries: It has never been sought.

MR MOORE: It has not been given this time. You do not have leave.

Mr Humphries: Mr Speaker, I am open to your direction. My understanding is that it has never been sought. I have never voted on a motion to allow advisers onto the floor.

MR MOORE: Mr Speaker, show me the standing order that allows somebody to be on the floor of this Assembly who is not entitled to be there.

Mr Humphries: Mr Speaker, this is very churlish behaviour. I seek leave to move a motion to allow members of the administration to - - -

MR MOORE: I am in the middle of a speech, Mr Speaker.

MR SPEAKER: You drew attention to the matter.

MR MOORE: But not to have a motion on top of my speech.

MR SPEAKER: You drew attention to the matter. Do not waste our time, Mr Moore. You have been warned once. Do not waste our time.

MR MOORE: Go on. Just try it.

Debate interrupted.

ADMITTANCE TO CHAMBER FLOOR
Suspension of Standing and Temporary Orders

MR HUMPHRIES (Attorney-General) (4.48): Mr Speaker, I seek leave to move a motion to permit members of the administration - - -

MR SPEAKER: Is leave granted?

Mr Moore: No.

MR SPEAKER: Leave is granted.

Mr Moore: Leave is not granted. It takes only one member to deny it.

MR HUMPHRIES: Mr Speaker, I move:

That so much of the standing and temporary orders be suspended as would prevent Mr Humphries from moving a motion to enable members of the Administration to be present on the floor of the Assembly for the duration of consideration of this Bill.

MR MOORE (4.49): I will speak to that motion, Mr Speaker, since Mr Humphries is not prepared to. On many previous occasions, members of the administration have been allowed onto the floor of the Assembly, and have been so allowed with the good grace of the Assembly, in order to assist Ministers to deal with their legislation as carefully as they can. I think that that has been, indeed, an appropriate case; so much so that earlier today I put through to you a request for me to have the same assistance, because not only is this a particularly complex Bill, but I have had a great deal of assistance on it. Mr Speaker, I appreciate the fact that Mr Humphries supported me in that, and I recognise that. However, I was informed that the whips of the parties did not approve of my having the same assistance as he has had.

Mr Speaker, we have debated 27 pieces of legislation, including the budget, in this Assembly since this Bill was tabled. I have spoken on most of those Bills. I have delivered a whole range of speeches since then, apart from my committee work, which included bringing down, as I recall, three or four reports. To force us into debating this issue today is bad enough; but, when I seek to have some assistance because I have had somebody working on this Bill, I am then denied it. Mr Speaker, you cannot continue to treat members of this Assembly in different ways. The question here is not whether Mr Humphries has assistance, to which I do not have a specific objection; the question is whether we all may have assistance on the floor of the Assembly. If one has it, then all should have it; otherwise nobody has it. My point is that all members should have that assistance if they require it, not one.

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Mr Speaker, you took advice, but it was your ruling. What you have done is to allow or to indicate that you will allow - and I now realise that a decision has been turned over to the Assembly - different sets of rules for one member and for other members. It is totally inappropriate, Mr Speaker, for that to be the case. This is not just a situation of Mr Humphries and these particular public servants. I have no personal objection to the particular public servants. It has nothing to do with specific public servants. That is not the question at hand. It is whether or not an individual member is entitled to have support or whether or not members are entitled to have support on the floor of the house. Mr Speaker, it is quite clear that there is a general view that they are not. Then let us be consistent with that, and say, "If members are going to manage, they can".

Mr Speaker, this is a complicated Bill. As I pointed out, I was working through this Bill until approximately midnight last night; I was working on it at the weekend; I was working on it late on Sunday; and so on - as was everybody who is interested in this area. Mr Speaker, this is a situation where I am feeling put upon. Indeed, it compares to today, when I was asked a question and was very restricted in the way I could answer it. When Ministers answered questions, they were not restricted. So, yes, I do feel put upon. I think that it is entirely inappropriate that that should happen, Mr Speaker.

There is a final comment that I would like to make, because we are talking about suspending standing orders. In order to allow Mr Humphries to move a motion, it is entirely inappropriate for us to suspend the standing orders. You have already indicated to me a ruling that there is not going to be assistance. You should be consistent with your ruling and not allow the suspension of standing orders. You, Mr Speaker, should vote against it.

MR SPEAKER: Just before I call Ms Tucker, let me correct one point that you made, Mr Moore. You said that I was somehow involved in refusing you leave for this assistance. My understanding was that you withdrew the request. That is the only information I received, Mr Moore.

MR MOORE: Mr Speaker, I would like to clarify that, just to ensure that I am in no way misrepresenting you. Indeed, Mr Speaker, I think your verdict is correct. I was informed that the whips did not approve of what I had said. As I recall, I did actually say that to you. I accept your rendition.

MR SPEAKER: Thank you.

MS TUCKER (4.54): Mr Speaker, I would like to express my concern about this process as well. I think it is not appropriate. Ms McRae keeps interjecting, "It is a Minister. Therefore, it is all right". The point is that we have in this place only 17 people, who are actually trying to do the work that we have been given to do. We consider that this is important legislation. If people could rise above such meaningless comments as "It is a Minister" and actually look at the quality of work that comes out of this place, I think it would be fair to say that, on such a complicated Bill, all members would support other members in this place - in this case, Mr Moore and Ms Horodny - also having assistance. Because there is not that equity in this arrangement, we will not be supporting Mr Humphries having assistance for this particular Bill.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (4.55), in reply: Mr Speaker, my position is that it is appropriate to ask for assistance in these circumstances. It has always been the case that complex Bills have been occasions for Ministers to seek the assistance of officers, particularly one when there are about 70 or 80 amendments and very complex matters before the chamber. I was not involved in any refusal of leave to Mr Moore, and I have indicated my position already to Mr Moore. I know that in the past I was given the courtesy of having assistance when I was in opposition, during the debate on the Electoral Bill. So, Mr Speaker, I think it is a little churlish of Mr Moore to blame me for what he sees as somebody else's failing to grant him permission to have someone on the floor.

Mr Moore: I rise on a point of order, Mr Speaker, under standing order 46 or 47 - one of those. Let me clarify the matter. I did not indicate any problems with Mr Humphries. In fact, I made it quite clear that I understand that Mr Humphries supported my request. If this suspension of standing orders passes, I hope that his motion will take the form of making the assistance available to all members who wish to have it.

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

Motion

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (4.57): I move:

That members of the Government Service be permitted for the duration of this debate to sit on the floor of the Assembly.

Ms Tucker: And for the crossbenches.

MR HUMPHRIES: If you want to move that motion, I will support it. I have just been granted leave to move a motion in relation to Government officers. I cannot move a motion in relation to your people, can I?

Mr Moore: Seek leave to do it, and do it properly.

MR HUMPHRIES: You refused me leave a moment ago.

MR MOORE (4.58): Mr Speaker, I move an amendment so that the motion will include - - -

Mr Humphries: You refused me leave a moment ago to do the same thing.

MR MOORE: Yes, that is right. I will make it every which way I can, Mr Humphries.

Mr Humphries: You refused leave for me to move my motion. Move your own motion.

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MR MOORE: Mr Speaker, there is an interjection from Mr Humphries while I am standing and speaking to the motion. I draw your attention to the fact that he is interjecting. Apart from that, Mr Speaker, I am perfectly entitled to move an amendment to Mr Humphries's motion, and that is what I intend to do. I am not quite sure what Mr Humphries's motion is because I do not have it in writing before me. I understand now that the motion is:

That members of the Government Service be permitted for the duration of this debate to sit on the floor of the Assembly.

I move the following amendment:

After "Government Service" insert "including members employed pursuant to the Legislative Assembly (Members' Staff) Act".

Mr Speaker, I do this because we have a situation here where we see the Labor crossbenches joining with the Government while the Green-Independent opposition works hard on this piece of legislation. No doubt, Mr Speaker, Labor are embarrassed, and they should be embarrassed, because what work have they done on this piece of legislation? Hardly any. What have they done? They have said, "Oh, yes. We are going to let the Government do it". They have looked at our amendments, they have looked at the Greens' amendments, and they are doing away with their own position on the crossbenches.

Mr Whitecross: Mr Speaker, I raise a point of order. I know we are going to hear this argument from Mr Moore several times, but it is not really relevant to the current debate. I would ask you, in the interests of the whole Assembly, to keep him relevant.

MR SPEAKER: Relevance, Mr Moore.

MR MOORE: Mr Speaker, the question is whether or not we allow assistance in debating a complicated piece of legislation. I draw attention to the Labor crossbenches because it is particularly relevant to this issue. The Labor Party have objected to this because they do not need this sort of assistance themselves. That is the point I am trying to make. Why do they not need this sort of assistance themselves?

Mr Berry: Because we are competent. We are competent.

MR MOORE: Mr Berry appropriately interjects, "Because we are incompetent".

Mr Berry: No; "We are competent".

MR MOORE: "Incompetent", he said, Mr Speaker, and that is exactly the point I am trying to make. I am glad that Mr Berry has admitted the incompetence of the Labor Party. The irony is that their incompetence just increased 100 per cent with the loss of Ms Follett. She represented about half the competence of the Labor Party - - -

MR SPEAKER: Relevance, Mr Moore.

MR MOORE: Mr Speaker, it is relevant. That is the very point I am making. We are discussing a motion about whether we need assistance or not. When you are totally incompetent you probably do not need any assistance. When you have a situation like that you do not have to worry about it. They are just going to go along with the Government. We just get the Labor-Liberal combination again. The Government must be laughing all the way to the polls, actually, because whenever they are doing anything controversial the Labor Party just say, "That is all right. We will support you. Do not worry about it". The real opposition then has to get to work to see whether we can do something about it. Mr Speaker, it is an unbelievable piece of incompetence that we see over there.

MR BERRY (5.03): Mr Speaker, Mr Moore quite clearly does not understand the situation. The fact of the matter is that he was elected to participate in a Westminster style of government, and the fact that - - -

Mr Moore: That is your problem, Wayne. You have not realised that this Assembly has a few modifications and differences.

MR SPEAKER: Proceed, Mr Berry.

MR BERRY: The Government is entitled to have advisers in the chamber. My understanding of the situation is that those advisers are in place to assist in responding to the debate, particularly in the detail stage when the Minister may have a question of the bureaucracy. He is able to ask that question and get technical advice in respect of the matter and so respond to debate, particularly in the detail stage.

A quite different situation is being proposed here in relation to this matter. Mr Moore and others have proposed a whole range of Bills. It is very easy for Independents and the Greens to demonstrate that they are doing something by dredging through legislation, looking for every little amendment, to make out a case that they are particularly competent. Mr Moore mischievously misinterpreted my interjection in relation to this matter when I informed him that the reason we do not need advisers in this place is that we are competent.

Mr Moore: I was sure you said "incompetent".

MR BERRY: It was a very mischievous piece of work, Mr Moore. The fact is that I am elected to sit in this place in opposition and I do not really need my staff to sit beside me. If Mr Moore and others would like us all to have our staff down here all of the time, then maybe it would be fine for him. It might be a relief for us if he went on holidays and left his lovely staff down here. The fact is that he was elected to take a place in this chamber and argue the case. If he does not feel he is able to do it without his staff, I am very - - -

Debate interrupted.

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ADJOURNMENT

MR SPEAKER: Order! It being past 5.00 pm, I put 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.

ADMITTANCE TO CHAMBER FLOOR

Debate resumed.

MR BERRY: Mr Speaker, there is a very clear situation here. We recognise the Government's need to receive technical advice in relation to debate on Bills in the detail stage, as is usually the case. It is a quite different matter for members to bring their own self-appointed staff, sometimes political staff, into this chamber to sit beside them and advise them on how they can attack the Government, or any other member of the non-Government benches for that matter, as I suspect will be the case today. Mr Speaker, Labor will be voting against the amendment which has been moved by Mr Moore. We will - - -

Mr Moore: Hypocrisy, Wayne! Straight hypocrisy!

MR BERRY: We are competent to deal with our own affairs.

Mr Moore: You are hypocritical.

MR BERRY: We do not deserve that sort of interjection, Mr Moore.

Mr Moore: You allowed it in the last Assembly, with not even a member of staff.

MR BERRY: We do not deserve that sort of interjection either, Mr Moore.

Mr Moore: Yes, you do.

MR BERRY: Mr Moore, if you are not able to handle a few amendments that you have put together, then perhaps you should have considered this before you ran for election to this place. The same applies in respect of the Greens. The fact is that your staff are employed to assist you, but they are not employed to sit in this place. That is our view of the world in respect of this. The Westminster system is very clear. I repeat, at the risk of being called to order for tedious repetition, that the Government is entitled to technical advice and should get it, as it always has, because during the course of debate there are often technical issues raised which may need to be dealt with immediately, otherwise it might lead to an adjournment of the proceedings. The same could apply in respect of Independent members and Greens. If they were not able to cope with a particular position they could move for an adjournment and cop the outcome.

In this case we will be supporting the motion and we will be opposing the amendment, for the reasons assigned. We urge the Government to take into consideration those points because we could get to the situation where it could be argued that in every debate in this place members are entitled to have their advisers sit beside them and supply them with notes and do research as they speak. Keep that in mind, members of the Government, when you are thinking about this, because that is what in fact is being proposed. It is a very dangerous precedent that you are setting if you intend to support these people. You ought to be careful about this proposal.

Mr Moore: I seek leave to make a short statement on this matter.

Mr Berry: No; you have already spoken, Michael.

Mr Moore: I presume leave is not granted.

Mr Berry: That is right.

Leave not granted.

MS TUCKER (5.09): I want to speak to this amendment because what I have heard from Mr Berry has shown once again that Labor will just take this black-and-white line that has no depth at all in it. We are interested in getting some kind of quality into the work in this place. We have seen Labor members in very recent weeks not able to cope with their workload and ending up having to be helped by the crossbenches, and there are fewer of us on the crossbenches. So what I am saying today is: What is the point? I also understand, Mr Speaker, that Mr Berry was quite happy for Mr Humphries to have assistance in this place when Mr Humphries was in opposition, so suddenly everything has changed once again. Once again it is Labor changing their tune as it suits them; voting on each issue on its merits, Mr Berry says, and that is exactly right. The line changes depending on the issue. There is no consistency in Labor's performance in this place, and it is a disgrace.

MRS CARNELL (Chief Minister) (5.10): Mr Speaker, very briefly, the position of the Government is that we will be happy to support Mr Moore today on this issue. The Government believes strongly that this should not be seen as a precedent where - - -

Mr Berry: It is going to be.

MRS CARNELL: We probably already have a precedent, Mr Berry, in terms of the Electoral Bill. I think one of the things that we as an Assembly need to do during the break is to set rules on how this can be done. We believe that others in the Assembly may be able to have advisers when the Government has advisers. If the Government needs an adviser, if a Minister needs an adviser on the floor, we can see a reason why others may need advisers too. If the Government does not need an adviser that would tend to indicate it is not a complicated Bill, and if it is not a complicated Bill we would see no reason why advisers would be required. Mr Moore, I think, made that comment. He was talking about only complicated Bills.

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Mr Speaker, from a Government perspective, we are happy to support Mr Moore on this occasion and to spend the break determining the rules under which this will operate. Our view, again, would be that other people in this Assembly would not have advisers if the Government does not have advisers, but I think we should set out the rules for this for the future.

MS HORODNY (5.12): Mr Speaker, I seek to adjourn this debate so that we can get the process right. I move:

That the debate be adjourned.

We can come back after dinner. Members have agreed already to take a two-hour break.

MR SPEAKER: I beg your pardon? The Chair is not aware of any of this. You can either move - - -

Mr Berry: She cannot speak to it. She has moved to adjourn the debate.

MR SPEAKER: That is exactly right. Thank you, Mr Berry. I was about to make the point that you cannot debate a motion to adjourn the debate. The question is: That the debate be adjourned.

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

Mr Moore: I raise a point of order, Mr Speaker. Could you clarify for me at what time Mr Osborne returns to the Assembly?

MR SPEAKER: No, I cannot, at the moment. I will advise you in due course. Not now, however.

Question put:

That the debate be adjourned.

The Assembly voted -

AYES, 3

NOES, 11

Ms Horodny
Mr Moore
Ms Tucker

Mr Berry
Mrs Carnell
Mr Cornwell
Mr De Domenico
Mr Humphries
Mr Kaine

Ms McRae
Ms Reilly
Mr Stefaniak
Mr Whitecross
Mr Wood

Question so resolved in the negative.

MR SPEAKER: Mr Moore, I understand that Mr Osborne will be back at 6.33 pm.

Amendment agreed to.

Motion, as amended, agreed to.

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

Debate resumed.

MR MOORE: Mr Speaker, I believe I was in the middle of my speech at the in-principle stage. I believe I might need to seek an extension of time, Mr Speaker.

MR SPEAKER: Your time, in fact, has expired.

MR MOORE: Indeed, Mr Speaker. That is why I seek an extension of time. (*Extension of time granted*) Thank you. Members, I draw your attention to the fact that we have a full Bill to go through. I do not mind how much of the in-principle speech I deliver now, or whether I speak clause by clause. It does not matter. I will deliver this speech as well as dealing with the amendments that I have to deal with.

The amendments that are on the table today have been prepared both in our own offices and by Parliamentary Counsel at extraordinary speed. I think the people who have come through shining most strongly in this whole process have been Parliamentary Counsel.

Mr Whitecross: As always.

MR MOORE: As always. I know that all members would agree with me and would join in thanking them for their efforts in this case. It is not just when we give them drafting instructions. On a number of occasions they have come back to us to check on exactly what we want to draw attention to. Mr Speaker, I was rather pleased that in the case of two of my amendments Parliamentary Counsel drew my attention to the fact that I might be interfering with the separation of powers in the way I had suggested that they be drawn up. I thank them for that kind of advice because I am very keen not to make that sort of fundamental mistake. Although our legislation goes through the Scrutiny of Bills Committee and is carefully considered by Professor Whalan and the committee, our amendments are not, and perhaps that is something that we need to deal with more carefully.

There have been two versions of the Government's amendment paper. The final version was provided to me at 5.40 pm yesterday. Since that time we have spent a lot of time sitting in the Assembly debating other issues and other legislation as well as attending a community meeting and so on. Proceeding with this legislation tonight is the wrong way to go. I urge members to consider this over the evening break. It is far better that we have time to consider this legislation properly. I implore the Government to reconsider their position. If they believe it is appropriate for us to push ahead with it, then the most logical thing to do is to call another sitting day next week, if they have to have it done before the end of this year for some reason.

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My own amendments, as well, were available to me only in draft form late yesterday and were circulated to members overnight before I even had a chance to go through them and double-check them myself, in order to facilitate the process. Had I been interested in just a straight filibuster I would not have attempted to make it easy for other members. The final papers were available only late this morning, so I know that it has been very difficult for members to go through them, to look at them and to double-check them.

I have done my best to respond to the great amount of material here, but I could not possibly assure the Canberra community that I have given it all the scrutiny it deserves. Mr Speaker, I have not given it the scrutiny that I believe it deserves. Not only that, Mr Speaker; I have also approached a number of members of the community who are involved in planning issues and given them copies of the legislation, and they also have worked particularly hard. I have not been able to do them the courtesy of showing them the amendments that have come from Parliamentary Counsel so that they too can check through and so that I can take their advice. I am sure that none of us have had the time to do the amendments justice, and, of course, I include myself in this.

Mr Speaker, as responsible members of parliament we should be prepared to delay this Bill. The Government has certainly not shown any cause at all for the need to handle this material in this woefully short time. I challenge Mr Humphries to explain to the Assembly, in his reply to the debate at the in-principle stage of this Bill, why it is that we must deal with this so quickly instead of putting it off until either February or, as the case may be, next week. There are at least 70 amendments - 35 from me, 24 from the Greens and a dozen from the Government, but none from the Labor crossbenches. In addition, I and perhaps other members plan simply to oppose certain clauses. We are presented with the task of debating these issues fully and responsibly. The amount of time needed for such a task should be obvious to all.

These are not minor matters, Mr Speaker. At every election for this Assembly planning has formed a major part of the issues that people wish to vote on. That has happened at every single election. Why? Because we have not yet got it right. Mr Speaker, this legislation leads us down the path where we will continue to have it wrong. All this happens against a background of continuing haphazard and speculative development. The Government's attempts with LAPACs have yet to assure us that genuine consultation will occur, and the Government has shown signs of wanting to water down their role anyway. With this Minister the policy remains "development first, residents last" every time, on every issue. This legislation before us today emphasises that, and the Labor Party, whatever stance they are taking, are going to support it in spite of their doublespeak.

The general principles that we are talking about in planning require that planning should serve to improve the quality of our city; that planning should serve the residents of Canberra; that planning should allow and assist development, which is within our planned vision; that planning should identify and prevent development based on speculative greed, which harms our city; that lease administration should preserve our land assets and protect our public revenue. The practice of making free gifts by remissions and discounted lease variation fees really ought to cease. Planning should avoid, at all costs, destructive mistakes which deny future generations their right to face these issues,

with the opportunities that they deserve. Our laws should be simple, coherent and useable by the community. I would expect that on most of those things, Mr Speaker, there would be general agreement in the Assembly. The question is the implementation of those things.

Mr Speaker, the community has had very little time to react to this Bill, but already it emerges that there are real concerns. I listened today to anxiety and to anger. Do other members of the Assembly listen? Are they listening to what they are being told, and what answers do they have for their constituents? Is there any ground swell of support for the Government's actions on these things? Of course not.

MR SPEAKER: The member's time has expired.

MS HORODNY (5.25): Mr Speaker, we will not be supporting this Bill. We think it represents a very poor response indeed to the Stein inquiry and will be a huge backward step for the planning of the ACT. The Stein report represents a significant milestone in the planning and management of ACT land since the ACT achieved self-government in 1989. Ever since the abolition of the National Capital Development Commission the ACT has struggled to find an effective and accountable planning system that balances the push for development with broader social and environmental interests.

The Stein inquiry was seen by all sides as a way to really sort out how ACT land should be administered. To a very great extent, it has delivered on this promise in its broad-ranging recommendations on management of the leasehold system and the structure of the planning administration. While the Government has accepted many of the recommendations of Stein, unfortunately it has rejected some of its key recommendations relating to the administrative structures for planning and land management, the continuation of the leasehold system and the payment of betterment.

The Greens wholeheartedly support the retention of the leasehold system in recognition of the fact that land is primarily a community resource. We regard ACT land in particular as land held in trust for the Australian community as a whole by the Commonwealth and Territory governments. We recognise, however, that the pure leasehold system has been considerably modified over time, so it is not really possible to return to its original formulation. However, we are not convinced that the changes proposed to the leasehold system by the Government are in the best interests of the ACT residents.

We are particularly concerned about the transfer from the public sector to the private sector of wealth derived from the use of land in the ACT that has occurred over recent years through the watering down of the betterment system. The Government's move to reduce betterment to 75 per cent can only continue this trend. The Greens also support Stein's recommendation for the establishment of an independent planning authority and reject wholeheartedly the Government's proposals to abolish the position of Chief Planner and to convert the ACT Planning Authority into a single position within the ACT Public Service.

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The Greens support the integration of land planning and management to ensure that planning policies are implemented correctly. However, we believe that land planning should still be the responsibility of professional planners reporting directly to the Minister. We are not convinced that the previous deficiencies in land administration within the old Department of the Environment, Land and Planning are not going to be repeated, particularly in terms of ensuring that the planning function is not made subservient to the land development function.

We are concerned that environmental and social considerations which underlie land planning are being swamped by short-term economic considerations. The Liberal Government's so-called strategic plan for Canberra illustrates this point very well. I note that the Government has attempted to address this issue by proposing the establishment of a Commissioner for Land and Planning. The Greens support the concept of independent and transparent decision-making over development applications, but we believe that this can best be done through the establishment of an independent planning authority. The Government's proposal is too fragmented and too complex. We believe that an independent planning authority would ensure more accountability over planning decisions than the current situation. We want all planning to be integrated in one organisation, and we want this organisation to be directly accountable to the Minister and the Assembly. We do not want this organisation buried in another department.

On the question of betterment or change of use charges, the Greens support the levying of this charge at 100 per cent of the change of value of the lease. The Government has provided no solid justification of why the 75 per cent figure proposed in the Bill will actually be better for the Territory. In fact, when the change to 75 per cent was announced in the budget, the Government announced at the same time that it had commissioned an academic at the ANU to undertake a study of the impact that that change of use charge has on investment. Do you have the results of that?

Mr Humphries: No, of course not.

MS HORODNY: No; that is right, Mr Humphries. Obviously, the Government has made its decision on 75 per cent before it has done any analysis of the impact of this change. Mr Humphries just confirmed that the study has not yet been completed, so I do not know with what confidence he can make a decision like this. The Greens do, however, support in principle the giving of remissions on change of use charges of no less than 50 per cent in very specific cases where there would be significant community benefit provided by the development that would at least match the revenue forgone. It is critical, however, that decisions over such remissions are fully transparent and subject to public and Assembly scrutiny. It should also be noted that we believe that the change of use charge should be in addition to developer contributions for specific public works required around a particular development - for example, changes to traffic arrangements in adjacent streets.

On the issue of appeal rights, we disagree with the Stein recommendations. Stein sought to limit third-party appeals to adjoining lessees of a development and residents associations. The Bill has implemented this by limiting appeals to persons who are substantially and adversely affected by a decision. We believe that this definition is far too narrow, as a particular development can have far wider impact than just on the

neighbouring blocks. I will talk more about this in the detail stage. In summary, we cannot support this Bill in its current form. We will be proposing some amendments to the Bill later, but we admit that these amendments are really just fiddling basically around the edges. The major provisions of this Bill to restructure the planning administration in the ACT and the development approval process cannot really be amended without destroying the whole basis of the Bill. We feel that we have no alternative but to vote against the Bill in principle.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (5.30), in reply: Mr Speaker, I will be brief in my response. The Government stands by the view that this legislation is necessary and appropriate and broadly reflects the recommendations made to the Government by the Stein inquiry. I know that Mr Moore and others will object strenuously to elements of the Stein inquiry which are not picked up, but Mr Moore knows that every government has the privilege of selectively applying its own intelligence and its own policy to inquiries and reports it receives. Any government which slavishly followed every submission put before it by people it pays to do so would be a very foolish government indeed.

It follows, Mr Speaker, that in rejecting 14 of the approximately 100 recommendations of the Stein inquiry the Government has behaved in a way which is appropriate to the circumstances it found itself in. Mr Moore might not be prepared to admit it - I suspect that the Greens are not aware of it because they have not been around long enough - but there are very serious problems with the way in which the Land Act in this Territory operates. I might point out at this point that a lot of them had to do with the fact that when the Land Act was put forward in 1992 or 1991 on the floor of the Assembly there were a very large number of amendments that came forward on the floor - - -

Mr Moore: You can take advice. I think it was 171.

MR HUMPHRIES: Mr Moore says that there were 171 amendments. Mr Moore assists me. It is the only time tonight that he will do that. There were 171 amendments that came forward on the day that it was debated and some of them were not well considered. The result was a very inadequate piece of legislation in some areas. Mr Speaker, tonight a very large number of amendments are being put to the house which I think bear the hallmarks of a rush job and which ought not to be accepted by the Assembly. Other amendments, with respect, are not particularly unfamiliar in their intent but certainly amount to something with which we would disagree and which we have had debate about before, and I make no apologies for again opposing them on the floor of this place.

Mr Speaker, I do not think we should further delay some refinements to the Land Act. A very large number of proposals we put forward here are based on Stein, and others are based on decisions that we announced some time ago. They have been well canvassed. Many of the changes we are putting in place tonight were announced in my ministerial statement in the middle of last year. There is no excuse whatever for Mr Moore or Ms Horodny to say in this debate, "We have not had time to prepare our proposals on this matter". It simply is an untenable argument.

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I think the Assembly ought to bite the bullet on these issues. We ought to deal with a number of problems, problems such as the Land and Planning Appeals Board. It is most unfortunate that we have been forced into the position, because of the comments made in this debate, of saying that the process used by the Land and Planning Appeals Board was undesirable and was in some respects a failure.

I did not want to have to say that about people who have served the Territory, people who have worked very hard on behalf of the citizens of this Territory on that board; but I have to concede, since the issue has been put to me and the argument has been raised, that I do not think that the Land and Planning Appeals Board has been a success. Moreover, Mr Speaker, I have not met many people who have come in contact with the board who think that it was a success.

Mr Moore, in my recollection, used to concede that that was the case as well. I seem to recall support from Mr Moore for the idea of establishing the AAT as the body which replaces the Land and Planning Appeals Board. Perhaps I have forgotten what Mr Moore said to me, but I think that is what he did say to me at one stage much earlier in this debate. Mr Speaker, it is important that we move ahead on this matter. These changes have been extensively well canvassed. The Stein report cost this Territory hundreds of thousands of dollars.

Mr Moore: I take a point of order, Mr Speaker. It appears that the Leader of the Opposition is consulting someone on the floor of the Assembly when he does not want to have people on the floor of the Assembly. I find it most extraordinary, Mr Speaker. I think you should keep him in his seat.

MR SPEAKER: There is no point of order.

MR HUMPHRIES: I wish this sort of obsession with people getting information - - -

Mr Moore: He just voted against it. It is all right for him. The hypocrisy is not to be missed. He is just a hypocrite.

MR HUMPHRIES: You can have access as well if you want, Mr Moore. Be my guest.

Mr Speaker, I simply urge the Assembly to move as quickly as possible on this legislation. I know that it is not going to be possible to complete this debate in a short period, but I do encourage members to see that the community as a whole accepts that some of the problems in our planning legislation need to be fixed, and the changes today go some way towards doing that. It is timely, it is appropriate, and members should proceed to do that tonight in this debate.

Question put:

That this Bill be agreed to in principle.

The Assembly voted -

AYES, 11

NOES, 3

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

Question so resolved in the affirmative.

Bill agreed to in principle.

MR MOORE (5.41): Mr Speaker, pursuant to standing order 174, I move:

That the Land (Planning and Environment) (Amendment) Bill (No. 4) 1996 be referred to the Standing Committee on Planning and Environment.

The reason I move the motion comes from Mr Humphries's own mouth. That is apart from the fact that moving it also allows me to finish my in-principle speech. Mr Humphries referred back to when the original Land (Planning and Environment) Bill was going through the First Legislative Assembly. He drew attention to the fact that 171 amendments were moved, of which I gather 60 or so were carried. Surely we can learn a lesson from that. A range of amendments to the legislation before us have been put up in good faith. That good faith has been clearly indicated by the fact that I made my amendments available to members more or less as soon as I got them. I think the situation with the Greens was very similar. I also made my drafting instructions available - a very unusual thing for me to do.

Ms McRae: I did not see them. Do not mislead.

MR MOORE: Ms McRae says that she did not see them. I find that very surprising. I certainly made them readily available. I said that they would be available. I apologise to her for not making - - -

Mr Whitecross: Do not tell me you were suppressing your amendments.

MR MOORE: I thought I actually said to you that I would make them available to you.

MR SPEAKER: Relevance, Mr Moore.

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MR MOORE: The relevance is particularly important, Mr Speaker. The fact that we were prepared to make our drafting instructions available shows that we have worked very hard to try to be ready for this legislation, but we are not ready. We risk going through the same process as we went through with the original Land (Planning and Environment) Bill and having to amend this legislation over the next five or six years.

I heard Mr Humphries on radio this morning saying, "Yes, but Mr Moore was part of that legislation that was put up in the early days of the First Assembly, so it is his legislation as well". Mr Speaker, it was not. I did not support that legislation. I am trying to recall whether in the end I voted for it. If I did, the only reason was that it was better than having nothing. It was the Government's legislation that was put up. We attempted to get some sanity. The problem with the legislation was not the amendments; it was the original legislation that was put up.

Let me give a little bit of history. Originally, the legislation came to us in four parts. The Assembly said, "No, do not give it to us in four parts. That is a ridiculous situation. People will not know that they have to have four separate pieces of legislation. Go back and make it into one". When it came back to us as one piece of legislation, the Government had just joined the four pieces of legislation together and then called it one Bill. That was not the intention. The intention was that it be a simplified piece of legislation that covered the four areas, but we made the mistake on that occasion of pushing it through. We were inexperienced at that time. We ought not to have made that mistake. This time we certainly have a much broader range of experience and we should know better.

The way to deal with the Bill is to refer it to the Planning and Environment Committee. That is a very sensible approach. We can all go home early tonight, the Planning and Environment Committee can come back to the Assembly with a report ready for the next sitting, and we can deal with the Bill, having checked the ramifications of the legislation and all the amendments, and having consulted the community. Consulting the community may seem to be a strange idea when the Government was elected on a promise to do that. They said, "We will consult broadly with the community. We will not just ride roughshod over people's ideas". How long have the community had to see this legislation? Mr Humphries kindly gave members a draft copy of the legislation, but the legislation itself has been in the public arena for only a very short time.

What will the legislation achieve? Mr Speaker, the great bulk of ordinary residents will not be served well by this legislation. This legislation is about facilitating development. It serves developers and residents, but it serves developers a little bit better. I am not saying in black and white that this legislation is just for developers and is going to cut residents out. That is not the case. It significantly increases the power of developers and significantly decreases the power of ordinary residents to appeal. There are other issues as well that we will get to in the detail stage.

The actions of the vast bulk of small-time developers are acceptable in a planning context. They also contribute considerably to this community. A small percentage of developers always push the boundaries. They do not want to play by the rules; they want to set new rules. Their actions are often quite unacceptable, but at least people who have an interest in planning and in this city also have the wherewithal to appeal. Unfortunately,

a relatively unconstrained so-called planning regime serves particularly well particular developers and their need to evade planning constraints. It favours them at the expense of the public purse, so that they can make a quick and speculative profit as opposed to the profit that is rightly earned from a property development. Mr Speaker, unfortunately, the changes most assist these latter kinds of developers and thus work against those who have been working well within the system.

The foremost error of this legislation is the betrayal of the most crucial element of the Stein report, the need for the Canberra community to be served by independent statutory authorities for planning and lease administration, in particular lease administration because under those circumstances - - -

Mr Whitecross: You do not need a committee to look at that. The committee has already looked at it.

MR MOORE: Mr Whitecross correctly interjects that this particular matter has already been considered by the committee. If this Bill is referred to the Planning and Environment Committee, the committee can assess whether the committee's recommendations - on some of which committee members were divided 2 : 2; some of which were agreed recommendations - have met the community need. Mr Speaker, lease administration has long been a problem in this city and I believe it will continue to be. This particular piece of legislation will not assist in dealing with that matter. If this Bill is referred to the committee, the committee can consider whether it will assist in achieving what members of the committee wished it to achieve.

The city's planning has been eroding for years, if not decades. This is a time of desperate need to arrest the decline and recover community control over our assets and our future. It is not a time to ease back on those controls. This is where I agree with Ms McRae. She pointed out that planning has to look to the future. We should not look behind us but look to setting out the goals we want to achieve as a community and ensure that we protect for future generations just what it is about this legislation, our planning and our city that we want to protect. If we proceed this evening to the detail stage, if we do not refer this to a committee, it may be the single most irresponsible act of this Government and this Assembly so far. The betrayal - - -

Ms McRae: Mr Moore, go on with you!

MR MOORE: I would be quite happy for an interjection from somebody, even Ms McRae, to tell me - or perhaps the Government wants to tell me - an act by the Government more irresponsible than this.

Mr Whitecross: Shopping hours.

MR MOORE: Mr Whitecross chooses shopping hours. I must say that it is on a par, but I think the shopping hours legislation is likely to have a shorter-term effect. This is likely to have a much longer-term effect. Mr Speaker, we live in probably the most planned city in the world. It is a city renowned for planning. If this Bill goes through tonight, we will actually do away with the Chief Planner. We will live in a planned city without a chief planner and people will go - - -

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Ms McRae: Good! It is about time.

MR MOORE: Ms McRae says, "Good! It is about time". I want that on the record. She says that it is about time that we did not have a planner. Now that she is the planning spokesman in the Labor Party, she is so interested in the role that she does not want to have a chief planner. She says, "Great! We have got rid of him. Let the Libs do what they want". That is the view of this so-called Labor Opposition. It is a joke.

The betrayal of Stein certainly justifies the rejection of this Bill as a whole, but rather than reflect on the vote of the Assembly, it is far better that we refer the Bill to a committee. Mr Humphries, in his speech in reply, referred to the report of Justice Stein. He said, "We have picked up most of the recommendations". I accept that that is the case. I think that there were some very positive outcomes, just as I think that there are some very positive sections of the Bill. It is on balance that the Bill is bad.

Ms McRae: Name them. There are about 755.

MR MOORE: Ms McRae challenges me to name them. Clause 32 in Mr Humphries's Bill is one. We have rejected the fundamental parts of Stein, the things that would take us forward, rather than the things that would take us back.

