



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

20 FEBRUARY 1997

Thursday, 20 February 1997

Health Promotion (Amendment) Bill 1997	181
Crimes (Amendment) Bill 1997	182
Planning and Environment - standing committee.....	182
Legal Affairs - standing committee.....	186
Legal Affairs - standing committee.....	195
Scrutiny of Bills and Subordinate Legislation - standing committee	199
Planning and Environment - standing committee.....	201
Crimes (Amendment) Bill 1997	203
Administration and Procedure - standing committee.....	204
Social Policy - standing committee.....	205
Planning and Environment - standing committee.....	215
Ministerial arrangements	216
Questions without notice:	
Gungahlin - licensed club and enclosed oval.....	216
Budget forecasts.....	218
Gungahlin - enclosed oval.....	219
Ms Jacqui Rees.....	224
Gungahlin - licensed club and enclosed oval.....	225
Child abuse - mandatory reporting	226
Gungahlin - licensed club.....	227
Parkwood Eggs.....	228
Driving schools - advertisements	228
Housing budget.....	230
ACTION - school bus services	231
Car registration renewal notices - accompanying brochure	232
Transport Reform Advisory Committee	232
Tuggeranong bus interchange	233
Rural Leases Task Force	233
Personal explanations.....	235
Administration and Procedure - standing committee.....	237
Economic Development and Tourism - standing committee.....	242
Public Accounts - standing committee.....	243
Financial management report.....	243
Public Sector Management Act - contracts.....	243
Land (Planning and Environment) Act - variation to the Territory Plan.....	244
Fifth Carnell Ministry	244
Leave of absence to member	245
Government-community consultation (Matter of public importance).....	245
Government-community consultation.....	262
Legal Affairs - standing committee.....	292
Motor Traffic (Amendment) Bill (No. 2) 1996	293
Adjournment:	
Death of Mr Norman Fisher, AM.....	294
Royal Canberra Show	294

Answers to questions:

Police force - statistics (Question No. 344).....	295
ACTTAB - contract with VITAB Ltd (Question No. 346).....	298
Dog control (Question No. 347).....	301
Olympic Games - futsal bid (Question No. 350).....	303
Landscaping contract - Gordon (Question No. 353).....	305
Canberra Institute of Technology - purchaser-provider model (Question No. 354).....	307
Housing Trust properties - Ainslie (Question No. 357)	309
ACTION - patronage data (Question No. 358)	312
Employment and unemployment - private sector (Question No. 359) ...	314
Chemical distribution (Question No. 360).....	317
Disabled persons - sport and recreation (Question No. 364).....	319
Public Service - computer training (Question No. 369)	321
Public Service - software purchasing (Question No. 370).....	323
Pine plantations - Isaacs (Question No. 371).....	324
Meet the Minister program (Question No. 372)	325
Motor vehicle inspections (Question No. 376)	331
Waste disposal - statistics (Question No. 377)	332
Freedom of information requests (Question No. 378)	334
Appendix 1: Health budget.....	339
Appendix 2: Health budget.....	342
Appendix 3: Financial management report.....	349

Thursday, 20 February 1997

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.

HEALTH PROMOTION (AMENDMENT) BILL 1997

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (10.32): Mr Speaker, I present the Health Promotion (Amendment) Bill 1997, together with its explanatory memorandum.

Title read by Clerk.

MRS CARNELL: I move:

That this Bill be agreed to in principle.

The Bill seeks to amend the Health Promotion Act 1995 so that funds advanced to the Health Promotion Board are based on 5 per cent of the actual tobacco franchise fees collected in the previous calendar year and not on 5 per cent of the projected tobacco franchise fees, as is presently the case. This amendment to the Act will provide greater certainty to the board on funding provided by the Government by eliminating fluctuations that may occur when payments are based on revenue estimates. The Bill also seeks to repeal section 28 of the Act, as the new Financial Management Act makes this provision redundant. The Bill provides for technical adjustments only.

Mr Speaker, the Bill in no way changes the Government's commitment to health promotion as a prime strategy for increasing health and wellbeing in the Canberra community. In fact, quite the opposite: It makes sure that the Health Promotion Fund, Healthpact, has real certainty in its funding and can embark upon longer-term planning than is presently the case.

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

20 February 1997

CRIMES (AMENDMENT) BILL 1997

MRS CARNELL (Chief Minister): Mr Speaker, I ask that the presentation of this Bill be postponed to a later hour this day.

MR SPEAKER: Is leave granted to postpone it to a later hour?

Mr Moore: I think the Chief Minister should explain why the Deputy Chief Minister is so slack. All right; leave is granted.

Leave granted.

PLANNING AND ENVIRONMENT - STANDING COMMITTEE Reference - John Dedman Parkway

MS McRAE (10.34): I move:

That:

- (1) the Planning and Environment Committee undertake a wide-ranging inquiry into the future route of the John Dedman Parkway;
- (2) this inquiry should take into account the results of the current Maunsell study, the Government's response to it, other transport inquiries held in the ACT, the impact of the proposal on other arterial roads and other relevant matters;
- (3) the Committee announce the formal terms of reference of the inquiry and the date of reporting during the May Assembly sittings.

This is a relatively straightforward motion. It is more or less the formality to put into place what the Assembly agreed yesterday. As I said yesterday, this inquiry will enable the Planning and Environment Committee to be a forum for all the people who are concerned about the implications of the John Dedman Parkway study and the future eventuality of the parkway to air their concerns. In the next month or so, in the committee we will be able to formulate the terms of reference to ensure that the complete range of issues is able to be looked at in a way that the community feels is fair and wide ranging.

As I pointed out yesterday, and as the Minister pointed out yesterday, I accept that a lot of work has been done on this parkway over a period of nearly 10 years now - from the original plans, to the notions of where it might go, to the current studies, to the joint parliamentary committee studies, and so on. But a lot of that work is not informing current public debate, and I think that this inquiry that we are proposing today will enable those issues to be put before the public and reaired - exasperating as that may be to some, but of profound importance, I believe.

I think that this inquiry will end up facilitating a far better outcome for the Minister than the current study seems to have yielded, although I carry no brief to either criticise or praise Maunsell. They are simply there to do a job. They are doing their job. I accept that some people are not happy with that job; but, equally, I accept that they are there to do that job, and, as we said yesterday, we will let them finish that work. We will then be able to examine, against the result of their work and the Government's response to their work, the types of criticisms that have been levelled and the veracity of those concerns, and retest those against the study. That, in essence, is what we propose to do with this inquiry.

The terms of reference will be negotiated within the committee and then announced in the Assembly - I propose in the May sittings, because that will give sufficient time for us to know where we are at in terms of Maunsell's study and the Government's response. The inquiry may not begin until June or July. I am just suggesting that the May sittings is an appropriate time, or perhaps the June sittings. I am not troubled by that. I am suggesting that the committee will talk through the proposed terms of reference, announce the terms of reference and conduct the inquiry in June. That will be up to the committee chair to negotiate and detail. I commend the motion to the Assembly. It gives us, as legislators, an opportunity to be involved in a thorough and wide-ranging inquiry, and it will produce a result that, I think, will be of satisfaction to all concerned, in a way that the current study seems not to be able to do.

MS HORODNY (10.38): Mr Speaker, I move:

Omit paragraphs (1) and (2), substitute:

- “(1) the Planning and Environment Committee undertake a wide-ranging inquiry into Gungahlin's transport links, including the Government's proposals with respect to the following:
- (a) the completion of the Future Public Transport Options Study initiated in response to the Parliamentary Joint Committee's Report and acted on its recommendations;
 - (b) the development and implementation of a detailed strategy of measures to facilitate the use of public transport and other non-car modes of transport by Canberra residents, particularly including Gungahlin residents;
 - (c) the development and implementation of a strategy to reduce the number of vehicles travelling between Gungahlin and Civic or other southern destinations, such as by encouraging employment opportunities in Gungahlin and restricting employment growth in Civic;

- (d) the development of a plan for a possible eastern ring-road from Gungahlin and the Barton Highway to Central Canberra and the Monaro Highway via an upgraded Majura Road, to complement the public transport system;
- (2) this inquiry should take into account the results of the current Maunsell study, the Government's response to it, other transport inquiries held in the ACT, and the impact of any proposed new roads from Gungahlin on other roads, adjacent residential areas and the Canberra Nature Park;".

I have moved my amendment to Ms McRae's motion because I believe that Ms McRae's motion does not reflect the intent of the motion that was agreed to yesterday. That was the motion that the Greens did not support but that the majority of members in this Assembly did support. I believe that there is a substantial difference between what was agreed to yesterday and what Ms McRae's motion seeks to do. I think the substantial difference is that, in yesterday's motion, the Assembly agreed that the Government should not make any decision on the route and timing of the proposed parkway until the Government has responded to the P and E Committee and the P and E Committee has reported to the Assembly. There were four points made in respect of that reporting. This motion from Ms McRae that is before us today, it seems to me, is revisiting the whole study that the Maunsell workshop is looking at. I cannot understand why we should be doing that, when we are paying \$300,000 for a consultant to do that work.

So, I am a little bit perplexed by this motion. I believe that it is not appropriate, because it is not what this Assembly agreed to yesterday. Without wishing to reflect on the vote yesterday, I believe that the amendment I am putting up actually reflects the agreement that was made yesterday, which was that no decision should be made. So, I have included the paragraphs that this Assembly agreed to yesterday and I would ask the Assembly to support this amendment, because it represents more completely what this Assembly made a decision about yesterday.

MR MOORE (10.41): Mr Speaker, I rise to speak to both the motion and the amendment. One of the interesting results of the Assembly's passing the motion yesterday is that I may well be going back to the Minister or the Chief Minister to seek some further assistance, as they provided when we considered the State of the Environment Report. An officer was seconded to the committee. That proved to be successful, I think, personally for the future of the officer, Jim Corrigan, who made an excellent committee secretary, and also for the department and the committee system. I think that working more closely with the bureaucracy goes a very small way to enhancing the concept that the Chief Minister talks about - of council-style government. I indicate now that, at the right time, I will be seeking that assistance.

I would also like to speak to the amendment moved by Ms Horodny. A motion was passed by the Assembly yesterday. No member of the Assembly can ignore that motion. We have to be cognisant of the terms of that motion in making our decisions.

That applies to the Minister - and we are very thorough in ensuring that Ministers do that, of course - but exactly the same thing applies to a committee, and particularly to a committee chair who has that responsibility for taking into account what that motion says. There has been some suggestion that, because Ms McRae's motion is worded that "the Planning and Environment Committee undertake a wide-ranging inquiry into the future route of the John Dedman Parkway", that eliminates any possibility of there being no route. I do not think that that is implied at all. I think that one of the answers could well be - and I know that there are representations to this effect - that there be no John Dedman Parkway. This motion does not eliminate that possibility.

So, I think that the Planning and Environment Committee can look at this whole issue with an open mind and we can look at the original motion moved by Ms McRae in the broadest possible way. I think that the more flexibility the committee has to look at these things in the broadest possible way, the better will be the opportunity for the whole range of people within the community to put in their twopenny bit's worth to suggest what the committee should do, how we should handle it or what we should ignore. The more we narrow this sort of inquiry, the more we eliminate the possibilities, with the result that we do not have that general flexibility.

Mr Speaker, I am quite enthusiastic about supporting the original motion; but I would say to Ms Horodny that we cannot ignore the motion of yesterday. I think that what she has raised is that the motion of yesterday has an important role to play. That will be taken into account; but let us ensure that we have the broadest possible terms of reference so that we have the flexibility to meet the community needs and so that we can consult as flexibly as possible. One of the criticisms that Ms Horodny has raised on quite a number of occasions - and quite rightly so - is that consultation with the community has been too narrow, that it has been too specific, and that it effectively cuts people out of the consultation process. I think that would be the fear that I would have in narrowing any of this. I think the broader terms of reference are a far better way to go.

MS McRAE (10.45): Mr Speaker, I rise in absolute bewilderment - - -

Mr Moore: To speak on the amendment or to close the debate?

MS McRAE: To speak on the amendment, not to close the debate.

There seems to be such a high level of suspicion and distrust here that I am astounded. There is no way on earth that, by moving this formal motion today to actually take on the inquiry that we were directed to take on by the Assembly yesterday, our committee could ignore the issues that were raised yesterday. There is absolutely no precedent - in my memory, anyway - for the Assembly actually debating the terms of reference of a committee. The committee usually sits down, does its terms of reference and then presents them to the Assembly. We were going to have that opportunity at the next meeting of our committee, of which Ms Horodny is a member. I find absolutely no reason to have this amendment put in front of us today. To me, it just smacks of suspicion and distrust of the Assembly processes. It has no date on the front of it. When I found it on my desk, I thought it was yesterday's. There was no discussion and no input. It shows no understanding of Assembly processes, and it is an insult to our collective voting yesterday.

20 February 1997

It was absolutely clear yesterday that people agreed that these key issues were to be part of our inquiry. It is now up to the committee to ensure that the terms of reference that we draw up in no way exclude them. The intent of the inquiry is to be as wide ranging as possible. These are not the only issues that are of concern to people. In fact, the things that I hear on my telephone and that I see in my letters and in my in-tray are much wider than this. I think that this amendment is unnecessary. I think it shows a level of distrust which is unnecessary. I think we should thank Ms Horodny for preparing it, and go back to the committee and discuss it and ensure that when we publicise our inquiry we in no way cut off any of this potential inquiry and we in no way cut off any intention.

I accept that the words “future route of the John Dedman Parkway” suggest to some that I am not including the no road option in the inquiry. That was never the intent. As I said yesterday in debate, that is one of the consistent issues that come up. We will in no way prevent people, who want to, from coming to the committee and saying, “We do not want to talk about the future option; we want to talk about a future no road option”. I have no problem with that, and I cannot see how my motion today will prevent that from happening. But I am very sad that it has to be put before us like this, with the obvious implication that somehow our own committee - of which Lucy is a member, Mr Moore is a member, Mrs Littlewood is now a member, and I am a member - will ignore the direct and express direction of the Assembly yesterday and proceed to do an inquiry that will not take this into account. I am sorry, Ms Horodny; that was never on the table, and I think it is a great pity that you have brought this amendment forward at all.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (10.48): Mr Speaker, in the interests of getting on to other business, I simply indicate that I agree with the comments of Ms McRae and Mr Moore.

Amendment negatived.

Original question resolved in the affirmative.

LEGAL AFFAIRS - STANDING COMMITTEE **Reference - Immunisation of Children**

MR OSBORNE (10.49): Mr Speaker, I seek leave to amend my notice of motion.

Leave granted.

MR SPEAKER: You might just explain what the amendment is, Mr Osborne.

MR OSBORNE: Mr Speaker, I would like to add to the terms of reference on the immunisation issue “the legal implications and implications for civil liberties”. It is mainly to tie it into the legal affairs area so that we have no trouble in looking at the issue. Mr Speaker, I move:

That, notwithstanding the resolution of the Assembly of 9 March 1995 establishing general purpose standing committees, this Assembly refer the provision of immunisation against disease for children residing and being educated in the Australian Capital Territory to the Standing Committee on Legal Affairs for inquiry and report by the first sitting day in August 1997, with particular reference to:

- (1) the legal implications and implications for civil liberties;
- (2) the necessity and desirability of immunisation;
- (3) immunisation rates and trends;
- (4) immunisation availability and service provision;
- (5) relevant legislative considerations and framework;
- (6) suggested strategies for improving our immunisation rates; and
- (7) any other related matter.

It is no secret that immunisation rates have continued to fall over the past decade and that vaccine-preventable diseases have increased dramatically during that time. Last century, it was not uncommon for several children in one family to die from measles, diphtheria or whooping cough. When mass immunisation was first introduced, around 40 years ago, it was hailed as the most potent weapon ever developed in the world of infectious disease. Any way you look at it, the success of immunisation has been nothing short of spectacular. Smallpox has been all but wiped off the face of the earth and several other diseases have been all but wiped out.

Mr Speaker, unfortunately, it now seems that we are getting complacent. National immunisation rates, which, less than 10 years ago, were estimated to be around 80 to 90 per cent, currently stand at 53 per cent. Fortunately for us here in the ACT, we are leading the nation, with 67 per cent; but this is still well short of the 95 per cent recommendation of the National Health and Medical Research Council. Mr Speaker, as the father of young children, apart from being a member of this Assembly, I am not prepared to stand by and be silent while about one-third of the children in Canberra, and one-third of the children in my electorate, are left open to possibly contracting debilitating diseases such as measles and whooping cough, the latter with possible deadly consequences. The experts say that 60 per cent immunisation is not enough to stop the spread of the disease. I hope that the Assembly will agree with this motion of mine to allow my committee to investigate this matter and, after consulting the wider Canberra community, to bring forward a series of recommendations and, if needed, relevant legislative considerations.

Mr Speaker, I have made no secret of the fact that I consider compulsory immunisation my preferred option. However, after making this known, I received a number of phone calls and a fair amount of information from people who said exactly the opposite - that compulsory immunisation is not the way to go and that there are many risks involved.

20 February 1997

This is a very topical subject at the moment. There has been talk, both locally and federally. Mr Speaker, I think it is a great opportunity for us, as an Assembly, to investigate the issue. I am prepared to go into this committee with a very open mind. I look forward to hearing especially from the AMA, who have been very vocal in their support of compulsory immunisation. Also, I see this committee as being a great forum for that percentage of people out there who are very passionate the other way. I think it is a great opportunity for continued debate and for the Assembly members to be provided with a full and frank report.

Mr Speaker, I would suggest that there is only a very small percentage of people out in the community who are passionately opposed to immunisation and that the vast majority of people who do not immunise their children perhaps do not do it because they are forgetful rather than being vehemently opposed. I think that by having a committee looking at this issue and reporting on it, we will raise the awareness and give us all the opportunity to hear from the experts on both sides. I hope that I have the support of the Assembly on this, Mr Speaker, and I look forward to hearing from other members and also to having some input from other members during the running of this inquiry.

MR MOORE (10.55): Mr Speaker, I rise to support the motion to refer this matter to the Standing Committee on Legal Affairs. I think it is entirely appropriate that that is the committee that looks at it, because the fundamental issues fall into two categories - a population health issue and a civil liberties issue. There is a considerable overlap of those two issues, and it is appropriate that this committee look at the issue of compulsion. I will just say to members that, when they are looking at the issue of compulsion in terms of immunisation, I believe that it is very important for the committee to distinguish between the notion of immunisation against life-threatening diseases and the notion of immunisation against childhood sickness diseases. There is a very big difference between the two and between what we should and should not be prepared to compel.

On the one hand, there is a tremendous amount of time, money and effort put into immunisation processes by pharmaceutical companies, and quite rightly so. They have two interests - first of all, to ensure that the appropriate drugs are available to prevent sicknesses, and also to ensure that they make the greatest profits they possibly can. Mr Speaker, I think it is very important for the committee members to keep those factors in mind as they look at immunisation, but particularly the distinction between what is life threatening and what is not life threatening.

Mr Speaker, there are several other issues that are important for the committee members to consider when they are looking at this issue in general. I am sure that those issues will come before them as people present their views. Mr Osborne suggests that the lack of immunisation at the moment is probably due to the fact that people are quite forgetful or that there are very few people out there who are vehement in their opposition to immunisation. That may be correct; but it is also correct to say, from my own experience and my own discussions with people who oppose this, that they are not vehement; they are just not going to immunise their children, because they look at the health outcomes. That is the other thing that you have to look at - not at how many people are immunised and what they are immunised against; but at what are the health outcomes from this particular process.

There is another factor that the committee really must consider. If you are going to immunise against diseases because that is in the best interests of the community as a whole - we know that there is a small risk associated with that immunisation; that a small number of people, maybe even one in 100,000, have significant adverse consequences - whose responsibility is it to look after the one in 100,000 who suffer adverse consequences? This is a fundamental issue that must be taken into account. At the moment, the people who wear the consequences of that are the parents who have immunised their children in the community interest. It is a community interest issue, and to me that responsibility should lie very clearly with the community. There is a whole range of issues that are then generated by an admission that we, as a community, are responsible for such things. Somebody will be saying, "This is a side effect of immunisation" and somebody else will be saying, "No, it is not a side effect of immunisation; that is just the way it was. Unfortunately, perhaps the brain damage that has occurred to your child is the result of something else".

Where, and how, do we place the responsibility? I think these are very complicated issues that require a very thoughtful approach. Unfortunately, the debate in the media at this stage has been largely, "Oh, dear! We do not have 100 per cent immunisation. This is terrible". What the debate ought to be is, "When should we immunise? Which particular diseases should we be immunising against? What are the community's responsibilities? What are we really trying to achieve in terms of health outcomes? Are we achieving those health outcomes in the most effective way in terms of immunisation?".

Instead of this Government spending \$400,000 on immunisation, we may get far better health outcomes if we spend \$100,000 in some other way - on nutrition, for example. We know that nutrition is a factor. You may recall a time, not so many years ago, when schools provided milk to children to ensure that children had some nutrition at the beginning of each day. In some ways, it was probably a very effective program. It probably meant a few extra kids with allergies that we were not expecting. But, by and large, it did provide for expenditure based on a positive way of dealing with health rather than with diseases. When you have expenditure on getting your community healthier, then the resistance to many of the childhood diseases is much stronger. We know that from comparing what happens with Third World countries with what is happening in First World countries. There is a great deal of data around on that. I think it is a major challenge for a committee to deal with these issues. I hope that the members will go back to look at the literature on the issue at first hand and not be bogged down by simple views that have been put in the media.

I suggest, Mr Speaker, that the committee consider approaching the Chief Minister, as Minister for Health, to second an officer to assist with immunisation research. I think a research component as well as a community consultation component of this inquiry would be a very positive aspect. I recommend to the chair, Mr Osborne, that he approach the Chief Minister for a seconded research officer to look at that - to dig out that first-hand research and to provide it to the committee. I think it would enhance the report and give the report a much better standing. It would ensure that members of this Assembly were better informed when we came to make our decisions.

20 February 1997

MS TUCKER (11.02): I support some of what Mr Moore said. I think it is a very complex issue. As parents, my husband and I decided to make a so-called informed decision. I can assure Mr Osborne that he has a lot of reading ahead of him, because the arguments are complex and they are medical. We looked at the medical arguments for and against immunisation. I would have to say that, at the end of it, I do not think I was able to make an informed decision, because there were medical arguments in opposition to each other and we were obviously not qualified to decide which medical practitioner or practitioners were correct or which line of argument was the correct one. It was extremely difficult.

The other interesting thing that came out of the compromise that we made, as parents, was that there were certain questions we asked which no-one could particularly answer; for example - Mr Moore alluded to the timing of immunisation - why was a child of two months immunised against three diseases in one hit? Basically, the answer was something like, "It is hard enough for parents to organise themselves to do it once, let alone three times". That was not a satisfactory answer to us. Some of the medical arguments against immunisation say that, if you stagger them, the child's body has a greater opportunity to deal with each particular disease that they have to develop antibodies to. I think that they are also issues that the committee should look at seriously.

So, it is not just a matter of saying yes or no - immunise or do not immunise - it is also about how the immunisation process is made available and what choices parents have if they choose to stagger them, which we were able to do but only because we had a doctor who was sympathetic and was prepared to take that trouble. There is another critical issue in this discussion, which is the right of people to decide what medical treatment they will give to their own children. Obviously, that is a huge ethical dilemma, and it is one that the committee will have to look at as well. I think you have taken on a huge task; but it will definitely get debate going in the community. I know that there are a number of people in the ACT who have severely disabled children and who believe that this is the result of immunisation. I am sure that they will come to speak to your committee. I wish you good luck.

MR WOOD (11.05): Mr Speaker, my knowledge of this debate is fairly simple, because it is only the knowledge I have gleaned as I have followed the public debate and it is contained to newspapers and television. Therefore, that does not tell me a great deal. I am aware that there is a significant number of people in the community - I do not know how many - who are concerned about immunisation. My whole background has been strongly supportive of immunisation; but I am interested in and supportive of this reference, as a new member of the Legal Affairs Committee, because it will give me the opportunity to listen to all the arguments, to assess all the evidence, to get into this subject rather more deeply, and then to come back and make a considered report to this Assembly and to the wider ACT community.

I am intrigued by some of the similarities with my first inquiry as a member of this Assembly, which was the inquiry into fluoride - - -

Mrs Carnell: Do not make it like that!

MR WOOD: I hope that it does not become quite as agonising as that report was. I was the chair of the Social Policy Committee at the time. I can tell you that it was long and laboured and bitterly fought. You have similarities. With fluoride, as with this, you have the overwhelming weight of professional and scientific advice saying “fluoride”, or saying “immunisation”, and, contrary to that, a relatively small number of people, passionately concerned about it and opposed to it, who can, as they did with fluoride in some circumstances, make suggestions that there might be some problems. So, there is a great similarity; but I know that, under Mr Osborne’s wise guidance as chair, this will be done expeditiously and we will not have some of the prolonged arguments in committee that we had on that last occasion.