If we had not had Stein, Mant/Collins or the ministerial statement of 28 March 1996 on reform of planning and land management in the ACT and we had asked what the bureaucrats within the planning department wanted, what would we have come up with? I suggest to you, Mr Speaker, that this is the piece of legislation that we would have come up with, with a few modifications of some of the things that Stein came up with. By and large, the legislation is driven, as it always has been, by the department. The Minister has not stood up to the department and put his own imprimatur on the Bill. He has delivered what they wanted. He may be very comfortable about that. The problem with it is that he will continue in the same direction as have previous governments. He will wind up with the same dissent and the same community dissatisfaction. The only winners out of that, in an electoral sense, will be people like me - which is fine in terms of votes, but I have to say - - -

Mr Humphries: What are you complaining about?

MR MOORE: Mr Humphries says, "What are you complaining about?". Mr Humphries, like you, I actually believe that there are sometimes more important issues than votes. I realise that the Labor Party has difficulty in understanding that.

Mr Whitecross: About you we do.

Ms McRae: About you we do, yes.

MR MOORE: I note the interjections of Ms McRae and Mr Whitecross. It seems to me that the best thing we can do with this legislation now is to refer it to the Planning and Environment Committee and put the work back in the hands of Ms McRae, Mr Kaine, Ms Horodny and me. We will do it over January and February. You can take a break, Mr Speaker. We can adjourn the debate and we can have fun expressing Christmas greetings to everybody, then we can go on home. That is the most sensible thing to do at this stage.

MS HORODNY (5.56): Mr Speaker, I rise to support Mr Moore's excellent suggestion. I believe it is a highly creative solution. It is often the case that when we have contentious Bills in this place - - -

MR SPEAKER: Highly what, did you say?

MS HORODNY: If you had called the house to order, you might have heard, Mr Speaker, with all due respect.

MR SPEAKER: I did not catch what you said.

MS HORODNY: What I said was that it was a highly creative solution.

MR SPEAKER: Thank you.

MS HORODNY: It is often the case in this Assembly that Bills that are very contentious are referred to a committee, and I believe it is very appropriate that we do so in this case. It certainly would save us a lot of time this evening. It is very hard to understand the Labor Party's position on this issue. On the one hand, they support this Bill and, on the other hand, they are appalled by the quality of the Liberal Party's strategic plan that was handed down the other day. The Labor Party needs to understand that the strategic plan is the shape of things to come. That is what you get when you have planning coming out of the Chief Minister's Department.

Ms McRae: When you have Liberal governments that is what you get. You know how to fix that.

MS HORODNY: Ms McRae, that is the result of having planning coming out of the Chief Minister's Department. That is something that you agreed to. I find it difficult to understand why you do not agree with the Liberals' strategic plan. That is exactly the sort of result you can expect. As I said, Mr Moore's suggestion is a very good one and I will be supporting it.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (5.58): Mr Speaker, I see this move for what it is - a further delaying tactic - and I oppose the motion.

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MR WHITECROSS (Leader of the Opposition) (5.59): Mr Speaker, the Labor Party will be opposing this proposal by Mr Moore. If Ms Horodny claims that there is some inconsistency between opposing the Government's strategic plan or expressing concerns about the Government's strategic plan and supporting this legislation, then I despair a little for Ms Horodny, because the two are not in any way related. Quite frankly, it is a gigantic non sequitur. The proposals which are the subject of this legislation are proposals which have been circulating around this community and which have been discussed in this community and by Mr Moore's committee over the past year and, in the case of some of the issues, going back to 1994. I think it is a bit rich for Mr Moore to paint in this place an image of the Government rushing legislation into this house and pushing it through before Mr Moore has had time to figure out what it is about. He knows perfectly well what the legislation is about. He has been talking about it incessantly for the last year, as indeed is his proper role as a member of this parliament. I do not think it is at all fair, appropriate or honest for Mr Moore to suggest that he has not had a chance to grapple with the issues contained in this legislation.

Mr Moore's position is made somewhat more curious by the fact that he claims that the circulation of drafting instructions is a substitute for my colleague Ms McRae seeing the text of his amendments but that having the Government's response to the Stein report, having the Stein report, having the previous reports of the Planning, Development and Infrastructure Committee and having all the debate that has gone on about what the Government proposes to do in this legislation does not provide him with sufficient background to understand the Government's amendments.

It is interesting that the main objection to this Bill he articulated when arguing why it should be referred to a committee was a policy issue which does not relate to the text of any proposal put forward by the Government in their legislation but relates to a disagreement that he has with the Government about a policy matter. That is not, on its own, a sufficient reason to be referring the matter to the Planning and Environment Standing Committee. I fail to see how he can make out his case.

The Opposition are concerned to ensure that we move forward in relation to planning in the ACT. There is no doubt that the legislation that was put through in 1991 needs some updating and some refinement. We have had plenty of public debates and public processes to lead us to the point where we are making some refinements. Notwithstanding that, I hope that there is no-one in this place who would argue that because we are making some amendments to the law the ACT would have been better off if we had not passed the law in 1991. Mr Moore may come back with some amendments next year, but I do not think they, on their own, justify us not passing this legislation today.

Mr Speaker, there are some important issues which, in our opinion, have been sufficiently debated in the community for members in this place to have formed an opinion on them and to be able to make decisions tonight. Mr Moore, in his amendments, has raised some other issues which were not the subject of that debate. We would be happy to discuss those interesting propositions in the new year and to consider what we might do with them, but some new ideas by Mr Moore are not an excuse for us not pursuing the ideas that have been the subject of public debate over the last year.

We will not be supporting Mr Moore's motion - not because of any desire to stifle debate, but because we believe that debate should have an end, that there is a time for action and that that time has arrived, and that we have a responsibility to the ACT community to make some decisions. We will not be supporting Mr Moore's proposal, but we will be working to ensure that we resolve the issues raised by Mr Humphries's legislation.

MR MOORE (6.04), in reply: I am going to close the debate on this motion. Mr Speaker, it is very interesting that Mr Whitecross suggests that I claimed that circulating my drafting instructions was a way of informing people of my amendments. Mr Whitecross, I think you have taken that out of context. All I was explaining was that I did it to make sure that everybody understood where I was going. Of course it was not enough to let people understand what would be done to the Bill; but at least it gave them an indication of what I intended, so that reading the amendments would be a little easier when the time came. I was trying to facilitate the process in the best way I could, as indeed I will try to facilitate the process this evening.

Mr Whitecross said that the main reason I had given as to why this legislation should be referred to the Planning and Environment Committee was a policy issue. No, Mr Whitecross, that is not the only reason. I will just put that into perspective for you. A short time after I began my speech at the in-principle stage, the debate was interrupted while we had another debate. When my time expired, I sought an extension, which was granted. Whereas normally I would have been able to spend 15 minutes, plus an extension of 7½ minutes, on this occasion on a speech I had prepared I was not able to. Because my speech was so relevant to the issues at hand and so relevant to the sorts of issues that ought to be considered in referring the Bill to the Planning and Environment Committee, I completed it in speaking to this motion.

Mr Whitecross, there is a series of other reasons why I believe the Bill ought to go to the Planning and Environment Committee. The first concerns the role of the Metropolitan Policy Plan in the legislation. My amendment concerning that refers to clause 9 of Mr Humphries's Bill and section 15 of the Act. Secondly, I believe it appropriate that we discuss whether or not the Planning and Environment Committee ought to be able to initiate variations to the Territory Plan. I have spoken at some length with the Greens. We had to come to a very quick conclusion that because of the way that I could prepare drafting instructions it would be better for such proposals to come not from the Planning and Environment Committee but from the Assembly as a whole. That was a compromise I made, but I have not had time to have a good consideration of that issue or time to consider to what extent it would interfere with the separation of powers. This is a fundamental issue that the Planning and Environment Committee could consider.

Ms McRae: Did it come out of Stein? No. Did it come out of any of the other inquiries? No.

MR MOORE: I hear Ms McRae parroting, "Did it come out of Stein?". No, it did not. Neither did about three-quarters of the Bill in front of us now, Ms McRae. That says something about the fact that Labor has agreed with the Liberals that they are going to put this Bill through. It does not matter what else happens. They are going to

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put it through tonight. It does not matter how long we have to stay here. It is going to go through and that is all there is to it. Too bad if any other ideas come up in debate. They have taken that position and will maintain that position while they sign their Christmas cards.

The third issue is the whole concept of whether the department should carry out preliminary assessments or not. In our round table meeting at lunchtime today - an arrangement that was made yesterday to facilitate the process and to develop an understanding - we talked about the legislation. The Government's response, which I am sure we will get to in the detail stage, was basically that they need more time. I think I am being fair to Mr Humphries. I am sure he will get the opportunity to correct me if I am not. By and large, the Government believes that it is not such a bad idea but it really needs more time to consider it. Quite right. Let us consider it in the appropriate way that this Assembly considers things. Let us refer it to the Planning and Environment Committee. That is the logical move. It is not too late to change your mind. We can refer this Bill to the Planning and Environment Committee, we can have our adjournment debate and we can all have a nice evening at home or with our friends.

The limitation of leasehold renewals is another issue. As far as I am concerned, this is an issue that really ought to be considered by the Planning and Environment Committee. This legislation, in the way it provides for renewal of leasehold, effectively provides for leasehold in perpetuity just by automatic renewal. It is an incremental step. I warn Labor that, when you stand back and get a conceptual view of it, you will see that everything that is important in our planning, everything for the protection of the ordinary resident and everything for the protection of our leasehold system is being whittled away by the Government.

Mr Whitecross: You want to resume everybody's lease when it expires, do you? That is the intellectual rigour of your position. You are a nonsense.

MR MOORE: I hear Mr Whitecross interjecting that I want to resume people's leases when they expire. If he had time to read my legislation and understand it, and if he also read my drafting instructions, he would realise that I am saying that they should be renewed once. In fact, to clarify it, I will read exactly what my drafting instruction said:

It is not intended to block the automatic/administrative-cost-only lease renewal process where the lease is approaching its end (30 years is an acceptable definition here). However, the renewal should NOT be an automatic right at any other time during the lease. In addition, the legislation should at this stage state that a lease can be renewed only once. (This leaves it to future generations to reconsider the issue.)

Ms McRae: Yes, throw people out of their houses. Fantastic! What an advance for humankind!

MR MOORE: Ms McRae interjects, "You will throw people out of their houses". What a joke! You are a joke, Ms McRae, when you come up with things like that. You are supposed to be the planning spokesman for your party. If you are the one guiding them, no wonder they have such problems as they do. No wonder Ms Follett resigned from the party. She could not run fast enough, and I can understand why.

MR SPEAKER: Relevance, Mr Moore.

MR MOORE: If there is a problem with the way it has been drafted, then that is the very thing that the committee should consider. The next issue is the change of use charge, referred to in the past as betterment. I particularly mention that because somebody reading *Hansard* in a hundred years' time may wonder what the heck "change of use charge" is. It is betterment. I have suggested 100 per cent. That is not new and would not be enough reason for the Bill to be referred to the committee, but I also propose that there be a sunset clause in the legislation. That has not been dealt with.

Other issues include the appointment and salary of a new commissioner. My understanding is that the Government might support a provision that the commissioner's salary should be set by the Remuneration Tribunal and not the Government.

Ms McRae: And that was covered anyway, was it not?

MR MOORE: Ms McRae says, "And that was covered anyway, was it not?". These are the sorts of issues that should be considered by the Planning and Environment Committee. If it so happens that in one of these drafts I have not got it quite right - when we have had less than 12 hours since we got our final version, of course mistakes will be made - that is the whole point I am making. One of the critical issues is the notion that somebody has to be substantially and adversely affected in order to appeal.

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

MR MOORE: Mr Speaker, I seek an extension of time because I have not finished this part of my speech.

Leave not granted.

MR MOORE: Mr Speaker, I move to suspend standing orders so that I can move a motion to allow me to complete my speech on this matter. I want to speak very quickly to the motion. It seems to me that it is perfectly reasonable that I be given an extension of time. I have not repeated myself once. I have gone through the process, and I am very disappointed that I was not granted leave.

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MR SPEAKER: The Clerk has advised me that Mr Moore does not need to suspend standing orders to move a motion for an extension of time. You may move a motion, Mr Moore, that you be granted an extension of time.

MR MOORE: I am quite happy to do that, Mr Speaker. It might save us some time. Mr Speaker, I move:

That Mr Moore be granted an extension of time.

Question put:

That Mr Moore be granted an extension of time.

The Assembly voted -

AYES, 3

NOES, 11

Ms Horodny
Mr Moore
Ms Tucker

Mr Berry
Mrs Carnell
Mr Cornwell
Mr De Domenico
Mr Humphries
Mr Kaine

Ms McRae
Ms Reilly
Mr Stefaniak
Mr Whitecross
Mr Wood

Question so resolved in the negative.

Question put:

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

The Assembly voted -

AYES, 3

NOES, 11

Ms Horodny
Mr Moore
Ms Tucker

Mr Berry
Mrs Carnell
Mr Cornwell
Mr De Domenico
Mr Humphries
Mr Kaine

Ms McRae
Ms Reilly
Mr Stefaniak
Mr Whitecross
Mr Wood

Question so resolved in the negative.

Detail Stage

Clauses 1 to 4, by leave, taken together, and agreed to.

Clause 5

MR MOORE (6.20): It gives me pleasure to stand to speak to this clause. It states:

... the principal Act is amended by omitting the definition of "Chief Planner".

The definition of "Chief Planner" in section 5 of the principal Act states:

"Chief Planner" means the Chief Planner for the Australian Capital Territory appointed under section 43.

Section 43 says:

(1) The Minister shall, by instrument, appoint a person to be Chief Planner for the Australian Capital Territory.

(2) The Chief Planner holds office for such period, not exceeding 5 years, as is specified in the instrument of appointment.

(3) The Chief Planner holds office on such terms and conditions (in respect of matters not provided for by this Part) as are determined by the Minister in writing.

(4) A retiring Chief Planner is eligible for re-appointment.

(5) In the performance of his or her functions and the exercise of his or her powers the Chief Planner is directly responsible to the Minister.

This is the Chief Planner that we are doing away with. We will have no chief planner in our planned city. I think this is appalling. For a long time there has been a struggle within Canberra between planners and administrators. It was probably at its most open when the Department of Territories, and its predecessors and successors, debated long and hard with the National Capital Development Commission. The administrators always felt that the planners had got it wrong. The planners always felt that they set the parameters and the administrators would not achieve them.

Generally, this city was planned with this appropriate tension in place, but the tension has been resolved, Mr Speaker, in a most appalling way. Effectively, the Chief Planner's role will be taken over by the Secretary of the Department of Urban Services. I think this is a very unfortunate situation. This Bill finally undermines planning in this Territory.

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We have been told that strategic planning will now become part of the Chief Minister's Department. What result will we get when we allow the Chief Minister's Department to take care of strategic planning? When we did not have a professional planner from our city under the responsibility of the Chief Planner what result did we get? Mr Berry and his colleagues, rightly, with the Greens, and Mr Osborne and me, rejected the so-called strategic plan - I think that is an acceptable way to describe it without reflecting on the Assembly's vote. It was inadequate.

As the administrators take over, we can expect broad planning considerations to give way to short-term gains. I am going to give you an example of how my fears have been realised. There is a series of planning proposals for a road to link Gungahlin with Belconnen and Gungahlin with the city. The planners have set out a series of options. They have gone to the community, and a consultation process is taking place to ensure that we get the best possible way. While this is happening, the administrators are bulldozing the road through.

Ms McRae: It is not through the Chief Planner. DUS is doing the consultation, and it is a private company. Get your facts right.

MR MOORE: Ms McRae says that it is not about the Chief Planner. Of course it is about having a chief planner. It is about having somebody oversighting planning in the Territory. If indeed we have had a failure of planning, and if indeed we have had a failure of the Chief Planner up until now, there may well be a reason for this. The reason may well be that he was never empowered enough. This was something that I objected to - I did not win - when we put the Land (Planning and Environment) Act through in 1991. I said that you had disempowered the Planning Authority by making sure that the Chief Planner's budgetary processes went through the department. I was not heeded then. Probably I will not be heeded now. Things will not go from good to better as Ms McRae wants and expects. They will go from bad to worse.

Mouat Street is now being prepared for - what is the word I want? - - -

Mr Berry: Ask your adviser.

MR MOORE: Mr Berry interjects, "Ask your adviser". Very clever, Mr Berry! It is very easy for you, because you have never needed an adviser, because you have never had to deal with something complicated, because nobody has ever brought it to you, because they realise that you would not understand it.

A proposal to extend Ginninderra Drive was dealt with in the department not in the planning context of all roads but in the context of the duplication - that is the word I was looking for - of Mouat Street. What reason were we given? The duplication of Mouat Street is going to cost only \$3m, give or take a little; whereas the extension of Ginninderra Drive or one of the other options is going to cost \$9m. That is true; but it is a very narrow, short-term view of what is going to happen. It does not take into account public transport strategies. It does not take into account the full range of alternative routes that are available and out for community consultation at the moment. In fact, it undermines the whole process. It does not take into account the overall picture. There is no-one with power and responsibility to oversee what the Chief Planner is doing.

Mr Berry: Mr Speaker, I take a point of order on the ground of relevance. I think Mr Moore must be arguing about a different clause. The Chief Planner was there when all these things that he is describing happened. He seems to be off the rails a bit.

MR SPEAKER: I do not think there is any point of order.

MR MOORE: I am glad that Mr Berry calls me back to relevance so that I can explain. The point that I am trying to make, Mr Berry, is that the Chief Planner has already been cut down. His responsibilities have effectively been transferred. The legislation is putting it in place. We have created a situation where planning has become the eunuch of the administration. That is the difficulty with this. The final step is removal. What I am trying to explain is that they want to remove the Chief Planner.

Mrs Carnell: He is happy to go.

MR MOORE: I should clarify that I am speaking not of the person but of the position. What I want to explain to the Labor Party - I nearly said the Opposition - is that this is an incremental step; it is an incremental undermining process - - -

Mr Berry: This is a conspiracy theory.

MR MOORE: Incrementalism is not - - -

Mr Berry: Mr Speaker, I think we are onto the conspiracy theory again. It is not relevant.

MR SPEAKER: There is no point of order.

MR MOORE: I draw Mr Berry's attention to *Parsons's Public Policy*. If he reads it - it might take him some time because there are 500 or 600 pages in it - he will realise that a very normal part of public policy is an incremental approach. I know that Mr Berry does not like to take an academic approach, but it is a normal process in policy terms.

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

Mr Moore: Mr Speaker, if nobody else is going to speak, I will use my second period.

Ms McRae: Mr Speaker, I wish to speak, but I bring to your attention that I believe it is the wish of the house to suspend for dinner.

Sitting suspended from 6.31 to 8.30 pm

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Mr Moore: I raise a point of order, Mr Speaker. Can you just clarify for us at what time Mr Osborne is back in?

MR SPEAKER: He has a minute to go. The question is: That clause 5 be agreed to.

Mr Moore: Mr Speaker, before you put the question, I think Ms McRae is on her feet.

Mr Kaine: Can I move that the motion - whatever it was - be put, Mr Speaker?

Ms McRae: No. I want to speak. Do not do that to me. I have just been gratuitously insulted for the last three hours. Here is my big opportunity, Mr Kaine.

MR SPEAKER: Proceed, Ms McRae.

MS McRAE (8.31): Mr Speaker, I want to speak about the abolition of the Territory planner and take us back to the paper that Mr Humphries presented to the Assembly in March 1996, in which he announced exactly what was going to happen and why this legislation is being contemplated tonight. Whilst I can understand why Mr Moore and others are anxious about there not being a statutory planner, let me begin by saying that, even though the ACT has had statutory planners, and lots of very capable ones, it is not quite the perfect city that Mr Moore would like us to believe in. I do not think that any statutory planner would go around saying, "Wow! Have we not done the most fantastic job in the Belconnen Town Centre?". I do not think that having that on their CV would take them very far.

I could list other things that you could quite easily label as mistakes, oversights and slight glitches that perhaps statutory planners or any sorts of planners would prefer had not ended up the way they did. That is not to say that I do not share Mr Moore's, the Government's and everybody else's pride in our planned city. It is certainly a very comfortable city to live in. It certainly has yielded a great deal of comfort and community life for people who live here and has yielded a quality of life unmatched in other places. But I do not think the Territory is perfect and I do not think the simple keeping of a statutory planner's role or a chief planner's role is going to achieve the quality outcomes that we seek to achieve.

I think you can mount a case that the level of planning that we have had has been excellent, but it has not necessarily proved the case that an independent statutory planner is going to yield a good city. You cannot mount a case that the abolition of this position is also going to produce a good outcome for the ACT. What we need is what I said before. We need to know where we are going, how we are going to get there, who is responsible and who gets in the way of the outcomes that we want. To go back to the paper that Mr Humphries presented to us in March 1996, I want to read out exactly what is going to happen, so that I can banish all thought that suddenly we are in a planner-free zone. No matter what Mr Humphries and I might collude to do, the ACT will never be rid of a Territory Plan, a Land Act and the entire process of planning and land and lease management that we have so carefully put in place. No matter what scaremongering is going on about the dire consequences for the future, let me assure
all

the people of the ACT that there will be no more town centres of the quality of planning of Belconnen. This brand-new effort is going to try to incorporate a far better process that perhaps will not end up with a car park overlooking a lake, which is not exactly the outcome of good planning. Probably any number of planners can tell me that it really was not the work of a planner but a mistake along the way, but I think it is best forgotten and never done again.

What we are doing tonight may well produce another mistake of that kind, but it may not. It is foolish to say that just one position makes a difference to the quality of planning in the ACT. What makes the difference is agreed outcomes, political will and the will of the community, understood and followed. That requires proper administrative structures, a Minister willing and able to listen, an opposition that keeps the government on their toes and a community that trusts the processes that are happening. In March 1996 the Minister said:

... the Planning and Land Management Division ... will be established within the Department of Urban Services, replacing the existing structures of the Land Division and administrative and policy functions of the ACT Planning Authority, bringing together responsibility for managing Canberra's leasehold management and land use planning. This will do much to facilitate the integration of land planning and management and produce the improvements we are all seeking.

Mr Humphries went on to say:

The new division's functions will fall into five key areas of responsibility - policy, land supply, area coordination, customer services and regulation. The policy group will be charged with the responsibility for producing and reviewing the Land Act and the Territory Plan, including all of the items identified by the board of inquiry under its proposed land use suitability plan.

Everybody has had that paper and had the opportunity to read it. It has been in the public domain since March, so it is no surprise to anybody that tonight we are looking to abolish this position. Not only have we seen this come into play, but we know full well that we have heading that division an eminently well-qualified person who is a planner and has an excellent national and international reputation.

What is more, totally within the spirit of the Stein inquiry and recommendations, at least two more people have joined PALM. One is a very well-known planner and one has excellent qualifications in architecture, although I do not know about his other qualifications. By this Government's action, not only are we keeping a well-qualified planner in charge of all these activities but we have increased the number of qualified people, as recommended by Stein. It was a somewhat elitist recommendation, might I add, but still one that the Government has taken on board.

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As I have pointed out, sometimes even people with planning qualifications can make errors in planning. Justice Stein's recommendation that planning qualifications be the only consideration will not always produce the sorts of outcomes that we want. That is not to say that I am not impressed and pleased with the way the Government has responded. They have clearly accepted that perhaps there was a gap in the range of qualifications and backgrounds of the people who did this work, and when the opportunity came up they filled it. That is an act of good faith within the spirit of Stein, whose recommendation this Government could have chosen to ignore. They could have put in plumbers. They could have put in teachers - you never know. It did not need the sorts of people that Stein recommended, yet we have seen within the last six months a level of acceptance of the sorts of criticism that Mr Stein threw up and the Government saying, "Okay. Maybe this thing is not working. Let us try to make it work".

In a scaremongering way, Mr Moore says, "How can we possibly face the future without a statutory planner? How dare you change the way we do it!". Instead of looking at it in that way, let us look at exactly what is being talked about. What is being talked about is putting together an administrative structure, with a senior level person with appropriate qualifications in charge of it, tasked to do the things laid out by legislation and spelt out in the Territory Plan, which then still have to go through exactly the same public processes as when we had a statutory planner. In that context, it does not look like the end of Canberra as we know it that Mr Moore suggested. I think that there are plenty of good objective reasons to support this piece of legislation.

MR MOORE (8.40): I think the Labor Party have missed the significance of having a planner. That is the point I was trying to make, rather than what Ms McRae said. As I said, we will have an incremental movement away from planning control. That is what I am concerned about.

Question put:

That the clause be agreed to.

The Assembly voted -

AYES, 11

NOES, 3

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

Question so resolved in the affirmative.

Clause 6

MS HORODNY (8.46): I move:

Page 2, line 27, before paragraph 6(a) insert the following paragraph:

“(aa) by inserting in subsection (1) ‘ecologically sustainable, health,’ before ‘attractive’.”.

Mr Speaker, the current wording of the object of the Territory Plan - that it will provide the people of the Territory with an attractive, safe and efficient environment - is very limited and out of step with the growing environmental awareness in the community. This amendment expands the object of the Territory Plan so that it is clear that the planning and development of the ACT should promote ecological sustainability and the health of the ACT people in the broader sense of the term. The use of these words is consistent with the ACT Government's commitment to the national strategy for ecologically sustainable development and even the Liberal Party's so-called strategic plan for Canberra, which acknowledged the need to manage the ACT in accordance with ESD principles.

MS McRAE (8.47): Mr Speaker, we are not inclined to support this amendment. We would rather put in “a socially just, a fair and an excellent community for all of us to live in”. I think the Government will actually be supporting the amendment. One could choose a different set of adjectives every time that the plan comes up for amendment. I am not convinced that to call for an ecologically sustainable and healthy community is actually going to make terribly much difference to anything, so we will not support it.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (8.48): Mr Speaker, for much the same reason - because it does not make much difference either way - we do intend to support the amendment. I am not sure that the words add much, but I cannot argue with objectives which include those adjectives, so I indicate that we will support them.

MR MOORE (8.48): Mr Speaker, objectives are particularly important in an Act; otherwise, you would not have them.

Ms McRae: Add a few more. I want “socially just”.

MR MOORE: I hear Ms McRae interjecting that perhaps we should have “social justice” in the Act as well. I am surprised that she did not put an amendment to that effect. I would have considered it quite seriously. I think that the extra words that Ms Horodny is putting up are quite sensible. They will enhance the Act. If we are going to dismiss them, saying that they do not matter, then why bother about “attractive”, “safe” and “efficient”, which are the current words in the Act? I am pleased that members are supporting the amendment.

MS McRAE (8.49): “Attractive”, “safe” and “efficient” are actually achievable under the Territory Plan. “Healthy” is not. We can get into a quarrel about what words do and do not mean. I do not see that you can achieve ecological sustainability or health by what we are looking at today. “Attractive”, “safe” and “efficient” you can. That is why I am not prepared to agree to Ms Horodny’s words. I am not writing them off as silly. I think there is great merit in worrying about how we get ecological sustainability and health into our community, and I think it is appropriate that the Government support these words, because they put them in their so-called strategic plan and obviously are looking to move that way; but I would like to see how anybody could cope with actually being challenged on whether this has delivered health or not. I would like to take someone to court on the ground that they have not delivered health under the provisions of this particular paragraph.

These words seem inappropriate to the nature of the sort of activity that we are describing in this clause. I can understand the motive of the Government and the Independents, but I have a deeper problem than may have been apparent from my initial comments, which may have sounded a bit glib. If we are moving down this path, there might be a case for adding “socially just”, words about a more even spread of government facilities and a whole lot of other things the Labor Party finds attractive and important and wants to load onto this.

It is in that context that I am rejecting the use of these words. Every time we rewrite this we can probably add more adjectives which may be helpful in the long run in explaining what sort of society we want but which are not actually capable of achievement. I want to correct any idea that I was simply being glib about this. We will not support the amendment, but that is not to say that we do not support the notion that government planning should provide ecological sustainability or a healthier community. They are very laudable goals and I hope that at some time, in the proper place, we ensure that this Government delivers on them.

MR MOORE (8.51): I think what Ms McRae has in mind is a definition of health which is about sickness and health, whereas most of us now view health in a much broader sense. Certainly, if we refer to the population health census identified in the Ottawa Charter of 1986, which I have referred to in this Assembly before today, we see that it is about empowerment and enabling. Health has a very broad concept and is actually a very important part of planning and empowering. From the long time Ms McRae has spent on the Planning Committee, I know that these are concepts that generally she is very positive about. I think that broad definition of health is entirely appropriate here.

MS HORODNY (8.52): The ESD concept was actually introduced into the Australian community by Bob Hawke. Ms McRae obviously does not know anything about that. She is not very clear at all on ESD. We keep having this debate. She seems to have a very poor understanding of what ESD is about, which is very unfortunate. If she went away and did her homework, she might know, once and for all, what this debate is about, and then we would not have to keep repeating ourselves. ESD has a very clear definition.

It is about setting goals and has the concept of social justice within it, which again Ms McRae obviously does not understand. It is about intergenerational equity; it is about intragenerational equity. Ms McRae asked how you prove ESD and how you prove health. How do you prove attractiveness, Ms McRae? That is obviously a very subjective thing. It is a real shame that the Labor Party, and Ms McRae in particular, do not familiarise themselves more adequately with the ESD principles.

MR BERRY (8.54): If you are going to put “health” in, I should say something as the Labor Party spokesperson on health. It is all right to make patronising remarks about health, but if you are really serious about including “health” in a piece of legislation you should go to the Health and Community Care Services Act. Do what I call homework and read through the legislation. The functions of the health service go from (a) to (k). I will not bore the Assembly - - -

Mr Moore: That is all right. Take your time.

MR BERRY: Okay. They are:

to promote, protect and maintain the health of the residents of the Territory;

If you are going to talk about health, it would be incomplete unless you made those sorts of references. They continue:

to manage facilities under its control;

That could be mentioned in the planning Act too, I suppose. For what purpose I do not know. They go on:

to consult and cooperate with individuals and organisations concerned with the promotion, protection and maintenance of health;

You just cannot leave all of those important principles out of a discussion about health. This goes from the sublime to the ridiculous, does it not? If you are going to talk about health, you should tell the complete story. If you are going to talk about the environment, you should tell the complete story. If you are talking about a planning Act, let us stick to planning, for heaven’s sake.

Amendment agreed to.

MS HORODNY (8.55): I ask for leave to move amendments Nos 2 and 3, circulated in my name, together.

Leave granted.

MS HORODNY: I move:

Page 2, line 31, paragraph (b), omit “and”.

Page 2, line 31, after paragraph (b) insert the following paragraph:

“(ba) by inserting after paragraph (3)(e) the following paragraph:

‘(ea) prescribe the circumstances in which a change of use charge may be remitted under section 184B or 187B; and’ ”.

Mr Speaker, these amendments relate to the remission of change of use charges for variations of leases. The Bill states that the Minister may make regulations for prescribing the circumstances under which remissions can be made. As a principle, the Greens are not against providing remission of change of user charges for the purpose of encouraging particular forms or locations of development in accordance with the objectives of the Territory Plan and where a particular development is judged to have a net benefit to the community that at least equals the revenue forgone from providing that remission.

What we are most concerned about is how the rules governing remissions are decided and whether the community has an adequate opportunity to contribute to and scrutinise the Government's decisions on remissions. At present this is done through regulations under the Land Act, but we believe it might be more open and accountable to have the details of when and at what rate remissions will be allowed incorporated directly into the Territory Plan. The Government will then be required to clearly link its remission policy to the plan's principles and objectives and to its development controls. It would also have to go through a plan variation process to change its remission policy and thus be subject to public comment and Planning and Environment Committee scrutiny.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (8.57): Mr Speaker, the Government opposes these amendments. The Greens believe that you can drive the bus from the back seat; that it is possible for everything to be loaded into the Act or regulations to make sure that everything is directly controlled by the Assembly in place of the Government, so that it is possible for all of these issues to be dealt with with complete control, presumably, by the crossbenches, to make sure that nothing happens which might be untoward and out of kilter with policies of those on the crossbenches.

There is no reason whatever for remission matters to be dealt with in legislation. Nor are they matters that ought to be in the Territory Plan. I see the Territory Plan as being basically a document about the use of land and about policies dealing with land in the Territory. If someone wants to vary the Territory Plan, it is generally in order to achieve a different land use or a modified land use. I do not think a policy matter like remission should be dealt with through the planning variation process. That process has a mechanism for public consultation, for people affected making submissions and so on. It is a misconception to apply that process to a matter of policy which ought to be determined, I would suggest, in legislation or at least in regulations. I think there is a misconception by the Greens about the way this ought to work. I urge members not to support the amendments.

MS McRAE (8.59): Labor similarly believes that this matter is best left within the provisions of the legislation rather than the Territory Plan. These objectives can be reached in other ways. This is not the best mechanism. We will also be opposing the amendments.

Question put:

That the amendments (**Ms Horodny's**) be agreed to.

The Assembly voted -

AYES, 4

NOES, 11

Ms Horodny
Mr Moore
Mr Osborne
Ms Tucker

Mr Berry
Mr Cornwell
Mr De Domenico
Mr Hird
Mr Humphries
Mr Kaine

Ms McRae
Ms Reilly
Mr Stefaniak
Mr Whitecross
Mr Wood

Question so resolved in the negative.

Clause, as amended, agreed to.

Clauses 7 and 8, by leave, taken together, and agreed to.

Clause 9

MR MOORE (9.03): Mr Speaker, I move:

Page 3, lines 12 to 14, omit the clause, substitute the following clause:

“Preparation of variation

9. Section 15 of the Principal Act is amended by omitting from subsection (3) all the words from and including ‘All’ to and including ‘(1984)’ and substituting ‘The Authority shall not prepare a variation to the Plan inconsistent with the Metropolitan Policy Plan (1984)’.”.

The amendment deals with subsection 15(3), which was the attempt within the legislation to ensure that the Territory Plan would be a strategic plan. Unfortunately, the so-called strategic plan was not a strategic plan. Therefore, I am moving that the strategic elements of the Metropolitan Policy Plan of 1984 apply until that plan is replaced by a further comprehensive strategy for the long-term development of land in the Territory. The irony is that Mr Humphries wants to remove reference to the Metropolitan Policy Plan because the Government thought that they had introduced a strategy into the Assembly earlier this week; but, of course, it was not a strategy for the Territory, just a bit of Liberal ideology that the Assembly has dismissed.

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Therefore, it seems appropriate not just to retain subsection (3) but, more importantly, to strengthen it. My amendment strengthens it by omitting all the words from and including "All" to and including "(1984)" and substituting "The Authority shall not prepare a variation to the Plan inconsistent with the Metropolitan Policy Plan (1984)". This is only about variations to the Territory Plan from now on.

MS McRAE (9.05): Initially, we were quite attracted to this, because we are quite firm supporters of the Metropolitan Policy Plan and believe the argument that it has been waiting for the strategic plan to replace it. Subsection 15(3) of the Act states:

All variations to the Plan prepared by the Authority shall have regard to any relevant provisions of the document known as the Metropolitan Policy Plan (1984) until that policy plan is replaced by a further comprehensive strategy for the long term development of land in the Territory.

This could be interpreted as waiting for the strategic plan that was rejected the other day; but, on advice, we are told that, in fact, the comprehensive elements of the Territory Plan now cover this area. It has been subsumed by quite detailed and comprehensive work on the Territory Plan. Therefore, the amendment would take us back to something that we do not need anymore and would create unnecessary difficulties.

Whilst I want to flag that we are in sympathy with what Mr Moore is attempting to do, have a fair understanding of what he is attempting to do and have some agreement with the principles of the Metropolitan Policy Plan of 1984, we think that the Metropolitan Policy Plan has been subsumed by the current provisions of the Territory Plan and that the subsequent strategic plan will fit in in a different way, yet to be explained to me, once it comes into place. Given that it is not here, that it is not completed and that it is not agreed to, I do not think it is time yet to worry about how that is going to impact on this clause. I simply say that we will oppose Mr Moore's amendment but we look sympathetically at the ethos of what Mr Moore is trying to achieve, and at the appropriate time, probably when we do get a strategic plan that is more acceptable, we will have a closer look at how it marries with the current quite comprehensive provisions of the Territory Plan.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (9.07): I think Ms McRae has summed up the reason not to accept Mr Moore's amendment. Let me make the point, though, that, even were we persuaded that there is some need to jettison the Territory Plan's provisions which are supposed to have superseded the Metropolitan Policy Plan, I would have very grave doubts, not having read the Metropolitan Policy Plan recently, that a 12-year-old document prepared in the pre-self-government era of the ACT by another government altogether ought to be the touchstone for planning in this city. A great deal has changed in this city in the last 12 years. Mr Moore obviously pines for the days before Canberra changed, but the fact is that it has. We need to go beyond saying, "We will choose a document as our bible no matter how flawed it is. The Metropolitan Policy Plan has certain nostalgic attraction. We will go for the Metropolitan Policy Plan". That is obviously not going to work.

MR MOORE (9.09): I am not being nostalgic or pining for the past. What I want is a strategy. It annoys me to tears that Mr Humphries can accept advice that the purpose of subsection 15(3) is served by the strategic elements of the Territory Plan. There are very minor strategic elements in the Territory Plan. Strategic land planning is about how much development, where and when. Those things are not achieved within the Territory Plan. It is a land use plan. I think it is a shonk to claim that it meets the purpose of subsection (3).

I do not pine for the 1984 Metropolitan Policy Plan. I do not have nostalgia. It is not my bible. What I pine for is a decent long-term strategy. That is why I began trying to get a strategy together within the Planning and Environment Committee. Members supported me, which I appreciate; but the Government said, "Do not worry. We will do the strategy. We will do a complete overall strategy with the Commonwealth". I found that a very exciting prospect. I was so disappointed when it was not achieved, but I do not want to reflect on a vote of the Assembly by saying more. I appreciate what Ms McRae is saying. I think we are on the same wavelength. I think it is fair to say that she does not like the way I have gone about it here, but it is something that we need to look at again once the strategy is developed. I wish Mr Humphries would just make some effort to understand what it is that people are trying to achieve here.

Amendment negatived.

MR MOORE (9.12): Mr Speaker, although my amendment to strengthen subsection 15(3) has been lost, there is no reason for us to totally eliminate the subsection. Let us at least leave in encouragement for people preparing variations to take into account the Metropolitan Policy Plan.

Mr Humphries: It is more than that.

MR MOORE: Mr Humphries says that it is more than that. He is a lawyer. He can attempt to interpret it. We have to do our best in reading English. Mr Humphries, as Attorney-General, should be making sure that legislation is prepared so that it is readable for ordinary people. What I am hoping will stay and what I am suggesting should stay is:

All variations to the Plan prepared by the Authority shall have regard to any relevant provisions of the document known as the Metropolitan Policy Plan (1984) until that policy plan is replaced by a further comprehensive strategy for the long term development of land in the Territory.

I would have thought that any ordinary lawyer would have said that the relevant provisions of a comprehensive strategy were the strategy provisions of the Metropolitan Policy Plan. I think that is a reasonable interpretation. Therefore, until we have a strategic plan, it ought to remain in place. I understand that Mr Humphries prepared the legislation believing that he would have a strategic plan tabled. At the time he probably had not read the document that was tabled but thought he was going to have a strategy that he could rely on. That is not the case. Therefore, I think it is appropriate that subsection 15(3) remain.

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MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (9.14): Mr Speaker, I still maintain that subsection 15(3) should come out. I made a comment before about the applicability of the Metropolitan Policy Plan 12 years after it was enacted. I disagree with Mr Moore. I think that there are strategic elements in the Territory Plan. They ought to be the primary touchstone for planning developments in the ACT, not the Metropolitan Policy Plan. It is, therefore, inappropriate to use that particular document as the basic element. I am sure that many planners in the Territory are likely to look at, or use as a resource, the Metropolitan Policy Plan.

Mr Moore: The Assembly should tell them to.

MR HUMPHRIES: I am not as prescriptive in these areas as you are, Mr Moore. I just think it is important to be up to date, and the Metropolitan Policy Plan is not a document which is up to date enough to provide for the contemporary needs of the Territory.

MS McRAE (9.15): Mr Speaker, I am reluctant to spoil this rare moment of harmony with Mr Moore, but I am afraid I have to. I will not be supporting the retention of that provision. I reiterate that I understand what Mr Moore is trying to do, but I think that it is better to wait until we have the strategic plan and then determine how we want it to be incorporated into the Land (Planning and Environment) Act. We may go back and put it in; we may choose to do it in a completely different way. I think it is better to ride with the idea of removing this provision from section 15 and taking on board the concerns about a strategic plan at a later date. We will not support Mr Moore.

Question put:

That the clause be agreed to.

The Assembly voted -

AYES, 11

NOES, 4

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

Question so resolved in the affirmative.

Clause 10 agreed to.

Proposed new clause 10A

MR MOORE (9.20): Mr Speaker, I move:

Page 3, line 27, after clause 10 insert the following clause:

“Environmental reports and Inquiries

10A. Section 18 of the Principal Act is amended by omitting paragraph (2)(a) and substituting the following paragraph:

‘(a) prepare an Assessment; or’.’.

This is the first of a series of amendments that propose that environmental reports and inquiries be prepared not by the proponent but by the department. It seems to me that conceptually we have a problem not only of independence but also of things being seen to be independent. When an environmental assessment is done it should be not only independent but also seen to be independent. Having a department at arm’s length selecting who prepares the assessment is, I believe, a better way to operate than the way we currently do it, with the proponent choosing their own person and saying, “Can you please do an environmental assessment for me? I know that you are going to find everything against me, but that is okay. Go ahead and do it”. They say that, and lo and behold it just does not happen.

There was criticism - in my judgment, some of it, although not all of it, quite unfair criticism - of the preliminary assessment at McKellar. It was seen to be partisan in the sense of the proponent being too close to the person who did the assessment. I know that it has been assessed by the department to make sure that that is not the case, but I think the issue needs to be rectified. I put up this amendment to the legislation because I think it is an effective way to do so.

MS McRAE (9.22): We will not be supporting this. Unlike pretty well every other one of the issues that the Government has raised in its legislation, this has come completely out of the blue, seemingly in reaction to the criticisms that were raised about the PER on McKellar, which I do not think were necessarily just, and has simply not had enough airing and discussion, even if you take 21 October as the starting date, except that that was well after most of the public discussion was had. I think we are rushing into something which will not necessarily solve the problem as Mr Moore sees it. In fact, it would create new problems much more difficult to solve than the ones he perceives.

With a great deal of the material from Stein, we have been dealing with perceptions and people’s interpretations of events, actions and reports. This is another perception of the way that some reports have come out. Just because every single one of the PERs that have come to Mr Moore’s attention happens to be in favour of the proponent, I do not think that that in pure, hard logic presents a case that therefore PERs that are paid for by proponents are in any way biased or likely to go the way of the proponents. It is just as

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likely that every single one of those PERs produced the sort of information that was necessary and happened to fall in line with what the proponent needed. There is absolutely no basis in logic for immediately rushing to the Minister paying for getting the PER done.

When you look at the detail of this amendment, you start to run very rapidly into deep water and complications. I think it deserves at least six months or more of discussion, as we have had with the other changes that Mr Humphries foreshadowed in March of 1996. We should leave it be, take on board the perhaps legitimate concern that arises from a proponent being the one that commissions and pays for the PER and start to look at alternatives that may make the process more satisfactory.

In arguing that, I do not accept that there is logic in the argument that every PER that has been paid for by the proponent is biased toward the proponent. I do accept that in the areas of planning and land management we deal very frequently with public perception, interpretation, and reinterpretation which is often mischievous but unfortunately a reality. Given that those public perceptions and the capacity for mischief exist, then we have to try to pick up every single one of the issues that concern them, try to create a process that is as transparent as possible, destroy things that are simply impressions and get back to cold, hard logic and straight good management practices that say, "Do not be silly. It can never be and it will never be that we are only dealing with biased PERs". In the way that PERs are done, they do not stand as the last word. Further advice is given on them before a Minister makes his decision. In the case that we witnessed here last week there was even public scrutiny. In addition to the advice given to the Minister, we were able to put in our two bob's worth.

It seems to me that we are not dealing with anything that has yet been proven to be a problem, but we are trying to deal with something that may be a problem. I think that we should proceed with the rest of the Bill and not put these amendments through tonight but put them on the table in the same way that Mr Humphries put the issues on the table in March 1996. Next year, when we are looking to further amendments to the Land Act, perhaps we can pick up the changes by legislation, by ministerial practice or policy or by some other process. I do not think it necessarily entails a legal change to put in the types of changes that are being thought about. I would like to see a range of options to deal with this perceived problem, and, when I have had a chance to think about the different alternatives, then I would be much more inclined to support a legislative change or back up some sort of policy or management change that is put in place by the Minister or his department. At this point I do not think that this amendment deserves support. I acknowledge that for some people there seems to be a problem, and on that basis I urge the Government to take these issues on board and deal with them in an appropriate way.

MS HORODNY (9.28): Mr Speaker, again the argument that is being put forward is that there is a standard around the country and that in the ACT we are simply complying with that standard. The real question is: Is the standard that is being followed around the country adequate? Why should we necessarily comply with it if it is not adequate? I would suggest that it is not adequate, because the same problems arise all around the country. The issue of environmental assessment presents a real problem when the proponent commissions a study. It is an ongoing problem, and it occurs all around the

country on any issue that you would care to name. There is no reason why here in the ACT we cannot advance some solution to that problem. I suggest that a solution is being presented here. It is just the classic and continual problem of having the fox in charge of the henhouse, so to speak. The process is often biased.

Ms McRae speaks about public perceptions. This is one of the things that seriously need to be addressed. The public perception is not good. It is very poor in this area.

Ms McRae: In your opinion.

MS HORODNY: Ms McRae is obviously not in touch with the community here in the ACT; otherwise, she would know very well that the public perception is very poor in this regard. I would be very interested to see one example at least of a preliminary assessment that recommended against a development. I would love someone to put that forward and to table it here.

Ms McRae: What has that to do with anything? What is the logic of that?

MS HORODNY: Ms McRae, it shows that PAs always recommend a development. It might suggest nothing to you, Ms McRae. To me, it smells a little odd.

Another issue is that there is never any post-development monitoring to assess whether the development complies with the preliminary assessment. These are ongoing issues. It seems that there is no commitment on the part of this Government or on the part of the Labor Party to support any sensible amendments that would go some way at least to solving this problem. We are going to see this problem perpetuated. The Government does not seem to have any willpower on this issue, so the public perception continues to be poor, with no solution in sight. I think it is a very sad day for planning. Indeed, it has been a very sad week for planning in the ACT.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (9.32): Ms Horodny said that the process is biased, and she went on to talk about how the perception of the process was very bad. To some extent, she is a reflection of the views of her electorate when she comes into this place and makes statements or assertions about the way in which certain things are seen out in the community. You are entitled to do that, Ms Horodny. You are entitled to say, "My constituents feel that certain things are the case". You also have a responsibility to say on occasions, "This is the perception, even though I can see that the reality may be different". With great respect - - -

Ms Horodny: But the reality is not different.

MR HUMPHRIES: You assert that. You are asserting that the PER processes, preliminary assessments and so on are actually biased, not just that they are perceived to be biased. That is a statement I would like you to prove. I challenge you to find some evidence of that assertion.

Mr Moore: She just said it.

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MR HUMPHRIES: The evidence is not the fact that she says that people perceive it to be biased. The evidence has to be that it actually is biased.

Mr Moore: She supported her argument by saying that there has never been an assessment that has gone against the proponent.

MR HUMPHRIES: The reason it does not go against the proponent is that the proponent finds out if it is going against him while the PER or PA is being prepared and he does not continue with the particular proposal. We do not hear about proposals which turn out to be not tenable. The proponent works that out as the PER, or whatever, is being progressed. I do not accept Ms Horodny's assertion at all. I also do not accept that it is all right for members of the Assembly who should know better to come in and say, "We have heard people say that it is biased and we can point to a fact, a very bald and unenlightening fact, that all PERs support the proponent's point of view. Therefore, this proves that there is not a successful and unbiased PER or PA process". I think that is extremely naive and narrow-minded.

I would say to Ms Horodny that she should accept what Ms McRae has said - that there is a desire to overcome the perception of the work being in the hands of the proponent and therefore being biased - and work towards a way of providing for that work to be assessed and seen to be assessed in a neutral way. There are ways of doing that. One of those ways is that we consider the suggestion made by Mr Moore that the process be handled within the department, that the department retain the consultancy firm which does the assessment and that the proponent pay for it by giving a sum of money to the department, which then uses it to pay the consultant. That is one way. Another suggestion that has been made to me is that, rather than the proponent being able to choose his consultancy firm, he has to select randomly from a panel. A bottle is spun, as it were, and whichever name it points to is the firm which the person then has to use. That is another suggestion which I think has been put in the past.

Ms McRae and I discussed this problem a couple of weeks ago. We realise that the perception is there and we want to work towards doing something about it. Simply abolishing it, as Mr Moore suggests, is a little bit of a problem. I refer to the Intergovernmental Agreement on the Environment which was agreed to uniformly in about February 1992. That was obviously an act of the former Labor Government. Schedule 3 of that agreement describes the uniform processes to be used in this country for environmental impact assessments. Paragraph 3(viii) provides:

proponents will take responsibility for preparing the case required for assessment of a proposal and for elaborating environmental issues which must be taken into account in decisions, and for protection of the environment;

I am already on record in this place as saying that I think the process of agreements being reached by government needs to be more inclusive than the one that has been used in the past. Particularly where an agreement results in the necessity for legislation, there needs to be some way of the parliamentary process having a say in the agreement

that is originally reached. That is why Ms Follett tabled the report of the scrutiny of Bills national committee about how we might do that. I supported that process myself when I was on the Scrutiny of Bills Committee.

However, I am not proposing that we go back and rewrite or withdraw from every intergovernmental agreement reached in these areas while we are trying to sort out some way of doing that better in the future. The ACT is a signatory to the Intergovernmental Agreement on the Environment - a document which generally, like it or not, Ms Horodny, does protect the environment and provide for higher standards and uniformity of standards around this country in these areas. To throw it out unilaterally would be a risk, if not an outright mistake.

I think we have to be a little more careful than Mr Moore suggests, and I would argue that in this case we should spend the summer recess thinking about how we might do this properly and come back and address the issue. As far as I can see, everyone in the Assembly agrees that there is a problem with perception out there. Some go a bit further than that, but most agree that there is a problem of perception out there. We have to fix that when we come back to this issue later.

MR OSBORNE (9.38): Mr Speaker, how are you? Did you have a good break over dinner? Are you in a bit better mood now?

MR SPEAKER: No.

MR OSBORNE: I am.

MR SPEAKER: A 202 can still be a 303, Mr Osborne.

MR OSBORNE: Please put me out of my misery, Mr Speaker.

I will speak briefly to Mr Moore's amendment. I will rise only once this evening to explain my reasoning for supporting Mr Moore on this and also the rest of his amendments. I do not profess to know a lot about planning, and I do not particularly want to know a lot about planning. It is not something that overly interested me prior to the election, and it is not something that overly interests me now, other than when it comes to schools not in my electorate. However, there are a couple of things that I would like to say. The changes that have been proposed here are very substantial changes. For as long as I can remember - I do not know for how long it goes back - this Territory has gone down a certain road when it comes to planning issues. From what I can work out, what is being proposed means that we are now heading off on a different road completely.

Mr Moore: Correct.

MR OSBORNE: "Correct", Mr Moore says. That requires this type of legislation to be looked at very thoroughly and members of this Assembly to take time to address all the many very contentious issues. In my constituency, I do not think I have been approached about the Land Act - only specific issues. For as long as I can remember - perhaps Mr Moore can place a date on it - planning in the Territory has gone down

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a certain path. Now we are proposing to go in a different direction. There may well be some merit in some of the things that the Government has proposed; but I still do not think that enough time has been allowed, not just for us here in the Assembly but for the wider community, to address this issue.

I will be supporting all the amendments, for that reason alone. I think this is being rushed. I know who the architect of all these changes has been. I know who the middleman has been on this issue. The man has been working between both sides. The one thing that scares me more than anything else in politics, the one thing that really gets the defences up, is the two major parties going together blindly. When the two major parties work together, it frightens the hell out of me, because I know something is up. Possibly something is up here. I am not prepared to go against my sixth sense. I do not think I have been wrong when I have done that. Every time these two have got together there has been something shifty happening. As I said before, I do not know a lot about planning. I do not intend to know a lot about planning. That is what I have Mr Moore sitting next to me for.

I think this has been rushed. Look at the smirk on Mr Humphries over there, shaking his head. Do that again. You look like one of those dogs that sit in the back of cars. I will be supporting Mr Moore and I will be supporting the Greens. I do not trust it when the two major parties get together and try to - I am looking for the right word here - - -

Mr Moore: Ram something through.

MR OSBORNE: That is what I was trying to say - ram something through. I think that is what is being done here. I do not know why it has not been sent off to a committee.

Mr Moore: You cannot reflect on a vote of the Assembly, remember.

MR OSBORNE: Okay. The Labor Party did a major backflip this morning, perhaps because the deal was being done on the new job - I do not know. Mr Moore hangs his head, suggesting that I should not have said that. The Labor Party supported quite significant changes to the emergency services within the Territory being referred to a committee. I cannot see why this has not been sent to a committee. I am perhaps pushing the barriers on referring to that vote, Mr Speaker, but unfortunately I was not here to speak on it because you kicked me out.

I will not speak again on planning tonight, because I do not want to sound any sillier than I am. I am always panicked and worried when the Labor Party and the Liberal Party get together, because 99 times out of 100 there is something shady going on. I also think this is being rushed. This is probably the most significant piece of planning legislation we will see in the term of this Assembly, and I do not think enough time has been given to it. I thought I would just clarify why my vote has been going a certain way and why it will continue to go a certain way unless I am evicted later in the evening.

MS McRAE (9.45): In speaking further to the amendment, I would like to put on record that the views of the Labor Party were made quite clear when the response to Stein was first put down. If Mr Osborne wants to impugn my motives, he should state it in the form of a motion and put outright what his suspicions are. If they refer to me, let him say exactly whom he is talking about and exactly what sort of deal he thinks I am involved in. I do not take lightly these accusations. We made our responses to this legislation quite clear when Mr Humphries made his statement about the response to Stein, when it went to the committee, when it came back from the committee and when we debated it here in the Assembly. There is nothing new in this legislation that takes us away from the matters that Mr Humphries raised at that time.

Mr Moore: Yes, there are.

MS McRAE: The stuff that is new comes from Mr Moore. I have already dressed Mr Moore down for presenting a new idea like this without the benefit of the six months of substantive debate. Mr Moore likes to find a series of details that are different from the words that Mr Humphries used in the response to Stein. My statement is that in principle the key issues that were raised in the response to Stein, the Mant/Collins review and the Red Tape Task Force were put on the table quite early in the year. I responded to them then. Members can read the detail of my response at that time in *Hansard*.

I am tired of Mr Osborne's accusations. Later, perhaps tonight or in another sitting, I will refer to similar accusations of collusion that Mr Moore has made in the *Chronicle*. I am sick to death of them. If people want to make those accusations, they should put them on the table, move a motion against me and debate the motion. Otherwise, they should stay out of it. You have absolutely no basis for the sorts of accusations that I have been subjected to all the way through the debate.

We have responded to this legislation, to the responses to Stein and to all the amendments that have been put before us in the way that we have made quite clear from the beginning, because they are logical responses to eight years of changes in the planning areas, to the inquiries that have come through and to all the reviews that have come through. I am putting it on the table. If anybody wants to impugn my motives, do it right now by way of motion and I will debate it.

MR OSBORNE (9.47): I certainly do not think Ms McRae has done a deal. I know who has done the deal. Ms McRae might help me word a motion on my gut reaction. I do not quite know how to word it. Because of my gut reaction I think the two major parties have got together. I do not quite know how to word a motion around that.

Mr Moore: I think we could get it right.

MR OSBORNE: Can we? I never implied that you had done a deal, Ms McRae. I never mentioned your name. I know who has done the deal. I know who the intermediary was. That is what I said. I did not once mention your name, Ms McRae. Perhaps I struck a raw nerve there - I do not know. If you would like to help my office word a motion about my instinct, please go ahead and do it.

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MS HORODNY (9.48): Mr Speaker, I would like to respond to Ms McRae as well, to correct an error in something that she said. She said that members in this Assembly have had since the Stein report came out to respond to this legislation. That is not accurate. This particular legislation of the Government was tabled only in November, so what Ms McRae has said is not true.

Ms McRae: Mr Speaker, I raise a point of order. Again I am being accused. Ms Horodny has just said that what I said is not true. That is impugning my motives again. I was saying quite clearly that the issues have been on the table since Mr Humphries's statement, and it is that that we knew about. If Ms Horodny wants to call me a liar again, she can do it by way of substantive motion.

Question put:

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

The Assembly voted -

AYES, 4

NOES, 11

Ms Horodny
Mr Moore
Mr Osborne
Ms Tucker

Mr Berry
Mr Cornwell
Mr De Domenico
Mr Hird
Mr Humphries
Mr Kaine

Ms McRae
Ms Reilly
Mr Stefaniak
Mr Whitecross
Mr Wood

Question so resolved in the negative.

Clause 11

MS HORODNY (9.53): I move:

Page 3, lines 28 to 36, omit the clause, substitute the following clause:

‘Public consultation

- 11.** Section 19 of the Principal Act is amended -
 - (a)** by omitting from paragraphs 19(1)(a) and (b) ‘21’ and substituting ‘42’; and
 - (b)** by inserting after paragraph (1)(b) the following paragraph:
 - ‘(ba)** stating that copies of written comments about the draft variation submitted pursuant to the invitation in paragraph (b) or otherwise, or received from the

National Authority, are to be made available for public inspection for a period of 21 days following the expiration of the period referred to in paragraph (b), at specified places;’.”.

The key part of this amendment is paragraph (a). The rest of the amendment is the same as what is in the Bill. Paragraph (a) amends the period for public comment on draft plan variations from three weeks to six weeks. The existing three-week public consultation period has been complained about by many people in the community because it is just not long enough for individuals and community groups to get sufficiently organised to respond adequately to plan variations. For example, LAPACs and many other community groups meet only once a month, so it is quite possible that a draft plan variation could be issued and the comment period finished in between monthly meetings.

It is unfair for the Government to expect the community to respond in a comprehensive way within three weeks to plan variations which the planners have been preparing for many months. Some people might say that this amendment will create too much delay for developers, but why should we always be pandering to the developers? Once a building is constructed, it could be around for the next 100 years, so we as a community should be certain that this type of development is what we really want. A six-week public comment period is very insignificant against this timescale.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (9.54): Mr Speaker, I do not support this amendment. In most cases the periods of notice that this amendment provides for are in fact used. The periods for public comment are in fact used by PALM. They generally capture a few more people than would be the case with a shorter period. I am not sure that a great many more people would be caught by that extended period. There is no evidence that you get an increase commensurate with the extension of the period.

Mr Whitecross: Ms Horodny reckons she has a queue of people outside her door complaining about the three-week period.

MR HUMPHRIES: Obviously. Lots of people read the papers only once every four weeks and miss it if it is not there.

Ms McRae: They recycle it.

MR HUMPHRIES: Before they recycle it, indeed. Generally, these periods are complied with, but sometimes there are amendments which are very minor. In those circumstances the shorter 21-day period is employed, rather than the 42-day period. I know that Ms Horodny believes that there is no such thing as a minor amendment; that anything, no matter how minor, must be of enormous importance to the community and it is possible for people to miss out on some important change to their Territory Plan, or whatever it might be, if a longer period of public comment is not open to them. I reject those sorts of suggestions.

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My feeling is that most people find out about these things during the periods that are presently provided for. There is not a need to adjust those periods. My assessment is that those periods are adequate. Since becoming Minister I cannot recall ever having anyone come to me and say, "The period of consultation was too short. I did not know about it until it was over". I recall a couple of cases where people have been overseas. You cannot cater for people in that category. They might be overseas for six months. I have not heard anybody in the Territory say, "I did not notice it in the period prescribed. I wish I had had longer".

If Ms Horodny does not have people coming to her making those claims, I suggest that her amendment is not based on anything which is really a problem in the Territory Plan but on her perception of what might in theory be a problem. In that case, there is no reason to support this amendment.

MR MOORE (9.57): Mr Speaker, I think the bit that Mr Humphries missed was the point that Ms Horodny was putting. There can be problems, particularly for community groups, because it is a quite common thing for community groups to meet monthly. Sometimes, of course, they meet more frequently than that. This has not been a problem up to now, in the sense that this is how long it has normally taken. I think that has shown goodwill on the part of the Minister and on the part of the department. But when we are talking about something as serious as a variation of the Territory Plan - and everybody here takes a variation of the Territory Plan very seriously - it is appropriate that adequate time be given. What Ms Horodny is arguing is that the time is inadequate to allow that. Since we are amending this part of the legislation, it is an appropriate time to correct that minor anomaly. That is why I will be supporting this change.

MS McRAE (9.58): Mr Speaker, we will not be supporting this amendment. This is a minimum time that is specified, not a maximum. Nobody has ever complained to us. I think we are dealing with a problem that does not exist and, therefore, we will not support this amendment.

Question put:

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

The Assembly voted -

AYES, 4

NOES, 11

Ms Horodny
Mr Moore
Mr Osborne
Ms Tucker

Mr Berry
Mrs Carnell
Mr Cornwell
Mr De Domenico
Mr Humphries
Mr Kaine

Ms McRae
Ms Reilly
Mr Stefaniak
Mr Whitecross
Mr Wood

Question so resolved in the negative.

Clause agreed to.

Clauses 12 to 16, by leave, taken together, and agreed to.

Proposed new clause 16A

MS HORODNY (10.02): I move:

Page 5, line 17, after clause 16 insert the following clause:

“Insertion

16A. After section 31 of the Principal Act the following section is inserted:

Public consultation

31A. (1) Before varying the Plan under subsection 32(1), the Authority shall cause to be published in the *Gazette*, and in a daily newspaper, a notice -

- (a) stating that copies of the proposed Plan variation, together with an explanatory statement and copies of any other documents considered by the Authority to be relevant, are available for public inspection and purchase during a specified period of not less than 42 days at specified places; and
- (b) inviting interested persons to submit written comments about the proposed variation to the Authority at a specified address and within a period of not less than 42 days.

(2) The Authority shall make copies of the proposed Plan variation, the explanatory statement and any other documents referred to in paragraph (1)(a) available for public inspection and purchase during office hours during the period, and at the places, specified in the notice.”.

Mr Speaker, this amendment relates to the provision in the Act for defined land. Once an area of land is declared to be defined land in the Territory Plan the Planning Authority is able to approve subdivisions of that land without any need to go through the normal plan variation process. There is, therefore, no public notification or consultation process on what happens on defined land, which to us is quite contrary to the principle in the rest of the Act that development applications should be publicly notified. The public can only guess at whether the Planning Authority is correctly approving subdivisions of land in accordance with the planning objectives for that land that may have been set some time ago when the land was first defined.

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There was a recent case with the Huntley estate in Bruce, where the subdivision of the second stage of the estate did not match the expectations of the residents of the first stage who were told that there would be an open space buffer between the two. It was only after the residents complained to the Planning and Environment Committee that there was any review of the developer's subdivision plan, but by then the construction of stage 2 had already started. Our amendment addresses this type of situation by ensuring that proposed plan variations for defined land are at least publicly notified and a period is allowed for public comment before the variation is approved by the Planning Authority.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (10.04): Mr Temporary Deputy Speaker, the suggestion made by Ms Horodny as an example of where the problem is being fixed is a very poor example because it was not, in fact, an example of a situation where there was any breach of the Territory Plan. The plan was always clear that a certain buffer would have to be provided if there was to be residential land against industrial land. In the end that land was used for a different purpose. As a result, the requirement on the developer to provide that buffer disappeared. In the end we negotiated some compromise on that matter which I think has pleased a number, if not all, of the residents in that area.

The point is that the solution which Ms Horodny has proposed would not have solved that problem. I am not convinced that there is any case where a problem would be solved by what she is suggesting. Once again, the Greens' amendment is based on an entire fallacy, a complete misunderstanding of what the plan provides for and an unwillingness to listen to advice about how their proposed solution addresses a problem which does not exist.

MR MOORE (10.05): Mr Temporary Deputy Speaker, it is interesting that the Minister talks about addressing problems that do not exist. There are many occasions when legislation is about preventative measures. I think that, in itself, is an argument that is relatively weak. In this case I think that variations to the Territory Plan in terms of defined land are appropriately treated in a way that is public. That is really all that Ms Horodny has asked for. Why would they not be treated in a public way by somebody who advocates open government? Minister, do you advocate open government? There have been a number of examples where we have seen it. This should be one of them as well.

Mr Whitecross: Seen what? What have you seen?

MR MOORE: There have been a number of examples of Mr Humphries advocating open government. I just cannot think of any at the moment.

Mr Whitecross: No. Have you seen an example of where he has varied the Territory Plan and it has not been made public? That is what you said.

MR MOORE: No; examples of open government.

MS McRAE (10.07): Again we are dealing with a problem that does not exist. This does not need to be dealt with in anticipation. We will not support this amendment.

Question put:

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

The Assembly voted -

AYES, 4

NOES, 11

Ms Horodny
Mr Moore
Mr Osborne
Ms Tucker

Mr Berry
Mrs Carnell
Mr Cornwell
Mr De Domenico
Mr Humphries
Mr Kaine

Ms McRae
Ms Reilly
Mr Stefaniak
Mr Whitecross
Mr Wood

Question so resolved in the negative.

Clause 17

MS HORODNY (10.10): Mr Temporary Deputy Speaker, I withdraw my amendments Nos 6 and 7 because they are consequential to my amendment No. 5.

MR MOORE (10.11): I draw attention to the fact that there are quite a number of clauses going through here that we are supporting. Some people are saying we just totally oppose this legislation. I opposed it in principle, but there are some good things in it. I just want to draw attention to the fact that there are some positive aspects to this legislation; but, of course, we do not speak to those clauses because they are agreed.

Clause agreed to.

Clauses 18 to 20, by leave, taken together, and agreed to.

Clause 21

MS HORODNY (10.12): I ask for leave to move amendments Nos 8 and 9, circulated in my name, together.

Leave granted.

MS HORODNY: I move:

Page 6, line 8, omit "subsection", substitute "subsections".

Page 6, line 15, proposed subsections 37(2) and (2A), add the following proposed subsections:

"(2) The Legislative Assembly may, by resolution, recommend that the Executive give the Authority specified directions under subsection (1).

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(2A) If the Legislative Assembly recommends, under subsection (2), that the Executive give directions to the Authority, the Executive shall consider the recommended directions and shall, by instrument tabled in the Legislative Assembly -

- (a) give the Authority directions under subsection (1) as recommended, or in a modified form; or
- (b) refuse to give the Authority the recommended directions.”.

At present, under section 37 of the Act, only the Executive can give directions to the Planning Authority about what policies and objectives it should pursue, or request it to review any part of the Territory Plan. The Bill expands this power to the Minister, but we believe this is still too narrow and ignores the role of the Assembly. There have been a number of motions debated in this Assembly requesting various actions on planning issues, but in the end the Assembly has to rely on the Government to implement these requests and there is no guarantee that the Government will do so.

We have been advised, however, that allowing the Assembly to direct the Planning Authority to do something may contradict the principle of the separation of powers because of the fact that the Planning Authority is now defined as merely a position within the ACT Public Service directly accountable to the Government. As a compromise, our amendment, therefore, requires the Executive to formally table a response to any resolution of the Assembly that seeks to direct the Planning Authority to review its planning policies or a part of the Territory Plan.

MR MOORE (10.13): Mr Temporary Deputy Speaker, in fact, I originally put amendments slightly different from this, but I withdrew them in the interests of brevity.

MS McRAE (10.14): We find this a totally unnecessary amendment. When does nine not equal nine, for heaven's sake? If there were a resolution of the Assembly, it would be a stupid government that did not listen to it. Even this one listens when there are nine against them, for heaven's sake. Now we have to comment on it as well. I do find it a redundant and unnecessary amendment; but, just to give Ms Horodny the pleasure of saying we once went with them, we will reluctantly agree.

Amendments agreed to.

Clause, as amended, agreed to.

Clauses 22 to 24, by leave, taken together

MR MOORE (10.16): We have already had the debate about the Chief Planner. These really are the substantive issues about the Chief Planner. While I will be opposing them, I will not call for a vote.

Clauses agreed to.

Clauses 25 and 26, by leave, taken together

MR MOORE (10.16): I draw members' attention to the fact that my amendments Nos 3, 4, 5, 6, 22, 23, 35 and 37 are amendments that have to do with an issue that we have already debated, and that is about the department preparing assessments. I will not be moving those amendments.

Clauses agreed to.

Clause 27

MS HORODNY (10.17): I withdraw my amendment No. 10, Mr Temporary Deputy Speaker. I now move amendment No. 11 circulated in my name, which reads:

Page 7, line 12, proposed paragraph 117(2)(b), omit all the words after "person" (first occurring), substitute "on request, without charge".

Amendment No. 11 ensures that preliminary assessment reports are available free of charge. It seems quite inconsistent that a vast range of government documents, including some that are quite thick and obviously cost some dollars to print, are available free of charge to the community on the basis that this facilitates community access to information and helps them contribute to the democratic process, yet preliminary assessments will be available only for a fee. It is true that some of the preliminary assessments are produced by private developers, but the cost of printing these PAs would be relatively small compared to the cost of producing the PA. It is not an onerous cost and it should be regarded as part of the cost of seeking development approval.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (10.18): I am not sure whether Ms Horodny understands that it is possible for a person who wishes to view a preliminary assessment or a public environment report, or whatever, to do so free of charge at the office of PALM.

Ms Horodny: You are not going to read a document that thick.

MR HUMPHRIES: You want us to say, "Does anyone want a copy of a document that thick? Sure. We will make a copy for you".

Ms McRae: Ten trees.

MR HUMPHRIES: I do not think anything that the Government provides which comes at that cost to the environment should be provided without charge. Take trees. You need trees to do that.

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Ms Horodny: Democracy. Consultation. Look at all of this. What about the cost of all this nonsense here?

MR HUMPHRIES: That may be a very good argument, Ms Horodny, but the fact is that we do not add to the problem. It is a very good argument. Why should we make this amount of material available free of charge when that would effectively discourage people from finding alternative ways of using the material, such as sharing it with other people or reading it at the place where it is made available?

Ms Horodny: That is a lesson you could learn yourself, Mr Humphries, with all the paperwork around here.

MR HUMPHRIES: We have generally moved to a position of cost recovery. Those documents can be very voluminous. I would think for the sake of our environment that we should be working towards discouraging the wanton use of those resources, and charging people for what can be sometimes very thick documents is not inappropriate, particularly when they can get access to them for free in other ways.

MS McRAE (10.20): We will be supporting the Government in this. I take this opportunity to say that, as technology improves, perhaps the Minister could consider scanning and putting these on a computer. People could get them on a disk, or read them on their own computer. Eventually, the level of technology is going to be such that people can put them up on their own computers and on the Internet.

I accept Ms Horodny's basic premise that people should be able to get this material and read it, but we only have to see what came before us today, for heaven's sake. They were just the PERs, never mind the PAs and every other bit of documentation that went around three leases that we got the material for today. You can see that the expense and the inconvenience of copying voluminous documents is not going to be particularly helpful. Given the changes that have come in technology, we could foresee the day when it will be quite easily pulled up either on a public screen or on a personal screen. I urge the Government to take at least that notion on board.

MR MOORE (10.21): I saw the Minister acknowledge that. I think it would not be a bad idea if he indicated that he would instruct his department to prepare that. I agree that this need would be met very easily by having such information available on disk. I would hope that he would instruct his department to investigate the possibility of having material available on disk. From my reading of it, that would meet the amendment that Ms Horodny has put up and you would not need to oppose it. It would then read that a copy of the preliminary assessment would be given to any person on request without charge. It does not say a copy on paper. It could be a copy on a disk. It could be a copy on a CD or whatever. It is a very good argument in support of Ms Horodny's amendment.

MS HORODNY (10.23): Mr Temporary Deputy Speaker, it is obviously a good idea to have paper and disks available for people, but there is a shortcoming with disks and with the Internet because we cannot assume that everyone out there in the community has a computer. That is a huge assumption to make and I do not think it is an accurate one.

Mr Humphries: There is a big shortcoming with paper, too. It comes at a big environmental cost.

MS HORODNY: The issue of paper, Mr Humphries, is a very interesting one. You should not have touched on that one, Mr Humphries, because I have approached you on a couple of occasions at least to review the paper in this Assembly. Why do we get speeches, Mr Humphries, in 24-point font and on single sides? There is a hell of a lot of paper that could be saved in this place that is not saved. Suddenly, out of the blue, you have some sort of commitment to paper. Suddenly, you realised, "Oh, I am the Minister for the Environment. I had better say something about paper, had I not. It is about time because I have not said anything about the environment for a while and, whoops, that is right, I am the Environment Minister. I am glad my advisers told me, because I would have forgotten". I think, Mr Humphries, you should tidy up the level of paper that is used in this Assembly.

Mr Humphries: I take a point of order, Mr Temporary Deputy Speaker. I really think Ms Horodny should not shout. It is late at night and we are a little bit sensitive. I think shouting is most untoward in this debate.

MS HORODNY: I am very sorry. I apologise wholeheartedly to Mr Humphries. I agree that the hour is late and I should not shout. You are absolutely right. I am sorry, Mr Humphries, but I am afraid it is something that I really had to point out to you. It is not often that you put on your Environment Minister's hat. I was just so excited that you finally remembered that you were the Minister for the Environment. I just could not help myself.

Mr Moore: It was fleeting.