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (11.07): When we start talking about immunisation, we can get off the track very quickly; and I think that has happened already in this debate. Mr Osborne made the comment - and he is right - that the target set for immunisation in Australia is 95 per cent; that our ABS levels for 1995 were 67 per cent in the ACT; and that the ACT had the highest immunisation rate in Australia. They sound quite interesting figures. Apparently, some 33 per cent of parents have chosen not to have their children immunised, for whatever reason. That is actually not correct in the ACT.

The real issue here is what parents actually do. There is a small group of parents who choose not to have their children immunised, for all sorts of reasons. There are no problems with that, if it is less than 5 per cent. Ninety-five per cent is the level we need, to ensure that we have what is called herd immunity. That means that there are enough people in the community who are immunised to stop an outbreak of a particular condition. So, a small number of people can choose, for whatever reason, not to be immunised.

It is fascinating to see what the actual figures are for various age groups in the ACT. At three months, 90 per cent of children in the ACT are now immunised. So, 90 per cent of parents are choosing to have their children immunised, are making that decision, which is actually very high. But what happens then? At eight months - once you have gone through those first immunisations - that has significantly reduced. We are down to about 67 or 70 per cent. So, what is showing is that parents are making the decision to do it at those first levels, where you have a little baby and you take it along to the clinic. Because they are going to the doctor or the community health centre regularly, parents are choosing to have their child immunised. Often in the ACT mums go back to work, the other children get in the way, and it all becomes more difficult. They are not following up. If every one of those parents who started to get their child immunised - that 90 per cent - followed all the way through, we would not have a problem, or the problem would be very small.

One of the issues is whether immunisation is a good thing or a bad thing. But that is actually a very second-rung issue here, because it is an issue for only a very small number of people.

20 February 1997

Mr Moore: No, it is not. That is the fundamental issue.

MRS CARNELL: Mr Moore says that it is not a minor issue. It is a very big issue for a small number of people; but, at the moment, 90 per cent of parents are choosing to start immunisation.

Mr Moore: Then they might listen to the evidence and change their minds.

MRS CARNELL: I am assuming, and I believe that it is true, that parents do look at the evidence that is available. I certainly would not suggest that an Assembly committee would make any significant judgments on immunisation - in an absolute 100 per cent yes or no approach - for other people. I am sure, as I think other members have said, that there is an enormous amount of information available on both sides. What we have to do is make sure that information is available to parents to make that decision. That information is available right now. It is very difficult information to get on top of; but, at the moment, 90 per cent of parents are starting immunisation. What we have to do is make sure that those 90 per cent continue all the way through or, if they choose to continue all the way through, have the services available to make sure that that happens.

In this Assembly we have already passed legislation to set up the ACT immunisation register. As everybody knows, that is now in place. We have already set up exclusion legislation, to ensure that children who are not immunised are excluded from school if there is an outbreak of a particular condition. That was legislation that was put forward under Mr Berry as Minister, I would have to suggest. Already we have a situation where, when children start preschool or school, they have to make their immunisation records available. That exists. So, what we have to do now is add to the approach we have taken, which includes free vaccines for GPs in exchange for data, the establishment of an immunisation coordinator, the register, the school entry legislation, the education literature and seminars for GPs and nurses, and the credentialling program for nurses. All these things exist, and there is a long list of them.

What we have to do now is look for ways in which we can make it easier for working mums and busy families to continue with immunisation. That will happen this year with a number of proposals that have already been put in place, including follow-up letters to parents using our immunisation register. We have put a proposal to the Federal Government already, asking for \$470,000 to implement a number of trials, such as having weekend clinics to increase access to immunisation for working parents; equipping a mobile van to deliver immunisations or vaccines to children in outlying suburbs, schools and shopping centres; even going to people's own homes where mums - or dads, for that matter - cannot get out of their homes; and providing immunisation at preschools, child-care centres and kindergartens, if that is the way to go.

As I said, the recall letter program is something that we are looking at aiming at two- and three-year-old children. We are also looking at a media campaign to raise awareness and to educate the public about immunisation and, all importantly, to make sure that information is available to parents so that they can make that decision based upon the information that exists right now. But I think it would be really unfortunate for this committee to get totally tied up in that age-old problem of immunisation, yes or no, because at the end of the day it is going to be a parent's choice.

There are some real issues here. Do we mandate, as other places in Australia are talking about? I personally have indicated, from a Government perspective, that I do not think mandating, requiring children to be immunised for enrolment at school or preschool, is the way to go. I think that what we have now, with some good follow-up services and with some good infrastructure to make it easier, potentially will achieve the end. That is my view. I will be very interested to see whether the committee agrees that we should not go down the mandating path. I think there is lots to look at. It is a really big issue for all parents when they make that first decision to have a child immunised or not to.

From my perspective again, the large amount of information that is out there would tend to indicate that immunisation has worked. There is no doubt that it has in a number of areas. In the next few years, we will end up with combination vaccines, which again will make it lots easier for parents, because it will mean that the children will not have to have as many injections and we will be able to combine such things as hepatitis B and others. It will be an interesting inquiry. We totally support it, and I am sure that any information that my department can give will be given very freely.

MR BERRY (11.15): Mr Speaker, Mrs Carnell and I are as one on this issue, principally because she took an immediate stand when it was announced that the Commonwealth was thinking about compulsion in relation to vaccination. That is a draconian way to deal with the issue. It was ill thought through. What the Federal Minister for Health was talking about was compulsory vaccination at the age of five years, as I recall. It is miles too late. In any vaccination program - experts disagree a little bit - it has to be picked up between year two and year three.

In my view, there will always be a very small portion of the community who disagree with these things, because there is a very small risk level with all sorts of vaccination programs. But you have to weigh it up against the common good. According to the figures I have heard mentioned, about 2 per cent of the people out there will never vaccinate their children. For my part, if they choose not to vaccinate their children, I do not want to be party to requiring them to. But what I want to make sure of is that the 97 or 98 per cent, some of whom have forgotten or have not been able to, vaccinate their children. Sixty-seven per cent already do. I want to make sure that we get it up as high we can - to 95 per cent or better.

The way to do that, in the first place, is to remove the disincentives. There are obvious disincentives there now, not the least of which are cost and access. Those are the issues to which I would direct the committee. What we have to be very wary of is that we do not whip up a great deal of hysteria about the possible dangers of vaccination, because, in my view, they are overstated. There is a risk. When I was a child, I recall that I had whooping cough. I do not know at what age it was - four or five. I was dreadfully ill. I do not know that I was near death; but I certainly recall feeling like it, anyway. I now have grandchildren, and I have no hesitation in urging my daughter to ensure that those kids are vaccinated at the right age. Ultimately, it is her decision whether she does or not; but, if she listens to me, she will have them vaccinated. I think they are vaccinated.

20 February 1997

Diseases like smallpox were cleaned up as a result of vaccination programs. I think it has disappeared off the face of the earth. There might have been some risk as a result of those vaccination programs; but look at the end result. There was white throat, or diphtheria. It was always referred to, in folklore anyway, as white throat. If you played in the drains you might end up with white throat and you would die. We do not hear about that as a common illness now; but it was common, certainly before the Second World War. It was something to be fearful of, because it was a dreadful disease. Lockjaw was another one that was in the folklore, and it was a feared disease. All of those things were commonplace prior to the 1950s, and it is only vaccination programs that have taken the horror of those diseases from the community. The trouble is that people are starting to forget the horror of those diseases, and that is a real problem out there in the community.

I agree that there is a very slight risk factor in vaccination programs; but I have no doubt at all that, on balance, they are services to which the community ought to be given access. I would urge the committee to closely consider ways of making vaccination more accessible and cost free. Mrs Carnell referred to one example. We provide free vaccine to GPs to ensure that they provide us with information. I think that was done in my time as Health Minister. At that time, I must say, I was urging my officials to implement - - -

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

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

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

MR BERRY: Mr Speaker, I remember, at the time, urging that we take it one step further and also require that GPs who get the free vaccine bulk-bill. I think that is one thing that could be considered, because it would improve access for people who might be steered away from vaccination on the basis of cost. I think, in these times, we have to look at all aspects of the provision of these services. We have to make them as accessible as possible. I think the committee ought to be directing itself very firmly to look at those issues.

I will go back to something I said earlier. I would hope that the committee would take all steps necessary to ensure that that very small percentage of people who are strenuously opposed to vaccination do not whip up a whole heap of hysteria about this issue, because at the end of the day that hysteria will damage the vaccination levels that we have now, and what we want to do is move forward, not backwards.

MR HUMPHRIES (Attorney-General) (11.22): Mr Speaker, I would like to express a view about this inquiry. I certainly support the motion. Just to make it clear that not all members of the Government are Kate Carnell clones, I must say that my first inclination was to consider strongly whether there ought not to be an element of compulsion in the way in which vaccinations for childhood diseases are administered. There are, of course, arguments about civil liberties; but there are also arguments about such things in respect of other matters in which society imposes obligations on people.

I consider, for example, the requirement in the law - the Motor Traffic Act - that people who ride in cars wear seat belts. There is no doubt that seat belts have contributed very significantly to the saving of lives and the reduction of injury in this country and, indeed, around the world. That, no doubt, motivated legislators years ago to make that compulsory. But it is also true that in a small number of cases seat belts can actually result in the death or serious injury of persons who have worn them. It raises the question of when a person would be required by law to wear an instrument - in this case, a seat belt - which could actually cause them injury and whether in those circumstances, if they were wearing a seat belt, in the event of an accident, they would have some right to come back to the state and perhaps make some legal claim because of a requirement that caused them injury.

So, Mr Speaker, there is a complexity about that argument which I think we need to consider. I think that the parallels between that and vaccination are very strong. If people derive benefits from that and the benefits are profound, and if the reason that people do not vaccinate in nine cases out of 10 is because of carelessness or inadvertence or omission, rather than a positive decision, then there may be a case for saying that we should provide greater protection to the community - perhaps not to the extent of complete compulsion, but perhaps to the extent of placing disincentives in the path of those who might otherwise omit to vaccinate their children. It is a fascinating inquiry. It is unfortunate that all of us cannot sit on it. I very much look forward to seeing the result of that inquiry and hope that it will help the community to an accepted position on what we should do about what is obviously an increasing problem.

MR OSBORNE (11.25), in reply: I thank all the members for their support. Certainly, there were some very worthwhile issues raised. On the one hand, I look forward to the inquiry; but, on the other hand, I do not know whether I have done the right thing in taking it on. I look forward to working with other members on the committee and with other members in the Assembly. I think this is a very valid inquiry. There is one point I want to finish on, Mr Speaker, that I am a little bit worried about. Mrs Carnell, during her speech, said that she looks forward to hearing from the committee as to whether they agree with her. I am a bit worried that, if I do not, she might try to kick me off the committee. Nevertheless, I will wait and see.

Question resolved in the affirmative.

LEGAL AFFAIRS - STANDING COMMITTEE
Reference - Codes of Practice for Club Licensees and Off Licensees
in the Civic Area

MR OSBORNE (11.26): I move:

That:

- (1) in view of breaches of the voluntary Codes of Practices for 'Clubs, On-licensees in the Civic Area' and 'Off-licensees in the Civic Area', those Codes of Practices be referred to the

Standing Committee on Legal Affairs for inquiry and report with particular reference to whether the Codes should be given legislative effect throughout the ACT;

- (2) if the Assembly is not sitting when the Standing Committee on Legal Affairs has completed its inquiry, the Committee may send its Report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, circulation and publication; and
- (3) the foregoing provisions of this resolution have effect notwithstanding anything contained in the Standing Orders.

Mr Speaker, I have made no secret of my opinions about the need for our liquor licensees to be responsible when serving alcohol. It was pleasing to know that the licensees in Civic agreed some time ago, in conjunction with the ACT Community Safety Committee, to operate under two voluntary codes of practice - one applying to clubs and on-licensees and the other to off-licensees. These codes of practice voluntarily take licensees beyond the letter of the law and, when complied with, promote the responsible use of alcohol, while helping members of the public to enjoy their nights out in Civic's nightclubs and bars in safety.

Mr Speaker, as we all know, alcohol consumption is one of the most serious, if not the most serious, drug problem that we have in our nation.

Mr Moore: After cigarettes.

MR OSBORNE: After cigarettes, possibly. The message that we legislators should be sending out, especially to our young people, is that there ought to be limits and a higher level of responsibility on all sides. While it has been good to see the vast majority of Civic licensees honouring their commitment to a code of practice, there are still a few, a very small few, who do not seem to want to play by the rules. The most recent irresponsible act was the 10c drinks promotion. I will not mention the name on the licence because I do not want to give them any more publicity.

I think it is high time that we as an Assembly looked at this issue of the code of practice. I envisage that we will have input from the police, the Liquor Licensing Board, the licensees and the AHA. I would imagine that they would be supportive of this, given that they all agreed to it voluntarily. I see this more as a way of bringing the mavericks into line, and not so much affecting the good and responsible operators. Mr Speaker, as I said, in light of the serious breaches recently, I think it is well worth the Legal Affairs Committee having a good look at this, receiving input from those bodies I mentioned and other members of the Assembly, and then reporting back with some recommendations in the near future.

MR MOORE (11.29): Mr Speaker, it is appropriate for the Legal Affairs Committee to look into this issue. Mr Osborne and other members clearly are going to be very busy over the next little while. I must say that one has to be very careful when talking about dismissing the notion of 10c drinks or something like that, and saying that this is in some way absolutely terrible. I think it is very important for the committee to look at it. I do not know the exact arrangement in the particular case that Mr Osborne spoke about. If in fact it was an advertising gimmick, saying, "We will give you one only 10c drink", to try to lure people into the club, I must say I do not have a problem with that - not if it was one only.

Mr Osborne: It is contrary to the code of practice.

MR MOORE: Mr Osborne interjects that it is contrary to the code of practice.

Mr Humphries: It certainly is.

MR MOORE: It is reiterated by Mr Humphries. Maybe their code of practice needs looking at as well, and that is the exercise that we have before us. The intent of the code of practice is, clearly, to avoid encouraging people to drink to excess. Alcohol is a very important part of the way our society operates, when used appropriately. I am very comfortable about using alcohol myself in what I consider an appropriate way. Mr Osborne determines for himself that he does not use it. That is fine. I know he is very comfortable because I have been with him when I have had a drink. He drinks soft stuff.

I do not have a problem with that, but I think we do have to be careful that we do not take on a wowsersh element and wind up getting very conservative values inflicted on the society. I think there is a very good midway process that we have to deal with very carefully. I believe that we have been quite effective in getting that process in terms of tobacco. We have been absolutely hopeless in getting that process in terms of what are currently illicit drugs. I think with alcohol we have been improving, but there is still some way to go. I think this exercise by the committee will be a useful way to assist us in determining what is the most effective way to minimise the harm associated with alcohol.

MR HUMPHRIES (Attorney-General) (11.32): Mr Speaker, I rise to support the reference to the committee that Mr Osborne has moved. I believe it is time for us to look again at the effectiveness of the code of practice and the way in which we, as a community, might ensure that high standards are adopted at all times and in all venues where alcoholic beverages are served. The Government over the last couple of years has had to pursue a number of issues, which has put us on a collision course with members of the hoteliering industry. I note that Mr Moore appears to be on very good terms with the industry at the moment, if his legislation yesterday is any indication.

Mr Osborne: They paid for his legislation to be drafted.

MR HUMPHRIES: That could be the case. I have no knowledge of that.

20 February 1997

Mr Osborne: He said that.

MR HUMPHRIES: In that case it must be true. That may indicate some reticence on his part; I do not know. I think it is most important that this Assembly continue as it has begun by sending a clear message to the hotel sector in this community, and, indeed, all those who sell alcohol, including the clubs industry in Canberra, that the standards that we impose in our liquor legislation are not like some traffic rules in this Territory, more honoured in the breach, but are viewed by the community and the Assembly, through the community as well, as rules that are there to be respected and honoured in all cases, or in all cases but with very few exceptions where breaches are unavoidable or are the result of some breakdown in the system of enforcement.

The provisions, for example, about serving intoxicated people are not meant to be there as a sort of dead letter or some sort of ancient piece of legislation which is no longer observed. It is there, and it is meant to be there, to prevent people from becoming heavily intoxicated and inflicting all sorts of other problems on the rest of the community. The provisions about overloading premises are not there as a kind of formality. They are there to be observed and to be obeyed. I would say that much of the same onus falls on licensees because of the obligations they have voluntarily undertaken with the codes of practice. Those codes were prepared and signed while Mr Connolly was Attorney-General and Minister for Police. The industry as a whole embraced the codes of the time, and I believe that at least all licensees in Civic were signatories to those codes; so it is distressing to see some of those very same licensees, or at least one of them, being in breach of the terms of that code.

Mr Moore explained that he felt that it was acceptable to offer one or two drinks to patrons at a very cheap rate - 10c a drink. I gather that was the defence that this particular licensee put forward when he was challenged about why he was offering 10c drinks. Let me say that, from a legal point of view, there was no indication in the advertisements, the fliers that were distributed by this particular licensee. To be frank, I have to say as Attorney-General that legally, if a customer rolled up - - -

Mr Moore: Was this at the university or the Private Bin?

MR HUMPHRIES: Like Mr Osborne, I would not wish to comment, but let me say that I have in private been quite concerned about this matter in recent days. Mr Speaker, I think the particular licensee concerned does not have a legal right to refuse customers who come in and say, "I want 25 10c drinks". As long as they are not intoxicated as they consume them, they can probably obtain them.

I think it is time we sent a clear message to licensees that the codes are there and are meant to be enforced. If the codes are not going to be enforced, then their effectiveness should be reconsidered, and obviously an alternative to a code is legislation. Therefore, I look forward with interest to the standing committee's inquiry. If the result of the inquiry is that further stronger action should be taken, let me indicate from the Government's point of view that we would be willing to consider that.

MR OSBORNE (11.37), in reply: I thank members for their support on this issue. It is a very important one, I feel. As I said in a previous debate, I look forward to input from other members of the committee and also from other members of the Assembly. I think it is something we need to root out and bring back an informed report so that all members of this place will be reliably informed. As I said, it is a very important topic. Alcohol, potentially, is a killer. Alcohol is causing a vast majority of the problems that are related to late night crime around Canberra. I think it is well worth the effort of having an inquiry. I thank members for their support.

Question resolved in the affirmative.

**SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION -
STANDING COMMITTEE
Reference - Consultation on Legislation**

Debate resumed from 5 December 1996, on motion by **Ms McRae**:

That the order of the day listed under private members business on the notice paper in my name, relating to consultation on legislation, be referred to the Standing Committee on Scrutiny of Bills and Subordinate Legislation for inquiry and report by the last sitting day in June 1997, with particular reference to the viability and usefulness of the process outlined.

MS McRAE (11.38), in reply: We had all but concluded debate, I believe, last time around, Mr Speaker. At that point I was getting quite excited because Mr Osborne, as chair of the Standing Committee on Scrutiny of Bills and Subordinate Legislation, was about to indicate his support for this inquiry. It was with trepidation that I realised today that Mr Wood has taken over this committee. I had to have hasty consultations and I guess no-one would be surprised to learn that Mr Wood is quite happy to take on this reference.

In summary, I would like to bring up some of the evidence that perhaps I should have brought up at the very beginning because I think there was some misinterpretation of my early intent on the motion. I am very pleased that it seems that the Assembly will support this inquiry. Primarily, this is an issue that has been dealt with in many a parliament in Australia, usually around the issue of subordinate legislation rather than Bills, on the ground that Bills are given such a thorough airing that in most cases one can find out who has or has not been consulted. I do not think that precludes us having a pretty thorough look at how a consultative process could work and be included when Bills are tabled, and, of course, this is now what the committee will do.

In New South Wales the discussion in regard to this type of activity began in 1989. There was a report with recommendations in 1993 and the Subordinate Legislation Act came through in 1994. It has very specific guidelines on the nature of consultation that has to take place in relation to subordinate legislation. In Victoria, similarly,

20 February 1997

the Legal and Constitutional Committee put forward a report in 1989, and in Victoria they have adopted a process whereby a regulatory impact statement has to be tabled with subordinate legislation. I believe Victoria is looking at Bills as well, but I am not sure about that.

There is a proposal before the Senate, the Legislative Instruments Bill of 1996, whereby the impact of subordinate legislation and the consultation that has occurred has to be tabled. That was also proposed in a 1994 Bill after considerable inquiry. In Tasmania there is an Act that went through in 1992. I thought I would conclude by reading some of the requirements under that Act, to give members a flavour of the sorts of issues that have been discussed in other places and have come through. Again, it is in relation to subordinate legislation. One of the requirements is this:

The responsible Minister must ensure that before subordinate legislation is made -

- (a) a notice is published in the *Gazette* and in at least 3 daily newspapers published and circulated generally throughout Tasmania -
 - (i) stating the objects of the proposed subordinate legislation; and
 - (ii) where a regulatory impact statement is prepared under subsection (1), advising where a copy of the regulatory impact statement may be obtained or inspected; and
 - (iii) advising whether, and (if so) where, a copy of the proposed subordinate legislation may be obtained or inspected; and
 - (iv) inviting comments and submissions within a specified time, but not less than 21 days from publication of the notice; and
- (b) consultations take place with appropriate representatives of consumers, the public, relevant interest groups, and any sector of industry or commerce, likely to be affected by the proposed subordinate legislation; and
- (c) all comments and submissions received are appropriately considered.

That is the nature of the activity in Tasmania, by way of example. Quite clearly, it is activity that has been considered by every parliament, I am sure, but it is in action in the few parliaments that I have indicated.

I am looking forward to this inquiry because it will yield us much more detailed information than I have managed to gather on what the practices are in other parliaments. We are well aware that New Zealand, for instance, has an extensive process of public consultation through its committee system rather than through its Ministers. With a thorough inquiry this year, maybe this will be something that the new Assembly may look at seriously next year.

I believe that this would add considerably to the quality of our legislation. If we know, for instance, who has been talked to and what they think about it, it means that we are more likely to consider some of the legislation with more confidence. When you first read a lot of things you think, "Oh, how could they possibly do that?". When it is with the acquiescence and perhaps encouragement of a particular group, it takes on a different flavour. I do think this would be something of great benefit to the Assembly. I am particularly pleased that we have ended up with an inquiry, because it will mean that with thorough care one can look at all the possible options and the serious implications. Quite clearly, this type of work will not come without a cost and without a requirement for extra work from the public servants involved in government legislation. I thank the Assembly for their anticipated support and commend the motion to the Assembly.

Question resolved in the affirmative.

PLANNING AND ENVIRONMENT - STANDING COMMITTEE

Report on Contaminated Sites

Debate resumed from 26 June 1996, on motion by **Mr Moore**:

That the report be noted.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (11.44): Mr Speaker, in addressing the issues raised by the standing committee, I want to table two documents. The first one is the second and final report of the Watson Scientific Expert Advisory Group, which was established in April 1996 to advise the Government on the environmental and health issues associated with significant levels of arsenic in residential land in the ACT. The expert group recommended a number of detailed and extensive studies, which included testing to determine the bio-availability and toxicity of the naturally occurring substances at the site and a further investigation of the levels and extent of other heavy metals present at the site. The expert group also recommended that the Government carry out a full risk assessment to determine environmental and health risks arising from soil contamination by metals in the Watson study area. These studies were successfully completed late in 1996.

The expert group concluded, based on the extensive available information, including concentration, bio-availability, toxicity, the acceptable daily intake for metals, and urine and blood testing, that there is no evidence that the sheep dip site and the gossan underlying the Watson investigation area has posed, or poses, a public health risk.

20 February 1997

On 13 December last year I announced the findings of the expert group, and affected Watson residents were also advised of the findings the same day. This clean bill of health is, I think, an excellent result for Watson residents. I believe that the process whereby the community was represented and through their representation participated in the resolution of the issues was successful and demonstrates the value of conducting such exercises in an open way. I appreciate the tolerance and continuing understanding of residents during this long period. I also want to thank members of the expert group for their efforts.

The other document I wish to table, Mr Speaker, is the Government's contaminated sites discussion paper. In September I tabled the Government's strategic plan for contaminated sites management, which foreshadowed a discussion paper on contaminated sites management. The discussion paper was intended to canvass community views on issues relating to management and legislative control of contaminated sites. I am sure members would accept that the Government is not the first to address the issue of management of contaminated sites, and the approach adopted by this Government is consistent with similar approaches in Western Australia and South Australia, and by our predecessor in the ACT.

One of the options open to the Government is to incorporate contaminated sites legislation into the proposed Environment Protection Bill which should come to this Assembly later this session. The Environment Protection Bill, which is designed to regulate activities which have the potential to cause environmental harm, including land contamination, will consolidate several Acts relating to air, ozone, noise, water and pesticides. Legislation for the control of contaminated sites will need to address the following issues in addition to those currently covered in the Environment Protection Bill: Identifying potentially contaminated land; assessment and, where necessary, remediation of contaminated land; auditing and certification of the status of land after investigation or remediation; recovery of costs of assessment and remediation from a range of parties; establishment of a contaminated sites register; availability of information to the public; and control of future use of contaminated land. Depending on the option adopted by the Government after the public consultation process, any subordinate legislation and/or policy guidelines will need to address standards and protocols - for example, for assessing whether a site is a risk to human health or the environment, and for determining whether restrictions should be placed on future use of the site. The period for public consultation commences with the release of the paper and will end on 18 April 1997. I believe that this will allow ample time for interested parties to comment on the issues raised in the discussion paper.