MS HORODNY: It was fleeting. You are right, Mr Moore. Of course, he has taken that hat off again. Of course, he will be wasting lots and lots of paper in this Assembly, producing speeches in 24-point font so that we each get 10 pages of every speech that could fit on one or two pages double-sided. Anyway, that was a nice little foray into the ministry for the environment. Thank you for that.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (10.25): Let me take up formally the invitation Mr Moore gave to me to explore the way in which we can put this information onto electronic databases or the Internet if you like. Secondly, I have just decided that I will save some paper. I am going to recycle my Christmas card from you, Lucy, and send it to somebody else.

MR WHITECROSS (Leader of the Opposition) (10.26): Mr Temporary Deputy Speaker, I am sorry to see that the Greens have abandoned the polluter-pays principle with this amendment. As a result, we will not be supporting it. Perhaps I am not surprised. My constituents in Greenway have to drive all the way to Chisholm or Calwell when they want to go to a supermarket because the Tuggeranong Hyperdome supermarkets have closed. They use up all those fossil fuels. I guess they will feel the same way as I feel now.

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Question put:

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

The Assembly voted -

AYES, 4

NOES, 11

Ms Horodny
Mr Moore
Mr Osborne
Ms Tucker

Mr Berry
Mrs Carnell
Mr De Domenico
Mr Hird
Mr Humphries
Mr Kaine

Ms McRae
Ms Reilly
Mr Stefaniak
Mr Whitecross
Mr Wood

Question so resolved in the negative.

Clause agreed to.

Clause 28 agreed to.

Clause 29

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (10.30): I move amendment No. 1 circulated in my name, and I present the supplementary explanatory memorandum. The amendment reads:

Page 8, line 18, paragraph (b), omit "street", substitute "road".

All the Government amendments are very technical and not of any considerable significance. We are substituting here the word "road" for "street". I do not propose to detain the Assembly with a dissertation on the difference between a road and a street.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 30

MR MOORE (10.31): I rise to oppose this measure, Mr Temporary Deputy Speaker. It seems to me that we are having a situation where an Executive can restrict persons eligible for the grant of a lease in this way. I understand the argument that was put forward by Mr Humphries - that, when you view the tender or ballot and only one person submits, it is a bit silly to have a tender or a ballot. It also seems to me that the flip side of that is that we can have a situation where the Minister or his delegates can effectively set out a circumstance to eliminate would-be tenderers or would-be attendees at auction and narrow it down. I think we should have a more open process. I will be opposing this clause.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (10.32): Mr Temporary Deputy Speaker, I am advised that there are occasions when, in effect, it is proposed to conduct an auction amongst a restricted class of people and on occasions there is only one person in that class who is eligible to bid. Under the present arrangement it is technically necessary to conduct that auction even though only one person is able to bid, which is obviously a nonsense. It is obviously more sensible to be able to arrange for the granting of a lease to that person without having an auction under some other arrangement, presumably a negotiation about what is an appropriate cost for that lease.

Mr Moore: Then withdraw it, get a valuation offer, and put it out that way.

MR HUMPHRIES: That is the way it would work - some kind of appropriate treaty. It is obviously a nonsense. If you accept the idea of having restricted auctions, and I assume Mr Moore does, then it follows that you will sometimes have such tight restrictions that only one person will be eligible to bid. It may be the case, for example, that on occasions you are auctioning or re-leasing a funeral parlour. Because of other funeral parlours in the area, you might not be in a position to let other people bid because there are no other bidders.

Mr Moore: In fact, this is a real example, is not it?

MR HUMPHRIES: It is probably a real example. I think it is therefore appropriate to have that power. I am not saying that you are going to do it every time; that you are going to restrict the auction of a block of land - - -

Mr Moore: How many funeral parlours are we likely to have, anyway?

MR HUMPHRIES: Under this Government anything is possible. If the Government went around requiring that the class of people who may bid for a residential block in Reid are bearded men, around 40, with grey hair and having to wear half-moon glasses, then obviously it would be abusing that provision. But that is not the intention. It is meant to be a flexible arrangement to reflect the need for certain blocks of land to be used by certain classes of people only, and this reflects the practice that we now need to follow.

Clause agreed to.

Clauses 31 and 32, by leave, taken together, and agreed to.

Clause 33

MR MOORE (10.36): I move amendment No. 7 circulated in my name, which reads:

Page 9, lines 23 to 25, paragraphs (a) and (b), omit the paragraphs.

The clause refers to section 171 of the principal Act. This deals with the term of a residential lease of land which is to expire within a period of 30 years. This amendment basically retains the 30-year rule. In terms of residential leases, you can apply for a new lease only when the lease is within the last 30 years of the term.

This is really about that fundamental question of what I call pseudo-perpetual leasehold. We know that the Federal Minister is talking about perpetual leasehold. My understanding, in spite of Mr Humphries's commitment that they would not take any action on perpetual leasehold, is that they actually have taken action on perpetual leasehold. We have that debate yet to come. This is the pseudo-perpetual leasehold. What I am recommending to members here is that we do not take the action that the Government has proposed; that we retain the status quo on this particular issue. I remind members of the Labor Party in particular that this is the legislation that was put through by them and we are talking, in the first place, about the issue of the 30-year rule with residential leases.

It seems to me that there will be two parts to this. I will foreshadow, Mr Temporary Deputy Speaker, what I will be doing, because they are combined. The second part of this is to not allow a constant run of lease renewals for residential but to say that when you get towards the end of the lease, within the last 30 years - I imagine that there are very few residential leases in this category now; there may be a few, but it would be a very few - you can apply for the new 99-year lease. You get your 99-year lease; but that will extend the value of the house, without paying the extra charge. You will be able to do it, but there will be a charge associated with it. So there are two parts to it: Retain the 30-year rule and do not allow a no-charge renewal of a lease - apart from the administrative charge, which we are accepting. There should not be charges. For anybody who is living in Canberra for the next 100 years or so there will not be a problem. For most of us it is actually for 150 years or more that there will not be a problem. That will probably allow this Assembly, or one of its successors, at some stage or other, to reconsider whether or not we should go to perpetual leasehold.

I think at the moment we should try to retain, as far as possible, the status quo, while at the same time allowing people the confidence of knowing that their residential lease will be renewed. We are not going too far down the incremental path towards perpetual leasehold. We are still retaining, as much as we can, the strong elements of our leasehold system. I must say on that issue, Mr Temporary Deputy Speaker, because this is the first time we are really talking in detail about leasehold, that Stein and every other inquiry into the leasehold system has recommended that we strengthen our hold on the leasehold system, not that we weaken it.

MR WHITECROSS (Leader of the Opposition) (10.40): Mr Temporary Deputy Speaker, there is an old expression about people who try to have their cake and eat it too. Mr Moore has adequately demonstrated the phenomenon of trying to have your cake and eat it too. Mr Moore wants to say to us that under his amendments no-one need worry about renewals of their residential leases within the next several generations of Canberrans, yet somehow or other there is something intrinsically wrong with the concept of renewing your lease and it is somehow a fundamental undermining of the leasehold system.

The Labor Party takes a simple view. We support the leasehold system. We believe that the leasehold system is a good way of administering land in the ACT. We oppose the Liberals' proposals for 999-year leases or freehold, if they could get away with that. We do not believe in them. We do not believe that that is the way to go. But what we do believe is that, if the Government, any government, at any time in the next 150 years or after that, wishes to resume someone's lease for some other reason, they can pay compensation and resume the lease.

That being the case, where the Government wants to resume someone's lease they can resume their lease. They can pay the compensation. They can do whatever they like with the land if they want to. In the meantime, the householder ought to be able to regard the lease as theirs. I see no reason to draw a distinction between people who have 30 years to go on their lease and people who have 60 years to go on their lease, or people who have 95 years to go on their lease. It does not make much difference. I cannot see how saying that you can renew your lease when you have 30 years to go does not undermine the leasehold system, but saying you can renew your lease when you have 31 years to go, or 40, or 50, or 90 years to go, somehow does undermine the leasehold system.

Mr Temporary Deputy Speaker, quite simply, this does not hold water. I think, quite frankly, that Mr Moore has drawn the line in the sand in the wrong place. I understand that he wants to draw a line in the sand. I understand that he wants to say, "We stand up for the leasehold system". Indeed, so does the Labor Party. But he has drawn his line in the sand in the wrong place, and this is not the place to draw it. It is not a proposal that makes any sense at all.

As I said, we will continue to support the maintenance of the leasehold system and we will continue to oppose moves for freehold. We fail to see how the suggestion that renewing a lease is somehow an undermining of the leasehold, any more than me renewing my lease on a rental property somehow undermines the rights of the landlord. It just does not make sense. Despite whatever sympathy I have for Mr Moore's support for the leasehold system, I think he is misguided and ill-judged in believing that this amendment will do anything to strengthen the leasehold system. We will be opposing Mr Moore's amendment, and we invite the Government to join with us.

MR MOORE (10.44): Mr Speaker, I can see that I am going to lose this one. As it applies to residential leases and rural leases, I believe in what I am doing and I will be supporting it, but I will not call for a vote. However, I do intend to call for a vote in regard to commercial leases because, as a paper by Justice Rae Else-Mitchell has shown, there are quite significant differences in commercial leases. I will be trying to encourage the Labor Party to support that one. That is when I will call for a vote anyway.

Debate interrupted.

SUSPENSION OF STANDING ORDER 76

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (10.45): Mr Speaker, before I speak on this amendment of Mr Moore's, I move:

That standing order 76 be suspended for the remainder of this sitting.

Mr Berry: What is that one?

MR HUMPHRIES: That is the one about new business after 11.00 pm.

Mr Berry: Right. Is that letter coming down?

MR HUMPHRIES: Yes, it is coming down.

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

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

Debate resumed.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (10.46): Mr Speaker, I join Mr Whitecross in opposing Mr Moore's amendment. I am not sure that I share the reasoning entirely, but I intend also to oppose it. The thing I am curious about is what Mr Moore's intentions are, albeit there is a very long projection here, as to what should be happening in 150 years' time. Mr Moore says it gives us the chance to be able to consider perpetual leasehold 150 years from now when the present lot of leases have been renewed and we come back for the second expiry of the leases. The question is: What happens then? Mr Moore's suggestion was that that gives us the chance to say we want to go to perpetual leasehold.

Mr Whitecross: It would be a pretty long committee hearing.

MR HUMPHRIES: Yes, let us have a committee hearing into this one; yes, it would be a very long reporting time. Mr Speaker, if we want to move to perpetual leasehold in 150 years' time, the fact that there is a renewal coming up will not make any difference either way. It is perfectly possible to do that at any stage before or after that point, presumably. I think more to the point is what happens if you do not choose to renew it. That is the fundamental problem we have encountered throughout this debate with Mr Moore's view that the leasehold system means that when leases expire there really has to be a real question of whether those leases are renewed.

My party's position is very clear. Those residential leases, whatever their legal nomenclature, are in effect as near to freehold in terms of tenure as we are able to create them in the present legal framework. People buy and sell those leases for amounts that reflect permanent ownership of those leases, not merely, for example, the 30 years or the 40 years remaining on a 99-year lease. Those people do so in the confident expectation that when they get to the end of that lease they will have a further lease. Mr Moore obviously does not believe that that should be the case, or at least he does not believe that it should be the case after the renewal coming up. Mr Moore believes that at some point in the future it should be possible for the state, by which I mean the Territory, to be able to take back those leases; to say, "Sorry; your leasehold is up. It is now time for the Government to take back from you that leasehold".

Mr Moore, if you believe that people should be able to have their leases determined because the lease has expired, if not this time then next time, why do you not say so expressly, and why leave it for one generation? Why not let that happen right now? Mr Speaker, the reason is that Mr Moore might actually still be alive, maybe even still in politics, when those first leases start to expire. I can see him going to the electorate and saying, "Vote for me and I will make sure you have to hand your houses in when the leases expire". Mr Moore, you are putting forward the myth that people will have to surrender their leases, or might potentially have to surrender their leases, at the time that those leases expire. That is a myth and it should be debunked. It can be debunked by the process the Government has put forward in its Bill tonight.

Mr Speaker, I support the concept that there have to be tight controls on the way in which land is used in the Territory. We can do that through the leasehold system. That is one appropriate way of doing that. If we retain leases we can exercise controls through those lease purpose clauses. There is no need, however, to have the leases capable of being determined in a real sense, or not renewed at the end of their period. If you have perpetual leases for 999 years the clauses are just as effective in that period as they would be if they were renewed every 99 years or at some shorter period. Mr Speaker, it just does not make any sense to take this course of action.

Mr Moore has a very strange kind of agenda here. He obviously believes that at some point in the future there will be more Michael Moores around. They will be able to say, "Sorry, people. We really have reached the stage where we need your leases. We need your land for the sake of the broader community's better interest, so it is time to hand in those houses. You have had them for 150 years. Do not be greedy, for goodness sake. It is time to hand them in". Mr Speaker, we should reject that. Maybe my great, great, great grandchildren will inherit my little humble abode in Weston which I am now renovating. If they happen to be around then and the lease has expired, I do not want them to have to hand the house in.

MR MOORE (10.51): It is always easy to be cynical, Mr Speaker. One of the issues that come up for discussion at the end of a lease is how to handle the next lease. What I have said here very clearly under my legislation is that, as far as residential leases go, and the same will apply to rural leases, when it comes time to renew those this first time around that is fine. For only an administrative charge they can be renewed. I do not

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see the possibility, within the time, of being able to undo the damage that a former Liberal government did under John Gorton in taking away a rental system associated with our lease system.

Mr Speaker, in our very broad community we are looking at different taxation systems. Indeed, a Liberal government not so long ago proposed a different form of taxation. Some argue, although I disagree with them, that that is why they lost an election. There will be a time when we need to look at revenue, and we will need to continue looking at our leasehold system and what is the best way to get revenue from it. I will talk more about that when we get to the commercial section because I think that is where we have a particularly good opportunity to look at revenue for the Territory. Mr Speaker, at this stage I propose that we do not put into place such a long-term solution, but rather leave it open for further debate about opposite alternatives. That is what I have suggested doing, Mr Speaker, and I understand that the coalition is not going to accept that.

Amendment negatived.

MR MOORE (10.53): I move amendment No. 8 circulated in my name, which reads:

Page 10, line 10, paragraph (f), proposed subsections 171(2) to (4), add the following proposed subsection:

“(5) The Executive shall not grant a further lease under this section if the existing lease was granted under this section.”.

Mr Speaker, this is the once only provision. I do not need to speak to it again.

Amendment negatived.

Clause agreed to.

Clause 34

MR MOORE (10.54): Mr Speaker, I seek leave to move my amendments Nos 9 and 10 together.

Leave granted.

MR MOORE: I move:

Page 10, lines 16 and 17, proposed paragraph 171A(1)(a), omit the proposed paragraph, substitute the following proposed paragraphs:

“(a) the term of a rural lease is to expire within a period of 30 years;

- (aa) the lessee of the land applies to the Executive for the grant of a further rural lease of the land for the same purposes;”.

Page 10, line 34, proposed section 171A, add the following proposed subsection:

- “(5) The Executive shall not grant a further lease under this section if the existing lease was granted under this section.”.

They apply the same argument to rural leases.

Amendments negatived.

Clause agreed to.

Clause 35

MR MOORE (10.55): Mr Speaker, I seek leave to move my amendments Nos 11 and 12 together.

Leave granted.

MR MOORE: I move:

Page 11, lines 4 to 7, paragraphs (a) and (b), omit the paragraphs.

Page 11, line 26, paragraph 35(h), after proposed subsection 172(3) insert the following proposed subsection:

- “(3A) Where -
 - (a) a further lease for commercial purposes, or for purposes including commercial purposes, is granted under subsection (1); and
 - (b) the further lease is granted for a term exceeding the term of the existing lease;

the fee payable under paragraph (1)(g) is the amount equal to the change of use charge that would be payable under subsection 184A(1) if the existing lease were to be varied to extend the term of the lease by the period by which the term of the further lease exceeds the term of the existing lease.”.

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Mr Speaker, these two amendments apply the 30-year rule and the same once only use in terms of commercial leases. This is a very different situation, Mr Speaker, and I think it provides an opportunity for us to apply exactly what I have been talking about in terms of rental. We need to look carefully at the way we charge or tax businesses. One of the opportunities we have is with rates, and we do that with a differential rate for business. The Chief Minister recently announced a quite specific change in that way, to allow businesses to pay 15 per cent of the rates and residential lessees 85 per cent of the rates. In terms of businesses, when there is a clear-cut investment as part of a business it may be an appropriate time to look at whether rating is the appropriate way to go or whether rental on a lease is a more appropriate way to go. Accepting my amendment would allow us to consider a commercial rental proposition.

I do not have the paper with me, but I know that there is one written on this issue by Justice Rae Else-Mitchell, who distinguished very clearly between residential and commercial leases. It is quite some time since I read the paper; but, if my memory serves me correctly, he did not deal with rural leases. Commercial leases are a very different thing from people's homes. We know they are different and we deal with them in a different way in terms of rating. We deal with them in a different way in terms of a whole series of things.

This is about business and business investment; about making a commercial decision. It may be appropriate, therefore, Mr Speaker, to consider our whole range of possible measures of revenue raising. Where a business has held a 50-year lease and has written it off over that 50 years, instead of saying, "No, you have to pay up front the full value of the lease or we will take back the lease and pay you compensation for the property", which I imagine we do not want to do, it may be appropriate for us, for example, to say that we are going to change now to a high rental system. There is a range of possibilities available there that I think ought not be excluded. I feel, Mr Speaker, that commercial leases should be kept on a different footing from residential and rural leases. That is why it is that on this particular issue I am prepared to call for a vote.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (10.58): Mr Speaker, very briefly, the reasons for wanting automatic renewal of commercial leases are slightly different to those for residential leases in one sense, but perhaps they are not so different. The fact is that if we want residential leaseholders to have some confidence that the land that they invest in is their home and will remain their land even after the lease expires, even more so, with respect, it is important - - -

Mr Moore: And they pass it on to their children and so on.

MR HUMPHRIES: I beg your pardon?

Mr Moore: And they tend to pass those sorts of things on to their children, so there is an argument there.

MR HUMPHRIES: Yes, they want to pass it on to their grandchildren. Even more so, it would appear to me to be to the benefit of the community, of which Mr Moore speaks so often, that it be possible for people to make investments in the Territory in the confidence that the investment will be a long-term investment. It will not be

an investment in a piece of land which will be theirs for only a short period of time. Clearly, the investment you make, particularly the capital investment you make, is smaller, is less extensive, if the land that you invest in is yours for only a limited period of time. You do not build a massive factory, for argument's sake - - -

Mr Moore: That might keep the prices down. That may well keep the prices down and encourage people to come here. You see, a whole series of things need to be considered here.

MR SPEAKER: Order!

MR HUMPHRIES: I do not believe it would. If you want to make a large capital investment you are not interested in the low price of the land; you are interested in the capital cost of erecting your building. That is what you are interested in. You want to make sure that when you have built your building it is not going to become somebody else's at the end of the period that your lease has to run.

Mr Speaker, I think it is important, for the sake of confidence in the future and making this a good place to invest, a good place to attract investment from outside the Territory - both national and international investment - that we make the system of tenure understandable. It is not freehold that we are talking about. It is not perpetual leasehold. We are talking about renewal of leases where the payment of the fee occurs. I suggest, Mr Speaker, that that is entirely appropriate and in line with what we have already decided to do with residential leases.

MR WHITECROSS (Leader of the Opposition) (11.00): Mr Speaker, the Opposition will not be going down the path that Mr Moore has proposed of not providing for renewal of commercial leases. There are, I think, some legitimate reasons for clarifying issues to do with the renewal of leases in relation to commercial leases, as there are with residential and rural leases, which mean that the proposals in the Government's proposed amendment ought to be followed.

Mr Moore's argument against the Government's amendment seems to relate to his desire to pursue lease renewal as an occasion for tinkering with the revenue base from commercial lessees. If Mr Moore has ideas about ways of getting extra money out of commercial lessees, I think they ought to be considered in a wider context than the issue of lease renewal. I would submit that lease renewal is not the best occasion on which to be looking at revenue from commercial lessees. It is a fairly arbitrary occasion in the life of a business.

Mr Moore: It is when the contract comes to an end.

MR WHITECROSS: Mr Moore says, "When the contract comes to an end". Mr Speaker, once again Mr Moore appears to treat leases as - - -

Mr Moore: A lease as a contract?

MR WHITECROSS: Yes, of course, they are contracts. Mr Moore seems to treat them as contracts like a contract to clean your carpets or something like that.

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We are talking about the allocation of a piece of land for use by someone and it is not like other kinds of contracts. Mr Moore and other people talk about lease renewal as if the Government can walk in one day and start hammering boards over the windows and say, "I am sorry; your lease has come to an end. Bad luck". That is not the real world. In my view, it is a fairly arbitrary occasion on which to be going after lessees for tax revenue to fund community activities.

I think that Mr Moore has an understandable interest in the issue of revenue from commercial lessees. There may be other ways of addressing his concerns that he might want to contemplate, but I do not believe that the arbitrary occasion of the renewal of the lease is the occasion. As I said before, the defenders of the leasehold system who seem to believe that somehow or other we have to retain this uncertainty around the renewal of leases in order to truly defend the leasehold system are missing the point. The leasehold system has lots to offer the ACT, but I do not think maintaining an air of arbitrariness and uncertainty around the renewal of leases is a necessary component of defending the leasehold system. As a result, we will not be supporting Mr Moore's amendments.

MR MOORE (11.05): In some ways I find it difficult to know quite what to say, Mr Speaker.

Ms McRae: Good. Do not say anything.

MR MOORE: I will say something because it concerns me that we have a situation where we clearly needed more time with this legislation. I indicated to the Labor Party that that was what we needed. Ms McRae has made it very clear, Mr Speaker, that this legislation is going to follow the Stein report, the Government's response, the Mant/Collins report and all those others. Where in all of those did it say that we should be having automatic renewal of commercial leases? Mr Speaker, I think that is the first question. By all means, come and get it out in midair. The critical issue about the fact that we did not have enough time is that we have Mr Whitecross suggesting that a lease is not a contract.

Ms McRae: He did not say that. It is not a contract like cleaning a carpet, he said.

MR MOORE: It is exactly that. It is a contract. It is an agreement between two parties about the way land is going to be used, and Mr Whitecross even used the example of a carpet contract. To have your carpet cleaned there is a contract between two parties about how the carpet is going to be cleaned. A lease is a contract about how the land is going to be used. That is what it is about, Mr Speaker. Naturally, when you come to the end of that time, it is time to reconsider. It is time to reconsider the contract to make sure it is the way we want it to be.

Mr Speaker, it seems to me that the major problem here is that we simply have not had enough time, particularly time for community input into this issue. It is interesting, Mr Speaker, that report after report on the leasehold system has said, "Strengthen the leasehold system; do not weaken it", yet we proceed to weaken it.

MR WHITECROSS (Leader of the Opposition) (11.07): Mr Moore asked where in the Government's response was there a reference to a renewal of leases for an administrative fee. I refer him to the Government's response where the Government indicated that they proposed to renew leases for an administrative fee. If Mr Moore took a bit - - -

Mr Moore: No. I said where in any of the documents? I was not talking about the Government's response.

MR WHITECROSS: This is one of them, Mr Moore. The one in your hand. It is in there. Have a look. Mr Speaker, Mr Moore suggests that I claimed that leases were not a contract. I did not claim that. Leases are a contract. If Mr Moore was a student of the law he would know that the law of Australia draws distinctions between contracts for different kinds of things. For example, the law regards contracts relating to land differently from contracts relating to other things. There are some very good reasons for that, because there is only one piece of land which is that piece of land. It is not like a Ford or a Corolla, or someone cleaning your carpets. There is only one piece of land which is that piece of land, and that is why contracts relating to land are different.

Mr Speaker, I repeat that these issues have been debated. If Mr Moore had been following the debate more closely over the last 12 months he would realise that the issue of renewal of leases for an administrative charge only has been in the public domain for some considerable period, and he would not now be claiming that no-one had ever suggested it before.

Question put:

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

The Assembly voted -

AYES, 4

NOES, 11

Ms Horodny
Mr Moore
Mr Osborne
Ms Tucker

Mr Berry
Mrs Carnell
Mr Cornwell
Mr De Domenico
Mr Hird
Mr Humphries

Ms McRae
Ms Reilly
Mr Stefaniak
Mr Whitecross
Mr Wood

Question so resolved in the negative.

Clause agreed to.

Clauses 36 to 38, by leave, taken together, and agreed to.

Clause 39

MR MOORE (11.13): Mr Speaker, there is an area in clause 39 that concerns me. It says:

... ..

Notwithstanding the purpose permitted by a lease of Territory Land, the land may be used -

... ..

(b) for any other activity prescribed by the regulations.

So, notwithstanding what is in the lease, regulations can permit anything. This totally overrides the lease on the land, without anything else. That is on page 14 of the Bill. I draw members' attention to page 15. If they look at almost exactly the same spot on page 15 they will notice in clause 41 that when the Minister makes a determination under that section it is a disallowable instrument. That is not identified in this lease. I will be asking the Minister, if indeed it is a disallowable instrument, why it is not, and where we are going to go.

Mr Speaker, I think I might have to draw up an amendment on this to omit subsection 175(3) in clause 39. I had intended to ask to have the question divided so that we could support part of it. This has been a very rushed process and this is something that I had not picked up until we were going through the legislation. Even if it is a disallowable instrument, Mr Speaker, I do not think it should be in there. It is of a very similar character to the piece of legislation that we voted on in terms of truck parking the other day. It seems to me that this subsection is not required. I cannot understand why we would have it in there to try to achieve some unknown goal. I would be interested to hear what the Minister has to say. Just to make it easier, Mr Speaker, I might draw up an amendment and circulate that to members.

MR SPEAKER: Mr Moore, I am advised that you can simply move that subsection 175(3) be omitted. Is that what you want to do?

MR MOORE: That is what I seek to do. Are you comfortable with that verbally, Mr Speaker? I have it here. I have it written down, Mr Speaker.

MR SPEAKER: All right.

MR MOORE: I move:

Page 14, lines 23 to 27, proposed subsection 175(3), omit the proposed subsection.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (11.16): Mr Speaker, this is to allow activities to go on which can fall into a category which is not covered completely by the Territory Plan. Regulations might be made to cover certain activities which are of a kind which arguably should not be in the Territory Plan because they are not activities that take place in certain areas. They are activities that take place if certain conditions are met. Regulations are the appropriate way of prescribing the circumstances where they might exist.

The example that has been put to me is the granny cabins or granny flats. A person might not normally be able to have a granny cabin or granny flat under the terms of the lease, but if they fall within the terms prescribed in regulations they can be permissible under those circumstances. Regulations are put before the Assembly and are disallowable or they can be amended. It seems that this is the most convenient and appropriate way of being able to deal with that problem, Mr Speaker. It is not meant to be a way of avoiding the Territory Plan, because these matters are put before the Assembly; but they do cover circumstances where there is some need to be flexible.

MR MOORE (11.17): Mr Speaker, I am circulating my amendment now. I understand what Mr Humphries is saying, but I still think it is setting a very dangerous precedent to interfere with these contracts. To use Mr Whitecross's words, this is a contract about land. Even accepting what he had to say about it being a different contract from the one for the carpet, it is a very serious contract. It seems to me that this is not a good way to proceed. If you wish to proceed to make an exception of those contracts, which means certainly all the residential leases across Canberra, then bring it into the Assembly in terms of legislation, because this is a serious matter.

I am not opposing paragraphs (2)(a) and (b), because you are talking about those quite specific ways in which it can be done, and that has an effect on those. So, you have brought that up; you have put it as legislation. I see the sense in that. I can understand that and I will wear that. It is here in the Assembly, open and clear. When you do it by regulation and table them in the Assembly, the Assembly does get a chance to look at them. But we all deal with them in different ways. I think we are all conscious of the fact that there are times when you put regulations in and we miss them. With legislation, there is no choice. This is not something that is happening every day. It is a very unusual move and, as such, one that could well be brought before the Assembly. I think the example used was the temporary homes, which is one of the variations that we are looking at at the moment. If that needs a change, then when the variation is tabled in the Assembly for debate, similarly, an amendment to the Land (Planning and Environment) Act could also be tabled to deal with this, rather than doing it by regulation.

Mr Humphries has been particularly good in informing us about a whole range of things that he is doing. I am conscious of the fact that he, as Minister, will, for example, often write to me and tell me about a statutory appointment that he is making, even though I am not on the particular committee - and probably especially because I am not on the particular committee - that is involved and, as a matter of politeness, will check with me so that it is open and clear. I expect that that would be the same on this sort of issue. But we may not always have a Mr Humphries who is the Minister. Another Minister may have a different attitude. Therefore, I think that it is appropriate that these things come back to the Assembly rather than just be dealt with by regulation.

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Mr Speaker, unfortunately, this is one of the ones that I did not pick up - although I have been through the legislation quite a number of times - until fairly recently. I apologise to members for that. I did ask that we postpone this Bill for a while. At least, I think, now that we have seen it, we should deal with it.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (11.21): Mr Speaker, I think that there is agreement that there needs to be the capacity to depart from the terms of a lease in a class of situations across the Territory. The question is whether the circumstances where you can depart from those leases should be set out in legislation or regulations. That, I think, defines the difference between at least Mr Moore and me on this issue.

If someone turns a part of their house into a granny flat - which is, of course, inconsistent with the terms of a lease which may say that this is for a single residential dwelling, as you can argue that a granny flat makes it two residential dwellings - we could either require a person to make a separate application on that matter, which we do not presently do, or require that the circumstances governing such situations be set in legislation, which I suggest is not really appropriate either, since those are matters which are in the nature of land use and which, I would suggest, ought to be in some more subordinate piece of legislation such as the Territory Plan or regulations. If it is not in one of those two places, then the question is where it should most appropriately go.

I would argue that, if it is a situation that changes from time to time, if the policy calls for modification as the circumstances change - and granny flats may not be a good example in this case, but if some other land use could be viewed as being inconsistent with the leases in respect of that land but still in need of a flexible policy to meet emerging needs - then the regulations are the best place to make the changes. Mr Moore seemed to be saying that people do not pay as much attention to the regulations that we table in this place as they do to the legislation. I accept his view on that. When I was in opposition, I always read regulations in the areas for which I was responsible, and I would hope that members do so even now. I assume, in any case, that if there is any concern it will be raised and there will be a chance to debate those issues. I am not averse to having an issue which might slip through being brought back for debate in appropriate circumstances, if that is viewed by the Assembly as being necessary.

Putting this in legislation, Mr Speaker, is probably going to result in our needing to deal with Bills to amend the Land Act on a frequent basis - I assume that this is the Act in which Mr Moore wishes the laws to be amended - to reflect changing policy in respect of those exceptional uses of Territory leases. That, I think, is not necessarily in the best interests of giving people access fairly quickly to uses of their land which accord with what ought to be a policy made, in a sense, at an Executive level rather than at a legislative level.

So, I suppose that I am urging members to suck it and see. If they feel that too many important changes are being effected by regulation, it is open to members to say, "No. We want this done by legislation in future so that no tinkering with the system can occur". But I think they will find, if they start at the other end of the spectrum and say, "It has to be done by legislation", that we will end up with a lot of amendment Bills every year dealing with what are essentially matters of finetuning.

Amendment negatived.

Clause agreed to.

Clauses 40 to 42, by leave, taken together, and agreed to.

Clause 43

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (11.25): Mr Speaker, I move:

Page 16, line 7, proposed section 184, omit "or leases".

This is a minor technical matter. I do not intend to speak to it.

Amendment agreed to.

MR MOORE (11.26): Mr Speaker, I move:

Page 16, lines 18 and 19, proposed subsection 184A(1), omit ", subject to any remission or increase under section 184B".

I seek leave to speak to my amendments Nos 14 to 20 together. They are all to do with the issue of betterment, in one way or another, Mr Speaker.

Leave granted.

MR MOORE: Thank you, members. I think this is a sensible way to go.

Mr Speaker, on many occasions we have had a debate here about the betterment to be paid. To me, it is a fairly simple issue. Either the community gets its appropriate return from the leasehold system or it does not. It seems to me that the only way to achieve that is through 100 per cent betterment. I realise that there is a difference of opinion. Mr Speaker, if these amendments fail, I have a backup set of amendments which will say, "If you are going to insist on this, at least let us put a sunset clause on it". I think I have had an indication from the Labor Party that they would support the sunset clause.

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MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (11.27): Mr Speaker, I oppose Mr Moore's amendment. It has been a longstanding debate in this place. I do not think it will much illuminate anybody by beginning the debate again at 11.30 on a Thursday night. But let me just say that what we have decided to do is to put forward 75 per cent betterment. Mr Speaker, I think that, pursuant to a recommendation of the Stein report, we are also going to do a fairly careful and detailed analysis of exactly what impact betterment or change of use charge - whatever you want to call it - levies or rates have on the level of investment, the level of confidence and the viability of particular ventures or particular financial or economic outlooks for the Territory.

So, I would argue to members that, if you like, only for the sake of the experiment, it is worth while comparing the kinds of investment decisions that are made during the period of 100 per cent betterment with the sorts of investment decisions that are made in the period of 75 per cent betterment and seeing what comes out of that at the other end. If the sunset clause gets up, then we have no doubt that the issue will have to be debated again in the Assembly in 18 months' time. Mr Speaker, when that happens, we can all assess what we think of the evidence that will then be available. But I say to members that there is a strong need for us to be able to stimulate and attract investment in the Territory.

It has always seemed to me that 100 per cent betterment is a very powerful disincentive to investment, particularly investment which has high elements of risk associated with it. I see no reason to discourage that. The amount we have collected each year from betterment is actually very small. Potentially, in fact, I think it is very small indeed, which proves to me that the tax is at too high a level. That is my view on the matter. But, Mr Speaker, I am not asking people to take my word for those things. I am asking members to give this process of examination of this issue, through the study that Professor Des Nicholls is to undertake at the Australian National University, a go. If that turns out to indicate clearly to members what we should do, then we will follow that advice. If not, we can have the debate in 18 months' time in this place.

MS McRAE (11.30): Mr Speaker, we will not be supporting Mr Moore's amendments at this point, with the proviso that we will be supporting Mr Moore's proposal to put the sunset clause in. If he had not done that, we would have. The Labor Party has a policy of 100 per cent betterment; but it does believe, following the discussion in Stein and the whole discussion that has been going on for a long time about betterment, that it is time that we did have some decent analysis of it. The level of work that Professor Nicholls is going to undertake will, once and for all, perhaps give us sufficient information to do an evaluation of the impact of 100 per cent betterment versus 75 per cent betterment. As it turns out, even Stein said that the Minister was quite able to, and should, offer remissions whenever and wherever the Executive felt that it was appropriate.

Mr Moore: But they were specific remissions that he was talking about, as opposed to a generic one.

MS McRAE: It was well within the ambit of the Government to reduce betterment to 50 per cent, and use rights charges could still be lowered if the Government so chose. It is within the purview of the Executive to vary these decisions.

I think that putting it into legislation at the moment at 75 per cent, with the knowledge that we have a full-level study going on, satisfies both the needs of the Labor Party, because we will pursue our policy of 100 per cent betterment, and the needs of the Government to ensure that, for the moment, they have at least some policy in place to try to stimulate business. But everybody involved in the issues knows that in 18 months' time, when the sunset clause cuts in, we expect to be able to do a full and thorough evaluation of the work that has been done, a review of the impact of this particular change versus the level of betterment that has been collected at other times - a review which is never easy to do because you are always comparing apples and pears; you never really have a clear picture of just what each development is about.

Given all of that, we will not be supporting these particular amendments of Mr Moore's. We are foreshadowing that we will support the sunset clause and, therefore, we will support the Government's amendment.

Question put:

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

The Assembly voted -

AYES, 4

NOES, 11

Ms Horodny
Mr Moore
Mr Osborne
Ms Tucker

Mr Berry
Mrs Carnell
Mr Cornwell
Mr De Domenico
Mr Hird
Mr Humphries

Ms McRae
Ms Reilly
Mr Stefaniak
Mr Whitecross
Mr Wood

Question so resolved in the negative.

Amendment (by **Mr Moore**) negatived:

Page 16, line 22, proposed subsection 184A(2), omit the formula, substitute the following formula:

$$\text{“CUC} = \mathbf{V}_1 - \mathbf{V}_2\text{”}$$

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Amendment (by **Mr Moore**) agreed to:

Page 17, line 16, insert after proposed section 184A the following proposed section:

“New change of use charge formula

‘184AA. (1) 18 months after the day on which section 184A commences, the formula in subsection 184A(2) is to be omitted and the following formula substituted:

$$\text{CUC} = V_1 - V_2$$

‘(2) The formula in subsection 184A(2), as in force immediately before the day on which the substitution of the formula takes effect under subsection (1) of this section, continues to apply in relation to the variation of a lease if the variation had been applied for, but the lease had not been varied, immediately before that day.’”.

MS HORODNY (11.37): Mr Speaker, I withdraw my proposed amendments Nos 13 to 15.

MR MOORE (11.38): Mr Speaker, I move:

Page 17, line 16, proposed section 184A, add the following proposed subsection:

“(5) A variation of a lease has no effect if the change of use charge payable under subsection (1) for the variation is not paid.”.

I will speak to my amendment No. 20 at the same time, Mr Speaker. My amendment No. 20 refers to exactly the same thing. A variation of a lease does not come into effect at all if the change of use charge is not paid. I think the amendment is fairly self-evident, Mr Speaker, and I commend it to the Assembly.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (11.39): Mr Speaker, I indicate that we will support this amendment. We discussed this some time ago. I think there is a distinction between the Executive not approving a variation unless the change of use charge has been paid and a variation not being effective unless a change of use charge has been paid. Since there is a distinction, I think it is reasonable to have that buttress against inappropriate or misconceived variations occurring. Therefore, we will support this amendment and Mr Moore’s amendment No. 20 to clause 45 as well.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 44 agreed to.

Clause 45

MR MOORE (11.40): Mr Speaker, I will not be moving my amendments Nos 18 and 19 because I accept that they are consequential. I will now move amendment No. 2 on the yellow sheet, which has been circulated in my name.

MR SPEAKER: Mr Moore, would you formally move amendment No. 20.

Ms McRae: Why? Does that have to come before No. 2?

MR SPEAKER: Yes, it does come before No. 2 on the yellow sheet.

Ms McRae: Mr Speaker, on a point of order: On the yellow page it has "Page 20, line 7" and amendment No. 20 has "Page 20, line 7". So, why does one come before the other? Are they not both to the same line?

MR SPEAKER: No. 20 is adding a subsection, I understand - - -

Ms McRae: Yes; so is No. 2.

MR SPEAKER: And the yellow sheet amendment is adding a proposed new section.

Ms McRae: Thank you. Now I understand. I will stop being helpful.

MR MOORE (11.42): Mr Speaker, I have found my spot now. I am very comfortable about that. I will move amendment No. 20 circulated in my name and indicate to members that in a short while I will be moving amendment No. 2 on the yellow page. I move:

Page 20, line 7, proposed section 187A, add the following proposed subsection:

"(4) A consolidation or subdivision has no effect if the change of use charge payable under subsection (1) for the consolidation or subdivision is not paid."

Amendment agreed to.

Amendment (by **Mr Moore**) agreed to:

Page 20, line 7, after proposed section 187A insert the following proposed section:

“New change of use charge formula

‘187AA. (1) 18 months after the day on which section 187AA commences, the formula in subsection 187A(2) is to be omitted and the following formula substituted:

$$\text{CUC} = V_1 - V_2$$

‘(2) The formula in subsection 187A(2), as in force immediately before the day on which the substitution of the formula takes effect under subsection (1) of this section, continues to apply in relation to a consolidation or subdivision if the consolidation or subdivision had been applied for, but had not been effected, immediately before that day.’”.

MS HORODNY (11.43): Mr Speaker, I withdraw my proposed amendments Nos 17 to 19 because they are reliant on my amendments Nos 2 and 3.

MR SPEAKER: The question now is: That clause 45, as amended, be agreed to.

Ms McRae: I would ask, “What about No. 21?”, but I have stopped being helpful.

MR SPEAKER: Amendment No. 21 was to be moved only if amendment No. 14 was agreed to. My information indicates that it was not.

Clause, as amended, agreed to.

Clauses 46 to 48, by leave, taken together, and agreed to.

Clause 49 agreed to.

Clause 50

MR MOORE (11.44): Mr Speaker, I rise to oppose this clause. Section 216A of the Act is about the notification of certain leases to the Legislative Assembly. This amendment will reduce the reporting to the Legislative Assembly and the obligation of the Minister to explain why an unrecommended lease is approved. I think it is appropriate for an open government to explain to the Assembly what it is doing. In one sense, I appear to be siding with the developers here, do I not, Minister? But I think the priority is openness.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (11.46): Mr Speaker, my advice is that paragraph one of section 216A(2), which is what this amendment deals with, is the provision about tabling unrecommended leases. Those unrecommended leases were produced under section 165 of the Land Act, which is being repealed by this Bill. Since it is being repealed, the provision has no operation. Indeed, if you look at subsection (4) of section 216A, you will see:

“unrecommended lease” means a lease in respect of which the Executive has been advised under subsection 165(3) ...

Mr Moore: I am trying to read this. Would you slow down a bit and give it to me again. It says in this section that “quarter” means a period of three months. Would you just check that you are - - -

MR HUMPHRIES: The next definition, over the page, says:

“unrecommended lease” means a lease in respect of which the Executive has been advised under subsection 165(3) that the Authority considers that the lease could not appropriately be granted.

We have already, earlier in this Bill, repealed section 165. Therefore, an unrecommended lease does not exist anymore and, therefore, this amendment should be carried.

MR MOORE (11.48): Mr Speaker, I take the Minister’s point on this and put it down, in part, to the amount of time we have had to consider this legislation. I have not followed that one through appropriately.

Clause agreed to.

Clause 51

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (11.49): Mr Speaker, I move:

Page 22, line 19, paragraph (d), proposed definition of “development”, after paragraph (b) of the proposed definition insert the following paragraphs:

“(ba) the carrying out of work that would affect the landscape of the land except where the land is leased for residential purposes only and is not specified in the Heritage Places Register, or an Interim Heritage Places Register, as a heritage place;

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- (bb) a use of the land for a business -
 - (a) that is a home business within the meaning of the Territory Plan; and
 - (b) that is not expressly authorised by a current lease;
- (bc) a use of the land for an activity -
 - (a) that is prescribed for the purposes of paragraph 175(3)(b); and
 - (b) that is not expressly authorised by a current lease;”.

The amendment proposes some insertions into the definition of “development”, and it widens the things that are defined in that section as “development”. I commend the amendment.

MR MOORE (11.49): Mr Speaker, this is another clause that I must say I do not feel that I am in a position to vote on. I want to express my frustration at this kind of process, where I simply have not had appropriate time to consider the full ramifications of this. I cannot support something that I have not had a proper chance to consider, Mr Speaker. Therefore, I am going to oppose it.

Amendment agreed to.

Clause, as amended, agreed to.

Clauses 52 to 56, by leave, taken together, and agreed to.

Clause 57

MS HORODNY (11.50): Mr Speaker, I withdraw my proposed amendment No. 20.

Clause agreed to.

Clause 58

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (11.51): Mr Speaker, I seek leave to move together amendments Nos 4 and 5 circulated in my name.

Leave granted.

MR HUMPHRIES: I move:

Page 27, line 34, proposed subsection 230(4), omit “where”, substitute “Subject to subsection (5), where”.

Page 27, line 38, proposed section 230, add the following proposed subsection:

- “(5) Subsection (4) does not apply in relation to -
- (a) an activity referred to in paragraph (ba) of the definition of “development” in subsection 222(1);
 - (b) an activity included in a development of a type prescribed for the purposes of paragraph 175(3)(a); or
 - (c) an activity prescribed for the purposes of paragraph 175(3)(b).’”.

These are consequential amendments, Mr Speaker, and I therefore commend them.

Amendments agreed to.

Clause, as amended, agreed to.

Clauses 59 to 62, by leave, taken together, and agreed to.

Clause 63

MS HORODNY (11.51): Mr Speaker, I withdraw my proposed amendment No. 21, as it is consequential.

Clause agreed to.

Clauses 64 to 77, by leave, taken together, and agreed to.

Clause 78

MR MOORE (11.52): Mr Speaker, I understand that Mr Humphries is prepared to accept both of my amendments Nos 24 and 25. I am just checking to see whether that is correct, Mr Speaker. I believe that that is correct. Therefore, I seek leave to move those together.

Leave granted.

MR MOORE: I move:

Page 34, line 23, proposed section 274A, add the following proposed subsection:

- “(3) Notwithstanding paragraph 6(a) of the *Statutory Appointments Act 1994*, sections 4 and 5 of that Act apply to the appointment of a public servant as Commissioner for Land and Planning.’”.

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Page 34, line 30, proposed section 274C, omit “Minister by instrument”, substitute “Remuneration Tribunal under subsection 10(1) of the *Remuneration Tribunal Act 1995*”.

The amendments are just about a better explanation in the Act of the role of the statutory appointments legislation as it applies to this, and also a clear explanation of the commissioner’s salary being decided by the Remuneration Tribunal.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (11.53): Mr Speaker, it was always the intention that the commissioner’s remuneration be determined by the Remuneration Tribunal. That probably would have occurred even without this amendment No. 25; but we accept it anyway for surfeit of caution.

Mr Speaker, as to amendment No. 24, I would be very surprised if any government ever tried to appoint a Commissioner for Land and Planning without very extensive consultation. In fact, I would argue that consultation on an issue like that needs to be more extensive than that provided for by the Statutory Appointments Act. If Mr Moore, for example, were not on the Planning and Environment Committee of the Assembly, I would not dare to appoint the commissioner without consulting him anyway.

Ms McRae: Even if he were not in the Assembly, you would still consult him.

MR HUMPHRIES: Even if he were not in the Assembly, I would have to consult Mr Moore. Even if he were dead, I would have to get a ouija board out and consult him.

Mr Moore: In fact, by the skills you have been showing lately, Gary, perhaps we ought to have a little discussion about the position after all.

MR HUMPHRIES: That is right. Perhaps you do not want statutory appointments in those circumstances at all, Mr Speaker. We support both of these amendments.

MS McRAE (11.54): Mr Speaker, we are supporting these amendments. We have no problem in supporting them. I assume that the amendments that Mr Humphries will put in later this evening are just amendments that have to be made further along the line to ensure that it is all within the Act. Is that correct?

Mr Moore: Yes; it is consequential.

MS McRAE: They are consequential on this one that you have circulated, are they?

Mr Moore: Yes.

MS McRAE: Thank you. I just needed to have that point clarified.

Amendments agreed to.

Clause, as amended, agreed to.

Clause 79 agreed to.

Clause 80

MS HORODNY (11.55): I seek leave to move together amendments Nos 22 and 23 circulated in my name.

Leave granted.

MS HORODNY: I move:

Page 37, line 32, paragraph (a), proposed paragraph 276(1)(a), add "and".

Page 37, lines 33 to 34, paragraph (a), proposed paragraph 276(1)(b), omit the proposed paragraph.

Mr Speaker, these amendments all relate to the Government's restriction of appeal rights to only those people who are substantially and adversely affected by a decision relating to a development application. Although this is consistent with Stein's recommendations, this is one part of Stein that we disagree with. The proposed changes to the Land Act will, in effect, mean that only adjoining neighbours will have any clear right to appeal. Everyone else will first have to convince the AAT that they are substantially and adversely affected. We can envisage a situation where the AAT hearings on planning appeals will be reduced to arguments about whether the appellant is substantially and adversely affected, rather than to the substance of their concerns.

A major concern of ours is: How does the environment get to be represented in an appeal? A group like the Conservation Council that may wish to raise the broader planning or environmental impacts of a development proposal via an appeal would be prevented from doing so because the individuals on the council would not be able to claim that they are personally affected by the development. They may, however, be raising quite legitimate concerns about a development that have not been picked up by other objectors. It is also the case that only about a third of the number of appeals lodged with the Land and Planning Appeals Board have been from third parties. So, it can hardly be said that the appeals system is being clogged up with third-party appeals.

MS McRAE (11.57): The Opposition will not be supporting these amendments. We supported the Stein inquiry, we supported the Stein recommendations in this regard, and we will not be supporting these amendments.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (11.57): Mr Speaker, I will not be supporting these amendments either. I am just amazed that, having been lashed before for not having been prepared to implement large swaths of Stein, we now learn that Ms Horodny is capable of picking and choosing - - -

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Mr Berry: And lashed for saving paper.

MR HUMPHRIES: And for not saving paper.

Mr Berry: For saving paper.

MR HUMPHRIES: For saving paper; that is right. We are now told that, even though we cannot depart from Stein, Ms Horodny can. Mr Speaker, I think Justice Stein in his inquiry was quite wise to tighten the conditions of intervening in these circumstances. I support the provisions as we have drafted them and oppose the amendment.

MR MOORE (11.58): What a ludicrous argument! Mr Humphries knows very well that Stein was about compromise. What I said after Stein's report came down was that it was all about compromise. Indeed, apart from in one small place, it was a unanimous report. There was a business person appointed to it by your Government. Mr Speaker, it was about compromise. What I said, and it was my understanding of what Ms Horodny said, when it came down was, "If you support it all, so will we. We will accept the compromise". You did not support it all. In fact, you undermined the fundamental parts of it.

We have spoken about it earlier tonight, so I will not repeat that argument. When we look at the parts of Stein that we feel were parts of the compromise, we will deal with those. Mr Speaker, what this actually does is reverse the onus of proof. It is horrific that somebody who can claim to be about open government, about consultative government, could possibly put before us this piece of legislation that Ms Horodny's amendment tries to correct. It is an appalling thing to restrict the people who can appeal in this way. It is not just a light restriction; it is a quite significant restriction on people when they come to deal with it.

Mr Speaker, the Administrative Appeals Tribunal has always had the right to remove nuisance appellants, as it sees them. That was an appropriate way to go. To now have the extra restriction that you have to actually have a substantial interest in the area to mount an appeal is quite extraordinary.

Mr Speaker, there are specific examples, which Mr Humphries asks about so often, where people would have been eliminated in terms of appeals when they have a genuine community interest in such issues. A genuine community interest does not necessarily mean that somebody has to draw on a particular group. The particular people may, for personal reasons, not want to join the Conservation Council, even though on a particular issue they happen to be at one with the Conservation Council. Mr Speaker, what we have here is a case where the Government is undermining the right of people who wish to appeal. It is the very antithesis of consultative government. It is the very antithesis of open government. I think Mr Humphries should be terribly embarrassed about it. I am totally surprised that his coalition partners would go along with this.

Amendments negated.

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MR SPEAKER: Mr Moore, are you proceeding with your amendment No. 29?

MR MOORE (12.01 am): Yes, Mr Speaker, I am. I move:

Page 38, lines 1 to 12, paragraphs (b), (c) and (d), omit the paragraphs, substitute the following paragraph:

“(b) by omitting subsections (5) and (7).”.

Mr Speaker, this is about increasing a Minister's power to deny the right to object. As such, I think it fits into this appalling narrowness of government, this reduction of the consultation process. I think it is yet another appalling example of what this Minister is prepared to do to people, particularly in dealing with environmental impact statements.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (12.03 am): Mr Speaker, this again reflects the Stein recommendations. It constitutes part of the framework of tightening and streamlining the process whereby these issues should be considered in a structured format. I commend the original proposals to the Assembly, and not Mr Moore's amendment.

MS McRAE (12.04 am): I want to support the Minister on this. I think that the process for objection will allow anybody to object to anything in a way that will give them an opportunity to air their grievances. They will now be heard by the Commissioner for Land and Planning. They will be taken fairly seriously. I think that objections should be separated from appeal rights and, therefore, the concerns that have been raised by Mr Moore and Ms Horodny are unnecessary. This should be supported.

Amendment negatived.

MR SPEAKER: The question is: That the clause be agreed to. Those of that opinion say aye, to the contrary no. The ayes have it.

Ms Horodny: The noes have it.

MR SPEAKER: The question is: That clause 81 be agreed to. Those of that opinion say aye, to the contrary no. The ayes have it.

Ms Horodny: On a point of order: I called for a division on clause 80, as amended.

Ms McRae: It was not amended.

Mr Moore: No; she called for it on clause 80.

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Ms McRae: But it was not amended.

Mr Moore: It does not have to be. He said, “The ayes have it”, and Ms Horodny at the time said, “No. The noes have it”.

Ms McRae: I am not complaining.

MR SPEAKER: Ms Horodny, could I ask you to speak a bit louder. I did not hear you. I apologise. If you want a division, you must call loudly, or get Mr Moore to do it for you, or something. He has a loud voice.

Question put:

That the clause be agreed to.

The Assembly voted -

AYES, 11

NOES, 4

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

Question so resolved in the affirmative.

Clause 81 agreed to.

Proposed new clause 81A

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

Page 38, line 17, after clause 81 insert the following clause:

“Notification of applicants

81A. Section 279 of the Principal Act is amended by omitting from the definition of ‘objector’ in subsection (3) ‘paragraph 276(1)(c) or (d)’ and substituting ‘subparagraph 276(1)(a)(i) or (ii).’.”.

Clauses 82 and 83 agreed to.

Clauses 84 to 96, by leave, taken together

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (12.11 am): Once again, Mr Speaker, I seek leave to move together my amendments Nos 7 to 9.

Leave granted.

MR HUMPHRIES: I move:

Page 41, lines 10 and 11, clause 89, paragraph (a), after “*Land (Planning and Environment) Act 1991*” insert “and substituting ‘Land Act’ ”.

Page 41, lines 20 to 23, clause 91, subclause (1), omit the subclause, substitute the following subclause:

“(1) Section 31 of the Principal Act is amended by omitting paragraph (2)(a) and substituting the following paragraph:

‘(a) where the building work is or forms part of a development requiring approval under Division 2 of Part VI of the Land Act - unless the development has been so approved; or’.”.

Page 43, line 21, after clause 95 insert the following Division:

“Division 3A - Electoral Act 1992

Redistribution Committees

95A. Section 39 of the *Electoral Act 1992* is amended by omitting paragraph (3)(b) and substituting the following paragraph:

‘(b) the Australian Capital Territory Planning Authority;’.”.

Amendments agreed to.

Clauses 84 to 96, as amended, agreed to.

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Clauses 97 to 101, by leave, taken together, and agreed to.

Proposed new Division 6A

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

Page 44, line 27, after clause 101 insert the following division:

“Division 6A - Remuneration Tribunal Act 1995

Inquiries in relation to holders of certain offices

101A. Section 10 of the *Remuneration Tribunal Act 1995* is amended by omitting paragraph (1)(q) and substituting the following paragraph:

‘(q) the Commissioner for Land and Planning;’.

Remainder of Bill, by leave, taken as a whole

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (12.12 am): Mr Speaker, I seek leave to move together my amendments Nos 11 and 12.

Leave granted.

MR HUMPHRIES: I move:

Page 51, line 29, clause 121, paragraph (2)(b), omit “and”.

Page 51, line 29, clause 121, after paragraph (2)(b) insert the following paragraph:

“(ba) subsection 230(3) did not apply in relation to the application; and”.

Amendments agreed to.

Remainder of Bill, as a whole, as amended, agreed to.

Question put:

That the Bill, as amended, be agreed to.

The Assembly voted -

AYES, 11

NOES, 4

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

Question so resolved in the affirmative.

Bill, as amended, agreed to.

LEASEHOLD SYSTEM Paper

MRS CARNELL (Chief Minister): Mr Speaker, I table a document that I was asked earlier today to table. I would hope that tabling ministerial correspondence is not seen as a precedent.

UNCOLLECTED GOODS BILL 1996

[COGNATE BILL:

UNCOLLECTED GOODS (CONSEQUENTIAL PROVISIONS) BILL 1996]

Debate resumed from 29 August 1996, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MR SPEAKER: Is it the wish of the Assembly to debate this order of the day concurrently with order of the day No. 4, the Uncollected Goods (Consequential Provisions) Bill? There being no objection, that course will be followed. I remind members that in debating order of the day - which is a misnomer at this hour - No. 3 they may also address their remarks to order of the day No. 4.

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MR WHITECROSS (Leader of the Opposition) (12.17 am): These two Bills establish a protocol for the disposal of uncollected goods. Until now the ACT has not had specific laws dealing with this matter but has relied on common law, especially the notion of bailment. These Bills establish different criteria for goods of different value. For example, goods of no value, defined as being worth less than \$20, can be disposed of without further notice to the owner one week after they are deemed to be uncollectable, whereas goods of higher value have longer periods of time before they can be disposed of. Perishable goods - defined as animals, food or anything which could become noxious - may be disposed of at any time if they are deemed to be uncollected. The rights of owners to appeal to the courts and/or to obtain a share of the proceeds of the disposal of uncollected goods are set out in the Bills. Mr Speaker, the Opposition will be supporting the Bills. I understand that there is a minor error to be corrected and that the Government are going to move an amendment to do that.

MR HUMPHRIES (Attorney-General) (12.18 am), in reply: I thank the house for its support.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MR HUMPHRIES (Attorney-General) (12.19 am): Mr Speaker, I ask for leave to move amendments 1 to 7, circulated in my name, together.

Leave granted.

MR HUMPHRIES: I move:

Page 2, line 13, clause 3, paragraph (2)(c), omit "or" (last occurring).

Page 2, line 14, clause 3, subclause (2), add the following paragraphs:

“(a) firearms, firearm parts or ammunition under the *Firearms Act 1966*; or

(b) prohibited weapons or prohibited articles under the *Prohibited Weapons Act 1996*.”.

Page 2, line 17, clause 4 (definition of "authorised officer"), omit "appointed".

Page 4, lines 23 and 24, clause 4 (definition of "weapon"), omit the definition.

Page 8, lines 30 to 32, clause 16, omit the clause, substitute the following clause:

“Authorised officers

16. (1) There shall be 1 or more authorised officers for the purposes of this Division.

(2) The Chief Executive may create and maintain 1 or more offices in the Public Service the duties of which include performing the functions of an authorised officer.

(3) The following persons shall be authorised officers:

(a) any public servant for the time being performing the duties of a Public Service office of authorised officer referred to in subsection (2);

(b) any other person appointed in writing by the Chief Executive for the purpose.

(4) the Chief Executive shall issue to an authorised officer an identity card that specifies the authorised officer’s name and office, and on which appears a recent photograph of the authorised officer.

(5) Upon ceasing to occupy, or to act in, an office of authorised officer, a person shall not, without reasonable excuse, fail to return his or her identity card to the Chief Executive.

Penalty for contravention of subsection (5): 1 penalty unit.”.

Page 9, lines 24 to 26, clause 21, omit the clause.

Page 13, lines 1 to 6, clause 34, omit the clause.

I present the explanatory memorandum. The amendments are fairly technical in nature but I think would meet with the support of the Assembly.

Amendments agreed to.

Bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

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UNCOLLECTED GOODS (CONSEQUENTIAL PROVISIONS) BILL 1996

Debate resumed from 29 August 1996, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

ROMAN CATHOLIC CHURCH PROPERTY TRUST (AMENDMENT) BILL 1996

Debate resumed from 21 November 1996, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MR WHITECROSS (Leader of the Opposition) (12.21 am): The Opposition will be supporting this legislation. It has been introduced at the request of the Catholic Archdiocese of Canberra and Goulburn. It deals with some administrative issues in relation to their trusts which are necessary, particularly in relation to bequests, where sometimes the objects of trust funds can cause difficulties. It is in everybody's interest that there be some mechanism for resolving these difficulties. The Opposition is happy to support this legislation.

MR MOORE (12.21 am): Mr Speaker, it is not very often recently that I have had the opportunity to stand in support of the Roman Catholic Church; so I thought I would take this opportunity, in spite of some of the terrible things the bishop said. This may be a surprise to some, but there were some members who spotted me outside the other day having a cup of coffee with the bishop. I just want to assure members that we were not discussing this piece of legislation. I have come to a decision on my own to support this piece of legislation.

MR OSBORNE (12.22 am): I would just like Mr Moore to know that his support on this issue has been noted, and I will relay it to the relevant authorities.

MR HUMPHRIES (Attorney-General) (12.23 am), in reply: I thank members for their support. I did wonder why this Bill was called the Roman Catholic Church Property Trust (Amendment) Bill. The church in this country calls itself the Catholic Church, not the Roman Catholic Church. However, the view was taken that the legislation should retain the name in the New South Wales legislation. I am not going to argue with the church.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

LEAVE OF ABSENCE TO MEMBERS

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

That leave of absence from 13 December 1996 to 17 February 1997 inclusive be given to all members.

LEGAL AFFAIRS - STANDING COMMITTEE **Membership**

MR WHITECROSS (Leader of the Opposition) (12.23 am): Mr Speaker, pursuant to standing order 223, I move:

That Mr Whitecross be appointed to the Standing Committee on Legal Affairs.

Question resolved in the affirmative.

ABSENCE OF SPEAKER AND DEPUTY SPEAKER

MR HUMPHRIES (Attorney-General) (12.24 am): Mr Speaker, I ask for leave to move a motion relating to the absence of the Speaker or Deputy Speaker.

Leave granted.

MR HUMPHRIES: I move:

That:

- (1) this Assembly authorises Mr Kaine, or in his absence Mr Wood, to perform the duties of Speaker for the period 26 December 1996 to 22 January 1997, during the absence of both the Speaker and the Deputy Speaker from the Assembly.

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- (2) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

The motion provides that Mr Kaine, or in his absence Mr Wood, may serve in the office of Speaker during the period that the Speaker and the Deputy Speaker of the Assembly are absent from the Assembly between 26 December 1996 and 22 January 1997.

Question resolved in the affirmative.

ADJOURNMENT

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

That the Assembly do now adjourn.

Ms Rosemary Follett

MRS CARNELL (Chief Minister) (12.25 am): I rise in this adjournment debate to pay tribute to the enormous contribution made to the ACT and to self-government in the ACT by Rosemary Follett, who earlier today announced her resignation from this Assembly. I think that this final session for 1996 should not pass without all members reflecting on Rosemary's achievements and tremendous perseverance over the last eight years since the first ACT elections. In the history of the ACT a special place will always be reserved for Ms Follett, the ACT's first Chief Minister and the first woman to head an Australian government. I think that is something that we all should be proud of here in the Assembly.

While history will always record that significant achievement, it was in many ways an unenviable position to have at that time. I do not suppose anyone could forget the difficulties, and sometimes more, that existed in those first ACT elections and the volatile political mix that those elections produced. To wait two months for a result must have been very difficult. There are a number of people here who suffered that two months' wait. Ms Follett was elected Chief Minister heading up a Government with only five members out of 17. Knowing how difficult that can be with somewhat more than five, I fully appreciate how that must have been an extremely testing time for even the toughest politician.

Through that very stormy period of ACT politics, Ms Follett maintained her faith in self-government, as she did for many years before that with you, Mr Speaker, Mr Kaine and other people in this place who pushed very hard for self-government for a very long time. She retained her faith that self-government was the way to go for the ACT. She believed very strongly that self-government would achieve much better outcomes for the people of Canberra. It is to Ms Follett's great credit that, both in government and in opposition, she stuck with the task of making sure that self-government survived and was taken seriously by the Canberra community and, very importantly, by the nation as a whole.

I know that Rosemary always took very seriously the trust and the faith that the people of Canberra placed in her as an elected representative. Throughout her public life she sought to repay that trust by working to achieve a fairer society. I am confident that in her new role she will continue to work to achieve a fairer society in the ACT. It is particularly appropriate that she should be departing from this Assembly to take up the position of the ACT's Discrimination Commissioner - a task for which, I believe and I hope, everybody in this Assembly believes that she is eminently qualified. I know that she will continue to serve the ACT diligently in that new role.

Mr Speaker, there are two further observations I would like to make about Ms Follett. From the experience of the last 10 months in having to deal with a Federal government of the same political persuasion, I now have a much greater understanding of some of the problems that Ms Follett must have experienced when dealing with the Federal Labor Government throughout the five years that she was Chief Minister. I am sure that Mr Kaine would agree with me that dealing with a government of the same persuasion while they continually cut funding to the ACT can be almost more difficult than dealing with a government not of the same persuasion.

Certainly, none of us are perfect, but I believe that Ms Follett has done an extremely good job for the ACT. I believe that she has worked extremely hard to make sure that the ACT retains the high levels of services that the ACT community require from us here in the Assembly, even at times when the amount of money that we have had to spend on those services has continually been reduced by various Federal governments.

Mr Speaker, politics is certainly a very strange game. I suppose we in this house can often be engaged in very public slanging matches; but I would like to put on record that I personally have a very great respect for Ms Follett and, in fact, a friendship with her. I believe that many here would share that view. I certainly would like to thank her for the many public and private chats over the years that have helped me do the job I am doing now and have done in the past.

There is no doubt that Ms Follett is very well qualified for the job that she is about to do. She has probably put as much into the ACT, particularly into self-government, as any other person has ever done. She will continue that job. I, for one, will be sorry to see her go from this place; but I know that the job that she will be doing in the future will serve the people of Canberra well.

Ms Rosemary Follett

MR WOOD (12.31 am): Mr Speaker, I want to join in this debate as one of a diminishing number of members of this Assembly who were here on the first day. I think there are now five who have had an unbroken record of eight years in this Assembly. We can add Mr Stefaniak, who has been in and out. Only those people can appreciate the extraordinarily difficult task that we faced. The targets that we were set in those first days have been met over and over again, and still the target of reaching self-sufficiency in financial terms has not yet been met. The original targets we were given were wrong. We have had to adjust year after year as the targets have changed.

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Rosemary Follett was the first Chief Minister to attend to that task. There have been two other Chief Ministers in the eight years of this Assembly. Rosemary Follett was a great choice for Canberra. This city was very fortunate that she was the first Chief Minister and Chief Minister for more than half of the period of self-government. I believe that Rosemary had a mixture of vision and prudence. They combined well for a very sensible yet progressive government that suited Canberra well. Along with that, her dedication and determination enabled events to move along as evenly as they can when you work in a minority government. Time will show that she was a great choice for the first Chief Minister. She worked extremely well for this city, and I would like to make some acknowledgment of that tonight.

Ms Rosemary Follett

MR KAINE (12.33 am): This is an interesting place, is it not? I remember when those few of us who were here in 1989 came together and struggled to get the First Assembly actually moving. I remember the first few weeks, when we were invited by Clyde Holding to occupy some offices in 1 Constitution Avenue, even though we had not then been elected. A very limited number of people in that group had been members of the previous House of Assembly. Rosemary was one, Paul Whalan was another, and I was the third. We have seen Paul long since go about other business, and now Rosemary is moving on to discover that there is life after politics.

I suppose that leaves me in the unique position that I am the only one of that original group of 1989 who remains today as a member of this body. Of course, we have been joined since by Greg Cornwell and Harold Hird, who were both there in the old days too. Some of you may or may not know that Rosemary was appointed to the old House of Assembly to fill a casual vacancy. I think it was when Maureen Horder left to go to Sydney. Rosemary sat in the old House of Assembly for about two years before it disappeared, was dissolved, or whatever the proper word is.

I have had the experience of working with Rosemary for a long time. I had the experience of working with her when I was Leader of the Opposition and she had been elected Chief Minister with a small minority government. The Labor Party had one more member than we did, so they won government in 1989. I worked with her again when I was Chief Minister and she was Leader of the Opposition, again when she was Chief Minister and I was Leader of the Opposition again, and in various other capacities on committees and in many other ways. I have to say that during all of those years Rosemary and I have scarcely had a heated argument or disagreement about anything, despite the fact that our politics are quite different. I think that says something about Rosemary. She is a person who is willing to discuss issues. We have not always agreed but we have always talked issues through, even though we have been on different sides of the house.

During the years that Rosemary was Chief Minister she brought almost a dignity to the job that I always admired. I think that, by her very nature and the way she went about the business of being Leader of the Opposition, Chief Minister or whatever job she had at the time, she made a major contribution to the level of acceptance that this body has today. I know that there are still people who would rather we were not here, but there is a much broader acceptance of the organisation today than there was in 1989. I think Rosemary has contributed a great deal to the achievement of that. She has made a major contribution through public service to the Territory, and I think that the place is the better for her having held positions of responsibility. I am pleased that she is not leaving entirely. I talked about her ability and her willingness to negotiate and discuss issues. I think that will be the characteristic that will serve her well in her new job, which I notice has to do with conciliation. I think she will be excellent in that job.

The place will not be quite the same with Rosemary gone. She is one of the people who have been here for a long time. We have to get used to the fact that the old people - not that she is old - the longer-serving people, are going one by one. I personally wish Rosemary well. I think she will do the job that she is going to as well as she has done the jobs that she has held over the last eight years. She will bring a new strength and make a great continuing contribution to the wellbeing of this Territory in her new job. I personally wish her well.

Ms Rosemary Follett : Comments by Magistrate

MR STEFANIAK (Minister for Education and Training) (12.38 am): I join with my colleagues in farewelling Rosemary Follett. Rosemary was not only the first Chief Minister of the Territory but also the first female head of any Australian government. Trevor has spoken of the dignity she brought to the job. Being on the other side of the political fence, I have had a number of arguments with Rosemary. I recall that in the first few months of the Assembly, when I was the Opposition legal spokesman and she was the Attorney-General, we had many arguments. She vehemently opposed, I think wrongly, the move-on powers I successfully introduced.

Rosemary was a very competent Chief Minister and brought dignity to the role of Chief Minister. Paul Whalan, when he retired from this Assembly in about April or May 1990, referred to her serene leadership. I think that was a very apt description. I think we could have done a lot worse than have Rosemary Follett as our first Chief Minister in the difficult times of self-government in 1989 and 1990. She brought a lot of ability to the job and showed a lot of calibre as Chief Minister. She has always had a very great interest in human rights and, I think, is very well qualified for the new job that she is going to. I personally wish her well. I have enjoyed serving in the same Assembly with her. We, of course, have not agreed on a lot of things; but I respect the ability she has shown as Chief Minister, as a member of this Assembly and more lately as a very fierce representative of the rights of her constituents of the electorate of Molonglo. I will miss the very strong letters and representations Rosemary has made in relation to her constituents. I wish her well. Her leaving here is a sad loss to the Territory, but of course there is life after politics.

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I would like to mention the matter that Mr Osborne mentioned yesterday of some comments that were made in the court. I was a fairly senior legal practitioner in the ACT. I spent 9½ years as a public prosecutor and about three years as a defence counsel. I specialised in the criminal law jurisdiction. I was around the courts for a fair while. I am not going to comment on what the magistrate said. Suffice it to say that my personal opinion is that it was somewhat inappropriate. However, over my time as a prosecutor and as a defence counsel I had a lot to do with the Australian Federal Police Force. I probably prosecuted over 1,000 cases and handled many thousands of mentions and pleas of guilty. During that time I got to know quite well most of the police in the ACT from the rank of senior constable upwards. They appeared as witnesses in many of my cases. If anyone wants to cast aspersions on their honesty, I would refute that.

To my mind, we have the best police force in the country. The evidence that they give in court, almost to a man and woman, is as fair, balanced and accurate as is reasonably humanly possible. In my view, they have shown a lot of compassion, commonsense and the ability to give the facts in the best way they possibly can and as fairly and as accurately as possible. I think we are very lucky in the Territory to have a police force of such capacity. Any aspersions that have been cast on them as a result of recent events I certainly would refute from my considerable experience as a former practitioner.

Finally, I wish all members and all staff of the Assembly a merry Christmas.

Ms Rosemary Follett

MS REILLY (12.43 am): I want to add to the comments that have been made about Rosemary Follett. After today I will lose my role as the newest member of the Assembly. When we sit next in February, we will be joined by another member for Molonglo, hopefully of Labor persuasion, unless the counting goes wrong.

Mr Moore: Or right, depending on your perspective.

MS REILLY: I said "Labor". For me, having started in this place in March this year, it was extremely helpful, useful and quite wonderful at times to have the assistance of Rosemary Follett; to have, as the other partner representing Molonglo for Labor, somebody of her calibre, somebody of her experience and somebody who is willing to help other people to learn and willing to help other people in various capacities.

A number of people have made mention of the fact that she was the first female Chief Minister and the first female leader of a government in Australia. Not only in that role alone but also in other capacities in which she has served the community, she has acted as a role model for all the community, particularly for women. For her to reach the levels that she did shows women what is possible. It is possible for women to reach the highest points in public life and still maintain the demeanour that she did.

The other things that need to be mentioned in relation to what Rosemary did as Chief Minister and in serving the ACT Assembly include pieces of landmark legislation that she ensured were passed during her time as Chief Minister. At the press conference at lunchtime she mentioned particularly the occupational health and safety legislation. Considering some of the issues that have been in the paper in this last week, I would mention her role in ensuring that we had strong domestic violence legislation and this year ensuring the passage of the anti-stalking legislation. I think some of that legislation will go down in history as an important part of the development and growth of the ACT community.

One of the things that have to be admired about Rosemary is the fact that she worked from strong, solid social justice principles, and that showed in the way she acted as Chief Minister in this Assembly. I think we need to remember some of those principles at times when we are considering legislation in the future. Along with everyone else, I wish her well in her new job. It is good that she will be serving the ACT community in another capacity.

Ms Rosemary Follett

MR BERRY (12.46 am): Mr Speaker, I would like to say a few words about Rosemary Follett. Many people have mentioned that she was the first female leader of a government in Australia. Most importantly, Rosemary Follett led a raw team of Labor candidates into the first government in the ACT, the most hated government in the history of the ACT because it was the first one. Self-government was so much on the nose in those days. Rosemary Follett worked tirelessly against the most terrible odds to bring credibility to self-government in the ACT. Those first few months, I can tell you as a Minister in those first few months, were pretty hard yards. I know that those people who were part of the Alliance Government would say that they were hard yards as well. I think we can all agree that the first term was a very difficult term in the ACT. I think it earned this parliament the reputation of being, if not the toughest, very close to the toughest parliament in Australia because of the focus which was placed upon it.