I hope, Mr Speaker, that these documents will assist the community in coming to a resolution of what has been, for the last two or three years, a very pressing issue for some householders in the Territory. They should assure the whole community that protocols for managing contaminated sites issues of whatever kind might arise in the future are available and will result in a fair degree of community consensus that these issues are dealt with in the best possible way. I thank members of the Planning and Environment Committee for their report, which I believe was a helpful contribution towards moving this issue on to the next stage of resolving those contentious issues.

Question resolved in the affirmative.

CRIMES (AMENDMENT) BILL 1997

MR HUMPHRIES (Attorney-General) (11.50): Mr Speaker, I present the Crimes (Amendment) Bill 1997, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: Mr Speaker, I move:

That this Bill be agreed to in principle.

Mr Speaker, this Bill proposes several amendments to the Crimes Act 1900. The proposals have arisen from a number of different sources, mainly from the experience of officers who administer the legislation. Most of the amendments are to Part 10 of the Act, which regulates the way police conduct criminal investigations.

Clause 4 amends the definition of an "ordinary search" in section 349AA. The existing provision authorises a police officer who conducts such a search to require the person being searched to remove specified items of outer clothing. That fails to specify socks. The amendment corrects the omission. Clause 5 amends section 349ZJ, which provides that an arresting officer, or another officer who is present at an arrest, may conduct an ordinary search of the arrested person. In effect, this power is limited to a search at the scene of the arrest. The provision is unnecessarily limiting because it is not always possible for the police officer who arrests or is present at an arrest to be also available to conduct the ordinary search. The amendment enables another officer to do this.

Clause 6 amends section 349ZL. This section allows an ordinary search of a person in a police station, but only soon after arrest. There are, however, a number of situations where a person is in police custody where the arrest took place some time before - for example, prisoners transferred from a remand centre or from prison. The concern on such occasions is mainly about items with which a person could harm themselves or another person, with deaths in custody obviously in mind there. At present, the only course under the Act is for the watch-house sergeant to order a strip search; but it is not appropriate for the police to be obliged, unnecessarily, to take this more extreme measure in order to ensure the person's safety. The amendment enables an ordinary search or a frisk search to be conducted on any person who is in lawful custody in a police station and where the officer in charge suspects on reasonable grounds that the person may be carrying evidential material or seizable items. A seizable item is defined in the Act as anything that would present a danger to a person or that could be used to assist a person to escape from lawful custody.

Clause 7 inserts section 349ZO into the Act. It requires a police officer who seizes a thing as a result of searching a person to hold it in safekeeping and return it at a later time. A similar provision was repealed in 1994. It was believed, at that time, that the common law of bailment would cover the situation. The Australian Federal Police, however, has subsequently expressed reservations about leaving this to the common law. It seems preferable, therefore, for the power to be made express in legislation and to include certain duties of care in relation to possessions.

20 February 1997

Finally, in clause 8, the Bill makes a minor amendment to one of the sentencing principles in section 429A of the Act. Paragraph 1(u) of that section presently provides that a court, in determining a sentence, may take account of whether the person has pleaded guilty. The proposed amendment expands that provision to enable the time at which a guilty plea was made, as well as the fact of a guilty plea, to be taken into account. That restates the common law, and most Australian jurisdictions have similar provisions. The rationale is that guilty pleas, especially early guilty pleas, benefit the criminal justice system by saving costs and shortening court lists. Courts are prepared, in appropriate circumstances, to encourage early guilty pleas by way of a sentence discount. The proposed amendment will make explicit what is already an implicit element of the sentencing process. I commend the Bill to the Assembly.

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

ADMINISTRATION AND PROCEDURE - STANDING COMMITTEE Report on Standing Order 207

MR SPEAKER: I present a report of the Standing Committee on Administration and Procedure entitled "Standing Order 207".

MR HUMPHRIES (Attorney-General) (11.55): Mr Speaker, I seek leave to move, on behalf of a member of the committee, that the report be noted.

Leave granted.

MR HUMPHRIES: I move:

That the report be noted.

MR BERRY (11.56): Mr Speaker, this is a matter that came to the attention of the Assembly as a result of a motion moved by Ms McRae which arose in the wake of what I may call a disturbance in the Assembly some time ago. Ms McRae, in her motion, posed a series of questions which were as follows: How should a Speaker react to noise in the public gallery? What are the requirements that ought to apply? Who does in fact control the gallery? What are the requirements of the general public, and are there different measures that perhaps we should put in place?

The report deals with the history of the authority of the Speaker and the authority of the Speaker in other parliaments in Australia. One thing is certain - that the ultimate authority falls well and truly in the lap of the Speaker. At the same time, there are difficulties in how these issues are dealt with, and I suppose it is a matter for the Assembly to decide whether or not the Speaker has acted appropriately in relation to dealing with a disturbance in the Assembly.

One of the difficulties that were identified by the committee was that parliamentary precincts legislation needed to be enacted, and recommendation 1 deals with that matter. The recommendation from the committee is that parliamentary precincts legislation be enacted by the Assembly to clearly define the precincts and make appropriate provision for their control and management. That would make it far easier for persons who misbehave in the chamber to be dealt with in accordance with the law. It is more than difficult now to deal with people who cause a commotion in the chamber, because of the absence of any particular law to protect those officers who might have the authority or who might be asked to exercise an authority to cause people to leave the chamber and allow the parliament to proceed appropriately.

A further recommendation was made by the committee, and it relates to the adoption of a new standing order, 209A, which reads:

If at any sitting of the Assembly, or any committee, any Member states that visitors are present, the Speaker shall put the question "That the visitors be ordered to withdraw" ...

That proposal seeks to give the Assembly or another chamber the authority to cause people who are creating a difficulty within those chambers to withdraw from them so that the procedures of the Assembly are allowed to occur with good order.

Mr Speaker, this has been before the Administration and Procedure Committee for some time. I think the recommendations of the committee go to the issue of behaviour in the chamber and the preservation of good order in order that the Assembly can deal with issues before it; but, at the end of the day, if the Speaker, in the exercise of his authority, dissatisfies the Assembly, it is the Assembly that makes the decision about that authority anyway, as I am sure the Speaker appreciates. The report largely makes it clear that the authority for maintaining order in the Assembly in the case which drew this matter to the attention of the committee rested with the Assembly in many ways, although it is vested in the Speaker at any rate. Ultimately, the Speaker has to exercise that authority. Mr Speaker, I commend the motion to the Assembly.

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

SOCIAL POLICY - STANDING COMMITTEE
Report on Commonwealth/Territory Disability Agreement

MS TUCKER (12.01): Mr Speaker, I present report No. 4 of the Standing Committee on Social Policy entitled "Inquiry into the Commonwealth/Territory Disability Agreement", together with the extracts of the minutes of proceedings. I move:

That the report be noted.

Mr Speaker, if we are to have a society which is indeed just and fair, the inclusion of people with disabilities within the community must be supported and valued. Eighteen per cent of our community is classified as having one or more disabilities, according to the ABS 1993 survey of disability, ageing and carers. Thankfully, over the

20 February 1997

last 10 years there have been dramatic changes in how people with a disability are regarded. We have moved from the days when discrimination against people with a disability was the norm; when people were confined to institutions or within private homes and rarely given the opportunity to participate equally in the community. We now have in place Federal, Territory and State legislation whose objectives are to eliminate discrimination and to promote recognition and acceptance within the community of the principle that persons with disabilities have the same fundamental rights as the rest of the community.

Obviously, for such worthy goals to become a reality, Mr Speaker, there must be appropriate resources, policies and services in place. The Commonwealth/Territory Disability Agreement, known as the CSDA, attempts to introduce a national approach to disability services and also to coordinate the contributions of State, Territory and Federal governments. The CSDA was also instrumental in ensuring all States and Territories passed legislation in accordance with the objectives of the Commonwealth Disability Services Act 1986. The first CSDA was for five years and has recently been reviewed by Professor Anna Yeatman, who has produced a report entitled *Getting Real*. The committee has agreed for the most part in its report with Professor Yeatman's evaluation of the present CSDA.

Under this CSDA there have indeed been some significant improvements in outcomes for people with disabilities. The passing of the ACT Disability Services Act in 1991 has established the basic rights of people with disabilities and has provided a basis for policy development and purchasing of disability services by the ACT Government. There is concern, however, that the spirit of this legislation has not always been reflected in practice or resource allocation.

Our own inquiry was very valuable because it gave the ACT community a further opportunity to express their views about the local implications and consequences of the CSDA. The terms of reference included looking at gaps in service which had emerged during the CSDA, overlap or duplication, and the impact of the agreement on outcomes of ACT people with disabilities in terms of employment, support services, education services and funding. Mr Speaker, the inquiry turned out to be a pressure valve for many people with disabilities, advocates, workers and carers and parents who have become deeply frustrated by inadequate services and the lack of effective complaints mechanisms and transparent processes. The committee referred some of these people to the Health Complaints Commissioner, as it was not our brief to deal with such individual complaints. However, their submissions were valuable to the committee as they highlighted the systemic problems.

The committee found that there has been unmet need in important areas of service provision, particularly in linkages between employment and accommodation support, recreation, respite care, after-school care and holiday programs for children under and over 12 years. Quality assurance mechanisms are lacking, as is structured consumer input. There are also some serious occupational health and safety concerns for carers. This is clearly documented in the incidents report which came with the submission of the Health Services Union. There was an alarming number of injuries sustained by workers in the disability program of ACT Community Care. While this is only one service provider, it is alarming as it indicates the real challenges that some carers face in this work.

Obviously, behaviour management strategies, level of training for carers, compatibility of people living together, daytime activities and levels of resourcing are all relevant. It is not acceptable that this level of injury occur in any service and I hope to see urgent action to address these issues.

The report's 13 recommendations have the support of all three members of the Social Policy Committee. The recommendations include: The critical issues of effective linkages between accommodation and employment services and adequate daytime support for people with a disability; support for inclusion of services to children in future Commonwealth/Territory arrangements; satisfactory resolution with the Commonwealth of a funding gap in child care and out of school hours services, including for children over 12 years; a call on the ACT Government to strongly support the role of advocacy services and to ensure Commonwealth and/or Territory funding for those services; a requirement for funded services to develop effective complaints mechanisms; support for a broadening of the powers of the Commissioner for Health Complaints in relation to people with a disability, and commensurate resourcing; developing mechanisms for ensuring consumer input at all levels of policy development and implementation and quality assurance procedures; development of systematic and independent standards monitoring process; development of a model for quality improvement and assurance; and, finally, actions to ensure equitable wages and working conditions for people with disabilities.

As is clear from the committee's recommendations, there are a number of areas which require attention. I would like to point out though, Mr Speaker, that solutions do not lie just in increasing resources, although this certainly is an issue. The solutions lie also in addressing the fundamental lack of clear and consistent systems. They lie in development of effective and accountable complaints processes and quality assurance mechanisms. With an increase in outsourcing of service provision, it is becoming even more critical that these systems are dramatically improved.

Lack of accountability and clear systems have led to inconsistent responses and operation of services, which in turn have led to poor outcomes for some clients and carers. If the goals of the legislation are to be realised and effective quality assurance mechanisms are to be developed, another very important need is that consumer input at all levels is clearly structured. I note that, in a statement Mrs Carnell made to the Assembly last year on continuing reform within the ACT community care disability program, she insisted that "changes can only happen with the cooperation of everyone involved". The problem is that this statement is no more than empty rhetoric unless consumer input is clearly built into all levels of policy and quality assurance processes. This, Mr Speaker, is one of the important recommendations of this report, and the evidence was overwhelming that there does need to be urgent attention given to this.

During the course of this inquiry the government service provider, ACT Community Care, has come up with a strategic directions plan and this has taken into account many of the issues raised. I also acknowledge that several policies have been put in place during the course of this inquiry. It is disturbing to the committee, however, that these policies and systems were not in place before. It is also disturbing that the department has expressed the view that any detailed analysis of present unmet need and projected future need is beyond its capacity. This would seem to be basic information for good government

20 February 1997

and good management. For a government which prides itself on a businesslike approach to government, this is particularly surprising, as such unplanned responses are usually more expensive. Reactive and crisis-driven responses are particularly inappropriate in disability service provision because what comes before the crisis is often considerable suffering for the people concerned.

I have seen first-hand several such situations in the last few months, Mr Speaker, and I have been shocked and saddened. It is my belief, as I have said before in this place, that government's first responsibility must be to support those people in our community who are vulnerable and unable to manage without support. They may not be powerful political lobbyists, there may not be many votes in providing that support, and it may indeed be expensive; but it must be a prime responsibility of government.

This inquiry supports what has already been reported in other forums. We have indeed made considerable improvements in the overall recognition of the rights of people with a disability, but the practices are lagging behind not only the rhetoric but also the Commonwealth standards. Many people with a disability still do not have the same choices as others in the community. They are still discriminated against. Carers of people with a disability are not given adequate support or recognition, and governments continue to under-resource the area. There is still much work to be done.

Mrs Carnell has stated in this place that "disability services is, without doubt, the most difficult and the most sensitive area of service provision within the community today". I note that Mrs Carnell has also said this about mental health and sexual assault. There is a danger here that debate can be silenced because of so-called sensitivity. I remind members that, because for years these issues were regarded as so-called sensitive, they were brushed under the carpet and ignored and terrible injustices occurred. We must be able to discuss these issues and, yes, disagree on what are best ways to achieve desirable outcomes. Whether or not the issue is sensitive or difficult, there must be appropriate services. I can assure members that the consumers I have spoken to are not offended by public debate on the issues; they welcome it. What they are offended by is the lack of support and the lack of recognition of the difficulties they are experiencing. They are offended by grand statements from governments but little substance following.

I commend this report to the members. I hope that the Government will give serious consideration to the recommendations, as I believe they are very important for the improvement of delivery of services to people with a disability and those who support them. Obviously, negotiations with the Federal Government are critical to some of our recommendations. However, many are entirely within the power of the ACT to address. We have seen a number of reports in the last few years which have come to similar conclusions. These include the Dell report, the Yeatman report and, more recently, the Morgan report.

The committee is appreciative of the time and energy that participants gave to this inquiry, as we are aware that there have been numerous demands on these same people from other evaluative forums. I would also like to express my thanks to the other members of the committee - Mr Hird and Ms Reilly - because it has been a very long inquiry.

We have had to do an extremely large amount of work. We had many submissions and there has been a lot of reading. I do appreciate the support that I was given in the committee process. I would also like to express appreciation on behalf of the committee to Judith Henderson, the secretary of the committee, who, as always, has worked with patience and goodwill.

MS REILLY (12.15): I rise to talk about this report on the Commonwealth-State Disability Agreement and the terms of reference as outlined by Ms Tucker. The ACT, if it is going to consider itself a fair and just society, must think about how it treats the people who live in our community that have disabilities. If we are not working hard to make sure that they have access to services and access to community life in the same way as every other member of the community, we will not be a fair and just society.

I think one of the hallmarks of this inquiry for me was looking at the large number of people who put in submissions and came to the hearings. They gave a lot of time and energy to teasing out the issues that are surrounding the Commonwealth-State Disability Agreement and services for people with a disability. I think we need to acknowledge the families involved, the consumers of the services and the workers in the services in the ACT. Their strength and courage to continue day after day is to be commended. We also need to thank them for the efforts they put in and the submissions they wrote, and, when they came to the hearings, the material they presented to the hearings. I think their strength and courage is to be commended. Often they were bringing up issues that were unresolved, issues that were causing them great distress, but they still came to the hearings and helped us in our deliberations in so many ways.

I particularly want to acknowledge the work of Kerrie Tucker in this hearing. She worked very hard for a long time to bring these issues to a conclusion and to bring together the recommendations of this report. I think her work on this inquiry was outstanding. I am sure that Mr Hird would acknowledge that also. I would also like to thank Mr Hird for his involvement in this inquiry. All of us contributed various things, but Ms Tucker, in particular, was extremely good. I would like to thank the secretary, Judith Henderson. She is extremely forbearing at various times and her commitment to the whole process is wonderful. It is great to work with her.

Disability services, in various ways, end up being a sort of a bouncing ball in some cases between Commonwealth and State relations. There are many artificial divisions about who looks after this and who looks after that. You sometimes wonder about when the founding fathers, and they were all men, got together about the Constitution 100 years ago. I wonder whether they thought about some of the issues in relation to providing services for people. Otherwise, why would they have made up such a complicated system that allows people to take on certain commitments and leave others not looked after? I think that is one of the issues that we need to guard against in looking at any future action in the delivery of services in relation to disabilities and other areas as well, but we are talking about disabilities today. It is so easy to say that this is a Territory responsibility, that is a Commonwealth responsibility, and then scrap over who might do the other bits. I hope that any discussion in the future does not get caught up with this sort of artificial division of Commonwealth and State responsibilities.

20 February 1997

Further, we need to consider the work that has been done in the last 10 years in the development of the Commonwealth-State disability agreements. Various legislatures have done work and I hope that the change of government in the Commonwealth sphere does not affect the continuation of this work and building upon the basis that is there. There have been some important developments and I think it is important that we do not lose them and try to start again.

I particularly want to mention one of the areas where there is, at times, a falling through the gaps. I think this is a good illustration of what can happen. If we look at services for children, some of them are State responsibilities and the Commonwealth has other pieces. If we look at the provision of child care, particularly for children over the age of 12 who need assistance and who need occupation after school and in school holidays, it seems to bounce between the various government departments as to whether it is Commonwealth or State. I think we need to address issues like that. Part of that is looking at what happens in post-school occupation with changes of employment and what people do, because it is important that we have a community where people can develop to their full potential.

Always, when you talk about the provision of services for people with disabilities or other needs, money seems to be the criterion by which we judge everything we do. Money, of course, is important. I am hoping that when the Government looks at this report they are not going to dismiss it merely on the basis that there might be funds required, because it is not only money that is required to provide good services. It also comes back to attitude; to developing a culture; to acceptance of diversity and accepting that people are different and may have different needs. That is half the battle. It is when you just put them down and say they cost money and ignore them that we have problems. We can develop an attitude in our community that looks for inclusion and looks for the celebration of diversity across broader areas, not just ethnic diversity. We seem to have managed to cope with that, so let us cope with the whole of the community.

It is important that we help all people in the community develop to their full potential. One of those particular areas is employment. Think about how important it is for all of us to have a job. Quite often, the way in which we obtain our identity is through the employment we have or through the job we have. The identity of all of us is very much tied up with what we do in this place, and for everybody in the community that is fairly similar.

It is important that we look at providing work for people with disabilities because they are an important part of our community. If we do not include them in employment, if we do not include them in that way, we are losing all of that potential. We are losing their skill in developing our community fully and it is just a waste. It is important, even though employment is more difficult at the moment, that we do not say, "People with disability, you are too hard. We will not worry about employment for you people. We will not provide the necessary assistance or technical aids. You need to ensure that you can take part in employment like other people". Employment services must remain as employment and work services and not become part of the health program.

One of the surprises to me when we started to look into issues around the delivery of disability services in the ACT was the lack of grievance and complaints mechanisms available for people using the services. Having come recently from the Commonwealth Public Service and the aged care area that has addressed these quite fully in the last few years and ensured that there are ways in which there are complaints mechanisms allowed so people can have a say about the services they are receiving, it was quite a shock to find either that there were no mechanisms in place in the ACT or that the mechanisms that were available were extremely difficult to find or access.

If people can have a say about the services they are receiving, if they are able to make a complaint if necessary, a lot of problems can be sorted out early. It is probably an efficiency mechanism to have strong grievance procedures. It is also important in relation to the Government moving more to the private provision of disability services. They will be less hands-on in the future. There are lots of positives in creating more types of services in the ACT. What is important is that we have proper accountability of the expenditure of government funds; accountability that goes beyond just looking at funds expenditure but looks also at the quality of services which are available.

Unfortunately, in this area and other related areas, there is the potential for abuse and it is important that people have the opportunity to have a say and be able to bring things to the attention of someone who can resolve the issue. This is going to be even more important with the delivery of further services to people within their own homes. We are going to have situations where it is going to be one-to-one delivery of service and it is important that people be able to say when they do not like a service or want a service changed. There should be strong and open and transparent grievance mechanisms for people to be able to bring their concerns to the attention of service providers and, if necessary, the Government.

Probably one of the most important groups within the disability services area is the staff working in those areas. They are the people who are delivering the services, often in very difficult circumstances, often in circumstances where they do not receive thanks. I think one of the issues that need to be addressed there is that their own management, their own government, their own employers, do not recognise and acknowledge the work that they do. These are not easy jobs. These people are working, quite often, in quite small workplaces. There needs to be special recognition of the workers in this area.

I was shocked to find the list of OH and S reports that were provided. It gives an indication of some of the problems that can arise. But that is only part of it. It is important that management finds ways of supporting workers in disability services. It is important that we work hard on skill development on an ongoing basis in this area. These are not jobs that can be done by anyone just off the street. These are specialised jobs, and that needs to be recognised. We need to recognise the skill and experience of the people working in that area, and we need to continue to work on those skills and not just take them as given. We cannot just say, "You have a kind face, so you can work here". Only certain types of people can do it. It is hard work and it is important that we recognise those people working in that area.

There is one other part of our discussion that I want to raise, and it is part of the recommendations. I refer to tenancy and rights to services contracts, or whatever arrangement might be put in place. I think it goes back to the shock of finding that people who live in the Disability Services homes of the ACT Government have no right of tenancy to stay in those houses. In fact, because there is no tenancy agreement of any variety or no contract, they could be asked to leave at any time. It is too easy to say, "Of course, that will never happen". If people do not have their rights to tenancy and their rights to services spelt out in some sort of contract that provides an equitable agreement between the provider and the consumer, they are disadvantaged. It is an imbalance of power and it also opens the way for exploitation.

Although this has been included in the strategic directions document, I cannot emphasise strongly enough how important it is to develop a contract between the consumers and users of the residential services and other services in the ACT to ensure that those who are using the services have rights. It means that both residence and service are spelt out so that people know what to expect. If this were spelt out and if there were fully-developed care plans, I am sure that a lot of the concern and distress would not be in the system. For both the consumers and the relatives of the consumers, it is the unknown that creates unnecessary stress and tension for all people involved. So it is so important that we spell out what we require and what is expected.

An indication of some of the narrowness of the service availability in the ACT can be gained by looking at the recreation services that are available. As members of the committee have heard me on this subject before, I will not bore the rest of you with it. One of the things that are of concern is the lack of variety of occupation, the lack of variety of recreation, that is available for people with disabilities in the ACT. This is unnecessary. There is no response to individual need and desire, and there is no looking at what people might want to do. This has been done in other States and Territories, so there is no reason why the ACT cannot look at it. It becomes more important that people have a satisfying occupation, particularly as there is less work available. It is important that this is looked at and provided as a matter of urgency.

I commend the report to all of you. It is the result of much hard and careful work on the part of a number of people beyond just the committee members. I am hoping it is a report that will be looked at carefully and not dismissed out of hand. I hope that it will not be looked at just in terms of the dollars that might be attached, but that it will be looked at in terms of ways of providing creative and innovative services in the ACT because through this we are responding to individual need, we are responding to people with disabilities, and that will ensure that they will be members of our community in every way. That will strengthen our community as a whole. If we ignore these people, we are the losers. I hope that in looking at this report the Government will look for good, positive outcomes. I hope that they will not just draw up the barricades and shoot from the hip, but will consider it carefully and look to changing and improving the services in the future.

MR HIRD (12.29): Mr Speaker, I commend to the parliament the report on the Commonwealth/Territory Disability Agreement tabled by the Standing Committee on Social Policy. This has been a long inquiry, but I believe it has helped all members of the committee to gain a better understanding of not only the problems faced by people with disabilities but also the difficult tasks that governments face in providing appropriate assistance.

Mr Speaker, I want to make two important points right from the outset. First, this report and the information made available to the committee showed that the ACT Government is doing a pretty good job in managing and providing services for people with disabilities. There is always room for improvement in this difficult area; but, on the whole, standards of care and resources have come a long way since self-government. Secondly, Mr Speaker, now more than ever I believe that this area cries out for a bipartisan or non-political approach to tackling the many issues that we all have to face. I feel strongly that this parliament and successive governments will only ever achieve significant progress in disability issues and mental health issues if we all are prepared to leave the politics out and work together. I regret to say that there has been some grandstanding by some members of this parliament, and I do not believe that this has helped in any way to improve the way the ACT handles its responsibilities for people with disabilities.

While I have not dissented from this report, Mr Speaker, I do wish to point out that several of the recommendations are somewhat lacking because they do not offer any solutions to complex problems. Committees usually do an excellent job of identifying the main problems that have to be overcome, but often, and particularly in this report, the committee has failed to offer the Government or even the community practical solutions. The report tends to be somewhat oversimplistic. A classic example, Mr Speaker, occurs in this report where one conclusion simply states that a solution must be found, and then places the onus squarely on the Government to come up with the answers, even though this committee could not do so. I think that is unfair, particularly because committees should put forward potential solutions and ideas to help overcome problems, not simply rely on the Government to work it out.