From my point of view, much was expected from Rosemary Follett; firstly, because she was a woman. Rosemary put a great deal of energy into making sure that her performance was flawless. That took a lot, given the circumstances, as many who were here would appreciate. She also worked from daylight to dusk selling the image of this place, at the same time putting a whole lot of energy into Labor ideals. Many of those who have seen Rosemary Follett in full flight on a political issue which they disagreed with would know that she was quite capable of a lecture, if I can call it that, which would make one wilt. When Rosemary decided to take on an issue which she believed in, she took it on with all of her energy. That is the way she dealt with self-government in that first term.

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I think the people of the Territory should remember Rosemary Follett for her contribution to self-government in the ACT, principally in that first term because it was hard going. Today, at our last meeting, Rosemary also made a very salient point - it is not a new point - about the passing of politicians as a bit like taking your hand out of a bucket of water; you just cannot see where the hand came from. We all become just names on the wall after a little while. When you see a whole lot of energy go into a job and then, at the end of it, it is just like pulling your hand out of a bucket of water - you cannot see where the hand came from - it makes you reflect a bit on your position and how replaceable and vulnerable you are in this place, with all its ups and downs. I have to congratulate Rosemary for all of her own ups and the way she coped with all of her own ups and downs in this place. It was always with elegance, with energy and with a full contribution to those Labor ideals which we all believe in.

Mr Whitecross: Mr Speaker - - -

Mr Humphries: I will close the debate now, because we have only five minutes left. Mr Whitecross, you had a go before.

Mr Moore: Mr Speaker, I believe there should be a motion to extend the debate.

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 the adjournment debate extending beyond the 30-minute time limit.

Ms Rosemary Follett : Valedictory

MR WHITECROSS (Leader of the Opposition) (12.51 am): As Mr Humphries observed, I have spoken earlier in the day about Ms Follett, so I will not take much time on that issue. There is just one thing I wanted to touch on. I want to add to the reflections on Rosemary's contribution to self-government. She will continue to make a contribution to the ACT community in her new role. Even before the advent of self-government, Ms Follett was making a very significant contribution to the cause of self-government. As Mr Kaine has already observed, Ms Follett was a part of the old House of Assembly and worked tirelessly behind the scenes, dealing with the then Federal Government, to persuade them to move towards the granting of self-government to the Territory. It was something that she believed very passionately in and something that she and a lot of other people approached with a great deal of energy and enthusiasm, born out of their passionate belief in the importance of self-determination for this community.

Mr Speaker, for all the misgivings that are still part of the public debate about self-government, I think it is probably fair to say that the level of public participation in the affairs of the Territory today is vastly greater than it was 10 years ago, when Ms Follett was a member of the House of Assembly. Among all the debts that

the ACT community owes to Ms Follett is her work, even before the advent of self-government, to bring that self-government to fruition. I am sure that is one of the reasons why she approached the business of being a member of this place with such seriousness, such careful deliberation and, indeed, such dignity.

Mr Speaker, the other thing that I wanted to touch on, as we come to the end of this sitting year, was the contribution of those among us who have made the deliberations of this place possible. The staff of the Labor members have worked very hard over the year. There have been a lot of changes that they have had to deal with; there have been changes of personnel. All of the staff working for the Labor members have worked tirelessly to assist us in continuing to serve well in this place. I would like to put on record my gratitude, and the gratitude of my colleagues, to our staff for what they have contributed.

Mr Speaker, I would also like to put on record the gratitude of the Labor team for the work of members of the Legislative Assembly Secretariat, who have also worked in a professional and cooperative way with Labor members and, I am sure, with other members to assist us to perform our functions as members of the Assembly. They have sometimes had to put up with a lot, like having to stay here until one o'clock in the morning. That is one of the perhaps less fortunate aspects of their job. We do appreciate the work that they do and the advice that they give us. Their assistance has made our jobs that much easier. Mr Speaker, I hope that both our staff and the staff of the Secretariat take advantage of the break over the Christmas-New Year period to get some well-earned rest before we start the new year. I wish them all the best.

Ms Rosemary Follett

MS McRAE (12.56 am): In gratitude for there being an extension to the adjournment debate, I may as well take the opportunity to speak. I wanted to, but it makes it a little easier if we are not constrained by time. Reflecting on what people have said about our colleague Rosemary Follett made me think about one of the toughest tests for each of us as we move from private lives to public lives. It seemed to me that what I observed most closely with the first transition, because I was working for the ACT Government when Rosemary first became Chief Minister, and then my own transition into government was that series of hurdles that face every new member as we are tested by the media.

What I observed from the years 1989 right through till now is some pretty tough hurdles, some pretty unpleasant hurdles and some pretty nasty ins and outs. Of course, not only Rosemary but each of you has, in different ways, faced those, as I have. The strength that we all drew from Rosemary was her capacity to keep bouncing back. People will recall - it is almost forgotten now because we have not been subjected to it this year - the Assembly being the subject of satire from, I think, 1989 and certainly a lot of satirical writing from the very beginning as well as - - -

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Mr Moore: Especially.

MS McRAE: Especially satirical writing, but very much on the radio as well. I would like to pay credit to Rosemary for the way she would bounce back every time, the way she would take on board all our whinges and all the reactions of anguish that one has.

No matter what anybody says about the level of a tough skin that you should have before you enter public life, there is no escaping the fact that each of those attacks on you certainly has an effect. I cannot imagine it being very pleasant for you, Mrs Carnell, to wake up to some of the cartoons that are so elegantly displayed in the *Canberra Times*. Whilst that is all part of public life, I grant, I would like to put on record how well Rosemary dealt with that and how much of her strength we took from her capacity to keep going despite the constant level of criticism, reflection, sometimes fair comment and sometimes unfair comment. The constancy of the surveillance would have flattened me well and truly well before it ever did Rosemary. I think that is a strength that we all drew from, that we all learnt from and that set a standard that we at least know one person achieved. At various times when we think things are perhaps a little unfair or unnecessary, it enables us to say, "Other people have been through it and they have survived and have perhaps got a bit tougher for it".

I am very pleased that Rosemary has the opportunity to take up such a satisfying job, something that will test her capabilities and keep her involved in work that has significance both for herself and for the Territory. It is a very healthy sign that those sorts of opportunities are available for politicians. Most of all, I want to put on record my immense admiration of her skill in dealing with the political and public life that she has been involved in and my gratitude for the things I learnt whilst watching her at work.

Valedictory : Ms Rosemary Follett

MR MOORE (1.01 am): Mr Speaker, I am going to take the debate in a different direction at the moment. I shall come back to Rosemary Follett. The other day a member of the staff of the Assembly, whom I work with very closely, brought me a desk calendar. This followed some very friendly debates that we had had at various times. He pulled off the page from 9 December. The proverb from Robert Frost was, "Don't be agnostic - be something", which I thought was entirely appropriate. It gave me the idea that what I should do this Christmas is apply a desk calendar proverb to each member. I will take that as having been applied unto myself.

Ms Tucker is the first one that I thought I would apply a proverb to. Ms Tucker, from 7 March the proverb is, "There is luck in odd numbers". I thought it might be worth Ms Tucker concentrating more on the numbers, particularly odd numbers. Ms McRae, I chose for you, from 22 October, from Lily Tomlin: "We're all in this together - by ourselves". For Mr Osborne, from 21 February: "He's half absolv'd who has confess'd". I think, considering the number of times he confesses, he is probably fully absolved. Mr Wood, who, I know, is very keen on this sort of thing, will be pleased that his came from Edmund Burke, from 25 January: "Ambition can creep as well as soar".

Mr Kaine, from 14 October, from Tom Stoppard: "Age is a high price to pay for maturity". Mr Stefaniak, yours comes from 20 September and is from Paul Valery: "If some great catastrophe is not announced every morning, we feel a certain void. 'Nothing in the paper today', we sigh".

Mr Berry is not here at the moment, but I will be happy to pass this on to him. His is from 5 December and is from Euripides: "There's nothing like the sight of an old enemy down on his luck". Mr Hird, this year, you are going to do much better than you did last year. Yours is from Robert Frost, from 18 March: "The only way round is through". Ms Follett - and, in fact, I am going to have another one for Ms Follett - this one, you will be pleased to know, I had actually chosen before today's announcement. It is from 15 October, and, of all people, it is from Blanche d'Alpuget: "Convent girls never leave the Church, they just become feminists. I learned that in Australia".

Ms McRae: What about convent boys? I think that could apply to boys, too.

MR MOORE: Indeed, we do know about convent boys - Mr Osborne and me. For Mrs Carnell, from 2 January, from Saki, H.H. Munro: "A little inaccuracy sometimes saves tonnes of explanations". For you, Mr Cornwell - and you will be pleased to know that this one was selected before lunchtime today - from 17 July, from Oliver Wendell Holmes: "Don't be consistent, but be simply true". Mr Whitecross, from 2 April: "I feel bad that I don't feel worse", from Michael Frayn. Mr De Domenico, from John Donne, from 18 June, "The flea, though he kill none, he does all the harm he can". Ms Reilly, from 10 June, from George VI: "We're not a family; we're a firm". Mr Humphries, from 2 August, from Shakespeare: "Brevity is the soul of wit". Ms Horodny, from 29 February, from Mark Twain: "I was born modest - not all over, but in spots".

Mr Speaker, in wishing everyone a merry Christmas, I would like to extend that wish, first of all, to the member of your staff that brought me the desk calendar. I also extend that wish to the Clerk and the Deputy Clerk, whom I actually had a desk calendar proverb for but felt that it was probably inappropriate for me to include them in this session. Perhaps I can dig it out and give it to them privately. I would like to say thank you for all your assistance in the year, and Merry Christmas to you and all your staff who do so much for us.

To conclude, Mr Speaker, I would like to add my support to the comments that have been made on Ms Follett. I finish with the one I had chosen for her, the final one, from 31 December, the proverb: "All's well that ends well".

Ms Rosemary Follett : Valedictory

MR HUMPHRIES (Attorney-General) (1.07 am), in reply: Mr Speaker, to close the debate, let me say first of all that, as far as Ms Follett is concerned, I have been reflecting a little longer than most of the rest of you about Ms Follett's departure.

Mr Moore: For about two years.

MR HUMPHRIES: Not quite that long. It has occurred to me to wonder what the first three years of self-government would have been like had Ms Follett not been, for much of that period, Chief Minister or certainly in the Assembly as leader of the Government or Leader of the Opposition. It occurred to me that in many ways, despite the ups and downs of politics and the contesting of political points of view or ideologies, if you like, it was fortuitous for the Territory that there was a person with the great charm and the great presence that Rosemary Follett had to lead the first government of the Territory and to lead much of the Territory's government for the first five or six years of self-government. I have seen many times that great personal presence and that charm used to good effect. It was a charm which was capable of projecting itself on television screens and to the media and the community generally.

I think it is true to say that self-government is a slightly more secure concept in this Territory today because of the very great personal skills that Rosemary Follett was able to bring to this Assembly. Of course, she also brought great intellectual skills. She was a formidable debater and was capable of, in a sense, conducting herself - I use the term advisedly - ethically in this place. You always knew where you stood with Rosemary Follett. Those are the sorts of skills which I think it is important for the Territory to continue to use, in this case in her position as Discrimination Commissioner of this Territory.

Her career has been built on a number of themes, but one of them has certainly been a passion for advancing the status of certain groups of disadvantaged people in our community, particularly women, and a desire to make sure that the legal framework of protecting the rights of individuals like that should be strengthened. She is an ideal candidate for a position such as Discrimination Commissioner. I look forward to being able to work closely with her as Attorney-General.

Mr Speaker, I do want to touch a little on the usual theme of my Christmas speeches. It was pointed out to me after last year's speech, which came as quite a revelation to me, that viciousness is not one of the ingredients of Christmas cheer; so I will be much more kindly in making some suggestions this year. As I was listening to the debate on the Land Bill, I was flicking through this rather interesting Hollywell's *Film Guide*, and I have some suggestions about some movies that members might like to take out of the video library over the summer break and have a look at. Mrs Carnell and Mr Berry might like to borrow *Gunfight at the OK Corral*. Mr Whitecross, I thought, might enjoy *Travels with My Aunt* or, given the inheritance he has now taken on fully, *Rosemary's Baby*. Ms Tucker and Ms Horodny, *How Green was My Valley*.

Mr Moore, *The Mouse that Roared* or, after tonight, *Midnight Cowboy*. Mr Kaine, of course, has to take out *Citizen Kane* but might also like to take out *Flying High*. Mr Wood, *The Wild Bunch*. He has already ridden off into the sunset, I see. I think Ms McRae and Ms Reilly would enjoy *Thelma and Louise*. Mr Osborne, I think, would enjoy *Little House on the Prairie*. Mr De Domenico and Mr Stefaniak, I think, would enjoy the film version of the *Two Ronnies*. Mr Speaker, let me say that, if over the summer break you miss the Assembly and miss the hue and cry and the cut and thrust, you might like to borrow *One Flew Over the Cuckoo's Nest*. I wish all members a very merry Christmas and a safe New Year.

MR SPEAKER: I thank you for your kind words about the Assembly staff and the attendants. A merry Christmas to everybody.

Question resolved in the affirmative.

**Assembly adjourned at 1.11 am (Friday) until Tuesday, 18 February 1997,
at 10.30 am.**

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ANSWERS TO QUESTIONS

MINISTER FOR URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 342

Tourism - Visitor Information

Ms Tucker - asked the Minister for Urban Services

In relation to the review of 'Visitor Information on Approach Roads':

- (a) has the review been completed;
- (b) if not, when will it be completed;
- (c) what were the results of this review; and
- (d) why has it taken 12 months for this review to be undertaken.

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

- (a) Yes
- (b) -
- (c) They are being considered by both the National Capital Authority and the Government and can be made available after the Government considers the recommendations of the review.
- (d) The complexities of dealing with State and Federal Governments, the Government's other priorities, the public consultation process and the large number of submissions and representations received have all, unfortunately, extended this review.

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MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 345

Tourism - Visitor Information

Ms Tucker - asked the Minister for Urban Services

When will the Government be making a decision about the replacement of the stolen Sri Chimnoy Peace Capital Signs?

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

This issue is being considered within the review of Visitor Information on Approach Routes, and as per Question On Notice 342, the recommendations of the review are currently being considered by the Government. I will advise the Assembly of the outcome once this is known.

MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 348

Year 2000 Computer Problems

Mr Wood - asked the Minister for Urban Services:

- (1) What steps are being taken in each ACT Government agency to ensure that all computer systems are being modified so that they continue to operate properly after 1 January 2000.
- (2) In each agency
 - (a) what is the estimated cost of the modifications and
 - (b) will they be carried out in house or by other sources.
- (3) Will all systems be modified by 1 January 2000.

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

- (1) The Year 2000 date problem is primarily about the past practice of keeping only two digits to represent the year (eg. '96') within date fields held and manipulated by computers which, when handling the year 2000, will cause errors because the last two digits become '00'. eg. calculating age $00 - 46 = -46$ instead of 54.

Operation of business systems and electronic equipment ranging from revenue collection systems and hospital admission systems to traffic light and building control systems and, of course, to computing and communications equipment, may be affected. At this stage it is not possible to know the full extent of the problem and the likely cost of correction in the ACT Public Service. **However steps are being taken.**

A Working Party was established in October this year, with representatives from all Departments, Actew and the CIT Year 2000 training unit to advance the issue on a "whole of Government" basis. The Working Party is coordinated by the Information Management and Technology Policy Unit of InTACT.

A common strategy to address the problem has been agreed which includes:

- . Initiation of an awareness program across the ACT Public Service (ACTPS);
- . Compilation of an inventory of all computer systems and facilities;

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- . Identification and prioritisation of critical systems, dates and processing periods;
- . Assessment of the need to replace particular systems and/or facilities;
- . Contact with vendors to establish their compliance program and associated costs;
- . Include a standard clause in all future requests for tender and contracts requiring products and services to be YR2000 date compliant and include warranties.
- . Departments will, by early 1997, have developed Compliance Plans outlining which systems and facilities are impacted by the date problem, how they will be made compliant and estimated costs to fix or replace problem systems.
- . Departments will then develop detailed implementation plans which include timetables and resource plans.

The Information Management & Technology Policy Unit of InTACT is maintaining contact with the Federal Office of Government Information Technology (OGIT) and other States on their approach and progress of this matter.

- (2)(a) It is expected that corrective action will involve a mixture of replacement, modification and vendor supplied upgrades to hardware and software.

An initial impact and cost assessment report for “in-house” developed and/or maintained software, on a Department basis, is being prepared for Government by late February, along with associated Department bids for the 1997/98 budget.

Determining the likely impact and associated costs of vendor supplied software (a substantial component of ACT Government software holdings) and the extent of exposure to faults and correction costs for “embedded systems” (ie. facilities such as lifts, alarms, locks, air-conditioning controls which have embedded micro-chips) will take much longer. It is expected that, detailed vendor responses on costs of modifications etc, will not be available until the latter part of 1997 as many vendors have not identified solutions or associated costs at this stage.

- (2)(b) It is expected that modifications to systems and facilities will be largely undertaken by ACTPS staff, and vendors. Contractors/consultants will only be used where there are insufficient skills or a lack of in-house resources.

The CIT Year 2000 training program, a Government initiative between CIT and Unisys People, will be utilised to develop staff skills.

Members of the *Year 2000 Date Project Working Party* have all

attended CIT training course on preparing a year 2000 compliance plan.

The Year 2000 date issue has already been resolved in-house for some ACT Government information systems eg. the Motor Vehicle Registration/Drivers Licencing systems (TRIPS) which issues licences five years in advance.

Compliance of all ACTPS computer and telecommunications equipment, and associated systems software is being addressed as part of the Request for Offer (RFO) process currently being undertaken by the InTACT group.

- (3) It is expected that all required system modifications and replacement of systems will be completed well before 1 January 2000 to enable testing and verification of systems to be undertaken. A priority list is being prepared by all Departments as part of their Compliance Plans to ensure that all critical business systems are modified or replaced first.

MINISTER FOR BUSINESS, EMPLOYMENT AND TOURISM

QUESTION NO. 349

Job Placement Service

MS TUCKER: - asked the Minister for Business, Employment and Tourism - in relation to the successful tender for the provision of a job placement service 'Working Connections', run by Metropolitan Business College.

1. Can you explain how the contract with Metropolitan Business College (MBC) will ensure that unemployed and disadvantaged ACT residents receive assistance from MBC?
2. Can you provide a copy of (a) the outcomes the Government is paying for from MBC, and (b) the performance measures used for assessing those outcomes?
3. How many clients will MBC handle in a year?
4. How many of these will be long term unemployed?
5. Will you table a quarterly report from MBC, against the performance indicators in the contract?
6. What guarantees are there from MBC about providing permanent work for clients?
7. Can you provide details of any ongoing commitment to the Government from MBC about providing a job placement service for disadvantaged ACT residents?
8. Will the Government continue to monitor the outcomes of MBC after the seed funding runs out?
9. What (a) skills will clients of MBC be trained in; and (b) how will these competencies be assessed?

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

1. In developing the Expression of Interest document for the provision of the job placement service, staff of the Business Development Branch have worked closely with the CES to establish the present needs of those disadvantaged in the ACT job market. This process further establishes the effect of the latest funding cuts on

CES services and where the ACT Government should be positioned to be effective.

As well as a performance based contract, MBC will also be assisted by an Advisory Committee comprising the Regional Manager of the CES; staff of the Business Development Branch; one member of the local business community; and one community member. The performance based contract will require realistic and achievable outcomes to be monitored closely by staff of the Business Development Branch.

2. The performance based contract is presently being finalised. A full copy of the performance based contract will be available upon request when finalised.
3. The 'Working Connections' contract with MBC will provide a new style approach in assisting the unemployed in the ACT. A minimum of 500 clients will progress through the Program in the first year. A significant component of the 'Working Connection' Program is extensive client training to ensure that not only casual job placement opportunities are available, but the opportunity exists for clients to further train for long-term employment prospects. These clients will be adequately trained in domestic and commercial cleaning; home maintenance; and for those seeking long-term employment opportunities, a range of programs will be available for personal skill building and technology skill building will be available.

The new 'Working Connections' service will require payment to clients set as per award rates; each client will be covered by public liability insurance; and there will be compliance with regulatory requirements ie taxation and superannuation.

4. 'Working Connections' Program is designed to particularly target the long-term unemployed or those deemed to be disadvantaged in the ACT job market. This program does not discriminate against any member of the community who is unemployed, whether short-term or long-term unemployed. However, the Program will not duplicate existing programs and this is the reason for the close association with the CES and the general overseeing of the Program by the Advisory Committee.
5. Quarterly reports will be required as per the performance based contract entered into with the Government, and will be available on request.
6. It is anticipated that a minimum of 500 clients will be provided with not only a range of casual job opportunities but with adequate and professional training to assist them into long-term employment opportunities. The MBC is a well known and respected organisation in the community and has a management and staff committed to providing employment opportunities for the ACT community. It is not the intention of Government to place unrealistic outcomes or pressure on

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employment programs or the unemployed in these times. It is the intention of the Government however, to provide the best possible programs to meet the real needs of the unemployed in the ACT to ensure the best possible, and achievable, outcomes.

7. MBC is a responsible and professional organisation which has operated in the ACT region for the past 36 years. MBC is committed to the continuation of the program and, together with the Advisory Committee, will work realistically towards this goal.
8. As previously stated, the Government will monitor the continuum of employment programs in the ACT on an ongoing basis.
9. The skills training emphasis will reflect labour market trends. It is possible, through this program, that non-traditional employment opportunities can be gained with a different approach to training. For example, traditional domestic cleaning opportunities can be extended to offer busy families a trained employee who can not only provide house cleaning services, but also can do the shopping, pay the bills, provide child support services, and cook the dinner.

This style of approach has the ability to extend what was considered a very casual two hour employment opportunity in the previous job placement service to a longer daily, if not full-time, opportunity.

The performance based contract will address competency standards relevant to the industry sectors.

MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 351

Electricity Supply - Underground Service Connection Costs

Mr Moore asked the Minister for Urban Services:

1. (a) What, in detail are the cost components which make up a price charged to a resident for providing an underground electrical cable to a residential block (for instance, materials, connection fees, supply and laying work, labour costs, etc.)?
- (b) How is each individual component assessed?
- (c) What hourly rates are charged for components representing labour costs?
2. (a) What are the cost components which make up a price charged to a resident for removing/replacing an existing electricity pole, including staywires, retensioning and any other detailed costs?
- (b) How is each individual component assessed?
- (c) What hourly rates are charged for components representing labour costs?

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

1. (a) The resident is not charged for an underground service connection from the street verge to the dwelling. The service is installed free of charge at the time of dwelling construction. Customers opening new accounts with ACTEW Corporation pay a standard fee of \$34. The fees are published in ACTEW Corporation Schedule of Charges 1996 available from all ACTEW shopfronts. The fees are standardised, the fees are not based on hourly charges.
- (b) A customer requesting an undergrounding of the existing overhead service is required to provide the underground conduit and is charged standard rates for the related work. The rates are determined under section 48 of the Energy and Water Act 1988 and were updated in 1995. These include:

service positioning and inspection fee	\$210
fuse box supply and installation	\$255
service cable supply and installation @ \$13.50 per metre.	

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- (c) The fees are standardised, the customer is not charged on an hourly basis.
- 2.
- (a) Most of the work on existing overhead lines including pole replacement and conductor retensioning is classified as maintenance and is performed at ACTEW expense with NO cost to a resident. Similarly, if a pole is removed as the result of system augmentation and/or modifications the cost is carried by ACTEW.
 - (b) A resident requesting a removal of a pole from his/her block (if the request is technically feasible) is required to cover the cost of associated construction work. The modifications to the electricity system resulting from such a request would typically include undergrounding of existing lines. The cost components of the work include materials (cables, conduits etc.), labour (trenching, cable installation, removal of the existing lines), plant (cranes, lifter/borer etc.). Charges for materials are based on cost recovery and charges for plant are based on the recovery of hire/leasing cost.
 - (c) Labour charge is \$52 per hour for the field officers. There is NO additional labour charged for the design, drafting, engineering and technical support.

MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 352

Traffic Management - Greenway

Mr Wood - asked the Minister for Urban Services:

- (1) What traffic control measures are to be installed at the intersection of Athllon Drive and Soward Way in Tuggeranong?
- (2) When will the work be completed?

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

- (1) The works will include a roundabout.
- (2) These works are planned for construction in February 1997.

MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 355

Vocational Education and Training

MS TUCKER - asked the Minister for Education and Training on notice on 5 December 1996:

In relation to vocational training -

- 1) What programs are managed by the Vocational Education and Training Authority and/or the Department of Education and Training, for provision of Government grants to private providers of Vocational Education and Training, and other organisations.
- 2) What was (a) the value of these programs in each of the following years 1994/95, 1995/96 and 1996/97, (b) the source of the funds, and (c) who were the recipients of these grants.
- 3) What are (a) the outcomes the Government wishes to achieve in these programs and (b) how are these reflected in the selection criteria for the grants, and the contracts entered into with grant recipients.
- 4) What are (a) the obligations accepted by grant recipients with respect to students, including student services, and (b) how are students informed of these obligations and their rights.
- 5) In relation to the allocation of grants made in (2) what reports were provided on the use of the grants.
- 6) What (a) evaluations have been made by VETA of this program, and (b) are the results available to the Legislative Assembly.

MR STEFANIAK - the answers to Ms Tucker's questions are :

- 1) The Department of Education and Training, through its Vocational Education and Training Branch manages the following programs:

Australian Traineeship System
Pre-Vocational Places Program
Training Market Development Program
User Choice Program
Return to Industry Program
Special Equity Program
Equity Performance Measures Demonstration Strategy

2) (a) The value of these programs is set out below:

Australian Traineeship System - a nationally available scheme funded by the Australian National Training Authority (ANTA) on a calendar year basis

Year	Total Funding Approved	Recipients
1994	\$1,251,197	<ul style="list-style-type: none"> . Canberra Institute of Technology . Community Services & Health . Industry Training Advisory Board . Metropolitan Business College . National Electrical Contractors Assoc. . Retail Skills Centre
1995	\$1,055,864	<ul style="list-style-type: none"> . Canberra Institute of Technology . Commonwealth Government Agencies . Metropolitan Business College . Quest . Retail skills Centre
1996	\$866,907	<ul style="list-style-type: none"> . ACT Government Agencies . Canberra Institute of Technology . Commonwealth Government Agencies . Community Services & Health . Industry Training Advisory Board . Community & Youth Services Training Council . Electrotechnology Industry Group Training . Metropolitan Business College . Pharmacy Guild of Australia . Regional Group Training . Retail and Office Training Centre . Retail Skills Centre . QUEST . TEAME NSW . TRAHCS . Vikings Hospitality College

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Pre- Vocational Places Program - a national program funded by DEETYA.
This program will cease on 31 December 1996.

Year	Total Funding Approved	Recipients
1994/95	\$591,218	<ul style="list-style-type: none">. Canberra Institute of Technology. Metropolitan Business College. QUEST Training & Employment Solutions. Regional Group Training ACT. Retail Skills Centre. TRAHCS. Transport Training ACT
1995/96	\$703,907	<ul style="list-style-type: none">. Canberra Institute of Technology. Computer Power Education. Metropolitan Business College. QUEST Employment & Training Solutions. Regional Group Training ACT. Retail Skills Centre. Stirling College Association. Transport Training ACT. Youth Sector
1996/97	\$386,564	<ul style="list-style-type: none">. Caloola Training Centre. Capital Careers. Canberra Institute of Technology. Community & Youth Sector Training
Council		<ul style="list-style-type: none">. Computer Power Education. McMillan Staff Development. QUEST Employment & Training Solutions. Regional Group Training. Retail & Office Training Centre. Stirling College Association. Transport Industries Skills Centre

Training Market Development Program - funded from growth funds allocated by the Australian National Training Authority (ANTA) on a calendar year basis.

Year	Total Funding Approved	Recipients
1995	\$693,448	<ul style="list-style-type: none"> . Better Enterprises . Canberra Institute of Technology . Department of Urban Services . Hawker College Community Education and Training Program . ImageWord . IPC . Learning Action Pty Ltd . Metropolitan Business College . McMillan & Boucher . QUEST Employment and Training Solutions . Regional Group Training Company . Retail Skills Centre . TRAHCS . Community and Youth Sector Training Council
1996	\$660,271	<ul style="list-style-type: none"> . Acorn Training Services . ACTEW . Business Skills Centre . Capital Careers . Chamber of Commerce & Industry . Centacare . Diskdeed . Enterprise Skills . Hawker College Community Education and Training Program . MicroForte Pty Ltd . QUEST Employment and Training Solutions . Regional Group Training . Stirling College Association . TRAHCS . Transport Industries Skills Centre

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User Choice Program - a national program funded by the Australian National Training Authority in 1996.

Year	Funding Approved	Recipients
1996	\$286,900	<ul style="list-style-type: none">.· Business Skills Centre.· Canberra Institute of Technology.· CITEA.· Communications, Information Technology and Printing Industry Training Advisory Board ACT Inc..· Master Builders Association.· Pharmacy Guild.· Regional Group Training

Return to Industry Program- a national program funded by the Australian National Training Authority on a calendar year basis.

Year	Total Funding Approved	Recipients
1994	\$34,110	<ul style="list-style-type: none">.· Canberra Institute of Technology.· Metropolitan Business College
1995	\$38,750	<ul style="list-style-type: none">.· Canberra Institute of Technology.· Metropolitan Business College.· QUEST Employment and Training Solutions
1996	\$42,750	<ul style="list-style-type: none">.· submissions currently being processed for allocation

Special Equity Program - a national program funded by the Australian National Training Authority on a calendar year basis. This program will cease on 31 December 1996.

Year	Total Funding Approved	Recipients
1995	\$113,500	<ul style="list-style-type: none">.· Canberra Institute of Technology.· Trades and Technical Women on the Move
1996	\$110,000	<ul style="list-style-type: none">.· Canberra Institute of Technology.· Trades and Technical Women on the Move

Equity Performance Measures Demonstration Strategy - a national program funded by the Australian National Training Authority for the first time in 1996.

Year	Total Funding Approved	Recipient
1996	\$74,805	. Capital Careers

- 3) (a) The outcomes of these programs are set out below:

Australian Traineeship System

To provide employment based entry level training. Whilst traineeships are available for all people aged from 16-64, the major participants in the traineeship program are young people entering the workforce. Current traineeship numbers in the ACT exceed 1100, nearly twice the target of 666 set by DEETYA for 1996.

Pre-Vocational Places Program

To provide training to assist people into a pathway to employment. A particular focus is on long term unemployed, young people and others disadvantaged in the labour market. Outcomes are determined by the Commonwealth nationally.

Training Market Development Program

To provide additional vocational training places and to develop a more competitive, open training market in the ACT.

User Choice Program

To provide an alternative decision making system for the allocation of public training funds in contract of training situations - ie placing training decisions at the point of demand rather than supply. Outcomes are determined by the Commonwealth nationally.

Return to Industry Program

To assist trainers to maintain the currency and relevance of their skills and experience thus assisting individuals and teams to develop competencies which provide for more effective vocational education and training services. Outcomes are determined by the Commonwealth nationally.

Special Equity Program

To encourage equal opportunity for women by improving their access to trade based pre-employment and pre-vocational courses and subsequently to

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apprenticeship training. Outcomes are determined by the Commonwealth nationally.

Equity Performance Measures Demonstration Strategy

To improve training participation and outcomes for people from groups under-represented in training and/or employment. Guidelines for applicants are determined by the Commonwealth nationally.

- 3) (b) The outcomes the Government wishes to achieve are reflected in the selection criteria and contracts as follows:

Australian Traineeship System

To provide flexible, work-based entry level training programs which meet the needs of employers in a wide range of industries thereby producing a more highly skilled workforce capable of competing in the global economy.

Pre-Vocational Places Program

The selection criteria which are determined by DEETYA are designed to ensure that the training considered for funding meet the outcomes specified under the program. The contracts between the grant recipients and the Department of Education and Training sets out the terms and conditions of the grant and specifies the training to be funded.

Training Market Development Program

The selection criteria are designed to ensure that the training selected for funding meet the outcomes specified under the Program. The contracts between the grant recipients and the Department of Education and Training sets out the terms and conditions of the grant and specifies the training to be funded.

Return to Industry Program

The selection criteria which are determined by ANTA are designed to ensure that the training considered for funding meet the outcomes specified under the program. The contracts between the grant recipients and the Department of Education and Training sets out the terms and conditions of the grant and specifies the training to be funded.

Special Equity Program

The selection criteria which are determined by ANTA are designed to ensure that the training considered for funding meet the outcomes specified under the program. The contracts between the ANTA and the Department of Education and Training, to which the provider agrees to comply, sets out the terms and conditions of the grant and specifies the training to be funded.

Equity Performance Measures Demonstration Strategy

The selection criteria which are determined by ANTA are designed to ensure that the training considered for funding meet the outcomes specified under the program. The contracts between the ANTA and the Department of Education and Training, to which the provider agrees to comply, sets out the terms and conditions of the grant and specifies the training to be funded.

- 4) (a) Grant recipients and training providers who receive traineeship funding are required to be registered providers under the National Framework for the Recognition of Training. A registered provider is obliged to meet standards in relation to the qualifications of trainers, occupational health and safety, student services and to adhere to a code of practice.
- 4) (b) Registered providers are required to inform all their students/trainees of their rights and the obligations of the providers under the terms of their registration.
- 5) Providers of training made the following reports to VETA during the term of the grant:

Australian Traineeship System

Commencement statement
Mid term statement
Final statement on completion of traineeship

These statements are provided with invoices, and indicate the number of trainees still participating in the program.

Pre-Vocational Places Program

Commencement Report
Progress Report
Outcomes Report
Acquittal of Grant

Training Market Development Program

Commencement Report
Progress Report
Outcomes Report
Acquittal of Grant

Return to Industry Program

Outcomes Report

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User Choice Program

Mid-year Report
End-year Report
Outcomes Report
Acquittal of Grant

Special Equity Program

Final Report
Acquittal of Grant

Equity Performance Measures Demonstration Strategy

Program commences in 1997. A midway and outcomes report and an acquittal of the grant will be required.

- (6) (a) The following evaluations have been made:

Australian Traineeship System

New User Choice arrangements have recently been introduced and an evaluation of these arrangements will be the responsibility of ANTA.

Pre-Vocational Places Program

This program is evaluated by DEETYA on a half-yearly basis.

Training Market Development Program

In effect the program has been fully operational for 12 months. An evaluation will be carried out in 1997.

User Choice Program

ANTA has engaged a consultant to undertake a national evaluation on this program. Results will be available in March 1997.

Return to Industry Program

ANTA has evaluated the program annually based on information provided and adjusted the program as a result.

Special Equity Program

An evaluation of this program has been undertaken by ANTA and as a result the program will not continue after 31 December 1996.

Equity Performance Measures Demonstration Strategy

This program will not become operational until 1997.

- 6 (b) Where evaluations are to be undertaken by the ACT, I will ensure that they are made available to the Legislative Assembly. Where reports have been undertaken, or are yet to be completed by ANTA, I will arrange to seek their agreement to making the reports available to the Assembly.

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CHIEF MINISTER
LEGISLATIVE ASSEMBLY QUESTION

Question No. 356

Information Technology Purchases

Mr Berry - asked the Chief Minister upon notice on 5 December 1996

Given that all Government staff were advised of the Government's 17 August 1996 decision regarding the purchase of information technology equipment and that staff were advised that all acquisitions were to be undertaken by InTACT;

Given that staff were also advised that purchase of products which are of value higher than \$10,000 required the approval of the Chief Minister's Department.

In ACT Gazette Number 46 of 20 November 1996 (on pages 950 and 951) are a variety of contracts issued for information technology products including contracts over \$10,000.

- (1) Why are contracts attributed to the Department of Health and Community Care rather than notified as leases through InTACT.
- (2) Were all contracts negotiated by InTACT. If not why not.
- (3) Were the contracts over \$10,000 approved by the Chief Minister's Department. If so, when. If not (a) why not and (b) what action will be taken.
- (4) Are all other Agencies complying with the new arrangements, if not (a) which ones are not complying and (b) why are they not complying.

Mrs Carnell - the answer to the Member's question is:

- (1) All information technology purchases relating to the ACT Government as listed in the Australia Capital Territory Gazette No 46 (20 November 1996) and 47 (4 December 1996) were purchased prior to the Government's decision to centralise Information Technology infrastructure purchases through InTACT.
- (2) The contracts were not negotiated through InTACT, as agencies were only required to purchase through InTACT after 17 August 1996. The purchases listed in the above mentioned Gazettes were acquired before 17 August 1996.
- (3) The contracts were not approved by the Chief Minister's Department.
 - (a) The Canberra Hospital was not aware of the policy to have all purchases over \$10,000 approved by the Chief Minister's Department.
 - (b) Since the date of these purchases several communications have been distributed to both Chief Executives and staff in Agencies restating the policy regarding approval for purchases over \$10,000 and the recent requirement that all IT acquisitions are to be undertaken through InTACT.