This approach also fails to acknowledge the difficulties faced by the ACT in achieving reforms of disability services and gaining increased funding from the Commonwealth. It is one thing to demand that the ACT Government secure more funds and more commitments from the Federal Government, but that ignores the realities of the situation. Every State and Territory is having to grapple with ever-increasing costs and ever-increasing demands and is dealing with a Federal government that has itself had to deal with a massive deficit.

Of course this Government and this parliament will be vocal in seeking a more equitable outcome for those in our community with disabilities. Of course this Government and this parliament are concerned about discrepancies in the wages that are being paid to people with disabilities in the work force. But, at the end of the day, Mr Speaker, these have been Commonwealth responsibilities that have not been properly fulfilled by either Liberal or Labor Federal governments for many years.

20 February 1997

The Commonwealth/State/Territory Disability Agreement was put in place by the previous Labor Government in 1991. While it has led to some noticeable improvements in funding and service delivery, it has also brought with it some major problems, particularly in relation to growth funding and support for employment for people with disabilities. The future of the agreement in its current form is uncertain and I note that it is due to expire later this year, I believe on 30 June.

I know that the Chief Minister has some strong reservations about plans by the Commonwealth to transfer responsibilities for this area to the Territories and States, because of uncertainty about growth funding and the Commonwealth's failure to recognise that it has not met its responsibilities in employment-related issues. I am sure that all committee members share these reservations. It would be unfair of anyone in this parliament to think that these issues and other issues related to the CSDA can be resolved by simply recommending that the ACT must somehow extract more funding from the Commonwealth. If anyone does think that, then perhaps they need to pay more attention to the next Premiers Conference and see just how difficult it is to get even one extra dollar out of the Federal government, whether it be Liberal or Labor.

Mr Speaker, there have been enormous advances in the care of the disabled in the ACT since this Government appointed Michael Szwarcbord as the chief executive officer of ACT Community Care. Under his new approach there has been a great deal of consultation with carers and clients alike, and this has led to significant changes and improvements in the availability of service for people with disabilities. Nowhere has this been more obvious than in greatly improved management of group houses. There will always be problems, Mr Speaker, because no two clients are ever the same; but I am confident that things are on the right track and that the ACT can be confident that its services for people with disabilities are as good as any other in Australia. That is not just my opinion.

This report contains criticism of the shortcomings in employment assistance for people with disabilities, but I think it is worth pointing out how the ACT compares with other jurisdictions. The latest national government service provision report, published earlier this month, found that the ACT had the second highest labour force participation by people with disabilities. It also revealed that only 8 per cent of people with a disability in Canberra who were in the labour force were unemployed, compared with a national average of about 18 per cent. On this indicator alone, the ACT was miles ahead of any other State or Territory.

I come back to one of the key findings of this report because I want to make a comment about the way that I hope the parliament will interpret this suggestion. The Social Policy Committee has recommended that the ACT Government obtain a commitment from the Commonwealth to adequately fund and support employment opportunities for people with disabilities, in line with the spirit of the Disability Services Act of 1986. As the report correctly points out, the resource strains on services for people with disabilities must be acknowledged by the Commonwealth. The Federal Government should not expect this Territory to continue to expand disability services without additional funding. (*Quorum formed*)

It is one thing to ask the Territory's Chief Minister to secure a commitment from the Commonwealth to provide growth funding to the ACT and start taking its responsibility for employment services seriously, but it is an entirely different matter to just assume that this will somehow magically happen and that all other problems will go away. We have to accept that, at the end of the day, if we as a parliament simply ask the Government to go and get more money we are ignoring the realities of the financial situation facing the Commonwealth. I know that the Chief Minister will do the very best she can to get these commitments, but I suspect that it will take more than a recommendation from our committee to force the Commonwealth to come to the party. *(Extension of time granted)* Successive ACT governments have significantly increased the funds they make available for people with disabilities. For example, in the past two years this Government has matched Commonwealth growth funding under the HACC program to significantly expand the dollars available for respite care and in-home support.

I return for a moment to my earlier comment that we need a non-political approach if we are to make any headway.

Mr Moore: Ha, ha, ha!

MR HIRD: Mr Moore, you might take that on board. If there is one thing that I have learnt from this inquiry, Mr Speaker, it is that all the politicking in the world is not going to help one carer or one person with a disability. This inquiry has looked at the problems. It has, in many cases, come up with ways in which we can move forward, but it would be sad to see the report used simply as a political football.

Finally, I also want to thank the committee secretariat and the many people who gave up their valuable time to give evidence to the committee and to provide submissions. I would also like to thank the chair of the committee, Kerrie Tucker, and my other colleague, Marion Reilly, for their contributions. Mr Speaker, I commend the report to the parliament.

Debate (on motion by **Mrs Carnell**) adjourned.

PLANNING AND ENVIRONMENT - STANDING COMMITTEE

Inquiry into 1997-98 Draft Capital Works Program

MR MOORE (12.42): Mr Speaker, pursuant to standing order 246A, I wish to inform the Assembly that on 7 February 1997 the Standing Committee on Planning and Environment resolved to inquire into and report on the 1997-98 draft capital works program. I ask for leave to move a motion to authorise the printing, circulation and publication of the report of that inquiry.

Leave granted.

20 February 1997

MR MOORE: I move:

That:

- (1) if the Assembly is not sitting when the Standing Committee on Planning and Environment has completed its inquiry into the Government's 1997-98 Draft Capital Works Program, the Committee may send its Report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, circulation and publication; and
- (2) the foregoing provisions of this resolution have effect notwithstanding anything contained in the Standing Orders.

Question resolved in the affirmative.

Sitting suspended from 12.43 to 2.30 pm

MINISTERIAL ARRANGEMENTS

MRS CARNELL (Chief Minister): Mr Speaker, I alert the Assembly to the fact that Mr Stefaniak will not be here for question time today as he is at a Housing Ministers conference. I will answer any questions which would normally be addressed to him.

QUESTIONS WITHOUT NOTICE

Gungahlin - Licensed Club and Enclosed Oval

MR WHITECROSS: Mr Speaker, my question is to Mr Humphries, the Minister for Planning. Minister, I refer you to the comments made by Anne McGrath, the chief executive of the Gungahlin Development Authority, to the Gungahlin Community Council that an enclosed oval was not viable for Gungahlin at this time. Can you explain why expressions of interest were called by the Gungahlin Development Authority for the development of a licensed club and an enclosed oval without a proper evaluation being conducted beforehand to identify that there was sufficient demand for an enclosed oval?

MR HUMPHRIES: Mr Speaker, I do not recall recently having read those comments of Ms McGrath's, but I do not think she was saying that there was no demand for an oval. Unless Mr Whitecross repeats what she said - I do not have a copy of what she said in front of me, but I think she was saying that the question of whether the requirement for an oval ultimately there could be satisfied at this point was a question that needed to be resolved. It would have seemed to me that the calling of tenders was the best way of resolving that issue. If there is a capacity to provide the oval within reasonable terms, then presumably the calling of tenders would indicate whether or not that was the case.

MR WHITECROSS: I have a supplementary question, Mr Speaker. It seems to me that the Minister is suggesting that the calling of tenders was a way of establishing whether or not an enclosed oval was viable. Can the Minister explain why the Gungahlin Development Authority, having established that an enclosed oval was not viable after expressions of interest had been called, did not readvertise for expressions of interest on the basis of a licensed club only? Is the Minister satisfied that the Gungahlin Development Authority notified all interested parties that the conditions of the expressions of interest, that is, that an oval was no longer a requirement of the bid, had changed?

MR HUMPHRIES: Mr Speaker, I think the misconception in the question Mr Whitecross is asking is that somehow if the Gungahlin Development Authority - having called for tenders and having received, I think, two tenders or two expressions of interest, whatever they were - came to the conclusion that an oval was not a viable component of the proposal, which in those circumstances is how I would interpret Ms McGrath's comment - that is the assumption in Mr Whitecross's question - there, therefore, ought to have been some further public advertising process to ask people again whether this was possible. I do not accept that view at all.

If tender processes are entrusted to statutory authorities - authorities which have received the support, in this case, of all members of the Assembly, including members of the Labor Party in its present form - those authorities have the right to conduct those tender processes as they see fit, up to a certain point. It seems to me that, if they call for expressions of interest or call for formal tenders and two organisations put forward tenders and neither of them could provide an oval in satisfactory circumstances, which I understand was the case, it is entirely reasonable for the Gungahlin Development Authority to - - -

Mr Whitecross: No.

MR HUMPHRIES: Mr Whitecross knows better than the Gungahlin Development Authority; I am pleased to see that. But the fact is that the composition of this authority was approved by the Assembly, and the community-based nature was approved by us, as a matter of fact. I think members of the Assembly actually said that it was the community-based nature of this authority that gave it its strength. In the circumstances, that feature or that characteristic gave it the capacity to make an assessment of whether there was any value in opening tenders again.

I have been briefed on the results of the tender process. I understand why the Canberra Raiders were chosen over the Daramalan-Shaw consortium. I would have thought anyone who perused the details of this matter - members opposite are quite entitled to a briefing if they want one - would quickly see that there were very good reasons for rejecting what appeared, on the face of the proposal, to be a much better proposal, the Daramalan-Shaw proposal, and that the board was entirely within its competency to be able to assess those two tenders and assess from those two tenders whether there were any other viable players out there in the ether who might have come forward magically with an oval which neither of the two present tenderers could have provided satisfactorily.

Budget Forecasts

MRS LITTLEWOOD: Mr Speaker, my question is to the Chief Minister. Can the Chief Minister advise the Assembly whether the Territory's budget remained on track for the six months to the end of December and whether the Opposition Leader was correct in his assertion yesterday that figures presented in monthly financial reports are neither meaningful nor accurate?

MRS CARNELL: The Leader of the Opposition yesterday engaged in a quite disgraceful attack on some of this Territory's most senior and hardworking public servants. It is the sort of attack that we have become fairly used to from Mr Whitecross, and it really is a great shame, from somebody who was touted as a fresh face of the Labor Party, somebody who would bring a new approach to politics, a new breed of Labor politician. But, unfortunately, we now are seeing the same sorry old tactics.

Mr Whitecross tabled in this Assembly yesterday a media release and supporting document that quite deliberately misrepresented the data presented in the Government's monthly financial reports by quoting sections totally out of context. He then proceeded to denigrate the work of OFM officials, who are very hard working and are working, I think, very well to improve the level of financial reporting in the ACT. This is the thanks they get for providing to Mr Whitecross every month quite detailed oral and written briefings about the financial data. Unlike Mr Berry, who is having a bit of a laugh here - but I hope Mr Berry is actually going to apologise a little later; I doubt it, but it would be good - we were rather hoping that Mr Whitecross might understand the figures in the new system, which, incidentally, all of those opposite actually supported. But, no, Mr Whitecross chose to mock the efforts of those officials by using out of context the comments that they had made - not that I had made, but that they had made.

The reports quite honestly state that, as agencies become more expert at the new financial reporting system, the accuracy of the data in the monthly reports is improving and improving every month. Nobody ever said that all the documentation would be perfect from the first month; it would simply be impossible for that to be so. I would have thought, though, Mr Speaker, that everybody in this place would be saying, "What a good idea! Is it not great that every month things improve?"

Mr Berry: They are worse.

MRS CARNELL: Mr Berry says that they are worse. That is saying that the OFM officials, who are working very hard to make this work, somehow are not doing their job properly. It is simply not acceptable, Mr Speaker. But Mr Whitecross chose to use it as an opportunity to score some very cheap political points. Mr Speaker, contrast that with the very expensive political points of yesterday, \$400,000 worth of expensive political points, to denigrate the efforts of public servants who are working extraordinarily long hours to ensure that we really do have the most comprehensive system of public sector reporting in this country; and we do.

Mr Speaker, the December monthly financial reports, even if those opposite do not like it, show that that improvement is continuing. They show that the Territory's operating loss for the six months to the end of December was \$78m, some \$70m better than anticipated in the budget. This is a good result for the Territory and reflects in part the improvements in financial - - -

Ms McRae: Where is it?

MRS CARNELL: Straight after question time you will get it, and you got the press release this morning. They show that the improvements in financial controls are continuing to occur.

Mr Speaker, that does not in any way mean that somehow the ACT is out of the woods. The fact that we are tracking \$70m better than expected certainly does not mean that we are flush with money; it means that the operating loss in fully accrued terms is not as great as forecast. That is really good news for the ACT and makes Mr Whitecross's comments that we somehow should rejig the budget totally ridiculous. Because this is the first year of a completely new financial system, it is too early to predict exactly what the full year result will be, but we are very confident that the budget will come in on target. In fact, we are very confident that it will come in better than that, Mr Speaker. Revenues in most key areas, as everybody would be aware, including payroll tax, rates, stamp duties, gambling taxes and returns from Territory-owned corporations, are all higher than forecast; and spending in most government agencies is actually close to budget forecasts.

I think that is all very good news for the Territory, Mr Speaker, and it would be really good if those opposite, for a change, actually applauded that and said thank you to the OFM officials and to all of those people who are working so hard to put the ACT ahead of the rest of Australia in financial reporting terms. Again, I notice that they laugh. The reality is that it is true. They have put this Assembly, this Government, ahead of the rest of Australia. Nobody in this place has - not me, as Treasurer; none of you. They have done it. What I would like to see is an apology from both Mr Whitecross and Mr Berry. Yes, I know it will not happen; but I think they should apologise to those officials whom they have mocked. I also think Mr Berry should apologise for his so-called health blow-out. As he will see from the documents, wrong again, Mr Berry.

Gungahlin - Enclosed Oval

MR BERRY: My question is to Mr Humphries, the Minister for Planning. Mr Humphries, what advice did the Gungahlin Development Authority receive which concluded that an enclosed oval was not viable in Gungahlin? At what point in the tender process was this advice given, and from whom was it received?

20 February 1997

MR HUMPHRIES: Mr Speaker, let me make something perfectly clear. Perhaps I have not heard properly what the question is.

Mr Berry: I will read it again. I am happy to. We have plenty of time. Do you want me to read it again?

MR HUMPHRIES: I do not wish you to say anything, Mr Berry. I never get any more change from you if I catch you a second time.

Mr Berry: Were you saying that tongue in cheek?

MR SPEAKER: Mr Humphries was speaking in a rhetorical sense. I am sure that he will be able to answer your question adequately.

MR HUMPHRIES: I have to say, Mr Speaker, that I scarcely believed my ears. I am sure Mr Berry will repeat his question when he asks his supplementary question. That is the usual course of events. I thought I heard Mr Berry saying, in not quite as many words, that he thinks the Government should be somehow stepping into an arm's length, independent - - -

Mr Berry: No; Mr Speaker, he obviously did not hear the question. I should read it out again.

MR HUMPHRIES: Mr Speaker, if I could be allowed to finish my answer to the question - - -

MR SPEAKER: Would you like to hear the question again or do you think you can handle it?

MR HUMPHRIES: No; I think I can handle it, Mr Speaker.

Mr Berry: He seems to be misled as to what the question actually said. What advice did the Gungahlin Development Authority receive which concluded that an enclosed oval was not viable - - -

MR HUMPHRIES: Mr Speaker, I heard the question and I am quite prepared to answer it if Mr Berry will take his seat.

MR SPEAKER: Resume your seat, Mr Berry.

Mr Berry: Do not try to put words in my mouth; just answer the question.

MR HUMPHRIES: I am afraid I have to put words in your mouth, Mr Berry, because that is the way the public perceives what you are saying. What you are saying, whether or not you care to admit it, is that the Government should somehow intervene or otherwise throw out an arm's length, independent assessment of a tender process - - -

Mr Berry: On a point of order, Mr Speaker: That is not what I was saying.

MR SPEAKER: You will have an opportunity to correct that at some later point, Mr Berry. Mr Humphries has indicated that there could be an interpretation of that.

Mr Berry: Do you want to hear the question and answer the question or just make up a question to suit yourself?

MR HUMPHRIES: I do not want to hear the question. I am perfectly well aware of the question. Do you want to hear how the rest of the community is interpreting what you are saying?

Mr Berry: I would like the answer to my question, not the one that you make up.

MR HUMPHRIES: I do not care whether you want to hear it; you are going to hear it anyway. Mr Speaker, what the Opposition are saying, with the two questions we have heard already today, is that the Government should somehow be tampering with an arm's length, independent tender process. We have had accusations only this week from Mr Whitecross about Mrs Carnell acting illegally in this place by not complying with some legislation. What do you think legislation says about politicians who intervene in tender processes, Mr Whitecross? It is against the law; they go to gaol.

Mr Speaker, we have a result from the Gungahlin Development Authority. The people who sit on that authority - - -

Mr Kaine: We know what happens when Ministers interfere in administrative things, do we not?

MR HUMPHRIES: We do indeed, Mr Kaine.

MR SPEAKER: Order! The house will come to order. Sit down, Mr Berry. Mr Humphries alone will answer the question.

Mr Berry: Mr Speaker, I would like to raise a point of order. Mr Humphries is showing contempt for questions without notice in this place. There was a question asked of him which is clearly nothing like the question that he proposes for himself to answer. The fact is that the question I asked was: What advice did the Government - - -

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

MR HUMPHRIES: I rise on the point of order, Mr Speaker. He is simply repeating the question, which I have heard. Mr Speaker, let me respond to the question. The fact is that the tender body, the Gungahlin Development Authority, set up under legislation which was approved, as I recall, unanimously in this place - certainly those people opposite supported it; in fact, I have a quote from one of them here which I will read in a moment - was empowered to assess the requirements for the satisfaction of the tender that they had issued by public notification.

20 February 1997

They put out a tender advertisement saying, "We want people to tender to provide certain facilities in Gungahlin, including an enclosed oval". Two tenders or expressions of interest - I am not sure what they were - arrived at their desk concerning that advertisement. In a sense, neither tender complied with the requirements of the process.

Mr Berry: That is not the question I asked.

MR HUMPHRIES: It is the answer to your question, Mr Berry. One did not show any oval at all. The other showed an oval, but only in exchange for a massive increase in the development rights which were sought to warrant the building of that oval - in fact, enormous development rights. Mr Speaker, in that sense, neither of the tenders that were received complied with the tender process; but the board decided, as was its right, to proceed, nonetheless, to make a decision on which of those two tenders would be accepted. It is the prerogative, under tender procedures which operated under that Government when they were in power, as much as it is under this Government, for tender approval bodies or tender processing bodies like the Gungahlin Development Authority to modify the processes of the tender as they go through; it is their right to do so.

Mr Berry, when you ask why the board did not do certain things in respect of requesting an enclosed oval, go back and look at your own procedures in government and you will see that it is entirely within the rights of the Gungahlin Development Authority to have modified that proposal.

Mr Berry: I did not ask that question. Are you attempting to mislead this place, Gary?

MR HUMPHRIES: I will ignore that interjection. The Gungahlin Development Authority consists of about 12 people. They include a resident of Gungahlin who is familiar with the diversity of interests of residents of Gungahlin, being a person nominated by the Gungahlin Community Council Inc.; a resident of Gungahlin who is familiar with the diversity of interests of residents of the Territory; a person with expertise in the retail trade industry; a person with expertise in the finance industry; a person with expertise in urban planning and design; a person with expertise in environmental protection; and a person with expertise in the provision of community facilities. Incidentally, it has two executive officers plus the chief executive of the authority.

But in respect of all that expertise, Mr Wood said, when the Gungahlin Development Authority Bill came before this place:

Another one of the aspects that came through very strongly from these meetings that I attended and from the briefings that I saw on others was that the community wanted a say not just in how it was going to be but in the continuing development of that town centre; they wanted their stake in planning to continue ... In general terms - and I use the term "in general", not specifically in every case perhaps - this Bill seems to me to be providing the way that that can be done. That is why the Opposition is supporting it.

That community-based body approved this tender. The community-based body that we all supported said, "This tender from the Canberra Raiders is the best tender". Mr Speaker, I believe that we owe it to the community to support that process, and I intend to do so as Minister.

MR BERRY: I have a supplementary question, Mr Speaker. If the Gungahlin Development Authority did not receive advice in respect of the viability of the oval, how did they identify that an enclosed oval was not viable?

MR HUMPHRIES: Mr Speaker, let me say again that the naivety of that question, or perhaps the mock naivety of that question, is just astounding. First of all, I believe that the authority did receive advice; they received legal advice during the process. However, I do not know the details of that because I am not a part of that process. That is a decision which the Gungahlin Development Authority had within their purview and which they, therefore, are responsible for. They had legal advice, I understand, about the nature of the two tenders submitted. I understand that this community-based body, on the basis of the legal advice they received, accepted the two tenders as live tenders in the process; notwithstanding that neither, in a sense, complied with the tender documents as initially sought. That advice came from the Government Solicitor's Office, presumably; they might have got it independently, but I assume it came from the Government Solicitor's Office. If they have that advice, why should I intervene to overturn that decision?

Ms McRae: You are still not answering the question.

MR HUMPHRIES: The question is why - - -

Mr Whitecross: You are slipping and sliding.

MR SPEAKER: Order! Mr Berry asked a supplementary question. He deserves an answer without help from his colleagues.

MR HUMPHRIES: Mr Speaker, I have indicated already that it is not open to me as Minister to step in and say, "I will do this in a different way; I will get a different result, a different outcome from you". That is not the process, and you should know that, Mr Berry. The tender was appropriately accepted. If the board decided that there was not any point in proceeding to ask for further tenders, they were within their rights to do so; and no member of this place should attempt to stop them from doing it.

MR SPEAKER: Are you listening to this response to your supplementary question, Mr Berry?

Mr Berry: He is not answering the question; there is not much point.

MR SPEAKER: In that case, sit down, Mr Humphries, and conserve yourself.

Ms Jacqui Rees

MR MOORE: Mr Speaker, my question is directed to the Chief Minister. When a previous Deputy Chief Minister, the same one whom you have not yet talked about in this Assembly - and I can understand the reluctance by Mr Osborne to ask a question yesterday - sacked Ms Jacqui Rees from the Interim Kingston Foreshore Development Authority on 11 December last year, he made allegations about Ms Rees's fundamental unsuitability to serve on government bodies. You have since elaborated on Ms Rees's alleged failings, with a litany of allegations in letters to community bodies - allegations you have been forced to apologise for. Chief Minister, if Ms Rees is so unsuitable for service on an advisory committee, why did a senior public servant in City Services write to Ms Rees on 18 December, seven days after her sacking, to thank her for her contribution to a government committee, noting her effort and her valued commitment, and looking forward to a productive relationship in the future? In fact, Mr Speaker, I will quote from the letter. You will note that I am specifically not naming the public servant; I think that would be inappropriate. The letter reads:

Dear Jacqui,

I would like to thank you for your contribution over the past year to the ACT Kangaroo Advisory Committee. I appreciate the amount of time and effort that is required as a community representative and value your commitment to this committee. I look forward to continuing in 1997 the productive association that has developed ...

and so on. I am happy to table this letter. Could you state, for the record, your opinion of Ms Rees's suitability for service on advisory bodies and say how it coincides with the view of this quite senior public servant?

MRS CARNELL: Absolutely. In fact, I was going to make this point later in debate today; but, as you have pre-empted that debate, I am happy to answer that question right now. I think it really shows the even-handedness of the Government totally. What we have, on one hand, is an advisory body, a body that is there to gain community input; that is, the kangaroo advisory body. That body has to go out and ask the community and get community input. We have no problems whatsoever with Ms Rees in that position. Her links back to the community, in some parts of the community, are very real. There is not a problem there at all. The fact is that the Interim Kingston Foreshore Development Authority is not an advisory board. You are actually factually incorrect, Mr Moore. What it is is a redevelopment authority; it is a commercial board. If Mr Moore does not understand the difference between an advisory body that is there to gain community input and a commercial board - actually, I know that he does know the difference, Mr Speaker. The reality is that a commercial board, by the very nature of that board, must have confidence in the people with whom it works. It is a redevelopment board. Ms Rees has made comment after comment about planners and public servants involved in that area being people who are dishonest. I think "hands in back pockets" was one comment. She has made all sorts of comments about those people. This is a commercial body, and this Government will always see commercial boards as having very different roles from advisory bodies that are there to gain community input.

MR MOORE: I have a supplementary question, Mr Speaker. It is very interesting, Chief Minister, that you would give such examples, and I am sure that in the debate later this afternoon you will verify those so that there is no hint that you would mislead this Assembly.

MR SPEAKER: No preamble, Mr Moore. Ask your supplementary question.

MR MOORE: I think, Chief Minister, what it illustrates is that your own treatment of Ms Rees, I am sure you would agree, really arises from hypersensitivity to criticism and personal bitterness on your part about - - -

Mr Humphries: On a point of order, Mr Speaker: I know that the rule about no preambles is more honoured in the breach, but this really is quite blatant. I would ask that the rule be observed.

MR SPEAKER: I assumed, Mr Humphries, that Mr Moore had finished his supplementary question. I presume you will answer yes or no, Chief Minister.

MRS CARNELL: There was no question. It was just a preamble.

Gungahlin - Licensed Club and Enclosed Oval

MR WOOD: Mr Speaker, my question to Mr Humphries is about the GDA. It is not making any comments; it is simply asking a question about information, so do not put any slant on it.

Mr Moore: The Government does not know how to answer without a slant and a spin.

MR WOOD: It is optimistic of me, I know. My question relates to the tender process recently undertaken by the GDA for the provision of a licensed club and enclosed oval. Can you inform us at what point in the process Woolworths agreed to pay the \$700,000 for stormwater and sewerage works as a result of the change in the location of the proposed sports precinct? Can you also inform us whether all the tenders were advised of Woolworths' agreement to pay for those capital works?

MR HUMPHRIES: No, I cannot. This is a process that is administered by the Gungahlin Development Authority - - -

Ms McRae: Don't know; don't care.

MR HUMPHRIES: You asked me not to put a slant on the question. Ms McRae has said, "Don't know, don't care". Well, I do care. I also care for the probity of the processes.

Ms McRae: It is not good enough.

20 February 1997

MR HUMPHRIES: I do not know what you would be like as a Minister, Ms McRae, but if you were asking for information like that I imagine there would be some question about the probity of the process.

Ms McRae: You could take it on notice.

MR SPEAKER: Order! Mr Humphries is answering Mr Wood's question. You will have the opportunity to ask questions in due course, Ms McRae.

MR HUMPHRIES: Mr Speaker, I do not know the details of that. It is not a matter that I would normally concern myself with, because it is part of the tender process. If Mr Wood would like to have the answer, I will certainly take it on notice and find out.

MR WOOD: Would you give us all the details you can, Mr Humphries? That is my supplementary question. Would you provide us with the documentation and paperwork?

MR HUMPHRIES: As far as I can, yes.

Child Abuse - Mandatory Reporting

MS TUCKER: My question is, in the absence of Mr Stefaniak, to Mrs Carnell. The Government has said that it intends to introduce mandatory reporting of child abuse on 1 June 1997. I am aware that the Government has been implementing a training course for those people who will be mandated. My question is: What additional resources is the Government committing to support services which handle reported cases, prevention of child abuse and other family support services - all these services which are currently under stress? Does the Minister believe the current level of resources is adequate? We are interested in your answer and in hearing about the resources for not only Family Services officers but also the community organisations that provide support services.

MRS CARNELL: It is a tiny bit tragic that Ms Tucker has not actually realised there is another budget that comes in on 1 July and we have not put it together yet or released it in this place.

Ms Tucker: So you have no idea at this point?

MRS CARNELL: I thought it might have escaped your notice just for a moment. I think a question asking for what might be in a budget that has not been presented in this place, in fact is not finalised, would be somewhat out of order, Mr Speaker.

MS TUCKER: Is the Minister aware - - -

MR SPEAKER: Is this a supplementary question?

MS TUCKER: Yes, a supplementary question, Mr Speaker. I would have thought you had some idea by now, but I am interested to hear you do not. Is the Minister aware that some community agencies are considering refusing to be mandated - this might help you in your budget decisions, Mrs Carnell - where there is a choice, because they are concerned that they cannot handle even the existing demand for their services and are also very concerned about the ability of Family Services to deal with cases even at the present level of reporting?

MRS CARNELL: Members of this Assembly would be aware that the approach that the previous Government took to mandatory reporting, and that we have taken, is, I suppose, a slow but steady approach to the implementation of mandatory reporting, because we did not want to fall into the same sorts of traps as other States have where, in many cases, they mandated virtually almost overnight, with no lead-in whatsoever. We have taken the approach that we should do a sector of Canberra at a time with training, looking at how the mandating has actually affected requests for services. That information will be taken on board when we look at the next budget. Fascinatingly, again Ms Tucker shows her lack of understanding of the procedures. I am sure those opposite would be aware that in February a budget that is going to be brought down in May would be only a very preliminary draft at this stage. That is all of the information that we will take on board, Mr Speaker, when we look at the requirements in this budget - not just in the area of Family Services or Community Services, but right across the board.

Gungahlin - Licensed Club

MR CORBELL: Mr Speaker, my question without notice is to the Minister for Planning, Mr Humphries, and relates to the development of a club at the Gungahlin Town Centre. Minister, are you satisfied that the tender process adopted by the GDA has ensured that the price paid by the successful tenderer for the site of a club only is the best possible price for a club site in Gungahlin, when the GDA changed the rules so often during the expression of interest process that the result was that the successful bid was the only one that met the changed criteria?

MR HUMPHRIES: Yes, Mr Speaker, I am satisfied of that.

MR SPEAKER: Do you have a supplementary question?

MR CORBELL: Thank you, Mr Speaker. Minister, as it appears that, contrary to the original documents, the GDA now wants, has wanted and has sold a club site, will you direct the GDA to reopen the tender process for a club site so that all interested parties know what they are bidding for?

MR HUMPHRIES: I think that follows from my answer. My answer to the first part of the question should have answered the second part as well, Mr Speaker.

Parkwood Eggs

MR HIRD: Mr Speaker, my question is to the Minister for the Environment. Has the Minister seen the editorial in today's *Canberra Times* concerning a decision of Magistrate Ward in the case of four trespassers at Parkwood, a business which is in my electorate and which employs 50 people? Does the Minister believe that the decision is, in the words of the *Canberra Times*, a highly eccentric judgment? Is it the case, as the editorial suggests, that the ruling gives any member of the public with a real or perceived grievance against anyone else a right to take the law into their own hands and become a vigilante?

MR HUMPHRIES: Mr Speaker, in light of my comments yesterday, all I can say is this: You may very well say that; I could not possibly comment.

Driving Schools - Advertisements

MR OSBORNE: My question is to Mr Humphries, who, I notice, has not yet said anything about a previous Deputy Chief Minister.

Mrs Carnell: But you can, Ossie?

MR OSBORNE: I will. I might have to, the way you have been acting in regard to the poor little fellow. My question is to Mr Humphries in his capacity as Minister for Fair Trading. Minister, I have recently been informed that a number of ACT driving schools have advertised in the 1997 *Yellow Pages* - the one that has come out only recently - to the effect that they are accredited by the ACT Government to apply the principles of the competency-based driver training scheme. I will read a couple of the advertisements. The first one says:

Competency Based Training and Assessment (Log Book).

There is a little ad next to it that says:

CBT & A.

Avoid the test.

Get assessed.

Here is another one:

Licensed & Accredited Instructors.

Accredited driver education.

Here is the best one, in big letters:

ACT Government Accredited Driving Instructors. Log Book Training a Specialty.

No Driving Test Required.

Minister, given that the new scheme has not yet been passed into law by this Assembly, have these driving schools breached the ACT Fair Trading Act 1992 by advertising what would appear to be misleading information? I will quickly refresh your memory on what the Act says. It says:

Misleading conduct in relation to services

A person shall not, in trade or commerce, engage in conduct that is liable to mislead the public as to the nature, the characteristics, the suitability for their purpose or the quantity of any services.

Another part says:

A person shall not, in trade or commerce, in connection with the supply or possible supply of goods or services or in connection with the promotion by any means of the supply or use of goods or services -

- (a) falsely represent that goods are of a particular standard, quality, value, grade, composition, style or model or have had a particular history or particular previous use;
- (b) falsely represent that services are of a particular standard, quality, value or grade;

Paragraph (e), down at the bottom, says:

represent that goods or services have sponsorship, approval, performance characteristics, accessories, uses or benefits they do not have.

Once again, Minister, my question is: Given that the law has not been passed yet, do you agree that these driver training schools have breached that code? What will you do about it?

MR SPEAKER: Questions should not ask Ministers for a legal opinion. I presume that your answer will not canvass that area either.

20 February 1997

MR HUMPHRIES: Yes, indeed, Mr Speaker; that had occurred to me. I obviously cannot comment on the specific cases; but let me say that if any of those enterprises - and Mr Osborne briefly showed me the advertisements before asking me this question - if any of those advertisers are holding that out and that, in fact, is not consistent with the state of legislation yet to pass through this place, then if I were them I would be consulting my lawyers to see that I was not in a position of having breached the law to which Mr Osborne referred. Perhaps the ads also indulge in fortune-telling. Perhaps they can actually see what the legislation is going to say and they are ready to comply with it; I do not know. If they are, then I certainly would be prepared to consult them.

I must emphasise that it is an offence under the Fair Trading Act to represent that a particular service complies with a certain standard when, in fact, that is not the case. If that is so, then these people ought to be very careful. If they are in the *Yellow Pages*, of course, they are going to have 12 months of misleading advertising, potentially. I make no comment on specific cases; but, if that were the case, they may be in that position. Mr Speaker, I will instruct the Consumer Affairs Bureau to investigate the matters that Mr Osborne has raised and to ensure that anybody who may have breached the law is properly advised of that fact and, if necessary, appropriate steps are taken.

As to the other part of his question, if Mr De Domenico had known how many people were dying to get up in this place and speak kind words about him, he probably would never have left in the first place.

MR OSBORNE: I seek leave to table those extracts from the *Yellow Pages* so that you can see them, Minister.

Leave granted.

Housing Budget

MS REILLY: My question is to Mrs Carnell in her capacity as Treasurer. As we all know, your Housing Minister, Mr Bill Stefaniak, is in Brisbane today for an emergency meeting with his State and Territory counterparts to discuss the proposed cuts of \$500m to the Commonwealth housing budget and to work out with his colleagues ways to stop these cuts going ahead. Will you give a guarantee that you will not be cutting the 1997-98 housing budget in the ACT by handing back money to the Commonwealth, as you did in 1996-97 when you handed back \$10.4m?

MR SPEAKER: It is hypothetical.

MRS CARNELL: I suspect that it is out of order. The budget has not been put together, and I certainly will not be making any comments one way or the other on the content of the budget.

ACTION - School Bus Services

MS McRAE: Mr Speaker, my question is to Mr Kaine in his capacity as Minister for Urban Services. I refer to your comments in the *Chronicle* for the week ended 24 February 1997 in which you defend recent cuts to school bus services. Minister, I note that you, like your predecessor, claim in this article that the school bus liaison committee, which comprises representatives from ACTION, the Department of Education and the private education sector, is responsible for determining which services are provided. How does this claim reconcile with the claim made by the executive director of the Association of Independent Schools that the school bus liaison committee has never set the minimum benchmark on school buses and that this has always been determined by ACTION?

MR KAINE: Mr Speaker, I do not recall ever saying anything about this body setting standards. I think that what Ms McRae is referring to is some comments that were attributed to me, as reported in the *Chronicle*, where I was asked whether I supported the concept of reductions in school bus services. My answer to that question was the answer that I would give at any time to a similar sort of question. ACTION is constantly, as I have said already, on a number of occasions three days this week, seeking to improve efficiencies, while at the same time meeting the service standards that have been prescribed for it.

In determining when a scheduled timetable will change, I am quite sure that, if it affects a school bus service, then the advisory committee is consulted. I have no doubt whatsoever about that. In fact, I am constantly being assured that no bus service is changed without comprehensive community consultation and that, even after the change has occurred, if there are people who are dissatisfied with that, then further negotiations are entered into to see whether or not the dissatisfied customers can be satisfied. I do not know that there is any question of reconciling the two statements. I seem to have been accused of making a statement that I did not make.

MS McRAE: Mr Speaker, I have a supplementary question. Mr Kaine, it does seem rather as if it is Mr Stefaniak's school sport program that is at work in regard to the cuts in ACTION school bus services, with children having to rush home by foot rather than by bus. Will you concede that the Government has deliberately set out to deflect criticism of its policy to cut school bus services by claiming that it is the school bus liaison committee and not ACTION which determines which services are provided?

MR KAINE: You seem to be attributing that statement to me. It is a statement, I repeat, Ms McRae, that I did not make.

Car Registration Renewal Notices - Accompanying Brochure

MS HORODNY: Mr Speaker, my question is also directed to the Minister for Urban Services, Mr Kaine. I have received a number of calls from constituents who have recently received their car registration renewal notices and found that the notices have included a brochure recommending that they go to Ultra Tune to get their car serviced. These constituents recognise that the Government is very hard up for money and needs to find more revenue-raising measures, but they are quite concerned that the Government seems to be turning itself into an advertising agency. Could you tell us, therefore, what deal the Government has made with Ultra Tune in terms of how much Ultra Tune is paying the Government for this advertising opportunity and why Ultra Tune got this deal ahead of other companies who may also have wished to be given the opportunity to advertise their products with government notices? Does this mean we can expect to receive ads for real estate agents with our rates notices?

MR KAINE: Mr Speaker, I was unaware until now that such brochures were being included with the renewal notices. I do not know what process was followed in order to have those brochures included, but I will take the question on notice and find out what the process was and whether indeed the revenues of the Territory are benefiting from this. I will come back with a comprehensive answer when I have it available.

MR SPEAKER: Do you have a supplementary question?

MS HORODNY: Can I add a supplementary question. Could you also find out what guidelines, ethical or otherwise, the Government uses to determine advertising or corporate sponsorship of any sort?

MR KAINE: Yes, I will.

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

Transport Reform Advisory Committee

MR KAINE: Mr Speaker, I have answers to a couple of questions put to me earlier in the week. The first one was from Ms Horodny, in which she outlined the history of the Transport Reform Advisory Committee and then asked me whether that committee was in fact defunct or whether we intended to replace it. The facts, as Ms Horodny outlined them in terms of the history of the old Transport Reform Advisory Committee, were generally correct. That committee was established in August 1995. It considered a range of matters on which the Minister needed advice. In September 1996 it was concluded that the committee was really no longer required and it was disbanded, along with the Taxi Industry Advisory Committee.

However, I think that the second part of Ms Horodny's question put the proposition that the Government did not intend to replace it. That is not correct. In fact, there has been a decision by the Government that those two committees will be replaced by a Transport Advisory Group, which will be a forum to resolve differences of opinion between various

sectors of the industry. In the event that resolution is not possible, that group will provide comprehensive advice to the Minister. Nominations for that group have been sought, and I expect that it will be finalised within the next few days. The first meeting of the Transport Advisory Group should take place within the next month.

Tuggeranong Bus Interchange

MR KAINE: Ms Reilly asked me a question yesterday that I was not clear on. She was seeking information about a suggestion that the Tuggeranong bus interchange may be moved. In fact, there is no decision on such matter, but ACTION, as it does constantly, is evaluating whether or not that interchange in its present location is, in fact, serving the best interests of the community. They are doing an evaluation and are looking at the possibility of relocating that interchange to a place more convenient to the public. That is a study that is being undertaken. It will be some time before any conclusion is reached. When a conclusion is reached, if it does involve a move of that interchange, I will inform the Assembly.

Rural Leases Task Force

MR HUMPHRIES: Mr Speaker, yesterday I answered a question from Mr Moore about Mr John Hyles's membership of the Rural Leases Task Force, and I want to provide a further answer on that question today. Mr Moore asked me two questions, in fact, on Tuesday and yesterday, dealing with his appointment. The first question related to Mr Hyles's involvement in a company called Tharwa Sand Pty Ltd. The second related to his appearance in court in 1988, charged with offences under the then Nature Conservation Ordinance. I have obtained the following information. Mr John Herbert Hyles, who is John Hyles Senior, was appointed a director of Tharwa Sand Pty Ltd on 21 June 1974. Gwenyth Pamela Hyles was also appointed as a director on the same day. Mr John Richard Hyles, who is John Hyles Junior and the same John Hyles who was appointed to the Rural Leases Task Force, is not now, and never has been, a director of the company. Nevertheless, he has indicated that he will be taking over the company from his father; but, to date, he has not done so. Mr Speaker, I table an extract from the Australian Securities Commission, which indicates who the directors of the company are.

I am advised that Tharwa Sand Pty Ltd has been convicted of two offences in the New South Wales Land and Environment Court - the first, in 1991, for installing sandmining works without approval, for which a fine of \$7,000 was imposed; and the second, to which Mr Moore referred and which was reported in the *Canberra Times* on 11 July 1996, for breaching an approval under the Clean Waters Act of New South Wales, which resulted in a fine of \$15,000. Mr Moore referred to four convictions. At this stage, I have been advised of just two convictions.

20 February 1997

Mr John Hyles Junior was appointed to the Rural Leases Task Force as a representative of the Rural Lessees Association. Mr Hyles Junior is also a member of the Paddys River Landcare Group, has been involved in drought land care works and is also active in feral animal control in the area. Mr Hyles Junior did appear in court on Wednesday, 26 October 1988, and pleaded guilty to two charges of breaching the Nature Conservation Ordinance. There was, I understand, some question on Mr Hyles's part about whether the area which was bulldozed formed part of Mr Hyles's lease or whether it formed part of Namadgi National Park. No conviction was recorded by the court, and Mr Hyles offered to make good any damage which had been done. That was later reported by the *Canberra Times* in December 1988. For completeness, I table that article as well.

As I said yesterday, I asked the chief executive of the Department of Urban Services, Mr Gilmour, to review the process used to appoint Mr Hyles. Mr Gilmour has written to me this morning. I now also table a copy of that advice. He says:

On the evidence presented to me, John Hyles (jnr) has no personal convictions recorded against him in either New South Wales or the ACT for breaches of environmental legislation. Company records show that John Hyles (Jnr) is not currently, nor has he been, a director, shareholder or manager of Tharwa Sand Pty Ltd.

Mr Gilmour goes on to say:

After Mr Hyles signed a consent form, I have studied his police record. The only matters for which he is recorded are traffic matters. Mr Hyles has openly acknowledged that ... he was responsible for the damage caused to a part of Namadgi National Park adjacent to his lease. The Magistrate did not record a conviction but directed Mr Hyles to work with the Department to remediate the damage caused. I understand that he did this to the satisfaction of the Department.

Mr Speaker, Mr Moore asked me on Tuesday to hold Mr Hyles Junior accountable, in effect, for the actions of a company of which his father is a director. I do not propose to do that. In view of the finding of the court that no conviction be recorded against Mr Hyles, I believe that it would be a denial of natural justice to now sack him from the Rural Leases Task Force. He has no convictions in New South Wales for any environmental offences; he has no convictions in the ACT for any environmental offences; he is not a shareholder, director or manager of a company which has any environmental offences recorded against it; he does admit to having caused damage to part of Namadgi National Park nine years ago, but in circumstances so extenuating that the magistrate of the day decided not to proceed to record any conviction against him; and the body of which he is a member is due to report within the next month or so.

Mr Speaker, in the circumstances, it seems to me that the information presented by Mr Moore was not totally accurate, in Tuesday's instance, and was incomplete, in Wednesday's instance. Maybe he needs to go back to his source and ensure that his source does not make unsubstantiated allegations which simply serve to attack the integrity of a member of the task force who may, I understand, have a long-running neighbourly dispute with the person who may be his source.

PERSONAL EXPLANATIONS

MR MOORE: Mr Speaker, I would like to make a statement under standing order 47. In fact, I now have an extra piece of information to add to where I have been misunderstood, misquoted and misrepresented. Mr Speaker, the first issue is that Mr Humphries, in answering questions about the Gungahlin Development Authority, said something to the effect that "we all decided that that was what we were going to pass into law". In fact, I am looking at the minutes of proceedings, No. 57, of 26 June 1996. The question - that this Bill be agreed to in principle - was put, and the Labor Party, the Liberal Party and the Greens party voted for that legislation. But the Independents, with their independence of thought, realising that this would cause trouble and was inappropriate, voted no, foreseeing trouble. So, there was an inaccuracy there.

Mr Humphries talked about inaccuracies in my question. Mr Speaker, I concede that I may have suggested four offences. If that was the case, I apologise for that minor inaccuracy. My information is not from a near neighbour of Mr Hyles's, to the best of my knowledge. I would also like to say, Mr Speaker, that the duplicity of Mr Humphries surprises me. To say, on the one hand, that he could not possibly remove somebody for that sort of reason - I can see what you are going to say, Mr Speaker, so I will save this for a later debate.

MR SPEAKER: I think you should.

MR WHITECROSS (Leader of the Opposition): I seek leave to make a personal explanation under standing order 46.

MR SPEAKER: Proceed.

Mr Humphries: The usual thing!

Mrs Carnell: We could put it on the notice paper.

MR WHITECROSS: As long as you keep misrepresenting people, Mrs Carnell, I will keep getting up. Mr Speaker, in answer to a question from Mrs Littlewood, Mrs Carnell misrepresented me, just as she did yesterday. Mrs Carnell said in answer to the question that the papers I tabled yesterday contained an attack on the integrity and hard work of public servants within her department. Mr Speaker, Mrs Carnell's claim is false. I was critical in one of the documents that I tabled. I was critical of Mrs Carnell. I was critical of Mrs Carnell for two reasons. One was that she had - - -

20 February 1997

MR SPEAKER: Order! The claim has been made that you were critical of public servants; is that correct?

MR WHITECROSS: That is right.

MR SPEAKER: And you have refuted that claim?

MR WHITECROSS: No, I have not yet, because I have not explained - - -

MR SPEAKER: So far, all you have done is talk about Mrs Carnell, and that is not relevant to your personal explanation.

MR WHITECROSS: Mr Speaker, let me try again to explain it to you. Mrs Carnell claimed that I had attacked public servants.

MR SPEAKER: Correct.

MR WHITECROSS: My press release did not attack public servants; it attacked Mrs Carnell. And Mrs Carnell is seeking to deflect my criticism of her onto the public servants.

MR SPEAKER: In that case, I am sorry; but, if you claim that you did not attack public servants but you attacked Mrs Carnell, I would think that your personal explanation has finished.

MR WHITECROSS: Mr Speaker, Mrs Carnell also misrepresented me on another matter, which was to suggest that I had falsely made criticisms of her health figures contained in the November financial statements. Mr Speaker, in fact, the other document that I tabled yesterday was a letter from Mr Mick Lilley, in which he indicated that the documents - - -

Mrs Carnell: And you are doing it again. That is what you did yesterday, and it is wrong. It is out of context.

MR WHITECROSS: Mr Speaker, are you going to deal with the Chief Minister?

MR SPEAKER: I am going to listen.

MR WHITECROSS: You cannot hear if Mrs Carnell is interrupting, can you? Mr Speaker, what Mr Lilley said in the document yesterday was that the November figures for the Department of Health - territorial - were not meaningful and not accurate. Mr Speaker, that is what the - - -

Mrs Carnell: He said that the budget year to date was not, not the actual figures.

MR WHITECROSS: The budget year to date figures against which the actuals were compared were not meaningful and accurate. Mr Speaker, that was what the document I tabled yesterday did. That is the mistake Mrs Carnell has corrected in her December statements. I was not being critical of Mr Lilley; I was being critical of the quality of Mrs Carnell's November financial statements.

ADMINISTRATION AND PROCEDURE - STANDING COMMITTEE
Report on Addresses to the Assembly - Proposed Temporary Orders -
Government Response

MRS CARNELL (Chief Minister) (3.29): Mr Speaker, for the information of members, I present the Government's response to the report of the Standing Committee on Administration and Procedure, entitled "Addresses to the Assembly - Proposed Temporary Orders", which was presented to the Assembly on 26 September 1996. I move:

That the Assembly takes note of the paper.

Our response is concise and essentially expresses our disappointment that the standing committee has rejected the proposal. This Government has introduced numerous reforms that enhance the openness and accountability of government processes. Let me list just a few. The Ministerial Advisory Group, which comprises chief executives and Ministers, meets on a regular basis to provide a collective problem-solving approach to complex policy issues. A range of financial management reforms have been introduced. These include, in the budget context, provision to ratepayers of an annual summary of how ACT taxes are raised and spent. Community councils have been provided with funding to assist them in their administration and activities in the areas that they represent. Councils participate in a combined Community Councils Forum facilitated by the Chief Minister's Department. A "Meet the Minister" program has been put in place, where Ministers meet the community for three hours each month. A comprehensive customer service program has been implemented in all ACT Public Service agencies. The Government has guaranteed a question for each non-Executive member of the Legislative Assembly, and question time remains open until that has occurred. I conduct regular question-and-answer radio programs to facilitate public access to the Government. A customer involvement unit has been established within my department to identify and listen to the concerns of the community and to ensure that, when people participate in consultation processes, they actually receive feedback.

Against this background, we are disappointed that the standing committee has not given support to an initiative which would allow the Assembly the opportunity to follow the lead of the Government. But I am pleased to advise that this process has caused us to give further consideration to the means by which the Government will bring about even greater enhancement of our consultation program. I have asked my department to investigate further options and report to me by the end of March this year. It will take some time to develop these further options, Mr Speaker; but I can guarantee that we will

20 February 1997

regularly report to the Assembly on this process. Mr Speaker, this Government is not in the business of creating cynical quick fixes. We will now carefully develop further options as, yet again, we get on with the job of consulting while those opposite just discuss maybe theoretical possibilities or, alternatively, as usual, just oppose.

MR MOORE (3.33): Mr Speaker, I have had time to scan both the tabling statement that Mrs Carnell has just delivered, which is just a bit of junk, which says, "This is what we do. We are wonderful" - it does not have much value at all - and the Government's response to the report on addresses to the Assembly. Mr Speaker, one would have thought that, in the Government's response, since they were going to disagree so strongly with the committee's report, they would have at least dealt with some of the issues that the Assembly raised as to why we believed that it was inappropriate. But, no; instead of doing that, they have just done a bit of blustering. One of the normal tricks of this Government is to just bluster their way through and see what happens. They have blustered away because they have a silly policy, which they went to the last election with, that says, "We will let people address the Assembly".