- (4) All agencies which are required to comply with the new purchasing arrangements are doing so.

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MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 361

Government Schools - Sport

MS McRAE - asked the Minister for Education and Training on notice on 11 December 1996:

In relation to sport in ACT schools-

- (1) How many schools wrote a new policy for sport in 1996.
- (2) How much has been spent on sports in schools in 1996 (a) by the department and (b) by schools.
- (3) What evaluation is in place for the new policies.
- (4) What impact has the policy had on sporting activity out of school hours.

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

It is important to recognise that 1996 was an unusual year in schools and that the industrial bans adversely affected schools' capacities to implement change in this area.

- (1) The new policy on school physical education and sport affects primary and high schools. Of a total of 88 high schools and primary schools, 19 have written a new policy to address sport in 1996.
- (2) (a) The central office of the department has spent a total of \$135,890 on sport for the students of the ACT. This figure can be broken down as:
 - (i) \$18,690 on relief for teachers taking or planning sport,
 - (ii) \$60,000 grant in aid to the ACT Schools Sports Council, and
 - (iii) \$57,200 to send a team to the Pacific School Games in Perth in December 1996.

These figures do not include the provision of staff in the central office of the department who support schools in physical education and sport.

- (b) Schools of the department spent a total of \$212,683.00 on sport in 1996.

This figure does not include the staffing of schools which is determined by the appropriate staffing formula.

(3) All school boards will report on progress towards implementation of the policy in their annual reports. My department will survey schools in 1997 to ascertain progress towards implementation.

In 1998 a comprehensive review of the process of implementation will be undertaken. The review will include a survey of the views of parents, students and teachers on the impact of the plan.

(4) The question of the impact of the policy on sport outside of school hours will be addressed in the evaluation planned for 1998. The government will consider 1997 to be the first full year of implementation of the physical education and sport plan, due to the effect of the teachers' industrial bans in 1996.

The Department of Education and Training has worked closely with community sporting organisations in the ACT to develop and implement plans in school sport. The response from community sporting organisations to those plans has been very positive.

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MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 362

Secondary Colleges - Subject Costs and Levies

MS McRAE - asked the Minister for Education and Training on notice on 12 December 1996:

For every college in the ACT could you:

- (a) detail the cost of every unit that is offered, and
- (b) the concession offered to low income students.

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

- (a) The Department of Education and Training does not calculate costs of individual units. This is a complex computation involving costs of teacher time, administrative overheads and materials.
- (b) Students who cannot afford subject levies are given exemption. This is done on a case by case basis.

MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 363

Government Schools - Maintenance Program

MS McRAE - asked the Minister for Education and Training on notice on 12 December 1996:

For every government college, high school, primary school and preschool could you provide the following details:

- (1) The maintenance work done in each year between 1990 and 1996 (inclusive).
- (2) The cost of the maintenance done in each of these years.
- (3) The plan for major maintenance work in (a) 1997 and (b) 1998.

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

- (1) The overall maintenance program of the department is currently carried out as follows:
 - . By Construction and Maintenance Management Service (CAMMS) which implement an annual works program on behalf of the department;
 - . By central office which oversight the whole program and are also responsible for meeting unforeseen costs throughout the year in excess of \$1,500; and
 - . By each school which is responsible for the administration of the minor work program for maintenance \$1,500 and below.

The detailed information being sought is not readily available in a consolidated report as no data base is maintained for each individual task carried out at each school across the whole system

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- (2) For the same reasons as outlined above the detailed costs being sought are not readily available in a consolidated format. Attached for information (Attachment A) are details of expenditure for the annual maintenance works programs conducted by CAMMS on behalf of the department since 1991 for each of the colleges, high schools and primary schools. Also attached for your information (Attachment B) are the minor maintenance allocations since 1992 for each of the colleges, high schools and primary schools. This information does not include a breakdown of costs for preschools or the unforeseen costs incurred throughout the year by central office on behalf of schools. This information is not available in a consolidated form for the years requested.

- (3) Part 1 for specific major maintenance work for 1996/97 arranged through CAMMS by the department is attached (Attachment C.) By necessity funds are held in reserve to provide for emergency work occasioned by the discovery of asbestos, repairs caused by major water damage, damage caused by fire, etc. In March 1997 the funding situation will be reviewed and additional projects will be added to the program. A program of work for 1997/98 will be developed when an asset condition audit of all schools is completed during the first half of 1997.

EXPLANATION OF MAINTENANCE TERMINOLOGY

Planned Expenditure. Expenditure is typically regular maintenance of fire systems, timers, heating and cooling systems and lifts. It is predictable in its total, because it is specific and usually by contract. This type of maintenance is provided by CAMMS who have a detailed list of all systems in a schools which need service. In the first year of operation of School Based Management and possibly longer, schools will be required to use and pay CAMMS for this work.

Unforeseen expenditure. Historically expenditure has been administered by central office and used to provide the contingency capacity for the department to deal with emergency or unforeseen work, pest control, school minor maintenance projects above \$1,500, a top up for school minor maintenance allocations in special circumstance and Minor New Works up to \$5,000.

Minor Maintenance. Historically funds for expenditure on minor maintenance have been distributed to schools on a formula basis. Schools have had the responsibility to use these funds for all minor or emergency maintenance up to value of \$1,500.

Specific Expenditure. Each year CAMMS inspects schools on a roster of inspections and produces a written report (MIRs). A priority list of work is developed and passed to the department. Central office and schools may add other items. The final list includes work varying from hundreds to hundreds of thousands of dollars. Work includes painting, floor covering, guttering, repairs to lighting and so on.

Central office in conjunction with schools then determines the final priority list and authorises CAMMS to carry out the work in a priority order. The list of work identified is always much longer than the available funds, but all essential work is undertaken and the remainder is funded in order of priority.

The MIR is being replaced by a building condition audit which will form the basis of future specific works expenditure.

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MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 365

English as a Second Language - Teaching Expenditure

MS McRAE- asked the Minister for Education and Training on notice on 12 December 1996:

- (1) For each year between 1990 and 1996 (inclusive) can you provide the following:
 - (a) how much has been spent on the teaching of English as a second language in the ACT;
 - (b) how much of this funding was a direct tied Commonwealth grant; and
 - (c) how much was spent by the ACT Government.

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

1. For 1990:
 - (a) the expenditure on the teaching of ESL over and above normal funding provided for schools (include for each year) was \$4,039,848
 - (b) of this, the Commonwealth contributed \$1,327,484
 - (c) the ACT Government contributed \$2,712,364.

For 1991:

- (a) the expenditure was \$4,190,968
- (b) the Commonwealth contributed \$1,327,320
- (c) the ACT Government contributed \$2,863,648.

For 1992:

- (a) the expenditure was \$4,304,951
- (b) the Commonwealth contributed \$1,319,251
- (c) the ACT Government contributed \$2,985,700.

For 1993:

- (a) the expenditure was \$4,243,394
- (b) the Commonwealth contributed \$1,210,690
- (c) the ACT Government contributed \$3,032,704.

For 1994:

- (a) the expenditure was \$4,347,693
- (b) the Commonwealth contributed \$1,182,293
- (c) the ACT government contributed \$3,165,400.

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For 1995:

- (a) the expenditure was \$4,621,859
- (b) the Commonwealth contributed \$1,309,931
- (c) the ACT government contributed \$3,311,928.

For 1996:

- (a) the expenditure was \$4,548,185
- (b) the Commonwealth contributed \$1,306,901
- (c) the ACT government contributed \$3,241,284.

MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 366

Government Schools - Fire Prevention Policy

MS McRAE - asked the Minister for Education and Training on notice on 12 December 1996 -

In relation to fire policies in schools -

- 1) Can you outline the policy and practical measures followed in every school in regard to fire.
- 2) What fire prevention measures are in place
- 3) What training is offered to staff and students in regard to fire drill.
- 4) How frequently is this training updated.
- 5) What fire prevention and control measures are in place in school canteens
- 6) How are staff and volunteers of the school canteens trained to deal with fires.

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

- 1) The policy and procedures for dealing with an emergency or disaster situation are outlined in the documents "*ACT Government Occupational Health and Safety Fire and Emergency Procedures Policy*" and "*Emergency/Disaster Planning for Principals*" which have been issued to all schools.
- 2) Schools have electrical and/or mechanical (eg sprinkler system) fire detection systems installed which are directly linked to the ACT Fire Brigade. Schools also have an emergency warning and intercommunication system installed to facilitate communication within the school. Fire extinguishers and fire hose reels are provided in accordance with building code requirements and are periodically maintained.
- 3) Under existing arrangements training of staff and fire drills are the responsibility of schools. As part of the ongoing commitment to improve existing practice the Department is currently conducting a pilot program involving 10 schools. The pilot program includes general fire warden and staff awareness training and provision of practical advice and demonstration of fire fighting equipment to participating schools at their school. The outcome of the pilot will be known in March 1997.
- 4) Under existing arrangements schools are responsible for conducting periodic training of staff and students as considered necessary. The outcome of the pilot program will assist in evaluating training methods in schools.
- 5) School canteens are also fitted with fire detection systems. There are no regulatory requirements for fire extinguishers and fire blankets to be placed in schools canteens. However in response to your previous concerns about the need for fire extinguishers in school canteens the Department has approached the ACT Fire Brigade for advice. This advice has not yet been received.
- 6) Staff and volunteers that work in school canteens are included in school emergency and/or disaster planning and procedures.

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MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 367

School Enrolment Statistics

MS McRAE - asked the Minister for Education and Training on notice on 12 December 1996:

For every month of November between the years 1992 to 1996 (inclusive), for both non government and government schools how many students were enrolled in every

- a) college;
- b) high school;
- c) primary school; and
- d) preschool.

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

No data is available for November. A census is now carried out for schools in February and August (formerly June or July) each year. The information in the attached tables has been drawn from ACT Department of Education and Training statistical bulletins for preschools, government schools and non-government schools and contains the data you requested for the month of August in respect of each year.

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MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 368

School Site Sizes

MS McRAE - asked the Minister for Education and Training on notice on 12 December 1996:

- 1) What is the size of every designated school or preschool ground in the ACT.
- 2) Can you detail for every (a) college; (b) high school; (c) primary school; and (d) preschool how much land is the responsibility of that educational facility.

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

- 1) The size of every designated school and preschool site is indicated in the attached tables titled "Site Sizes for Government Preschools, Primary Schools, High Schools and Colleges" and "Site Sizes for Non-Government Preschools, Primary Schools, High Schools and Colleges." The site sizes are expressed in square metres, 1 hectare equals 10,000 m².
- 2) The Department and individual schools are responsible for maintaining government school sites. Community playing and sporting fields, which are usually located adjacent to schools, are not an education responsibility.

Table 1: SITE SIZES FOR GOVERNMENT PRESCHOOLS, PRIMARY SCHOOLS, HIGH SCHOOLS AND COLLEGES

<i>NAME</i>	<i>SITE SIZE (square metres)</i>
AINSLIE PRESCHOOL (BAKER GARDENS)	1219
AINSLIE PRIMARY SCHOOL	57581
ALFRED DEAKIN HIGH SCHOOL	87962
ARANDA PRESCHOOL	696
ARANDA PRIMARY SCHOOL	32576
ARAWANG PRIMARY SCHOOL	32397
BELCONNEN HIGH SCHOOL	83385
BIRRIGAI SCHOOL	1867000
BONYTHON PRESCHOOL	(with primary)
BONYTHON PRIMARY SCHOOL	35997
CALWELL HIGH SCHOOL	77313
CALWELL PRESCHOOL	(with primary)
CALWELL PRIMARY SCHOOL	42397
CAMPBELL HIGH SCHOOL	74738
CAMPBELL PRESCHOOL	(with primary)
CAMPBELL PRIMARY SCHOOL	32462
CANBERRA HIGH SCHOOL	87687
CAROLINE CHISHOLM HIGH SCHOOL	97636
CAUSEWAY PRESCHOOL	3553
CHAPMAN PRESCHOOL	(with primary)
CHAPMAN PRIMARY SCHOOL	33132
CHARLES CONDER PRESCHOOL	(with primary)
CHARLES CONDER PRIMARY SCHOOL	35495
CHARNWOOD PRESCHOOL	(with primary)
CHARNWOOD PRIMARY SCHOOL	34892
CHIFLEY PRESCHOOL	3424
CHISHOLM PRESCHOOL	(with primary)
CHISHOLM PRIMARY SCHOOL	42321
CO-OPERATIVE SCHOOL	3364
COOK PRESCHOOL	1938
COOK PRIMARY SCHOOL	32601
COPLAND COLLEGE	36567
CRANLEIGH SCHOOL	22261
CURTIN NORTH PRESCHOOL	719
CURTIN PRIMARY SCHOOL	28050
CURTIN SOUTH PRESCHOOL	694
DEAKIN PRESCHOOL	2653
DICKSON COLLEGE	59866
DOWNER PRESCHOOL	1905
DUFFY PRESCHOOL	(with primary)
DUFFY PRIMARY SCHOOL	38033
DUNTROON PRESCHOOL	726515
ERINDALE COLLEGE	59456
EVATT PRESCHOOL	(with primary)
EVATT PRIMARY SCHOOL	37161
FADDEN PRESCHOOL	(with primary)
FADDEN PRIMARY SCHOOL	49508
FARRAR PRIMARY SCHOOL	32784
FARRER PRESCHOOL	2241
FLOREY PRESCHOOL	(with primary)
FLOREY PRIMARY SCHOOL	20213

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Table 1: SITE SIZES FOR GOVERNMENT PRESCHOOLS, PRIMARY SCHOOLS, HIGH SCHOOLS AND COLLEGES

<i>NAME</i>	<i>SITE SIZE (square metres)</i>
FLYNN PRESCHOOL	(with primary)
FLYNN PRIMARY SCHOOL	40892
FORREST PRIMARY SCHOOL	47244
FRASER PRESCHOOL	(with primary)
FRASER PRIMARY SCHOOL	26133
FRENCH AUSTRALIAN PRESCHOOL	(with Red Hill Primary School)
GARRAN PRESCHOOL	2348
GARRAN PRIMARY SCHOOL	36860
GILMORE PRESCHOOL	(with primary)
GILMORE PRIMARY SCHOOL	31691
GINNINDERRA HIGH SCHOOL	83385
GIRALANG PRESCHOOL	2236
GIRALANG PRIMARY SCHOOL	34493
GORDON PRESCHOOL	(with primary)
GORDON PRIMARY SCHOOL	36435
GOWRIE PRESCHOOL	(with primary)
GOWRIE PRIMARY SCHOOL	35510
GRIFFITH PRESCHOOL (BANNISTER GARDENS)	1466
GRIFFITH PRESCHOOL (STOKES STREET)	2160
HACKETT PRESCHOOL	2153
HALL PRESCHOOL	(with primary)
HALL PRIMARY SCHOOL	17203
HAWKER COLLEGE	61375
HAWKER PRESCHOOL	2148
HAWKER PRIMARY SCHOOL	33469
HIGGINS PRESCHOOL	(with primary)
HIGGINS PRIMARY SCHOOL	45082
HOLT PRESCHOOL	(with primary)
HOLT PRIMARY SCHOOL	36767
HUGHES IEC	(with Hughes Primary)
HUGHES PRESCHOOL	1926
HUGHES PRIMARY SCHOOL	33614
ISABELLA PLAINS PRE SCHOOL	(with primary)
ISABELLA PLAINS PRIMARY SCHOOL	29105
KALEEN HIGH SCHOOL	81076
KALEEN PRESCHOOL	(with primary)
KALEEN PRIMARY SCHOOL	38248
KAMBAH HIGH SCHOOL	73154
KOOMARRI SCHOOL	26527
LAKE GINNINDERRA COLLEGE	26196
LAKE TUGGERANONG COLLEGE	24605
LANYON HIGH SCHOOL	64893
LATHAM PRESCHOOL	1635
LATHAM PRIMARY SCHOOL	33230
LYNEHAM HIGH SCHOOL	58629
LYNEHAM PRESCHOOL	1886
LYNEHAM PRIMARY SCHOOL	23432
LYONS PRESCHOOL	1696
LYONS PRIMARY SCHOOL	24317
MACARTHUR PRESCHOOL	5170
MACGREGOR PRESCHOOL	(with primary)

Table 1: SITE SIZES FOR GOVERNMENT PRESCHOOLS, PRIMARY SCHOOLS, HIGH SCHOOLS AND COLLEGES

<i>NAME</i>	<i>SITE SIZE (square metres)</i>
MACGREGOR PRIMARY SCHOOL	38038
MACQUARIE PRESCHOOL	2090
MACQUARIE PRIMARY SCHOOL	33361
MAJURA PRIMARY SCHOOL	28339
MALKARA SCHOOL	16175
MARIBYRNONG PRESCHOOL	(with primary)
MARIBYRNONG PRIMARY SCHOOL	35995
MAWSON PRESCHOOL	(with primary)
MAWSON PRIMARY SCHOOL	29051
MCKELLAR PRESCHOOL	1353
MELBA HIGH SCHOOL	79951
MELBA PRESCHOOL	(with Mt Rogers Community School)
MELROSE HIGH SCHOOL	78356
MELROSE PRIMARY SCHOOL	34082
MILES FRANKLIN PRESCHOOL	(with primary)
MILES FRANKLIN PRIMARY SCHOOL	39917
MONASH PRESCHOOL	(with primary)
MONASH PRIMARY SCHOOL	48528
MT NEIGHBOUR PRESCHOOL	(with primary)
MT NEIGHBOUR PRIMARY SCHOOL	33850
MT ROGERS COMMUNITY SCHOOL(SPENCE CAMPUS)	32915
MT ROGERS COMMUNITY SCHOOL(MELBA CAMPUS)	38741
NARRABUNDAH COLLEGE	62722
NARRABUNDAH EARLY CHILDHOOD CENTRE	543
NARRABUNDAH PRIMARY SCHOOL	14590
NGUNNAWAL PRESCHOOL	(with primary)
NGUNNAWAL PRIMARY	38001
NICHOLLS PRESCHOOL	(with primary)
NICHOLLS PRIMARY	29553 + 7295 shared
NORTH AINSLIE PRESCHOOL	(with primary)
NORTH AINSLIE PRIMARY SCHOOL	37447
NORTH CURTIN PRESCHOOL	1788
PAGE PRESCHOOL	2189
PALMERSTON DISTRICT PRIMARY SCHOOL	29677
PALMERSTON PRESCHOOL	(with primary)
PHILLIP COLLEGE	59278
RED HILL PRIMARY SCHOOL	34336
REID PRESCHOOL	1487
RICHARDSON PRESCHOOL	(with primary)
RICHARDSON PRIMARY SCHOOL	27060
RIVETT PRESCHOOL	(with primary)
RIVETT PRIMARY SCHOOL	38798
SCHOOL WITHOUT WALLS	(with Ainslie Primary School)
SCULLIN PRESCHOOL	1884
SOUTHERN CROSS PRIMARY SCHOOL	32908
SPENCE PRESCHOOL	2170
STIRLING COLLEGE	50402
STROMLO HIGH SCHOOL	83353
TAYLOR PRESCHOOL	(with primary)
TAYLOR PRIMARY SCHOOL	31179
TELOPEA PARK SCHOOL (primary & high)	57577

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Table 1: SITE SIZES FOR GOVERNMENT PRESCHOOLS, PRIMARY SCHOOLS, HIGH SCHOOLS AND COLLEGES

<i>NAME</i>	<i>SITE SIZE (square metres)</i>
THARWA PRESCHOOL	2024
THARWA PRIMARY SCHOOL	2024
THEODORE PRESCHOOL	(with primary)
THEODORE PRIMARY SCHOOL	34657
TORRENS PRESCHOOL	1515
TORRENS PRIMARY SCHOOL	31573
TREEHOUSE PRESCHOOL & CHILDCARE	1558
TURNER PRESCHOOL	(with primary)
TURNER PRIMARY SCHOOL	74698
URAMBI PRESCHOOL	(with primary)
URAMBI PRIMARY SCHOOL	42588
URIARRA PRESCHOOL	(with primary)
URIARRA PRIMARY	Not available
VILLAGE CREEK IEC	(with Village Creek Primary)
VILLAGE CREEK PRESCHOOL	(with primary)
VILLAGE CREEK PRIMARY SCHOOL	41506
WANNIASSA HIGH SCHOOL	76737
WANNIASSA HILLS PRESCHOOL	(with primary)
WANNIASSA HILLS PRIMARY SCHOOL	35532
WANNIASSA PRESCHOOL	(with primary)
WANNIASSA PRIMARY SCHOOL	45360
WARAMANGA PRESCHOOL	32397
WATSON PRESCHOOL	1780
WEETANGERA PRESCHOOL	(with primary)
WEETANGERA PRIMARY SCHOOL	35223
WESTON PRESCHOOL	(with primary)
WESTON PRIMARY SCHOOL	34298
WODEN SCHOOL	31048
YARRALUMLA PRESCHOOL	(with primary)
YARRALUMLA PRIMARY SCHOOL	66630
YARRALUMULA MONTESSORI PRESCHOOL	(with primary)

Table 2: SITE SIZES FOR NON-GOVERNMENT PRESCHOOLS, PRIMARY SCHOOLS, HIGH SCHOOLS AND COLLEGES

<i>NAME</i>	<i>SITE SIZE (square metres)</i>
CATHOLIC SECONDARY SYSTEMIC SCHOOLS	
MERICI COLLEGE	47843
ST CLARE'S COLLEGE	46333
ST PETER'S CATHOLIC COLLEGE	129605
PADUA CATHOLIC HIGH SCHOOL	57359
ST FRANCIS XAVIER HIGH	86325
CATHOLIC PRIMARY SYSTEMIC SCHOOLS	
HOLY FAMILY PRIMARY SCHOOL	41022
HOLY SPIRIT PRIMARY SCHOOL	27453 + 7295 shared
HOLY TRINITY PRIMARY SCHOOL	20504
ROSARY PRIMARY SCHOOL	29764
SACRED HEART PRIMARY SCHOOL	21024
ST ANTHONY'S PRIMARY SCHOOL	31936
ST BEDE'S PRIMARY SCHOOL	22601
ST BENEDICT'S PRIMARY SCHOOL	22675
ST CLARE OF ASSISI PRIMARY SCHOOL	33295
ST FRANCIS OF ASSISI PRIMARY SCHOOL	45175
ST JOHN THE APOSTLE PRIMARY SCHOOL	35313
ST JOHN VIANNEY'S PRIMARY SCHOOL	23755
ST JOSEPH'S PRIMARY SCHOOL	26692
ST JUDE'S PRIMARY SCHOOL	36194
ST MATTHEW'S PRIMARY SCHOOL	21534
ST MICHAEL'S PRIMARY SCHOOL	20525
ST MONICA'S PRIMARY SCHOOL	22104
ST PETER AND PAUL'S PRIMARY SCHOOL	24664
ST THOMAS AQUINAS' PRIMARY SCHOOL	35403
ST THOMAS MORE'S PRIMARY SCHOOL	approx 16478
ST THOMAS THE APOSTLE PRIMARY SCHOOL	23881
ST VINCENT DE PAUL PRIMARY SCHOOL	17057
CATHOLIC SECONDARY NON-SYSTEMIC	
DARAMALAN COLLEGE	59743
MARIST COLLEGE	138580
ST EDMUND'S COLLEGE	80289
DARAMALAN COLLEGE (PRIMARY)	25301
MARIST COLLEGE (PRIMARY)	(with Marist College)
ST EDMUND'S COLLEGE (PRIMARY)	(with St Edmund's College)

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Table 2: SITE SIZES FOR NON-GOVERNMENT PRESCHOOLS, PRIMARY SCHOOLS, HIGH SCHOOLS AND COLLEGES

<i>NAME</i>	<i>SITE SIZE (square metres)</i>
INDEPENDENT SCHOOLS	
CHURCH OF ENGLAND GIRLS' GRAMMAR SCHOOL	63514
CANBERRA GRAMMAR SCHOOL	189144
RADFORD COLLEGE	185902
AUSTRALIAN INTERNATIONAL CHRISTIAN	60690 (with YWAM)
O'CONNOR CHRISTIAN SCHOOL	18112
TRINITY CHRISTIAN SCHOOL	39590
CHURCH OF ENGLAND GIRLS' GRAMMAR JUNIOR SCHOOL	23615
CANBERRA GRAMMAR JUNIOR SCHOOL	(with Canberra Grammar)
COVENANT COLLEGE	66169
SEVENTH DAY ADVENTIST	8746
ORANA SCHOOL	27828
CANBERRA GRAMMAR NORTHSIDE INFANTS	3969
CANBERRA MONTESSORI PRESCHOOL	13480
MARIA MONTESSORI PRESCHOOL	1845

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
Question No.373**

Executive Retreat

MR WHITECROSS - Asked the Chief Minister upon notice on 12 December 1996:

In relation to the Gazette of 3 July 1996, you as Chief Minister received \$4,888.49 for “professional development”

- (1) Was this for a course or for advice.
- (2) Who provided this course or advice.
- (3) Why did you attend the course or receive advice.
- (4) In what capacity did you undertake this course or receive advice, ie (as Chief Minister, Treasurer or ass health and Community care Minister or a combination).
- (5) Why was payment made to you.
- (6) On what date was the course conducted or the advice given.
- (7) What was the duration of the course/advice.
- (8) Where was the course /advice.
- (9) How was the fee schedule calculated for this course/advice.
- (10) Has the fee for the course/advice been fully paid.
- (11) Which appropriation unit will this fee be charged to.
- (12) Which Department or agency engaged the provider of the course/advice.

MRS CARNELL - The answer to the Member’s question is as follows:

- (1) This expenditure is not accurately detailed in the gazette. It relates to the payment of expenses associated with the Executive Retreat held at Eagle Hawk Hill 15 - 17 December 1995.
- (2) Not applicable.
- (3) Not applicable.
- (4) Not applicable.

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- (5) The Chief Minister paid the invoice on her credit card and sought reimbursement following the retreat.
- (6) The retreat was held on the 15-17 December 1995.
- (7) Not applicable.
- (8) Eagle Hawk Hill.
- (9) The expenses included accommodation, conference packages, room hire, equipment hire and meals.
- (10) Not applicable.
- (11) Reimbursement was charged to Program 2.
- (12) Arrangements for the retreat were facilitated by the Chief Minister's Department.

MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 374

Government Schools - Anti-Racism Policy

MS McRAE - asked the Minister for Education and Training on notice on 12 December 1996:

- (1) What programs are in place in schools to deal with racism.
- (2) What policy does each school have.
- (3) How are teachers asked to deal with racism in schools.
- (4) How is it dealt with within the curriculum.
- (5) How is multiculturalism dealt with and taught.

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

(1) What programs are in place in schools to deal with racism.

Programs in schools include:

- student management policies now under the umbrella Safe Schools Policy Framework 1996 which addresses violence, bullying and all forms of harassment
- personal development programs in secondary schools include anti-bullying and harassment strategies and conflict resolution programs and playground mediators or peacekeepers programs are in place in a number of schools
- anger management and social skills development programs may also be given to students through school counsellors
- class programs, special needs teams and student representative councils provide mechanisms in schools for discussing racism and are proactive in encouraging non-violent behaviour.

(2) What policy does each school have.

The department has issued a new Anti-Racism Policy which will come into effect in 1997. Schools will be required to comply with this policy.

Schools develop their own student management policies, which may or may not currently include explicit reference to racism, but which certainly address bullying and harassing behaviours. Some schools have their own anti-racism policy. In 1997, schools are being asked to address racism explicitly in their policies.

(3) How are teachers asked to deal with racism in schools.

Teachers are expected to deal with racism in the same way that they deal with other unacceptable behaviours. This generally means that when they see racial harassment occurring they:

- identify the behaviour as unacceptable and tell students to stop it
- indicate the consequences of repetition
- initiate behaviour management procedures if the behaviour does not stop.

This may involve time in a timeout room or other procedures.

Under the department's new Anti-Racism Policy, complaints of racism can be made by staff, students or their parents or caregivers to the teacher or principal. Anti-Racism Contact Officers for Staff and for Students will be appointed and will support and advise complainants about ways the problem can be dealt with. These range from personal resolutions, informal in-school approaches and formal complaints to the Principal or the Director (Schools) for their area.

Under this policy, teachers and schools are asked to take an educative approach to racism and to develop the understanding of staff and students of what racism is, how it works, its effects and how to deal with it.

(4) How is it dealt with within the curriculum.

Racism can be approached directly through units of work on prejudice, stereotyping, discrimination and racism. These may be developed under the strands of Studies of Society and Environment, for example in historical, legal, or cultural studies, or in other contexts, such as through literature, art and other media.

The Across Curriculum Perspectives Statements and Curriculum Support Papers which are currently being published and will be in schools in February 1997 provide some guidance on dealing with racism through the curriculum:

- Through the multicultural education perspective, for example, students learn how *language is used to position people and groups and to identify bias, stereotyping, prejudice and racism*. The need for *teachers to challenge prejudice and racism in students and for students to identify and challenge racism* is made explicit.
Content should include *an analysis of social structures that perpetuate racism*.
- The Aboriginal education and Torres Strait Islander education perspectives also promote the development of *cross cultural awareness and culturally sensitive attitudes*. Students should show skills in *identifying racism and dealing with it at a personal level* and in *challenging the way society constructs and perpetuates the attitudes, values and behaviours that surround the notion of race*.

In the Studies of Society and Environment (SOSE) Curriculum Framework, knowledge, skills and values and attitudes that counteract discrimination and racism are promoted:

- the social justice perspective *addresses human rights issues, decision making processes, social values and the quality and equity of social relationships*

- the study and development of democratic values promote active citizenship, respect for law and for the rights of individuals, and commitment to changing discriminatory practices.

(5) How is multiculturalism dealt with and taught.

Multiculturalism is dealt with and taught in many ways:

- The Aboriginal and Torres Strait Islander, Australian and multicultural education perspectives provide detailed guidance on developing across the curriculum:
 - =>a knowledge of one's own and other cultures, indigenous and migrant,
 - =>respectful attitudes towards cultural heritages other than one's own, and
 - =>intercultural understandings and skills.
- The SOSE Curriculum Framework promotes active citizenship including an understanding and appreciation of the multicultural nature of Australian society. The national Civics and Citizenship program in schools promotes the awareness of rights and the development of real skills in democratic processes.
- The study of languages other than English by students promotes understanding of the languages and cultures of others.
- The Access Asia Schools Program promotes understanding and appreciation of Asian cultures both within Australia and in the nations of Asia.

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MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 375

Schools - Language Programs

MS MCRAE - asked the Minister for Education and Training on notice on:

- (1) What languages other than English are taught in ACT schools.
- (2) Could you list the languages taught in every (a) college, (b) high school, (c) primary school and (d) preschool.
- (3) What languages have been taught for every year since 1990.

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

- (1) See Table 1.
- (2) See Table 2 for college, high and primary school details. Language programs are provided for Pre school students:
Japanese - Giralang;
French - Cooperative School;
Chinese - Chinese Language Preschool, Mawson.
- (3) The following languages have been taught in ACT schools for every year since 1990:
Chinese; French; German; Indonesian; Italian; Japanese; Latin; and Spanish.

LANGUAGES OTHER THAN ENGLISH TAUGHT IN ACT SCHOOLS		
LANGUAGE	GOVERNMENT SCHOOLS	NON GOVERNMENT SCHOOLS
CHINESE	HIGGINS PRIMARY	CANBERRA GRAMMAR
	LATHAM PRIMARY	
	MAWSON PRIMARY	
	MELROSE PRIMARY	
	BELCONNEN HIGH	
	GINNINDERRA HIGH	
	MELROSE HIGH	
	HAWKER COLLEGE	
	NARRABUNDAH COLLEGE	
FRENCH	ARANDA PRIMARY	CANBERRA GRAMMAR JUNIOR
	CO-OPERATIVE SCHOOL	CANBERRA GRAMMAR
	EVATT PRIMARY	CCEGGS
	GILMORE PRIMARY	DARAMALAN
	HALL PRIMARY	MARIST COLLEGE
	HAWKER PRIMARY	MERICI COLLEGE
	HOLT PRIMARY	RADFORD COLLEGE
	LYNEHAM PRIMARY	ST. BEDE'S PRIMARY
	MILES FRANKLIN PRIMARY	ST CLARE'S COLLEGE
	MOUNT ROGERS PRIMARY	ST. EDMUND'S COLLEGE
	NORTH AINSLIE PRIMARY	ST. FRANCIS XAVIER HIGH
	RED HILL PRIMARY	ST PETER'S CATHOLIC COLLEGE
	TELOPEA PARK PRIMARY	
	WANNIASSA HILLS PRIMARY	
	ALFRED DEAKIN HIGH	
	BELCONNEN HIGH	
	CAMPBELL HIGH	
	CANBERRA HIGH	
	CAROLINE CHISHOLM HIGH	
	GINNINDERRA HIGH	
	KALEEN HIGH	
	LYNEHAM HIGH	
	MELBA HIGH	
	SCHOOL WITHOUT WALLS	
	STROMLO HIGH	
	TELOPEA PARK SCHOOL	
	WANNIASSA HIGH	
	DICKSON COLLEGE	
	ERINDALE COLLEGE	
	HAWKER COLLEGE	
	LAKE GINNINDERRA COLLEGE	
	LAKE TUGGERANONG COLLEGE	
NARRABUNDAH COLLEGE		
PHILLIP COLLEGE		
STIRLING COLLEGE		

LANGUAGE	GOVERNMENT SCHOOLS	NON GOVERNMENT SCHOOLS	
GERMAN	ISABELLA PLAINS PRIMARY	CANBERRA GRAMMAR SCHOOL	
	RICHARDSON PRIMARY	CCEGGS	
	BELCONNEN HIGH	COVENANT COLLEGE	
	CALWELL HIGH	DARAMALAN COLLEGE	
	KAMBAH HIGH	MERICI COLLEGE	
	MELBA HIGH	O'CONNOR CHRISTIAN SCHOOL	
	MELROSE HIGH	PADUA HIGH SCHOOL	
	TELOPEA PARK SCHOOL	RADFORD COLLEGE	
	LAKE GINNINDERRA COLLEGE	ST EDMUND'S COLLEGE	
	LAKE TUGGERANONG COLLEGE	ST. FRANCIS XAVIER HIGH	
	NARRABUNDAH COLLEGE	TRINITY CHRISTIAN SCHOOL	
	PHILLIP COLLEGE		
GREEK	DICKSON COLLEGE		
INDONESIAN	CHAPMAN PRIMARY	O'CONNOR CHRISTIAN SCHOOL	
	CHISHOLM PRIMARY	ST CLARE'S OF ASSISSI PRIMARY	
	CURTIN PRIMARY	ST FRANCIS OF ASSISSI PRIMARY	
	FLOREY PRIMARY	ST JUDE'S PRIMARY	
	FORREST PRIMARY	ST MICHAEL'S PRIMARY	
	GARRAN PRIMARY	ST THOMAS AQUINAS' PRIMARY	
	GOWRIE PRIMARY	DARAMALAN COLLEGE	
	HUGHES PRIMARY	MERICI COLLEGE	
	JERVIS BAY PRIMARY		
	LYONS PRIMARY		
	PALMERSTON PRIMARY		
	RIVETT PRIMARY		
	SOUTHERN CROSS PRIMARY		
	TURNER PRIMARY		
	WEETANGERA PRIMARY		
	WESTON PRIMARY		
	ALFRED DEAKIN HIGH		
	BELCONNEN HIGH		
	CAROLINE CHISHOLM HIGH		
	LYNEHAM HIGH		
	STROMLO HIGH		
	TELOPEA PARK SCHOOL		
	WANNIASSA HIGH		
	ERINDALE COLLEGE		
	HAWKER COLLEGE		
	LAKE GINNINDERRA COLLEGE		
	NARRABUNDAH COLLEGE		
	STIRLING COLLEGE		
	ITALIAN	DUFFY PRIMARY	CANBERRA MONTESSORI PRESCHOOL
		NARRABUNDAH PRIMARY	HOLY TRINITY PRIMARY
		TAYLOR PRIMARY	MARIST COLLEGE
		TELOPEA PARK SCHOOL	MERICI COLLEGE
STROMLO HIGH		PADUA HIGH	
HAWKER COLLEGE		ROSARY PRIMARY	
NARRABUNDAH COLLEGE		SACRED HEART PRIMARY	
	ST. ANTHONY'S PRIMARY		

TABLE1

LANGUAGE	GOVERNMENT SCHOOLS	NON GOVERNMENT SCHOOLS
		ST. BEDE'S PRIMARY
		ST. BENEDICT'S PRIMARY
ITALIAN		ST. FRANCIS OF ASSISSI PRIMARY
		ST. FRANCIS XAVIER HIGH
		ST JOHN VIANNEY'S PRIMARY
		ST. JOSEPH'S PRIMARY
		ST. THOMAS THE APOSTLE PRIMARY
		ST. VINCENT de PAUL PRIMARY
		ST. THOMAS MORE'S PRIMARY
JAPANESE	AINSLIE PRIMARY	ST PETER & PAUL'S PRIMARY
	BONYTHON PRIMARY	ST PETER'S CATHOLIC COLLEGE
	CAMPBELL PRIMARY	CCEGS
	CHARLES CONDER PRIMARY	MARIST COLLEGE
	COOK PRIMARY	MARIST PRIMARY
	FADDEN PRIMARY	MERICI COLLEGE
	FARRER PRIMARY	ORANA SCHOOL
	GIRALANG PRIMARY	RADFORD COLLEGE
	GORDON PRIMARY	ST CLARE'S COLLEGE
	KALEEN PRIMARY	ST FRANCIS XAVIER HIGH
	MACQUARIE PRIMARY	ST MATTHEW'S PRIMARY
	MAJURA PRIMARY	ST MONICA'S PRIMARY
	MARIBYRNONG PRIMARY	
	MONASH PRIMARY	
	MT. NEIGHBOUR PRIMARY	
	RED HILL PRIMARY	
	TELOPEA PARK SCHOOL	
	THARWA PRIMARY	
	TORRENS PRIMARY	
	URAMBI PRIMARY	
	VILLAGE CREEK PRIMARY	
	YARRALUMLA PRIMARY	
	ALFRED DEAKIN HIGH	
	CALWELL HIGH	
	CAMPBELL HIGH	
	CANBERRA HIGH	
	GINNINDERRA HIGH	
	KALEEN HIGH	
	KAMBAH HIGH	
	LANYON HIGH	
	MELBA HIGH	
	MELROSE HIGH	
	STROMLO HIGH	
	WANNIASSA HIGH	
	COPLAND COLLEGE	
	DICKSON COLLEGE	
	ERINDALE COLLEGE	
	LAKE GINNINDERRA COLLEGE	
	LAKE TUGGERANONG COLLEGE	
	NARRABUNDAH COLLEGE	
	PHILLIP COLLEGE	
	STIRLING COLLEGE	

12 December 1996

LANGUAGE	GOVERNMENT SCHOOLS	NON GOVERNMENT SCHOOLS
KOREAN	NARRABUNDAH COLLEGE	
LATIN		CANBERRA GRAMMAR SCHOOL
SPANISH	FLYNN PRIMARY FORREST PRIMARY FRASER PRIMARY MACGREGOR PRIMARY TELOPEA PARK SCHOOL WANNIASSA PRIMARY GINNINDERRA HIGH NARRABUNDAH COLLEGE	MAWSON SEVENTH DAY ADVENTIST

TABLE1

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BREAKDOWN OF LANGUAGES TAUGHT DURING 1996 IN EACH ACT SCHOOL	
SCHOOL NAME	LANGUAGES TAUGHT
COPLAND COLLEGE	JAPANESE
DICKSON COLLEGE	FRENCH, GREEK, JAPANESE,
ERINDALE COLLEGE	FRENCH, INDONESIAN, JAPANESE
HAWKER COLLEGE	CHINESE, FRENCH, INDONESIAN, ITALIAN,
LAKE GINNINDERRA COLL.	FRENCH, GERMAN, INDONESIAN, JAPANESE
LAKE TUGGERANONG COLL	FRENCH, GERMAN, JAPANESE,
NARRABUNDAH COLLEGE	CHINESE, FRENCH, GERMAN, INDONESIAN, ITALIAN,
	JAPANESE, KOREAN, SPANISH
PHILLIP COLLEGE	FRENCH, GERMAN, JAPANESE,
SCHOOL WITHOUT WALLS	FRENCH,
STIRLING COLLEGE	FRENCH, INDONESIAN, JAPANESE,
ALFRED DEAKIN HIGH	FRENCH, JAPANESE,
BELCONNEN HIGH	CHINESE, FRENCH, GERMAN, INDONESIAN,
CALWELL HIGH	GERMAN, JAPANESE
CAMPBELL HIGH	FRENCH, JAPANESE
CANBERRA HIGH	FRENCH, JAPANESE
CAROLINE CHISHOLM HIGH	FRENCH, INDONESIAN
GINNINDERRA HIGH	FRENCH, JAPANESE, CHINESE
KALEEN HIGH	FRENCH, JAPANESE
KAMBAH HIGH	GERMAN, JAPANESE
LANYON HIGH	JAPANESE
LYNEHAM HIGH	FRENCH, INDONESIAN
MELBA HIGH	FRENCH, GERMAN, JAPANESE
MELROSE HIGH	GERMAN, JAPANESE, CHINESE
STROMLO HIGH	FRENCH, INDONESIAN, JAPANESE, ITALIAN
TELOPEA PARK SCHOOL	FRENCH, GERMAN, INDONESIAN, JAPANESE, SPANISH,
	ITALIAN
WANNIASSA HIGH	FRENCH, JAPANESE
AINSLIE PRIMARY	JAPANESE
ARANDA PRIMARY	FRENCH
ARAWANG PRIMARY	INDONESIAN
BONYTHON PRIMARY	JAPANESE
CAMPBELL PRIMARY	JAPANESE
CHAPMAN PRIMARY	INDONESIAN
CHISHOLM PRIMARY	INDONESIAN
CO-OPERATIVE SCHOOL	FRENCH, JAPANESE
COOK PRIMARY	JAPANESE
CHARLES CONDER PRIMARY	JAPANESE
CURTIN PRIMARY	INDONESIAN
DUFFY PRIMARY	ITALIAN
EVATT PRIMARY	FRENCH
FADDEN PRIMARY	JAPANESE
FARRER PRIMARY	JAPANESE
FLOREY PRIMARY	INDONESIAN
FLYNN PRIMARY	SPANISH
FORREST PRIMARY	INDONESIAN, SPANISH
FRASER PRIMARY	SPANISH

TABLE2

SCHOOL NAME	LANGUAGES TAUGHT
GARRAN PRIMARY	INDONESIAN
GILMORE PRIMARY	FRENCH
GIRALANG PRIMARY	JAPANESE
GORDON PRIMARY	JAPANESE
GOWRIE PRIMARY	INDONESIAN
HALL PRIMARY	FRENCH
HAWKER PRIMARY	FRENCH
HIGGINS PRIMARY	CHINESE
HOLT PRIMARY	FRENCH
HUGHES PRIMARY	INDONESIAN
ISABELLA PLAINS PRIMARY	GERMAN
JERVIS BAY PRIMARY	INDONESIAN
KALEEN PRIMARY	JAPANESE
LATHAM PRIMARY	CHINESE
LYNEHAM PRIMARY	FRENCH
LYONS PRIMARY	INDONESIAN
MACGREGOR PRIMARY	SPANISH
MACQUARIE PRIMARY	JAPANESE
MAJURA PRIMARY	JAPANESE
MARIBYRNONG PRIMARY	JAPANESE
MAWSON PRIMARY	CHINESE
MELROSE PRIMARY	CHINESE
MILES FRANKLIN PRIMARY	FRENCH
MONASH PRIMARY	JAPANESE
MT NEIGHBOUR PRIMARY	JAPANESE
MT ROGERS PRIMARY	FRENCH
NARRABUNDAH PRIMARY	ITALIAN
NORTH AINSLIE PRIMARY	FRENCH
PALMERSTON DISTRICT PRI.	INDONESIAN
RED HILL PRIMARY	FRENCH, JAPANESE
RICHARDSON PRIMARY	GERMAN
RIVETT PRIMARY	INDONESIAN
SOUTHERN CROSS PRIMARY	INDONESIAN
TAYLOR PRIMARY	ITALIAN
TELOPEA PARK PRIMARY	FRENCH
THARWA PRIMARY	JAPANESE
THEODORE PRIMARY	GERMAN
TORRENS PRIMARY	JAPANESE
TURNER PRIMARY	INDONESIAN
URAMBI PRIMARY	JAPANESE
VILLAGE CREEK PRIMARY	JAPANESE
WANNIASSA HILLS PRIMARY	FRENCH
WANNIASSA PRIMARY	SPANISH
WEETANGERA PRIMARY	INDONESIAN
WESTON PRIMARY	INDONESIAN
YARRALUMLA PRIMARY	JAPANESE
CANBERRA GRAMMAR JNR.	FRENCH
CANBERRA GRAMMAR	CHINESE, FRENCH, GERMAN, LATIN
CANBERRA MONTESSORI PRE	ITALIAN
CCEGG JUNIOR	FRENCH

Sheet1

SCHOOL NAME	LANGUAGES TAUGHT
CCEGGS	FRENCH, GERMAN, JAPANESE,
COVENANT COLLEGE	GERMAN
DARAMALAN COLLEGE	FRENCH, GERMAN, INDONESIAN
HOLY TRINITY PRIMARY	ITALIAN
MARIST COLLEGE	FRENCH, ITALIAN, JAPANESE,
MARIST PRIMARY	JAPANESE
MAWSON SEVENTH DAY AD.	SPANISH
MERICI COLLEGE	FRENCH, GERMAN, INDONESIAN ITALIAN, JAPANESE,
O'CONNOR CHRISTIAN SCHOOL	GERMAN, INDONESIAN
ORANA SCHOOL	JAPANESE
PADUA HIGH	ITALIAN, GERMAN
RADFORD COLLEGE	FRENCH, GERMAN, JAPANESE
ROSARY PRIMARY	ITALIAN
SACRED HEART PRIMARY	ITALIAN
ST. ANTHONY'S PRIMARY	ITALIAN
ST. BEDE'S PRIMARY	ITALIAN, FRENCH
ST. BENEDICT'S PRIMARY	ITALIAN
ST. CLARE'S COLLEGE	FRENCH, JAPANESE
ST. CLARE'S OF ASSISSI PRIM.	INDONESIAN
ST. EDMUND'S COLLEGE	FRENCH, GERMAN
ST. FRANCIS OF ASSISSI PRIM.	INDONESIAN, ITALIAN
ST. FRANCIS XAVIER HIGH	FRENCH, GERMAN, ITALIAN, JAPANESE
ST. JOHN VIANNEY'S PRIMARY	ITALIAN
ST. JOSEPH'S PRIMARY	ITALIAN
ST. JUDE'S PRIMARY	INDONESIAN
ST. MATTHEW'S PRIMARY	JAPANESE
ST. MICHAEL'S PRIMARY	INDONESIAN
ST. MONICA'S PRIMARY	JAPANESE
ST. PETER & PAUL'S PRIMARY	JAPANESE
ST. PETER'S CATHOLIC COLLEGE	FRENCH, JAPANESE,
ST. THOMAS AQUINAS' PRIMARY	INDONESIAN
ST. THOMAS MORE'S PRIMARY	ITALIAN
ST. THOMAS THE APOSTLE PRIM	ITALIAN
ST. VINCENT' de PAUL PRIMARY	ITALIAN
TRINITY CHRISTIAN SCHOOL	GERMAN

TABLE2

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12 December 1996

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION**

Question No. 379

Strategic Plan

MR WHITECROSS - Asked the Chief Minister upon notice on 12 December 1996:

- (1) How much money, in total, was spent on the ACT Strategic Plan, including staff time, administration, printing costs, consulting fees and advertising, if any.
- (2) What time period (a) was used for the consultation process in regard to the ACT Strategic Plan and (b) how was it derived.

MRS CARNELL - The answer to the Member's question is as follows:

- (1) The development of a strategic plan for the ACT was a joint ACT/Commonwealth initiative, with the National Capital Authority (NCA) as the Commonwealth's representative.

The project was jointly funded with a total budget of \$960 000 (salaries - \$500 000; operating - \$460 000). The ACT's cash contribution to the operating costs of the project was \$200 000. The salary costs of five ACT Government officers on the taskforce amounted to \$280 000. Three of these officers were full time members of the taskforce, while the other two devoted 80% only of their time to the taskforce. The ACT Government also provided some office equipment, such as personal computers, photocopier and a facsimile machine, which remain the property of the ACT.

Of the \$460 000, \$292 338 was spend on consultants for a variety of tasks (see Attachment A for a breakdown). Expenditure associated with the preparation of the "Facing our Future" Report and the ACT Strategic Plan (Canberra: A Capital Future) is detailed at Attachment B, and totals \$83 415. This includes all printing costs and advertising costs, in addition to other production costs, such as layout, editing, artwork etc. The balance of the \$460 000 was expended on administrative items, such as accommodation, stationery, telephones etc

- (2) The strategic plan is a product of a comprehensive round of consultation on issues and community values.

A Consultative Group was set up comprising people with strategic skills and expertise drawn from a range of interests within the community. The Consultative Group provided a 'sounding board' and opportunities for feedback to the consultation process.

In June 1996, the taskforce released an information paper, *Facing Our Future*, which provided basic facts and figures about the ACT in the context of current policies and practices. It identified

trends, emergent issues and possible implications for the future. It also suggested some key questions and challenges facing the ACT today. The paper was framed to provide a context for eliciting the views, values and ideas of the ACT community, business and public sectors about Canberra and its future. The formal consultation period ended on 19 July 1996, but input to the development of strategic issues continued until the beginning of September 1996.

The release of the *Facing Our Future* publication was followed by an intensive period of targeted consultation with key stakeholders and the wider community to identify strategic issues, dilemmas and strategic choices. The consultation program involved:

- ◇ distributing the *Facing our Future* document to over 300 individuals and organisations.
- ◇ analysing over 1200 questionnaires responding to the issues identified in *Facing our Future*.
- ◇ placing the document at shopfronts, libraries, secondary schools, colleges, universities, and with elected members of the ACT Assembly.
- ◇ distributing 100,000 supplements/questionnaires through the Canberra Chronicle;
- ◇ undertaking 6 focus group sessions with a representative cross-section of the Canberra community.
- ◇ undertaking 2 major workshops with key business, community and government representatives.
- ◇ conducting 2 large public meetings.
- ◇ conducting a series of seminars with a wide cross section of professional and business organisations and with the Community Councils.
- ◇ providing briefings to the Regional Leaders Forum.
- ◇ preparing articles for newspapers and specialist newsletters.
- ◇ providing radio and television interviews.
- ◇ placing the *Facing Our Future* document on the internet site, AUSTOUCH terminals and on e-mail systems within ACT and Commonwealth government departments, secondary schools, colleges and universities.
- ◇ conducting a series of in-depth interviews with a cross-section of over 40 business and opinion leaders.
- ◇ briefings to the Planning and Environment Committee at every stage of the development of the plan, including at the inception stage, before the release of the public consultation document *Facing Our Future*, at the conclusion of the formal period of consultation and before the completion of the final Plan.

12 December 1996

In addition, 23 written submissions were received and 200 phone calls and 100 electronic mail responses were handled and processed.

The consultation process was designed in such a way to ensure that the community input to the process was maximised, yet at the same time, ensure that the timeframes and deadlines agreed with the Commonwealth, were achieved. Both objectives were fully satisfied.

**NATIONAL CAPITAL BEYOND 2000 - ACT STRATEGIC PLAN
(Details of Consultants Engaged to Support the Project)**

1.	PREPARATION / DEVELOPMENT OF INCEPTION REPORT	
-	Barbara Norman	\$23 700.00
2.	STUDIES TO SUPPORT FACING OUR FUTURE	
-	R J Nairn & Partners	\$19 500.00
-	Kinhill & Partners	\$19 600.00
-	National Institute of Economic & Industry Research	\$19 800.00
-	Wendy Bell	\$20 342.00
-	Devine Erby Mazlin	\$22 060.32
3.	COMMUNITY CONSULTATION ON FACING OUR FUTURE	
-	Artcraft Research	\$12 200.00
-	Michael Gill & Associates	\$11 847.50
4.	DEVELOPMENT OF STRATEGIC OPTIONS	
-	Michael Lennon Professional Services P/L	\$35 030.25
-	Peter Emery (EMCORP P/L)	\$17 910.00
-	Gary Sturgess (Sturgess Australia)	\$7 354.00
-	John Collins Consultants	\$14 000.00
-	Morris Consultants	\$8 000.00
-	R J Nairn & Partners P/L	\$10 500.00
-	Deni Greene Consulting Services	\$22 094.00
-	Burson - Marsteller	\$28 000.00
-	Graham Cooke	\$400.00
TOTAL		\$292 338.07

PRODUCTION COSTS**1. FACING OUR FUTURE****- Facing our Future Report****:Production:**

:	Editing (Jackson Wells)	3 600	
:	Artwork and design (Lujan Sheen)	10 002	
:	Printing 5 000 copies (Goanna Print)	7 730	
:	SUB TOTAL		21 332

- Facing Our Future Questionnaire

:	Design (Artcraft Research)	1 500	
:	Layout (Lujan Sheen)	565	
:	Analysis and Report (Artcraft Research)	5 700	
:	SUB TOTAL		7 765

- Facing Our Future Report and Questionnaire**:Distribution:**

:	Mailing (300 copies through NCA)	0	
:	Internet (Published Internally)	0	
:	E:mail (Published Internally)	0	
:	Advertising (Neville Jeffress)	165	
:	Canberra Chronicle Supplement	6 163	
:	SUB TOTAL		6 328

TOTAL Facing Our Future Report and Questionnaire **35 425**

2. OPINION LEADERS SURVEY

- Design, conduct, analysis and report (Artcraft Research) **9 990**

3. FINAL REPORT (CANBERRA: A CAPITAL FUTURE)

-	Editing (Catalyst Communications)	14 000	
-	Design and Artwork (ESTIMATE)	13 000	
-	Printing and Publication (ESTIMATE)	11 000	

: TOTAL Final Report **38 000**

TOTAL REPORT PRODUCTION COSTS **\$83 415**

APPENDIX 1: Incorporated in Hansard on 11 December 1996 at page 4708

THE LEGISLATIVE ASSEMBLY

FOR THE AUSTRALIAN CAPITAL TERRITORY

GOVERNMENT RESPONSE TO THE

STANDING COMMITTEE ON PUBLIC ACCOUNTS REPORT NO. 19

REVIEW OF THE AUDITOR-GENERAL'S REPORT NO. 8, 1995

"FINANCIAL AUDITS WITH YEARS ENDING TO 30 JUNE 1995"

PRESENTATION SPEECH

CIRCULATED WITH AUTHORITY OF

Kate Carnell MLA

Chief Minister

Mr Speaker, in August 1996, the Standing Committee on Public Accounts presented to the Assembly its report No. 19 - Review of Auditor-General's Report Number 8 - *Financial Audits with Years Ending to 30 June 1995*.

The PAC's report examines the Auditor-General's report No. 8 of 1995 on financial audits for the year ending 30 June 1995.

The Government has given careful consideration to the recommendations of both the Auditor-General and the Public Accounts Committee. The Committee requested that the Government respond to the Assembly on a number of issues, which I shall now address briefly in turn.

“What action is proposed on the audit recommendation that there be a legislative requirement that the main budget paper information anticipated to be used for accountability purposes should be independently audited”

Mr Speaker, the *Financial Management Act 1996* requires that the Territory and departmental budgets include among other things an estimated operating statement, a statement of assets and liabilities, and a statement of estimated cash flows.

The annual statements of these reporting entities are required to be prepared in accordance with generally accepted accounting practice. The annual statements of departments are also to be prepared in a form that facilitates a comparison between the financial operations during the year and the estimates of those operations contained in the budget.

It is premature to be considering the statutory independent audit of the budget statements as it is not certain on what basis such an audit would be conducted. To date, accounting and auditing standards have not been developed to verify budgeted data.

They have been laid down to provide a consistent basis on which to disclose actual performance over a particular period.

“What has been done to clarify inconsistencies between budget results and financial reporting in the 1995-96 financial statements arising from AAS 29 and GFS format”

The Office of Financial Management has provided information sessions to MLAs about the Government’s financial reforms. These sessions have included explanation of the difference between cash and accrual concepts, that is, between the concepts used for GFS reporting and those used for AAS 29 reporting .

The *Financial Management Act 1996* includes a requirement for the preparation of accrual budgets. This is to enable comparison of actual and budgeted results in the audited accrual financial statements at the end of the year.

“The outcome of the reviews relating to the issues of mental health rehabilitation “businesses”, issuing of equipment at the Central Equipment Pool (CEP), and receipting and payment at the CEP”

The ACT Health and Community Care Service has now reviewed operating procedures in the Cafe Pazzini, Northside Contractors and CEP. Remedial measures have been undertaken regarding the issues raised by the Auditor-General. Any remaining financial risk exposure associated with Cafe Pazzini and Northside Contractors is being assessed through an independent review being conducted by chartered accountants. This review will be completed in December 1996.

“The outcome of the task force review of the future financial viability of the Public Trustee Office”

The Task Force established to review the future financial viability of the Public Trustee’s Office issued its report in June 1996.

The report made the following recommendations:

- .. that the Public Trustee review the current scale of fees and commissions and implement the measures to increase income recommended in the report;
- . that the Community Service Obligations of the Public Trustee be identified and transparently funded; and
- . that any profit resulting from the commercial activities of the Public Trustee be subject to payment of a dividend based on a formula to be agreed.

Progress with implementation of the recommendations is as follows:

Fees and commissions

It is proposed to review the scale of fees and commissions and implement measures to increase income during the 1996-97 financial year. Principally, work will begin in this regard as soon as a new Public Trustee is appointed.

Community Service Obligations (CSO)

The Government has accepted the recommendation to fund the community service work undertaken by the Office and in this regard provided an additional \$0.032m to the Office in the 1996-97 Budget. This takes the total CSO payment to \$0.182m.

Distribution of profit

The Government is still considering this recommendation.

“Progress in establishing a reliable formal trust ledger in the ACT Office of Rental Bonds”

Mr Speaker, steps are being taken to establish a reliable bond tracking system. The Office of Rental Bonds is assessing systems in other jurisdictions. A decision on the most appropriate course of action will be made once this assessment has been completed. A redesigned tracking system should be in place by late 1996-97.

Mr Speaker, I commend the Government's response to the Assembly.

12 December 1996

APPENDIX 2: Incorporated in Hansard on 11 December 1996 at page 4708

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

TABLING STATEMENT

Government Response to the
Assembly Standing Committee on Public Accounts Report No. 17 on
Auditor General's Report No 4 1996 - Land Joint Ventures

To be delivered by
Mr Tony De Domenico MLA
Minister for Business, Employment and Tourism

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Mr Speaker, today I wish to table the Government's Response to the Assembly's Standing Committee on Public Accounts' Report No. 4 on the *Auditor General's Report No 4 1996 - Land Joint Ventures*.

During 1995 the Auditor General conducted a performance audit on land joint ventures. The Auditor General conducted his audit by investigating two of the current nine joint ventures, Harcourt Hill and Dunlop Hills Estate. He tabled his report in the Assembly on 28 March 1996.

The audit's major objectives were to develop an independent opinion on whether the Land Development Joint Venture Agreements were being managed effectively and that the ACT's financial interests were appropriately protected.

The Auditor General's overall opinion was that the joint venture arrangements are being managed effectively and that the ACT's financial interests are appropriately protected.

The Auditor General made five recommendations for action.

At the request of Mr Bill Wood, MLA, the Chair of the Standing Committee on Public Accounts, I forwarded to the Committee the Government's proposed Action Plan in response to the Auditor General's recommendations for action. In the proposed Action Plan we agreed to adopt the first four of the Auditor General's recommendations. In accordance with the fifth recommendation, we also agreed to appoint the Auditor General as auditor for all future joint ventures. In respect of current joint ventures, agreement would be subject to concurrent agreement of our joint venture partners in each case.

The Standing Committee on Public Accounts supported the Government's adoption of the first four recommendations for action. It also recommended that the Government inform the Assembly on progress in appointing the Auditor General as auditor to the current joint ventures in accordance with the fifth recommendation.

I am happy to inform the Assembly that all our joint venture partners have since agreed in principle to appoint the Auditor General. I am advised that the resignation of the existing auditors, and the appointment of the Auditor General will be finalised shortly.

I can now state that the Government has agreed to implement all of the Auditor General's recommendations for action concerning land joint ventures.

Mr Speaker, I now table the Government's Response.

12 December 1996

APPENDIX 3: Incorporated in Hansard on 11 December 1996 at page 4708

1996

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN
CAPITAL TERRITORY

GOVERNMENT RESPONSE TO REPORT NO 19 OF THE STANDING
COMMITTEE ON PLANNING AND ENVIRONMENT

“INQUIRY INTO THE PROPOSED CONSTRUCTION OF NUDURR DRIVE,
PALMERSTON”

TABLING STATEMENT

Circulated by authority of the Minister for the Environment,
Land and Planning
Mr Gary Humphries MLA

Mr Speaker, I am pleased to respond to the findings and recommendations contained in Report Number 19 of the Standing Committee on Planning and Environment.

The recommendations of the committee are completely in line with government policy on road design in the ACT and particularly in Palmerston where the planned road system has been known for some time.

The report recommends that the work proposed by the Department of Urban Services proceed. This would include extra improvements suggested to the residents to provide greater amenity.

The work proposed is considered to be the most economic option available while still maintaining a high standard of amenity to adjacent residences.

The work proposed includes the construction of the northern carriageway of Nudurr Drive from a new roundabout on Gundaroo Drive to Grampians Street in Palmerston.

The work will also include a parallel cycleway, a new pedestrian underpass and lighting for the new intersection.

The report recommends that Nudurr Drive be constructed on its planned alignment as shown on the Territory Plan and other existing maps of the planned road system in Palmerston.

The members may recall this item was referred to the committee by the Assembly on 29 August 1996 following some debate on the representations made by the residents located adjacent to the proposed Nudurr drive.

These residents had formed the Nudurr Drive Action Group to campaign to have Nudurr Drive moved to the south of its planned alignment thus increasing the distance between Nudurr Drive and the back fences of the residents.

The report also advises against the government providing inaccurate information to the affected residents and the shortcomings of the notification process in this particular case.

The committee was unable to validate the claims that residents had been given incorrect information from government officials but acknowledged the statements made in two statutory declarations.

These residents were not well informed by the notification process which used an out of date manual database to provide residents' addresses. The database had not been updated and could not be checked on the computer records due to union workbans imposed at the time. New methods of overcoming this problem have been put in place by the Department of Urban Services to ensure that this situation will not occur again.

Departmental Officers met with the residents to outline their plans and answer residents' queries. A positive outcome of this public consultation for the residents was the offer to include an earth mound and increased density of landscaping to the value of \$70,000. These additional funds may be met by the existing construction allocation for the project. If exceeded, the balance will come from the Gungahlin and Dunlop Bulk Provision item. This will further reduce the impact of the road on the residents. Note the design of the road was well within ACT standards even before this inclusion.

This was a good result for the Nudurr Drive Action Group who, despite the recommendations of the report have not gone away empty handed.

Nudurr Drive is needed because high traffic pressures on Burrowa Street and Kosciusko Avenue will be relieved by its construction.

These streets are currently operating at twice their design peak hour volumes and will otherwise be a source of concern for both residents of Palmerston and the Department of Urban Services.

There is a distinct economic benefit to all ACT residents in keeping the road on its planned alignment and in constructing it as soon as possible.

As I mentioned before, the residents have not gone away empty handed. They have caused the road design to be altered as a benefit to themselves and they will share in the smooth operation of the traffic links in Palmerston.

In conclusion, the recommendations of the Standing Committee on Planning and Environment Nineteenth Report are agreed to by the Government.

The government will now allow construction to start on Nudurr Drive. The construction will also include the \$70,000 worth of additional works as agreed with the Nudurr Drive Action Group.

APPENDIX 4: Incorporated in Hansard on 11 December 1996 at page 4709

1996

LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

GOVERNMENT RESPONSE

TO THE
STANDING COMMITTEE ON PUBLIC ACCOUNTS
REPORT No 20

ON THE REVIEW OF THE
AUDITOR GENERAL'S REPORT No 4
GOVERNMENT SECONDARY COLLEGES

PRESENTATION SPEECH

Circulated by authority of
Mr Bill Stefaniak MLA
Minister for Education and Training

12 December 1996

Mr Speaker, I present the Government Response to the Standing Committee on Public Accounts Report number 20, on the Review of the Auditor General's Report number 4 on Government Secondary Colleges.

The Government is in agreement with the recommendations of the Public Accounts Committee's Report.

In fact, I am pleased to present our response. Since the Auditor General's Report was published, the Government has made significant changes to ACT colleges. These changes have improved college efficiency.

And, Mr Speaker, we have made these changes, highlighted resource constraints, and promoted more effective resource management, while at the same time preserving the flexibility of colleges.

That flexibility, Mr Speaker, is the hallmark of their success, and an important reason for their excellent reputation.

The ACT secondary college system is highly valued by the community. We have the highest retention rate to Year 12 in the nation. And we must preserve this great community resource, but still be realistic and practical in our management of resources.

The Auditor General's Report reflects this approach, and the Government has already taken initiatives to enhance the efficiency and effectiveness of college education in the ACT.

The Public Accounts Committee's first recommendation called for advice from the Government on the outcome of the 1996 Teaching Enterprise Agreement. The Agreement included a number of productivity measures, and the main ones were -

- new casual relief teachers are to be paid at a lower level

- the teaching staff formula will be adjusted to save \$1.2m in a full year. Teachers will undertake some professional development during their stand down period, and schools will fund other professional development needs from within their staffing and other resources.

- new teacher recruitment for 1997 will include 20 new graduates.

The Agreement also provides for redesigning the school process, and adopting national benchmarking of best practice through negotiation on this redesign. The next Teachers Enterprise Bargaining Agreement will focus on the outcomes of such measures.

Mr Speaker, another important issue essential to improving college efficiency and effectiveness is the issue of class sizes.

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Following the Auditor General's Report, the staffing entitlement for colleges was reduced by the equivalent of 28 teaching positions in the 1995-96 Budget. This was effective from the beginning of the 1996 school year.

And a subsequent review of class sizes reveals an 8% increase in student/teacher ratios in secondary colleges compared with 1995.

In addition, the Government is continuing to work with the community to investigate ways of reducing duplication of college courses, and of improving consistency of standards across the system.

College curriculum structures and standards are currently under review. The aim of this review is to introduce standard course structures, and to minimise duplication between colleges by introducing courses which are common across the system.

Mr Speaker, changes are also being made to the accreditation of vocational education courses, consistent with national standards.

Consistent with the Commonwealth initiative to redirect some vocational education and training funds to schools, it is proposed that colleges also collaborate to minimise duplication of vocational education courses.

In other words, it is proposed that particular colleges will specialise in specific vocational education courses.

And, Mr Speaker, these courses will be nationally accredited, with the ACT accreditation process streamlined, to avoid duplication of accreditation effort.

The Committee also called for advice on the implications of the introduction of enhanced school based management.

Enhanced school based management will provide an incentive for the better use of teaching resources.

Under enhanced school based management, colleges will have greater flexibility to use resources in a manner most appropriate to student needs.

School Based Management is an important initiative within the Government reform framework. It puts resource decision making closer to schools, clearly identifies running costs for communities, and improves accountability for schools.

School Based Management also encourages school communities to focus on achieving operational savings to use for student learning.

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I move now, Mr Speaker, to another aspect of college management that the Auditor General, the Public Accounts Committee, and the Government believe to be critical to an efficient and effective secondary college sector.

I am talking about strategies for managing changing enrolment patterns. For, Mr Speaker, enrolment patterns do shift and change over time, as we all know. And the population profile of the ACT is not static.

We must therefore consider the most effective and efficient way to respond to these changes, while maintaining a high quality secondary college service for the students of the ACT.

The twinning of Stirling and Phillip Colleges from 1997, demonstrates both the Government's willingness to assist school communities to address shifting enrolments, and our conviction that this issue is one which is essential to efficient and effective college management.

The Advisory Council has been consulting with the community on this issue as a matter of priority. The Council has canvassed the ACT community for its views, by telephone survey and by submission. Their Report is in the final stages of preparation.

However Mr Speaker, the reality that **has** emerged from these consultations is that there are strongly conflicting views in the

community about the effectiveness of capping enrolments as a means of managing shifting enrolments.

Two principles seem to be in conflict in relation to this issue.

These are, the principle of parent and student free choice of school, and the principle of overall system management and distribution of places to provide more even access to college education across the ACT.

The Ministerial Advisory Council continues to examine in greater detail, the overall patterns of enrolment growth, decline and movement across the ACT.

Mr Speaker, I move finally to the Committee's request for plans for measuring college performance in the light of the 1995 COAG Review of Commonwealth/State Provision.

The COAG Review measured the effectiveness of school education systems using indicators related to student outcomes, social equity objectives, and efficiency.

The COAG framework is a useful model against which ACT colleges can monitor performance. However, it is difficult to compare ACT colleges with COAG national data, as the national data combines colleges and high schools.

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That is, Mr Speaker, the Review did not disaggregate college data from high school data. National standards against which colleges can be compared do not yet exist.

However, the Government has developed efficiency, effectiveness, and timeliness performance measures for colleges as part of the financial management reform process. And the COAG Framework provides a useful model against which ACT colleges' future performance can be measured.

Mr Speaker, since the Auditor General's Report, Government has made significant improvements to college education in the ACT. We have enhanced its effectiveness as well as its efficiency.

We have responded in positive, pragmatic terms to the Auditor General's recommendations, which have, in some instances, complemented Government measures already in train.

And we will continue to examine the delivery of all school education to identify further improvements.

I commend the Government's Response to the Public Accounts Committee's Report on Government Secondary Colleges to the Assembly.

ends

APPENDIX 5: Incorporated in Hansard on 12 December 1996 at page 4829

1996

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

EXPOSURE DRAFT

of

MEDIATION BILL 1996

TABLING SPEECH

CIRCULATED BY AUTHORITY

of

**GARY HUMPHRIES MLA
ATTORNEY-GENERAL**

12 December 1996

Mr Speaker,

I wish to table an exposure draft of the Mediation Bill 1996.

My purpose in placing an exposure draft of the Bill on the table of the Assembly is to allow Members adequate time to consider in detail the proposed provisions of the Bill.

My intention is to introduce the Bill formally into the Assembly early in the 1997 Autumn Sittings. In the meantime, copies of the exposure draft will be made available for public comment. A final draft of the Bill will be prepared in the light of comments received from Members of the Assembly and the public generally. Particular attention will be given to comments from practitioners in the mediation industry in the Territory.

Although this exposure draft is small in terms of its volume, it nevertheless heralds the beginning of a new era in providing the public with access to justice in the ACT. Its importance must be seen in the context that Governments in general are becoming increasingly concerned about the escalating cost of access to justice through litigation. As His Honour the Chief Justice of the High Court, Sir Gerard Brennan, recently said

if no new methods of dispensing justice are devised, the number of cases requiring resolution by trial will increase, trials will become more difficult and more time consuming and, in consequence, the cost of litigation and the amount of public funds that will have to be spent on litigation will escalate.

The aim of the legislation that this exposure draft Bill envisages is precisely to meet the concern expressed by His Honour - to provide a new method of dispensing justice through mediation.

Mediation is of course already widely practised in the ACT. The settlement of disputes through mediation is the primary focus of the Resolution Centre. The ACT Law Society maintains a list of members who are accredited to act as mediators. Lawyers Engaged in Alternative Dispute Resolution (LEADR) is another important organisation operating in the field of dispute resolution in the Territory. There are other organisations, as well as private individuals, operating in this area.

At the present time in the ACT there is a limited number of Acts which provide for one or more forms of alternative dispute resolution (ie by arbitration, conciliation or mediation) in specific circumstances. Only some of those Acts have a consequent provision for confidentiality or immunity from civil suit. There is thus no general legislative protection for mediators who provide services in the Territory. Hence, there is a need for legislation such as is proposed in this exposure draft Bill.

The exposure draft Bill contains two important provisions. In the first place it provides for the confidentiality of anything said or done during a mediation session. Such a provision is of the utmost importance as it encourages the use of mediation as a means of dispute resolution. It reassures the parties to a dispute of the neutrality of the mediator who is assisting in the resolution of the dispute, and fosters an atmosphere of trust in which all parties are willing to explore issues openly and honestly. The right to confidentiality is not, however, absolute.

There are certain exceptions, the most notable being where there are reasonable grounds for believing that disclosure is necessary in order to prevent or minimise the danger of injury to a person or damage to property.

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The second notable provision relates to the protection of mediators. It is important that a mediator be in a position to carry out his or her role without fear or favour. The exposure draft Bill therefore provides that no matter, or thing done, or omitted to be done by a mediator shall, if done or omitted to be done in good faith, subject the mediator to any action, claim or demand. In other words, the mediator shall have the same immunity as a judge of the ACT Supreme Court.

The tabling of this exposure draft Bill is part of an overall package dealing with mediation services in the Territory. Some members of this Assembly attended the official launch of the *ACT Competency Standards for Mediators* at the Resolution Centre on 13 September 1996. On that occasion I referred to the very favourable acceptance the Standards had received in NSW and the use being made of them by Community Justice Centres which have been providing mediation services in that State for a number of years.

Because mediation is an additional, as much as an alternative, form of dispute resolution to litigation, it is important that the courts play an increasing role in promoting the use of mediation. To focus attention on this role I have recently written to the courts and other relevant bodies suggesting the establishment of a steering committee which will consider in-depth the various issues underlying court-connected mediation.

Mr Speaker, I table this exposure draft Bill for Members' consideration and invite their comments in due course.