What about the issue that the committee raised, for example, about who will actually address the Assembly? How many people a year will do it, and how do we sort that out? I think this is a fundamental question that has not been answered in this pathetic response to a very sensible committee report. Just think about it. Let us say that we decide that we are going to have it because the Government is so keen on it. Let us say that we agree with the Government and they say, "We are going to have people come to the bar of the Assembly and address the Assembly". How are we going to select which particular people come and address the Assembly, and how would that really enhance it?

Mr Humphries: How do committees do it at the moment?

MR MOORE: How do the committees do it? I am glad that Mr Humphries interjected, because it gives me the opportunity to show him how ridiculous this concept is. The committees are very open in allowing almost anybody who ever asks to appear before them to come before them. The suggestion in the motion, as you may recall, Mr Humphries - if I remember correctly, it is your motion - is for once every second sitting week. Am I correct?

Mr Humphries: Yes, once every second week.

MR MOORE: In other words, once every sitting period, roughly - once every second week that we are sitting. We sit for about 14 weeks a year. So, they would come in seven times. The best we will get is seven times a year. In other words, the best we will get is seven people managing to come before the Assembly. What kind of community input is this? It will become those who can and those who cannot. The other question that was raised by the Standing Committee on Administration and Procedure was: How will that affect the view taken of the committee process, which is currently our consultative process with the community? Why would one want to appear before the committee? People would say, "I do not want to appear before the committee; I want to tell the Assembly as a whole". It would undermine the processes of the committees.

Mr Speaker, it seems to me that this response does not deal with any of these issues. I do not mind how you respond to them, Mr Humphries. If you were serious, you would have given us a decent response. But, of course, what we have here is a response of a government that went to an election with this great idea that it would say, "We will let the community appear before the Assembly, and this will be part of our open government policy". It is the same as saying, "We will make sure that we allow people to criticise the Government", and then kicking them off boards. The Government says, "We will have a lovely open government policy, so we have come up with this great idea". But they never believed in it. They were very pleased, of course, that the Administration and Procedure Committee knocked it back. We can see it by reading this response. They did not attempt to argue about the issues at all. They have just said, "Oh, no; we really wanted to do it, because we really believed in it". What nonsense! You know that it was a silly idea in the first place. At least you can say to your constituents that you attempted to deliver on open government in this aspect. There are a lot of other things on which your promise of open government looks very shallow.

MR BERRY (3.38): Mr Speaker, it is always easy for opportunists to create an impression that something is wrong and then manufacture a false solution. That is exactly what the Liberals did before the last election. They worked very hard to create the impression that this Assembly was not listening to the community, and then all of a sudden they came up with a magic solution, which was to allow people to address this place directly. Mr Speaker, that was a massive publicity stunt, and the wiser people in the community understood that. It was one of those "bright spark" ideas that come out of an election campaign committee. It ought to be dumped immediately, because it does not have any relevance to proper consultation in the community. It just shows how shallow the Liberals' understanding of the community needs is.

It was a typical Gary Humphries proposal - real smart-alec stuff. It did not take into account the processes that were already available and that work for this Assembly. Indeed, they set up a straw man, knowing full well that it was going to get flattened. Then they screamed about it being flattened, with these false cries of pain and suffering that the Liberals are going through because this favourite vote-grabbing promise that they made in the last election has been found to be fraudulent. There is no other way to describe it. It is just fraudulent. Mr Speaker, nobody is fooled by this nonsense. Nobody is fooled by the false cries of the Liberal Party over it being smacked down, because that is exactly what needed to happen. There are plenty of processes within this Assembly. This Assembly, which has only 17 members, provides pretty open access to anybody who wants to see members or who wants to take part in the committee process - more so than most other parliaments in this country; in fact, probably more so than all other parliaments in this country.

The Liberals set out deliberately to create the impression that there was no access to the Assembly or its decision-making processes. It was a phoney claim and a phoney campaign from the outset. It does not do your party proud to be involved in these phoney arrangements and then to come in here and bleat that this magnificent promise - I say that with tongue in cheek - has been flattened by more sensible people in the Assembly. This political, vote-grabbing approach by the Liberals has been exposed for what it is, Mr Speaker. The Liberals ought to just cop it on the chin and not

20 February 1997

mention it again. They have been severely embarrassed by the whole process of creation that they were involved in before the last election and the dumb promise they made, like many of the other promises they made before the election. They were dumb, in the sense that they would be very difficult to implement, but they were specifically designed to be vote-catching. They had nothing to do with providing a better service to the community, as has been proven by their rationalist approach to services in this Territory.

MR HUMPHRIES (Attorney-General) (3.42): Mr Speaker, as I listened to the remarks of Mr Berry - who is leaving the chamber, as he usually does after he speaks - and Mr Moore, a word was lurking in the back of my mind. It floated around in my mind and came back fairly quickly.

Mr Berry: On a point of order, Mr Speaker: Mr Humphries likes to create the impression that things are occurring which are not. I am not leaving the chamber.

MR SPEAKER: There is no point of order. Go on, Mr Humphries.

MR HUMPHRIES: Mr Speaker, there was a word that came powerfully to my attention as I heard the remarks made by Mr Moore and Mr Berry. It was at the back of my mind, and then it came very much to the forefront. That word was "conservative". Mr Moore and Mr Berry are being - - -

Mr Moore: Thank you, Gary. It is very rare that I get it. I think it is very rare that Wayne gets it, too.

MR HUMPHRIES: I know that you are not used to that title, Mr Moore, and Mr Berry is even less used to it than you are. The fact of the matter is, Mr Speaker, that we have in these comments of Mr Moore and Mr Berry the arch conservative reaction: "No; this is change that frightens us. This is change that will somehow compromise the way we do things. It threatens the way we control the channels of communication between the electorate and ourselves". That, Mr Speaker, is the real nub of this issue.

Mr Berry and Mr Moore and their colleagues are able to escape a certain amount of direct interaction with their constituents by a number of devices which protect this chamber. There is a gallery up there and there is an invisible bar across the gallery. Members of the public do not pass over that bar into this part of the chamber. They certainly are not supposed to say anything to members of the Assembly while they are on that side of the bar. But, Mr Speaker, the people on that side of the bar very often have very important things to say, and this community would be better, on occasions, if it heard what they had to say.

Mr Berry: This might have worked in university debates, Gary.

MR HUMPHRIES: I know that you do not want to hear it, Mr Berry. If you do not want to hear it, leave the chamber, as you usually do. Mr Speaker, if we believe that it is our task in this place to improve, all the time, the means of consultation and communication with the electorate, then surely we owe it - - -

Members interjected.

MR HUMPHRIES: Mr Speaker, I cannot get a word in edgeways here.

MR SPEAKER: Order! Mr Humphries has the floor.

MR HUMPHRIES: Thank you, Mr Speaker. If we believe that the electorate deserves better consultation - - -

Members interjected.

MR SPEAKER: Order! The next person who interjects will be warned.

Members interjected.

MR SPEAKER: I warn you, Mr Berry.

MR HUMPHRIES: Mr Speaker, if we have a duty to our electorate to refine and improve the means of consultation and communication with them - the electorate - then we owe it to them to be able to constantly revise and review the traditions and the structures of the Westminster system which we have inherited in this place and which are very old. I, for one, think the committee system is very good - do not let me pretend for one minute that my views are those of opposition to the work of the committee system - but I also know that there are severe limitations in the committee system. They require only the smallest amount of cursory thought and we see what those limitations are.

First of all, at most, only five members of the Assembly sit on each committee. A member of the public with a very important point to make to the broader community cannot make it to all 17 members of the Assembly if they can communicate with only, usually three, but maybe four or five members of a particular committee. Secondly, you can get access to a committee only if a committee has a reference on a matter which is relevant to the matter about which you, the member of the community, want to speak to the committee. What if someone has a concern about a particular issue on which there is no reference before the Assembly at the moment? What do they do? They have no option to pursue it, except to write letters or to attend "Meet the Minister", to meet members of this side of the chamber and this place, or to use some other extraordinary device, as some of them have in the past - to stage a demonstration out here or to come into the gallery and wave placards. That is the device members of the public have to use to get access to the Assembly in that way.

Mr Speaker, I am not frightened of change. I am not frightened of exploring what this new means of direct address by members of the public to the Assembly might mean to the workings of this parliament. I am quite prepared to let the process be properly monitored, and, if it does not work, if it fails to achieve its purposes, I am quite prepared to acknowledge that it has been a mistake and to back away from it. But I think that those in this place who think that they are too smart to need further advice directly from the electorate are doing a grave disservice to our community and should reconsider.

20 February 1997

Mr Speaker, the response by the Government is very adequate. Mr Hird's dissenting report is particularly carefully worded, is adopted fully by the Government and, I think, deserves to be read again by those in this place. If Mr Moore believes that we do not really believe in this policy, then let him just watch and pay attention over the next few months. The motion that is before the chamber will be put to the chamber and we will have a full debate at that point. If it is not passed by the chamber, it will be put to the electorate at the next ACT election.

Question resolved in the affirmative.

ECONOMIC DEVELOPMENT AND TOURISM - STANDING COMMITTEE
Report on a Bird and/or Another Animal Emblem - Government Response

MRS CARNELL (Chief Minister) (3.48): Mr Speaker, for the information of members, I present the Government's response to Report No. 3 of the Standing Committee on Economic Development and Tourism, entitled "Inquiry into a Bird and/or Another Animal Emblem", which was presented to the Assembly on 21 November 1996. I move:

That the Assembly takes note of the paper.

Mr Speaker, I do not wish to spend too much time on the matter of adopting a faunal emblem, so I will confine my statement to some very key points here. The committee undertook extensive investigations and wide consultation. The Government was disappointed with the low level of response to the consultation process; but it is high time that a decision was made so that we can now develop an emblem that we can all be proud of. I agree with the selection criteria put forward by the committee. Against these criteria, we wish to seek the Assembly's agreement to adopt the most popular nomination - the gang-gang cockatoo - as the faunal emblem of the ACT. It is also an appropriate time to give formal endorsement to the royal bluebell as the ACT's floral emblem. These emblems can be used to promote the ACT in a wide range of ways, from representative sporting teams to major marketing activities. They will act as distinctive symbols that will be of particular value in the lead-up to the Olympics. If the Assembly endorses the gang-gang, it will be gazetted, and I will ask the Minister for Arts and Heritage to consider a process to ensure that the emblem presents a stylised representation of the gang-gang. We believe that it is important to be able to have a stylised emblem that can be worn as lapel badges and used in various different situations. Mr Speaker, I commend this report.

MR SPEAKER: I am glad that it is stylised, Chief Minister.

MRS CARNELL: I thought that you would be pleased, Mr Speaker.

Mr Humphries: I prefer the frog myself.

MR SPEAKER: I would not like a live one; let us put it that way.

Question resolved in the affirmative.

PUBLIC ACCOUNTS - STANDING COMMITTEE
Report on Review of Auditor-General's Report No. 3 of 1996 - VMO Contracts -
Government Response

MRS CARNELL (Chief Minister and Minister for Health and Community Care): Mr Speaker, for the information of members, I present the Government's response to Report No. 21 of the Standing Committee on Public Accounts, entitled "Review of Auditor-General's Report No. 3, 1996 - VMO Contracts", which was presented to the Assembly on 20 November 1996.

FINANCIAL MANAGEMENT REPORT
Paper

MRS CARNELL (Chief Minister and Treasurer) (3.50): Mr Speaker, for the information of members and pursuant to section 26 of the Financial Management Act 1996, I present the consolidated financial management report for the period ending 31 December 1996. I move:

That the Assembly takes note of the paper.

Mr Speaker, I seek leave to have my tabling statement incorporated in *Hansard*.

Leave granted.

Document incorporated at Appendix 3.

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

PUBLIC SECTOR MANAGEMENT ACT - CONTRACTS
Papers

MRS CARNELL (Chief Minister) (3.51): Mr Speaker, for the information of members and pursuant to sections 31A and 79 of the Public Sector Management Act 1994, I present copies of contracts made with Vicki Busted (extension on temporary contract), Janet Mould, Alex Nicolson, Edward Rayment (performance agreement) and Len Sorbello (termination). I seek leave to incorporate a short statement in *Hansard*.

Mr Berry: I would rather you made it.

MRS CARNELL: It is the one I always make on these things. If you would like me to make it, I am very happy to. If a member wants me to read it out, I am happy to do so. I was attempting to make time available for the Greens.

20 February 1997

Mr Berry: They will get their time anyway.

MRS CARNELL: It makes it late for them; that is all.

MR SPEAKER: Proceed.

MRS CARNELL: Mr Speaker, the contracts are tabled in accordance with sections 31A and 79 of the Public Sector Management Act, which requires the tabling of all executive contracts. You will recall that I previously tabled contracts on 9 December 1996.

Today I present two contracts, one amended performance agreement and two Schedule D variations. The contracts relate to long-term executive offices and include one from the Canberra Hospital and the other from the Department of Urban Services. The performance agreement is the final version for the general manager of the Canberra Hospital. Previously, in December, when tabling the contract, an interim performance agreement was attached. One Schedule D extends the current temporary contract arrangements for the executive director of the Education, Training and Corporate Services Division. The second Schedule D terminates the temporary contract arrangements for the director of policy in the Attorney-General's Department. This temporary contract was terminated due to the commencement of the successful applicant for the position.

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

**LAND (PLANNING AND ENVIRONMENT) ACT -
VARIATION TO THE TERRITORY PLAN
Papers**

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning): For the information of members, I present Approval of Variation No. 54 to the Territory Plan for the Minor Correction Series - Outdoor Recreational Facility, pursuant to section 29 of the Land (Planning and Environment) Act 1991. In accordance with the provisions of the Act, this variation is tabled with the background papers, a copy of the summaries and reports, and a copy of any direction or report required.

FIFTH CARNELL MINISTRY

MR HUMPHRIES (Attorney-General): Mr Speaker, I present details of the Fifth Carnell Ministry as contained in *Gazette* No. S43, dated 18 February 1997.

LEAVE OF ABSENCE TO MEMBER

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

That leave of absence be given to Mr Stefaniak for today, 20 February 1997.

GOVERNMENT-COMMUNITY CONSULTATION Discussion of Matter of Public Importance

MR SPEAKER: I have received a letter from Ms Tucker proposing that a matter of public importance be submitted to the Assembly for discussion, namely:

The need for the Government to commit itself to community input and involvement in decision-making on issues affecting the community and to urgently restore community confidence in the Government's willingness to respond to concerns raised by community groups by reinstating Jacqui Rees as community representative on the Board of the Interim Kingston Foreshore Development Authority.

MS TUCKER (3.55): I have raised this matter of public importance today because of two recent events: The sacking of Jacqui Rees from the Interim Kingston Foreshore Development Authority and the circulation of a letter signed by a number of community groups expressing a number of concerns about this Government's dealings with the community. It is worth refreshing our memories over the train of events that have led us to this point. In December 1996, the then Minister Mr De Domenico wrote to Ms Rees and said:

... 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.

Just where this letter originated seems to be a matter of controversy. What is clear, however, is that at no stage while Ms Rees was on the Interim Kingston Foreshore Development Authority did the Government produce one word of criticism about her performance there. Ms Rees has also not been given any opportunity to put her case or hear a justification from the Government for the decision.

Mrs Carnell is probably going to repeat her comments about Ms Rees's alleged inappropriate attacks on public servants. There has never been any substantial evidence of the implication that Ms Rees has unfairly criticised public servants and, what is more, this was not mentioned in the original letter to Ms Rees. Mrs Carnell tried to re-create history by claiming this was in the original letter and, although she later apologised,

20 February 1997

the fact remains that there has still been no justification for the decision to remove Ms Rees. I would be very interested to get a guarantee from Mrs Carnell and members of her Government that they themselves have never been guilty of attacking public servants in this place. I would be very glad to receive that assurance from the Chief Minister, and I am asking that she give it to the members of this place in her response.

Ms Rees did not even speak out about the consultative processes of the Interim Kingston Foreshore Development Authority, the authority she was sacked from. She spoke out in criticism of the strategic plan, as did many other members of the community and members of this place. Mr Moore, I remember, did speak very strongly about the strategic plan. Mr Moore, expressing his outrage on this issue, threatened to move a motion of no confidence in the Minister unless Ms Rees was reinstated. In his response to a controversial question from Mr Osborne, he said:

... 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.

It appears that this Government's respect for frank and fearless advice does not stretch to the community sector. The farcical nature of this ditching - and perhaps it is reflective of a lack of a whole-of-government approach - is shown by the letter Mr Moore referred to today in question time that was sent to Ms Rees from a senior executive thanking and complimenting her on her contributions to the Kangaroo Advisory Committee. Obviously, some members of the bureaucracy are very appreciative of Ms Rees's input. Ms Rees has contributed much of her time particularly to planning issues in Canberra over the last few years, and this work is obviously respected and valued in many quarters, albeit irritating to others.

As we know, the Minister responsible for this letter has departed the Assembly, yet the matter remains unresolved. Ms Rees has not been reappointed. In fact, the matter has escalated, with a number of groups signing a letter expressing their anger at the ACT Government over the sacking of Jacqui Rees, the sacking of Bert Tolley from the board of Totalcare, and a number of other concerns about community-Government relations. Mrs Carnell has said she feels this reaction is completely unjustified, and she has said so publicly. The problem for her and for this Government is that you cannot ignore a problem and hope it will go away. Regardless of her opinion of the Government's consultative processes and its decision to sack Jacqui Rees, there are obviously many in the community who believe there are serious problems. If, for whatever reason, people believe there are problems, then this Government has a problem. I might add that people are not upset just because they do not like Government policy; they are upset because they do not feel they are heard.

These problems are by no means intractable. It just requires a change of attitude. That is why many people felt that a backdown by the Government by reappointing Ms Rees would carry symbolic, if not substantive, weight as an indication that this Government can respond to community criticism and demonstrate some humility.

Instead of reacting defensively and trying to undermine the complainants - a rather common tactic, I have to say; it is used in this Assembly a great deal as well - a much better and more acceptable response would be to receive the complaint as information and turn the problem into an opportunity.

I mentioned the issue of community confidence in my motion of want of confidence in the Minister for Health last November. I expressed then my concerns that, rather than open and consultative government, there is a growing concern, or perception, that there are consequences for speaking out against the Government. What you have to understand is that perceptions have legitimacy, perceptions are real. If they are incorrect perceptions, this Government needs to demonstrate that they are incorrect by at least reinstating Ms Rees, to try to reinspire some confidence in their claims that they are willing to listen and be consultative. The point is that the community does perceive that there are consequences for speaking out against this Government at the moment. Others have become fearful to speak out because they perceive a climate of intimidation, and Ms Rees's sacking is seen as evidence of this.

Mr Speaker, I notice that Mrs Carnell, in her response to a question asked by Mr Whitecross earlier this week, dismissed the letter that was circulated from the community groups because it did not include peak groups. That response is also indicative of a lack of understanding or acknowledgment of the value of small grassroots groups. I do not believe that those groups would have signed that letter lightly. I must say that I was very surprised to see it and to see that so many groups had signed such a letter. If so many groups perceive a lack of commitment to community input and perceive intimidation, rightly or wrongly, then the Government does have a problem. A lack of formal complaints is indicative of the whole problem. People fear recrimination for speaking out.

In any case, there are other groups, including peak groups, who believe that there is room for improvement on the part of this Government in the area of community liaison. They may not have signed this particular letter, but I note that ACTCOSS's budget submission includes a recommendation that consideration be given to the ACT Government's current methods of community consultation, liaison and involvement, and that a strategy for ensuring the effectiveness of these measures be adopted. That is very much what these other groups are asking for and what members of this place would like to see happen, and that is a peak group that made that suggestion. Mrs Carnell also scoffed that it was a poor question for the Leader of the Opposition to ask in question time this week and that there were important issues he should be addressing. It is very important for good government that processes include community input. It was a very appropriate question for Mr Whitecross to ask, as it is also appropriate that we raise the issue today in a matter of public importance.

The Government cannot claim now that this is a legal issue. They know very well that, because Mrs Carnell apologised last Friday for suggesting that Ms Rees has implied corruption on the part of government officials, any legal action has been withdrawn by Ms Rees. Even if, as Ms Rees suggested on ABC radio, Mrs Carnell is running this Government as a shop, with a customer involvement unit, I would have thought that if so many customers perceived the products being sold as faulty there would be an urgent response to deal with the problem. But I guess that is taking market principles too far.

20 February 1997

Mr Moore: It is not convenient this time.

MS TUCKER: The amendments made to the Land Act last year, unfortunately supported by Labor, severely limiting rights of appeal over planning decisions, are another indication of a government that is wary of community input.

Mrs Carnell: What do you think Tina's unit is, Michael, apart from a response?

Mr Moore: That is a different thing. We are talking about Jacqui Rees.

Mrs Carnell: She was not talking about Jacqui. She was talking about community consultation.

MS TUCKER: I am actually talking about the Land Act at the minute. I think it is another important example where rights of appeal over planning decisions were limited, and this is another indication of a government that is wary of community input. While the Government has been using the local area planning advisory committees as an example of how good its consultation is - and I think it was a worthy attempt and a good initiative, although it certainly needed development - proposals are now being developed to reduce community representation on LAPACs. There are a number of other examples of planning consultative processes going awry or not existing - for example, the sudden appearance of the futsal stadium next to the lake.

As I have said, reinstating Ms Rees would be symbolic. It would be symbolic of a number of issues that have been bubbling away under the surface with this Government. It would obviously not solve the problems because there does have to be an improvement to the overall process of community consultation. I have heard Tina van Raay talk on the radio about the customer involvement unit, and I guess that is the beginning of improvement of the strategy the Government is using. We often talk in this place about community consultation but we rarely debate what is effective consultation. When you see initiatives such as the customer involvement unit, it is hard to take it seriously when at the same time you see the Government sacking people such as Jacqui Rees because they have criticised the Government. What kind of consultation would be acceptable to this Government is interesting, to say the least, when those sorts of actions have occurred.

It is true that some people feel they are overconsulted, as Mrs Carnell pointed out the other day, and they feel that they are never effectively heard. That is a common flaw. Another common flaw is involving the community too late in the process. The Ainslie redevelopment process was a good example of that, when the Government turned up with an almost complete plan. We all know community consultation is not easy, but there are some fundamental principles of good consultation. I remind members that the Social Policy Committee did produce a discussion paper on this issue and will be producing a report on the topic in the near future. I hope to get more feedback from the Government on that discussion paper.

There are certain basic principles that are always acknowledged in the discussion, though. Consultation must be a two-way process; that means feedback. There must be evaluative mechanisms within the process so that if it is not working people can work that out on the way, not at the end. I made that point to Mr Humphries at the beginning of the LAPACs, and he did provide some evaluative feedback. He accepted feedback from the LAPACs at one point and there were some changes made, which we appreciated, and the people on the LAPACs did as well; but this is unusual. This is the exception rather than the rule in terms of consultation processes that have occurred. Obviously, consultation always requires a flexible approach, an openness to successes and failures. Where public meetings are held, skilled facilitation is necessary. Consultation must be appropriate for the particular target group or groups, and obviously there has to be a genuine commitment to the process and adequate time for consultation to take place.

I think this Government is starting to recognise that its community consultation processes are falling down, and I hope the introduction of the customer involvement unit helps. An important part of restoring confidence is ensuring that there is much more certainty and independence about funding decisions that impact on community groups and that Mrs Carnell and her Government do reinstate Ms Rees to her position, as a symbol of the Government's preparedness to rethink their attitude to the rights of the community to oppose and criticise Government policy.

MRS CARNELL (Chief Minister) (4.09): Mr Temporary Deputy Speaker, this is indeed a matter of public importance, and I thank Ms Tucker for providing the opportunity to set the record straight regarding community consultation and Ms Rees. There are two distinct elements to this debate, and I want to deal with them in reverse order, starting with the matter of Ms Rees and the suggestion that she be reinstated to the board of the Interim Kingston Foreshore Development Authority.

Almost half the work force in this city are employed in the public sector. They are public servants, not public figures. The vast majority carry out their jobs diligently, bound by ethics and conventions of the Public Service. They serve the public. They do not have untrammelled access to the pages of the *Canberra Times* to voice their personal views; nor can they go on radio or television to vent their spleen about whatever might upset them. Whether they be at a junior level or at the most senior executive level, they do not deserve to be unfairly maligned or subjected to vicious personal attacks. That is what this debate is about. It is about whether or not this Government is prepared to stand up to someone who had no regard for fair play, no regard for natural justice, and no regard for the facts; someone who was simply determined to play the spoiler, to throw as much mud as possible, knowing that some of it would stick and that the unfortunate person on the receiving end would be able to do nothing about it.

This Government did do something about it. It made it clear to Ms Rees that being a vociferous critic of politicians is one thing - that is totally acceptable - but repeatedly making unsubstantiated and quite outrageous allegations against public servants could not go unanswered - allegations of corruption, dishonesty, deceit and insider trading, without the presentation of any proof. I want to run through just some of the allegations made by Ms Rees.

Mr Berry: That is not what she was sacked for.

20 February 1997

MRS CARNELL: I have all of the quotes, absolutely.

Mr Berry: Yes, but that is not what she was sacked for.

MRS CARNELL: I am sorry; it was. I want to run through some of the allegations made by Ms Rees that are already on the public record. These are allegations of the most serious nature. In July last she singled out a senior ACT Government planner in an article in the *Canberra Times*, saying:

His proposals reek of the 1880s when there was no distance between government and land sales, with ... rampant corruption in land dealings ...

Not content with personal abuse of individual public servants she disagrees with, she also goes about blackening the reputation of hardworking public servants by quite indiscriminate attacks. Also in the pages of the *Canberra Times*, she alleged that bureaucrats - - -

Mr Moore: You said you would provide some evidence. Where is the evidence?

MRS CARNELL: That is fine. She alleged that bureaucrats are guilty of “massive deceit” in relation to the establishment of new planning and land management practices, and that the Labor Party “supports it all”. There have also been allegations of dishonesty in advice given to the Government and the Assembly and suggestions that public servants use their position and their inside information for personal profit. Ms Rees told an Assembly committee that advice from the Planning Authority was not always honest. She told the Stein inquiry:

There is a perception that public officials can, and do, use their “inside information” on redevelopment plans for personal profit ...

Yet when evidence to back these allegations has been demanded of Ms Rees, none is forthcoming. Indeed, when this Government established the Stein inquiry, she and others were given the opportunity to lay all her evidence on the table. What did she say? I quote again:

... we have been unable in the short time available to provide detailed documentation or proof of wrongdoing.

That is an appalling admission from someone who has spent probably the last decade or so claiming to root out corruption. No proof, Mr Temporary Deputy Speaker; no proof at all. When her allegations were tested, she was found wanting. That admission that she had no proof was made in August 1995. Since then, has there been any retraction or even a slowing down of the outrageous slanders she has made against senior public servants? No. Has there been any attempt from Ms Rees to be fair-minded about the dedication and diligence of ACT public servants? No, there has not. There has simply been a continuation of the same campaign of baseless allegations, printed prominently and without question in the *Canberra Times*.

The Government has not removed Ms Rees, as Mr Moore has already said today, from advisory boards like the Kangaroo Advisory Committee, which is about gaining community input. It is an advisory board. However, the Government, after a great deal of patience, could not continue to accept Ms Rees's presence on the Interim Kingston Foreshore Development Authority board. This is not a community advisory board. It is a commercial board involved in a major redevelopment project. If Mr Moore would like to have a look at the basis of the set-up of the Kingston board, he would know perfectly well that that is true. It is a decision-making board. It is clearly unacceptable for someone who repeatedly and unfairly attacks public servants and the city's planners to continue on a commercial board tasked with a major redevelopment project. In contrast with what Ms Rees claims, the community input into the Kingston foreshore project came not from Ms Rees but from a detailed community consultation process, culminating in a design brief which forms part of the current design competition. The community brief, the competition process, and the composition of the independent jury have not been altered since the departure of Ms Rees from the board.

The message to Ms Rees is simple: You have a democratic right to your views and the right to put them as forcefully as you can, but the Government will not condone these disgraceful attacks by giving you a platform on a commercial board. We gave Ms Rees an opportunity to contribute constructively by placing her on the board in the first place. She chose to abuse this opportunity. Once a person is appointed to a board, they have an obligation to represent the best interests of the board. The best interests of the Kingston Foreshore Development Authority can hardly be served by a board member making outrageous and unsubstantiated attacks on the very public servants who are involved in the redevelopment process. Again, it is fine to make criticisms, but it is not fine if there is no evidence to back them up.

The Labor Party's hypocrisy in this matter must also be exposed. Those opposite would be very well aware that comments have been made by some opposite, such as when Ms Rees was sacked, that it was a very statesmanlike act. Another Labor Party member said to me personally, "The mistake you made was putting her on the board in the first place". Members would also be aware of the war of words between Ms Rees and certain ALP members, conducted last year through the letters page in the *Canberra Times*, in which Ms Rees accused a Labor Party member of leaping into a "cesspool of personal spite and vindictiveness" and of "peddling a smear campaign". This is the person Labor Party members propose now to support being put back on the board. This is an extraordinary situation. For the ALP to pretend that they are unanimous on this issue makes them a laughing-stock, and you can be assured that we will be seeking a division on this motion so that the vote of each member can be counted. If Mr Whitecross supports this motion, he will mark himself as a craven political opportunist of the most despicable sort, a man willing to sell out his colleagues and their principles.

If this Assembly directs - and they will need to direct - the reinstatement of Ms Rees on the Interim Kingston Foreshore Development Authority, it is sending a message to all public servants in Canberra that they are fair game to any publicity seeker with an axe to grind; they are fair game to unsubstantiated attacks, despite the fact that they do not have free access to the pages of the *Canberra Times* or the radio and television stations to answer those attacks.

20 February 1997

The Government would be prepared to take this motion seriously if there had been any sign of good faith from Ms Rees by way of public retraction of some of the more outrageous allegations she made.

Mr Moore: The way you do it. You send an apology and then blast her here.

MRS CARNELL: Mr Moore makes a comment about the apology, which I am happy to debate. What did happen to that apology? The moment I sent it, it ended up on the front page of the *Canberra Times*. I did not put it there.

Mr Berry: Why should it not be on the front page of the *Canberra Times*?

MRS CARNELL: No problems. I am just making a point about who is showing any good faith. We would take this motion seriously if Ms Rees publicly admitted that she had absolutely no proof of any of the supposed corruption, insider trading, deceit or dishonesty that she alleges is practised by public servants. I have seen no evidence that Ms Rees has any such intention. Indeed, on radio yesterday, Ms Rees denied making personal attacks upon public servants, when those attacks are on the public record.

There is another reason why this Assembly should not support the reinstatement of Ms Rees to the Kingston Foreshore Development Authority board. It relates to a possible conflict of interest which has come to the Government's attention only since Ms Rees was removed from the board in December. The Government has been informed that Ms Rees is employed by the AMP - one of Australia's biggest property investors, a significant property owner in Canberra, and a company that I understand has been a leaseholder in Kingston. According to its annual report, the AMP Society is also a major shareholder in some of Australia's biggest property developers, including Lend Lease, Leightons and Westfield, and in some of the nation's largest property trusts. At no stage did Ms Rees ever disclose her employment with the AMP while she was a member of the Interim Kingston Foreshore Development Authority.

The Kingston foreshore redevelopment will be one of Canberra's biggest redevelopment projects and will attract interest from major property developers. Ms Rees did disclose a potential conflict of interest relating to her employment by the Australian Science Festival, which received sponsorship from the Kingston Foreshore Development Authority; but on the potentially more serious and more difficult issue of her employment by the AMP there was no such disclosure. I invite Ms Rees to state whether or not she is employed by the AMP Society and why she did not disclose this information. I find it difficult to believe that someone who has campaigned so vigorously against perceived conflict of interest within the Public Service could have overlooked such a conflict of interest in her own affairs.

I would like to turn now to the other issue in the matter of public importance, the issue of community consultation. This Government is committed to community consultation. As this is a matter of public importance, I realise that I will not get an extension, which does somewhat curtail a capacity to handle two quite big issues. Probably a good way to start is to table 125 pages of fact right now. This is the consultation audit for the last 12 months of this Government - 125 pages of actual records of consultative sessions

undertaken by this Government over the last 12 months. In fact, at the moment the Government has around 200 separate consultation processes going on. In addition, there are about 120 boards and advisory councils which consult regularly on a wide range of different issues. Mr Temporary Deputy Speaker, as you would be aware and as the Greens have already indicated, we also have a new section in the Chief Minister's Department, headed up by Tina van Raay, which will address one of the areas we understand we had a problem in. That was linking the consultation process with the feedback to the community. I fully agree that that was not handled as well as it could have been. The fact is that we have - not because of this motion, not because of the groups involved who came to see me, but before that process - closed that gap with three full-time employees in the Chief Minister's Department.

MR MOORE (4.24): Mr Temporary Deputy Speaker, the premise Mrs Carnell has taken to abuse parliamentary privilege today is that there is no proof in the statements Jacqui Rees has made. Then she goes on and lambasts the woman time after time without providing any proof herself. It is the pot calling the kettle black and it is a misuse of parliamentary privilege in order to do it. She claims that there is some kind of proof by referring to a series of newspaper articles. Those newspaper articles were attached to a letter she wrote to Ms Rees; I do not think it has a date on it. It referred to Mrs Carnell's letter of 29 January to the Conservation Council, and stated:

On the first issue I attach for your perusal some examples of sourced quotes from the written media.

Mrs Carnell has used some of those. Mrs Carnell used some quotes today and said, "Jacqui Rees just picks on public servants, and they have no chance at all to defend themselves, they have no chance at all in the public arena". Nonsense! Each one of these quotes, when Ms Rees has talked about a public servant, has been in response to something the public servant has said in public. I have been right through each one of them. Mr Prattley, you may remember, did a quite large article where he was singing the praises of Barcelona and using it as a model for Canberra. Of course he deserves criticism if he is going to do something as ridiculous as that. He has put his head out; he has made the public statement. Should everybody say, "He is a public servant, so we cannot say anything."? Of course not.

We have to ask ourselves: What is it that has made this Chief Minister so vindictive that when she reads these articles she can see only a certain side of them, she can see only that sense of them? One quote says:

Chief planner Gary Prattley, executive director ... under the new arrangements, said the idea of a statutory body "reeked of the 1960s", Ms Rees said. "His proposals reek of the 1880s ...

She is responding to Gary Prattley saying about her that the idea of a statutory body reeks of the 1960s. She responds, reasonably, that his proposal reeks of the 1880s, when there was a system conducive to corruption. Every royal commission in Australia that has looked into these sorts of areas has always come up with the view that we should take great care not to set up systems that are conducive to corruption. That does not say that these people are corrupt.

20 February 1997

Mrs Carnell in her speech referred to the comments of Ms Rees to the Stein inquiry. What did Justice Stein say? He said, "We will not look backwards; we will only look forward. We do not have the resources. We will not go back and look into those details of corruption". He refused to go back and look at the corruption, but still the Chief Minister attacks in this way. She says, "The spoiler throws as much mud as possible in the hope that it will stick", in relation to the allegation against public servants of corruption, insider trading and so forth. I have been through these quotes again and again, and that is not what you find in them, unless you are reading them in some jaded way for some jaded reason, and one cannot help wondering just what that is.

Another quote says:

Successive local governments have been intent on wrecking Canberra, pandering to a small coterie of vested interests in the development lobby, and looking after their political necks in the short term rather than giving any long-term commitment to the town.

That is Ms Rees responding to a comment on an article by Tony Powell, and this is supposedly an instance of where she is attacking public servants and calling them corrupt. It is just not there. Unfortunately, we have limited time, and I may have to come back to these quotes later, when the motion is moved. They start with this quote by Jacqui Rees in the *Canberra Times* of 10 December 1996:

It's just more of the same. Rebuilding Civic and urban infill is not going to create one permanent new job for a young person. The people have been duped and Canberra deserves better.

I would also question why the public consultation process outlined in the Inception Report and the *Facing our Future* paper has not been followed. It is a developers' charter, geared to undermining the values that people in Canberra treasure.

I have to say that that is mild compared to what I said in this place, and what Mr Whitecross said, about the so-called ACT strategy. That paper was just hopeless. There is more on the strategic plan being under fire. This is supposedly attacking public servants:

Far from being objective, the document is grovelling and self-serving ... a prime example of local politicians -

particularly the Liberal Party, because the plan was rejected by the rest of us -

being manipulative and the local public service having lost the skills necessary to serve the public.

Indeed, it was a hopeless document. As to the skills that were missing, from my perspective, the Planning and Environment Committee told them what was wrong with it two months earlier. Where are the skills necessary to serve the public? That is a mild statement of generalisation, and is entirely appropriate.

There is talk by Ms Rees that Mr Prattley "being struck with worldly vision as he motors in from his Murrumbateman hobby farm to inform Canberrans that they must forgo their space and live in shoeboxes and mouse-houses reveals the humbuggery of Katzism". She goes in for that sort of thing. Of course it was an appropriate attack on Gary Prattley, our Chief Planner, saying, "Let us live like people live in Barcelona". I think that is a very mild response to somebody who has put their neck out publicly and deserves a hit. Similarly, Mr Turner recently, on his retirement, said, "I am going to put my neck out and say what is wrong. We need to have a Brisbane-style local council". I am very reluctant to have goes at specific public servants; the Public Service in general, if I think it is inadequate, I will go for. But, when he is prepared to say that, then of course I will have a go at him, because he has got it wrong, and that is perfectly reasonable.

I am reading from each of these quotes. It is having a go. What has got the Government so supersensitive? Is the development lobby sick of being exposed? Is the relationship between them and the Liberal Government causing a problem? Is that what it is? Let us wait and see what comes out of some revelations, where the money comes through the 250 Club to the Liberal Party.

Mr Humphries: It is going on the public record, Michael.

MR MOORE: It is not going to go on the public record, Mr Humphries. It is going to look like it is going to go on the public record, but as soon as money is delivered in lots of less than \$500 nothing will appear on the public record. You have done that very neatly to make it look like it is going to happen, but you have cut it out, so we will never find out really where the money is and we will all still be suspicious.

Ms Rees refers as well to a reskilling of the ACT Public Service to identify public interest and protect it. Just this morning in my office I had a briefing from an ACT public servant. I must say that it was evident to me - not from this particular very competent public servant - that reskilling of the Public Service has been necessary. The Stein inquiry certainly made it very clear that the ACT Public Service has not been acting in the public interest for a long time. There is no question about it.

Mr Humphries: Does he say that they are corrupt, though?

MR MOORE: Did he say they were corrupt? The Liberals love this. Did Stein say it was corrupt? What Stein actually said was, "We will not look into corruption". That is basically what he said. He said, "We will not look backwards; we will not look back at corruption. What we will do is look forward to telling you how to put in place systems that are not conducive to corruption". He said quite categorically that he was not going to investigate corruption like that.

Mr Speaker, I said I would run out of time on this, but I will come back to it later. The quotes continue. Under the headline “Kate’s half-way report card”, the article says:

Her most vocal critic outside the Parliament, Jacqui Rees, of the Save Our City Coalition, says she has sold-out on crucial planning policy to the property profiteers. Rees commented this week that Carnell was the Liberals answer to Ros Kelly and brought about as much substance to politics.

Why is that in there? You were quite comfortable about people criticising politicians, and I accept that; so what is it doing in amongst these quotes? It was a perfectly reasonable thing to do. The rest of us have said it in one way or another plenty of times. It is a bit of an insult.

I will just make a very quick comment on the AMP. My understanding is that Ms Rees is employed as a consultant to the AMP on privacy issues. It is something that, I must say, ought to have been declared; but to suggest that that gives you a major conflict of interest is a question we need to look at very carefully. We have heard a great deal of the pot calling the kettle black. The Chief Minister stands up here and says, “But Ms Rees has no proof”, and then blasts us with these so-called bits of proof which are nonsense and are not proof themselves. The duplicity is not to be missed.

MR BERRY (4.35): Mr Speaker, this has been the most cowardly example of an attack on a person in the community that this Assembly has ever seen. Mrs Carnell lost the publicity debate outside this Assembly and then has crawled in here and defamed this person over and over again to try to make her point and defend herself against her embarrassment outside.

Mrs Carnell: We did not bring the debate on or ask any of the questions.

MR BERRY: Mrs Carnell interjects, “It is not my debate”. Mrs Carnell was the one who sacked Ms Rees. We know that from Mrs Carnell, by her refusal to deny the fact that her own office drafted the letter sacking Ms Rees. This is Mrs Carnell’s idea, and it is pretty easy to pick it. Her spirited defence of her position in this place, including an unprecedented attack on an individual, demonstrates that this is Mrs Carnell’s idea. Mrs Carnell cannot stand to be criticised by anybody.

Ms Rees was sacked because, among other things, she criticised the National Capital Beyond 2000 report. My understanding is that Ms Rees comments on behalf of the Save Our City group, more often than not; she was certainly not sacked because of her contribution to the Kingston Foreshore Development Authority. As I understand it, there has been no reflection on her performance on the authority. One example where Ms Rees demonstrated that she fully understood the issues of conflict was when she declared her relationship to the Science Festival and did not vote when Kate Carnell demanded that \$40,000 of the Kingston Foreshore Development Authority’s budget be moved from the authority to the Science Festival. She was quite capable of understanding what conflict of interest was about, and she made clear that it did not affect her operation

in relation to the authority. Surely the Government did not expect Ms Rees to go quiet on her activities as a representative of the Save Our City Coalition just because Mrs Carnell appointed her to the board - or was Mrs Carnell trying to buy Ms Rees's silence? It did not work, and I think the Government has now responded with a most vindictive approach in relation to Ms Rees.

There is a history of these sorts of things happening in the ACT. This is not the first. Bert Tolley was dropped from the Totalcare board because of his union's constant criticism of the Government. They were active critics of this Government, and Bert Tolley paid the price. There is no question about that. It was quite pointed.

Mrs Carnell: His term was over.

MR BERRY: She interjects, "His term was over". Mrs Carnell will say the same about the director of mental health, after she made a scapegoat out of him because of some disagreements in mental health. There has been a constant signal to the community from this Government, and in particular from Mrs Carnell: "If you criticise me, you will get a kick in the teeth". That is what has happened in relation to this matter.

Mrs Carnell went to great lengths to defame Ms Rees over attacks on public servants. Mrs Carnell is certainly the one to recognise that, because her history in this place is peppered with attacks on public servants. I mentioned the director of mental health a moment ago. A senior officer, I think it was in Urban Services, suffered Mrs Carnell's attacks on her in this place. So too did the head of Education when something going on in education displeased Mrs Carnell. Mrs Carnell knows no bounds when it comes to getting her own way, and she will continually attack when she is criticised by people out in the community. There is no excuse for this from the leader of a government. It is shameful, and it brings nothing but discredit, not only to Mrs Carnell but also to everybody else in this place. I will not sit back and tolerate those sorts of activities.

Mr Speaker, this is an issue of principle. It is not so much about the individual concerned, although she has been hurt by what has been said about her in a cowardly way in this place. This principle is about treating people fairly. You appoint people to a government board knowing their background and their community activities - in relation to Ms Rees, she is a well-known community activist - and you cannot expect to buy their silence just because you put them on that board. I think that was the clear intent of Mrs Carnell, but Mrs Carnell forgot to write it down. Everybody is supposed to toe the line whenever they are given some patronage by Mrs Carnell. Some people who are activists out in the community believe in what they are doing and cannot be bought off. I understand how Mrs Carnell must feel about that, but her behaviour and response on this matter have been simply outrageous and shameful. It brings shame on this place to attack people out in the community.

I remind people of what I just said about Bert Tolley. Bert Tolley was given the axe, dropped from the board, because of his union's constant criticism of the Government, not because of his contribution to the Totalcare board, which was recognised by the then Minister. What happened after that was that Tolley's replacement appeared to be

20 February 1997

engineered to create the maximum insult to local unionists, particularly the ACT Trades and Labour Council. Why do you think that happened? It was because the Trades and Labour Council have been constant critics of Mrs Carnell as well. Everybody gets a serve if they upset Mrs Carnell. In here, if you question anything that goes on in the health portfolio you get a mouthful of abuse.

This Chief Minister has demonstrated that she is not fit to be Chief Minister by her actions in relation to the people I have mentioned today, and I take that back further than those recent events. I go back to those public servants whom Mrs Carnell attacked when she was the Leader of the Opposition or the Opposition spokesperson on health. Mrs Carnell has a long history of attacking public servants, and she ought not to criticise anybody else for those activities. Mr Moore has made some contributions in relation to the claims by Mrs Carnell in respect of public servants, so I will not take the matter any further.

I think what needs to be reiterated and reinforced is that the Assembly will not tolerate constant attacks and abuses of the privilege of this place to defame people in the community. It is quite unfair and unwarranted. If you do not like community activists, do not appoint them to your boards; but, if you do appoint them to your boards, you have to accept that those people represent other community organisations, who expect them to act on their behalf, and they will continue to do so. That is the issue of principle here. You cannot buy people's silence by sticking them on one of your boards, and you should not take vindictive action against people you appoint who act on behalf of the community organisations they represent. That is the issue of principle, and this Government has shown that it does not understand principle at all. Mrs Carnell in particular has demonstrated that she has no principles in relation to this matter. In fact, she will do anything to attack Ms - - -

Mr Humphries: You really hate Mrs Carnell, don't you, Wayne?

MR BERRY: No, I do not. I do not waste my time with hate. I do not waste my time with hatred, Mr Humphries. I leave that to others.

MR HUMPHRIES (Attorney-General) (4.45): Mr Speaker, there are a number of issues I want to comment on in the 10 minutes available to me. A very real issue here is the extent to which we operate on a basis of having people involved in community-based organisations and the contribution they make to the bodies on which they are represented. The one criterion I hope we will apply to everybody who chooses to sit on a government advisory body or board or authority, whatever it might be, is that they are there to make a contribution, that they have a contribution to make which is in some way valuable, which gives the Government or the particular statutory authority an insight into the way in which a particular sector of the community might think or a particular perspective on the financial operations of an enterprise or the legal problems associated with particular activities, or whatever it might be?

Mr Moore: Environmental?

MR HUMPHRIES: Environmental, indeed; community-based concerns, whatever it might be. But there is inherent in that notion, I believe, that a member of a body of that kind is both able and willing to make a contribution. I would suggest to members of this place that there are both rights and responsibilities attaching to that. The Kingston Foreshore Development Authority is no exception to those principles. People who are on that body are, in a sense, engaged in providing advice to and a dialogue with the Government, as well as actually managing the process of developing the Kingston foreshore. I would ask members not to pose the issue in the terms of, "It matters not how members of those sorts of bodies behave; however they behave is all right. If they are representing a particular category or class of persons or a particular point of view or area of expertise, whatever they do outside that is quite all right. As long as they have that qualification, then whatever they do does not matter. They still deserve a place on the board or body". That does not make any sense.

Members know that there are criteria in legislation for statutory bodies which require the dismissal of people in certain circumstances, and I would suggest that this area we are talking about today is a much greyer area but it still amounts to a question of how far is too far. When does a person get to the point where their contribution is overshadowed by their behaviour on a particular body?

Mr Moore: Behaviour on the body?

MR HUMPHRIES: Their behaviour generally and their capacity to contribute in a dialogue with the Government or other bodies, for example, planning bodies, planning administrators, public servants, and so on. That is the crucial question.

I put to the Assembly the sorts of things that Jacqui Rees has said about a number of people, including members of this place, and ask them whether they think this is a person from whom the Government can constructively receive advice and engage in a dialogue. There are a few quotes. One was from a submission by Ms Rees to the Planning, Development and Infrastructure Committee inquiring into the Land Act:

The administration's -

that was the Planning Authority -

advice to government and the Assembly is not always balanced and honest.

I want to make a point here about what Mr Moore said. Mr Moore took the argument that it is perfectly all right to criticise government bodies; it is fair and appropriate to criticise processes and instrumentalities, even Ministers and individuals, if the circumstances warrant it. He said in as many words, I think, "If I can make these criticisms, and I often do, why should not Jacqui Rees?". There is a difference between the tenor of the sorts of things Mr Moore has said in this place and the things Ms Rees is

20 February 1997

on the record as having said. In that quote I have just given you, Ms Rees is saying that advice by members of the administration to successive governments has not been honest, that is, it has been dishonest; people who are public servants have intentionally lied to the government of the day.

Has Mr Moore ever made that sort of accusation? He has certainly accused public servants of being careless on occasions and questioned the validity of advice. He has never, to my mind, though, accused public servants of being dishonest, and I would hope that without evidence he would not do so. If Mr Moore made that accusation in this place, he would be called upon to produce his evidence of that, but Ms Rees has not done that. A further quote from Ms Rees's submission to the Stein inquiry is:

There is a perception that public officials can, and do, use "inside information" on redevelopment plans for personal profit and that political appointments to statutory boards are not always at sufficient arm's length from vested interests to give the community confidence in the integrity of decision-making.

Mr Berry: This was before she was appointed.

MR HUMPHRIES: Indeed they were, Mr Speaker. The question is: Who in this place has made the accusation that public officials have used inside information for personal profit? Mr Moore certainly has not. Nobody on that side of the chamber has. We never have made that accusation. It would be a very serious allegation indeed. Why is it different if Ms Rees makes the accusation? Why is a defence available to her?

Mr Moore: She says there is a perception of it, Gary. You just read that: There is a perception of it.

MR HUMPHRIES: You cannot make those sorts of claims without going to the nub of what you are suggesting. The suggestion of corruption is there, Mr Moore.

Mr Moore: There is a public perception, of course, and I will say there is a public perception. There has been for years. Why did a certain senior public servant make so much money out of property development while he was in charge of the leasehold system just prior to self-government?

MR HUMPHRIES: I think what we have here, Mr Speaker, goes well beyond that, and Mr Moore knows that it goes well beyond that. It is the sort of thing that demands explanation and justification if it is made. If Mr Moore made these claims, he would justify them, but that is not what Ms Rees has done. From Ten News on 18 November:

It is tragic that the Federal Government is withdrawing from Canberra. But we are not going to attract them back by the kind of skulduggery, the third rate, indeed the tenth rate decision making, the appalling run down administration, by the clowns who are in the Legislative Assembly.

Mr Moore: She is referring specifically to you.

MR HUMPHRIES: I am quite sure Mr Moore would disassociate himself from those comments. On the other side of the coin, I am quite certain that I am included in that description. I am also quite sure that my colleagues on the opposite side of the chamber are included in that description, because we have lots of other quotes on that subject by Ms Rees. Another quote is:

Canberra's politicians and bureaucrats are guilty of "massive deceit" ...

There is no perception business here, Mr Moore; there is nothing about perception. It reads:

Canberra's politicians and bureaucrats are guilty of "massive deceit" in trying to defend their actions over the establishment of new planning and land management processes, the convenor of the Save Our City coalition of community groups, Jacqui Rees, says.

His (Gary Prattley's) proposals reek of the 1880s when there was no distance between government and land sales, with the result that rampant corruption in land dealings fuelled the crisis which led to the 1890s financial crash ...

I have to say to you that I think many of the things in here are unfair and unbalanced and ought not to have been said, or at least ought to have been justified if they had been said, and they were not.

Mr Moore referred to the Stein inquiry, and I am glad he did. He pointed out that many accusations were made before the Stein inquiry and that these accusations were carefully canvassed in the report. He pointed out, accurately, that the inquiry did not make findings on many of the accusations made before it. That is very true. In fact, as far as I can determine, almost all of the accusations about specific acts of misconduct, corruption and wrongdoing levelled to some extent against this Government, but particularly against the former Government, were not commented upon in any authoritative, confirmatory sense.

Mr Moore: Because they decided not to investigate them.

MR HUMPHRIES: But, Mr Moore, that is not what Ms Rees said on radio only yesterday morning. Did you hear those comments? Ms Rees said that every claim made before the Stein inquiry was vindicated by the Stein inquiry.

Mr Moore: It was.

MR HUMPHRIES: No, it was not. I am glad you said that. I quote:

Submissions to the Inquiry made wide-ranging claims of possible maladministration or impropriety.

20 February 1997

Mr Moore: What page are you on, Gary?

MR HUMPHRIES: Page 12. It continues:

The Board has obviously been constrained by its tight timetable -
et cetera, et cetera -

However, we did not see it as -

Mr Moore: No; your “et cetera, et cetera”, is important.

MR HUMPHRIES: All right; it reads:

... by its tight timetable and limited resources to properly investigate these claims. However, we did not see it as appropriate, bearing in mind the terms of reference and given the procedures ... to make findings of misconduct, impropriety or unlawful activity.

MR SPEAKER: Order! The time for the discussion has expired.

GOVERNMENT-COMMUNITY CONSULTATION Motion

MS TUCKER (4.56): Mr Speaker, I ask for leave to move a motion relating to the Government's consultation with the community.

Leave granted.

MS TUCKER: I move:

That this Assembly:

- (1) expresses its concern regarding perceptions amongst a wide range of community groups about the lack of Government commitment to community input and involvement in decision-making on issues affecting them and of perceived intimidation of groups and individuals who criticise Government policies and processes; and
- (2) calls on the Government to urgently restore community confidence in the Government's willingness to listen and respond to concerns raised by community groups by reinstating Jacqui Rees as community representative on the Board of the Interim Kingston Foreshore Development Authority, as a symbol of the Government's commitment to improved community/government relations.

It is important that this motion be moved and that members of this place have an opportunity to make quite clear their feelings on this topic. The debate obviously is not finished and other members, I believe, want to speak as well. I am pretty amazed by the level of the debate that has occurred so far on the matter of public importance. I cannot believe that such an attack could occur on a community person under the privilege of this place. There is the question, for example, of Ms Rees being employed by the AMP. The length of time that was devoted to that aspect and the outrage expressed by Mrs Carnell on this involvement by Ms Rees with the AMP was really quite scandalous.

Mrs Carnell: No; lack of disclosure. She can work for whoever she wants.

MS TUCKER: Maybe Ms Rees did overlook making that clear, but it is quite understandable why. I think it would have been very good if you had mentioned that she was dealing with Federal privacy legislation for the AMP. She could see no connection with that. If that was an oversight, well, it was an oversight; but there was no reason to make that kind of vindictive attack on her. Maybe you were not aware of the work she was doing with the AMP and that is why you made the mistake of doing that. I hope that you will retract that particular aspect of the criticism.

I have also noticed that in this debate there has been a huge distinction made about the fact that the interim authority is a commercial board, a decision-making board, and therefore it is not appropriate that someone as vocal as Ms Rees should be on it. It is very hard to understand why you ever put Ms Rees on that board, because she is obviously vocal. She is obviously very passionate. She does speak strongly on issues. The outrage that you are displaying today is quite out of place in comparison with the normal behaviour in this place. I am very surprised that you could think you could even get away with it, to be honest.

It seems that people in the community are not allowed to feel angry and speak strongly on issues such as Ms Rees has spoken on. We have seen continual use of these newspaper clippings taken out of context. As Mr Moore has already gone through them, I will not bother. It is clear that there is very little substance in any of it. Even if there were, even if a community representative did dare to say something a little bit out of what you consider to be appropriate protocol, you do not sack someone for that. You might suggest that it is not appropriate, but they still have a right to make their own decisions about that. No wonder there is a perception out there that this Government is extremely autocratic in its way of operating. I will not continue to speak on this, because I think other members want an opportunity to speak. I have already said what I think, but I will close the debate later.

MR MOORE (4.59): I am glad to have this opportunity to continue dealing with some of the issues. Mr Speaker, it is a great shame that this Government has decided to present supposed evidence to this Assembly and then argue that the evidence is a good reason to blacken somebody's character by using their own words and then just slightly twisting them. What we have seen from this Government for quite some time is this ability - - -

Debate interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

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

Question resolved in the negative.

GOVERNMENT-COMMUNITY CONSULTATION

Motion

Debate resumed.

MR MOORE: Mr Speaker, the Government likes to take things and slightly misrepresent them. Supposedly, a submission by Jacqui Rees to the Stein inquiry shows that public officials can and do use inside information on redevelopment plans for personal profit, and a big deal was made of that. What she actually wrote - to be fair to Mr Humphries, the reason I picked it up was that he read it all - was that there is a perception that public officials can and do use inside information.

Why would you say to an inquiry on the leasehold system that there is such a public perception? That was the reason why I wanted the inquiry in the first place. I was pushing very hard to establish the inquiry because I knew there was a perception of that. I wanted the inquiry to deal with that perception of inside information about redevelopment plans and so forth. It was something the inquiry had to deal with. It was something they had to wrestle with because there was a public perception that that was the case. Indeed, the inquiry's way of dealing with that public perception was to say, "Yes, we need to have a new set of systems in place to make sure that the systems are not conducive to corruption and get rid of that public perception". That is what it was about. That is why, by the way, I still argue that the Stein report should have been implemented in the form that the inquiry suggested, not in the changed form in which the Government actually implemented it, which led to some other statements by Ms Rees that have been quoted here.

I also noticed the supposed attack on the chief executive of the Department of Urban Services, John Turner. These are the words of Ms Rees:

The chief executive of the Department of Urban Services, John Turner, believes the best planning framework is now in place - it certainly is the best framework for politicians and their cronies. Departmental structures look to short-term solutions, usually to save ministerial necks or help the Government out with its next Budget.

I quote that one because that is a response taking into account the Government's rejection of Stein, who was trying to deal in turn with this public perception of the leasehold system being used for personal profit. Indeed, Mr Speaker, it was a perfectly rational and perfectly reasonable thing to say. To suggest that therefore somebody in the community has been acting in a terrible way, criticising public servants, is just simply not sustained through the evidence that has been presented either by Mr Humphries or by the Chief Minister. He quoted from Ten Capital News on 18 November 1996, supposedly to add to this as well. This was just a little bit before the actions of Tony De Domenico. This is the quote:

It is tragic that the Federal Government is withdrawing from Canberra. But we are not going to attract them back by the kind of skulduggery, the third rate, indeed the tenth rate decision making, the appalling run down administration, by the clowns who are in the Legislative Assembly.

Yes, I understand that this might be a little embarrassing and so forth, but the reality is that it is a political comment and we all make political comments of - - -

Mr Humphries: On us, that is fine.

MR MOORE: And that is on you. That is what it says. It contains the word "administration". It says "the appalling run down administration".

Mrs Carnell: It is run down administration.

Mr Humphries: No, it is about administration as well - run down administration. It is about public servants, too, Michael.

MR MOORE: Now, suddenly, we cannot say, "The appalling run down administration that this Government has run down". We heard criticism after criticism in here when the Public Sector Management Bill went through, and I have to take a bit of that criticism, too. I have heard Labor saying again and again, "This is an appalling situation. We are running down the Public Service". When they make that criticism I have to wear it, too, because I supported the legislation. In that sense it would appear that I do have to take a little bit of the clowning. Well, I have fairly broad shoulders. This is not - - -

Mr Humphries: So have we. We are quite prepared to wear that.

MR MOORE: We keep getting this interjection, "But there are the public servants. But it is the public servants. She is saying something about the public servants". Every piece of evidence you have about the public servants here is in response to something the public servants have said publicly themselves.

Mr Humphries has said to me, "Mr Moore, you would not attack the public servants on this", and generally that is true. But he may remember that when he was the Minister for Education there was a very senior public servant at that time who very publicly made a whole run of comments about school closures and so forth, as the head of that

I simply have not seen. But there is no doubt about it; it is unacceptable mistreatment of a volunteer representative who gave up a great deal of her time for the public good. That is what it is about. It is an unacceptable attempt to suppress public debate, which contradicts the Liberals' supposed open government system.

Mrs Carnell: Nobody is suppressing any debate.

MR MOORE: It is.

Mrs Carnell: It has created debate.

Mr Humphries: Have we suppressed debate, Michael?

MR MOORE: Yes, we have created debate, but it was not you who created debate. It was Mr De Domenico. I just point out that there still has not been any farewell speech about Mr De Domenico. The Government has let him go as well. He has been given the flick and the kick, and he has gone. There have been no nice comments. Be warned, Mr Kaine. There were no nice comments for Mr De Domenico when he left. They were glad to see him go. He caused just a bit too much trouble. Oh, Mr De Domenico caused too much trouble. Another person causing too much trouble for the Government had to go. I must say that it would appear that Mr De Domenico actually resigned, but we still have not heard the nice words, and one is wondering whether it will ever happen. You have only a short time.

Mr Osborne: There is the adjournment debate this afternoon.

MR MOORE: Mr Osborne, of course, will raise it in the adjournment debate, and I may well say some nice things about my colleague Mr De Domenico even though we did have some quite significant political differences. I will have to think hard.

What we see here - on a number of occasions I have warned this Government about this - is a sign of increasing arrogance. Indeed, Mr Kaine, before he was elevated to the ministry, also warned the Government that this was a problem. I think Mr Kaine said something about having to take more notice of the community. I am sure that with him in the Cabinet - far be it from me to try to put a wedge into the Cabinet - we will be seeing a great deal more thought given to how to avoid being a particularly arrogant government.

With this increasing arrogance there is a fear of failure. When people are being critical, instead of just saying, "Okay, what is this criticism about? How are we going to handle it?", they are saying, "No, we are going to attack the person". Indeed, that is the result that we have here - a derisive dismissal. I think this is demonstrated nowhere more clearly than in the letter referred to in the article in, I think, Saturday's *Canberra Times* - many of you have read it - where Mrs Carnell, on the one hand, apologises because there is a legal letter that says an apology would be acceptable; but then she came into this chamber on Tuesday and launched into an incredible personal attack in response to a question. That is what got the debate restarted. In response to a question you reiterated all those things that, effectively, you had apologised for. This I find quite - - -

20 February 1997

Mrs Carnell: I did not apologise. Michael, you were sitting in my office. I explained what that was about. You are misleading. You were sitting in my office and I explained exactly what had happened.

MR MOORE: This is a very interesting debate today, Mr Speaker. Mrs Carnell said, “You sat in my office and I explained what that was about”. Yes, that was about what the letter was about. I know what it was about. I knew what it was about before Mrs Carnell explained it. It was about a legal situation.

Mrs Carnell: Yes.

MR MOORE: That was how it was dealt with.

Mrs Carnell: I explained to you exactly what I was apologising for, didn't I?

MR MOORE: Indeed. Mr Speaker, there is one thing that is very interesting about this debate. It is a very unusual debate anyway, in terms of being about an individual like this in our community. On a number of occasions members are talking about what happened in private conversations. One of the reasons why this Assembly works in a council style, Mr Speaker, and one of the reasons why we get along and get our job done and manage to negotiate, is that we have private conversations.

Mrs Carnell: Yes, but you have to. You cannot then - - -

MR MOORE: I must say that a number of them that I have had would be very useful for me to use in the chamber today.

Mrs Carnell: I agree.

MR MOORE: Indeed. I have no intention of using them. I was horrified earlier today to hear some of those private conversations used in debate. I think that parliamentary privilege has been abused, here in this way, and it started on Tuesday. I think there has been a misuse of parliamentary privilege. I happen to think that parliamentary privilege is a very important right that a member earns when he or she comes into this Assembly, and we all use it particularly carefully. I have used parliamentary privilege. I misused it on one occasion, for which I apologised, back in the First Assembly. Mr Speaker, I think that to make an apology and then come in here and launch this kind of attack is an abuse of the system. It leads us, really, to question the ethical position associated with this. I still do not understand what it is that has made this Government, starting with Mr De Domenico, so vindictive about this particular person, other than that they are feeling particularly vulnerable when somebody criticises them.

Mr Speaker, my original intention in coming into this debate was to say that this debate is not about Jacqui Rees individually. This debate, as Ms Tucker put it, is about community and a community member feeling comfortable about serving the Government. Unfortunately, because of the way the debate is run, in some ways we have no choice but to deal with the particular individual who, as has been pointed out, is a consultant to the AMP on Federal privacy law. That is what the consultancy is about. We have talked a great deal about an individual, but what has happened is that a whole range of

community groups have suddenly had the wind put up them. The message is very clear: Yes, you can contribute to this Government, but what you cannot do is get outside of them and criticise them, particularly if your criticism hits home. Had the Government members come in here and presented real evidence to us, instead of this make-believe evidence that is not sustainable, there might have been a sustainable argument. There was not. (*Extension of time granted*) Thank you, members. I will be short.

The critical part here is that this is about the message that is sent to community groups. Community groups have now been told, "Once you are on a Government body, if you do not want the ignominy of being given the flick, toe the Government's line. Yes, you can be a little bit critical; that is okay, provided you do not overdo it, and we are the ones who judge when you have done it".

Mr Humphries: On public servants particularly.

MR MOORE: Mr Humphries once again interjects, "Public servants particularly". The only public servants who have been hit are those who put their necks out, and what are we supposed to do? If somebody is a public servant and they make public statements, we are not supposed to respond?

Mr Humphries: If they put their necks out they are in trouble, are they?

MR MOORE: If a public servant puts their neck out and makes public statements, then of course I will continue to criticise them.

Mrs Carnell: You can say they are crooks?

Mr Humphries: Then you can say they are crooks, can you? I see; that is the way the rule works.

MR MOORE: Once again you interject, "Then you can say they are crooks", but you have not provided the evidence of where that is the case. You supposedly thought that this was evidence - her written submission to the board of inquiry, where she said:

There is a perception that public officials can, and do, use 'inside information' ...

Is that saying that public servants are crooks? No, it is not. It is saying that there is a public perception, and that is true. It is absolutely true. There is a public perception like that. It is a public perception that the Stein inquiry also had to deal with, and did deal with. You just have not been successful. You have picked up the idea in your mind in some way that there is this constant accusation of crookedness, and it is not the case.

If you have been saying that there is a constant accusation of incompetence, I think we are getting closer. I think even that is drawing a bit of a longbow. As for incompetence in the administration, for example, she criticised the decision to appoint the chief executive of the Chief Minister's Department, John Walker, as a joint head of a review which led to the so-called strategic plan. It was reasonable to be critical. She was reported as having said this:

Whatever his other credentials, he knows precious little about planning.

I think it was a pretty reasonable comment. Probably she was thinking that he knows precious little about planning in Canberra. I think that would have been a more accurate statement; but we all know how, when there is a journalist asking these questions, we run them like that. I cannot understand, Mr Speaker, what it is about this Government that has made them so sensitive to these comments. They have read them in a particular way. They are looking for the nasty side in everything they read. That is how they are being read. Yet, when an ordinary person reads them it is just not there.

It is not a case of Ms Rees being critical just of this Government. When Mr Wood was Minister for the Environment, Land and Planning he came in for a lot of serves too. This is not something that is directed at this Government in particular. It was critical of government and government processes in general. I said to Mr Wood on many occasions, "You have to change the way the Planning Authority does things and the way the Planning Authority operates". Indeed, it has occurred now, after the Stein inquiry; but I must say that Mr Wood had already put some things into place to begin those changes.

Mr Speaker, community groups, through this action of the Government, have been sent a very clear message. We have a responsibility, as members of this Assembly, to say to community groups, "It is all right. The Government might lose it, the former Deputy Chief Minister might lose it, the Chief Minister might lose it; but this Assembly is still the prime body in this Territory". If we believe that the community is being dealt with very badly and we have the power to take some action, we should take that action. We do have the power, thanks to the motion put up by Ms Tucker. We should use our power to take that action and send the right message back to members of the community.

MR WOOD (5.20): Mr Speaker, the arguments in this debate have focused on claims of intimidation or bullying. Let us talk about that. The Chief Minister may be guilty as charged, but she is not alone. In fact, compared with some, she is an amateur. While I support the motion, there is a strong element of hypocrisy in it. Consider the intimidation of some members of this Assembly, the vitriolic abuse of anyone here or beyond the chamber who dares to disagree with some in the community, including a person aggrieved in this case. If we are to speak against intimidation, let us be consistent and do so in all circumstances. Do not let the pot call the kettle black.

It is the case that as a member of the Assembly I expect and tolerate trenchant, even unjustified, criticism. As is often shown, the rules are different for politicians. They are much more harsh, and that is especially the case for Ministers and governments. We are expected to be better than others who do not have our responsibility. We do have to work to a higher standard and to a higher tolerance, and that is where the Government and the Chief Minister have erred.

In two cases of concern to the Opposition the Government has not acted in accordance with those requirements, and this motion is justified. Mr Bert Tolley is a dedicated union official who works hard in the interests of his members. He was, until recently, also a dedicated member of the board of Totalcare who worked hard in the interests of

the company and for the ACT community. He worked effectively, for Totalcare has doubled its operations. There seems little doubt that Mr Tolley was sacked from the board because of his union activity.

Mrs Carnell: He was not sacked.

MR WOOD: No; well, he was not reappointed, no matter that he was a good, loyal and effective member of the Totalcare board.

Mrs Carnell: He is now on a consultative committee, and a paid member of it, for Totalcare.

MR WOOD: Thank you for that. Somewhat similar circumstances prevailed in the dismissal of Jacqui Rees. There is much that she has done and much that she can contribute to the consultative process. The Chief Minister has detailed her reasons for that dismissal: That Jacqui Rees has persistently made allegations about the probity of ACT bureaucrats. But those allegations have been made for a long time, certainly before her appointment to the Interim Kingston Foreshore Development Authority. If it was appropriate to make that appointment in the first place, it was as appropriate to maintain it. Nothing had changed. In these two instances, as in others, the Government has acted inappropriately. Hence this debate.

MR HUMPHRIES (Attorney-General) (5.23): Mr Speaker, I do not want to say a great deal more beyond what I have said in the matter of public importance debate; but I want to make one point, and that is that the Government, as is clear from the comments made already by Ministers here, stands by the decision that was made by Mr De Domenico in respect of Ms Rees. It is clear from the evidence tabled by the Chief Minister that we have a very extensive process of community consultation at work in this community. It may not be the view of members of the crossbenches, at least, that that is the case; but the fact is that there is an extensive process of community consultation at work there. It is a very effective process. I believe that it is certainly more extensive and effective than any previously engineered process of consultation within the ACT. Indeed, I understand that the groups that spoke to the Chief Minister a few days ago, who were used as the springboard for some attack on the Government recently, admitted that the depth and extent of consultation was greater than it has been before.

Obviously, the decision to remove Ms Rees from the Interim Kingston Foreshore Development Authority has struck a nerve and rankled with members of the crossbenches and the Opposition. I want to make one thing entirely clear at this point in time. This motion calls on the Government to urgently restore community confidence, blah, blah, and to reinstate Ms Rees. The Government will not be doing that on the basis of a call to do so. The Government stands by the decision it took in respect of that matter. I would urge those who are scribbling amendments to the motion, if they believe that the Government should be forced to do this, to draft an amendment now to require the Government to do those things, if they wish to do that, because we do not intend to take a mere call on the Government as a basis for changing our response. If the Assembly is going to impose its view on the Government it is going to have to be seen to do so, and the precedent which will be set will be one which, from time to time, I think, will come back to haunt at least the alternative government which sits over there.

20 February 1997

Mr Speaker, I agree with some of the things that Mr Wood had to say, but I do not intend to labour them. I expected, in one way, nothing less; so I have a long list of things that Ms Rees has had to say about Mr Wood. I would have been very surprised if Mr Wood had not made reference to the sort of behaviour that was attributable, on those occasions, to Ms Rees. I have to say that the comments, which I will not read onto the record - I think others would have seen them at other stages - that Ms Rees made about Mr Wood went far beyond what ought to be reasonable public debate on those matters. I think that they were intemperate and that they were quite unnecessarily smearing of Mr Wood's character.

Mr Berry: But you did not come out and defend him.

MR HUMPHRIES: I was not planning spokesman, Mr Berry, and, in politics, one tends to take comfort from one's enemies being attacked. I think those comments were unfair and I am glad to see - - -

Ms McRae: You did not say so then, did you?

MR HUMPHRIES: What opportunity do you think I should have had to say that, Ms McRae? What opportunity do you think we should have had?

Ms McRae: You did not say that before you appointed her.

MR HUMPHRIES: I was not planning spokesman at that stage. It was not my role to say anything about that. Mr Speaker, I am also surprised that there should be this view by the Opposition, particularly, that there is now somebody to defend Ms Rees in their circumstances. The comments that she has made over the last few years, which I maintain were comments suggesting corruption, maladministration and other inappropriate and improper things, were probably more comprehensively made about the previous Labor Government than about this Government. Those comments, I believe, went much too far and were unfair.

I would say to those opposite that the claims, particularly of Ms Rees on the radio yesterday, that the Stein inquiry had vindicated all of the claims that were made by the detractors of the planning system before the Stein inquiry, are simply not true. I would like to complete the quotes I was trying to read onto the record previously, before my time expired. The board of inquiry said this:

... we did not see it as appropriate, bearing in mind the terms of reference and given the procedures adopted to expeditiously complete the Inquiry, to make findings of misconduct, impropriety or unlawful activity. In any event, the Board does not believe that such investigations into the numerous claims would necessarily profit us in addressing the problems of the leasehold system.

This is not a case of saying, "The board has not had time to look". The board said on page 192 of its report:

The Board has found no evidence of patronage or improper advantage. Some may have benefited but this arises more from a finely developed sense of the way in which the system works. In a society the size of the ACT, it is necessary to ensure that the system is open and that information is readily obtainable in order to minimise any potential risk. To do otherwise will likely be corrosive of trust in the community and in Government.

Again on page 192 they said this:

The Board emphasises that it has no evidence that any politician or public official has acted in a position of conflict of interest or has ever put interest arising from personal or other relationships above that of the community. The Board accepts Mr Townsend's assurances that he has never acted in bad faith, incompetently, corruptly or favoured private interests over public interests.

The claim that was made, that the Stein inquiry vindicated all the critics who alleged all those things, simply is not true. On page 189 the board said this:

The Board found no evidence to suggest that any individual public official had acted in any way which breached the relevant law or administrative guidelines in relation to any individual decision or dealing.

All those things are in the Stein inquiry report. All those things that were said by Ms Rees yesterday about that are untrue.

Mr Speaker, I want to come back briefly to this question of the connection between the AMP Society and Ms Rees. I do not believe that there is any evidence or assertion at all that Ms Rees has acted improperly or acted improperly before her term on the Interim Kingston Foreshore Development Authority expired in respect of her relationship with the AMP. I make that very clear. I, for one, will clear up any sort of further ripples that my comments would make. I do not suggest that. I have no evidence of it. In fact, I believe it would not be true.

But, Mr Speaker, I do think that the issue here is not what actually occurred in the way of a conflict of interest. What is important is the perception. That is the issue, as Mr Moore pointed out, that Ms Rees raised herself - "There is a perception that public officials can, and do, use 'inside information' ... for personal profit". There is the perception issue, and the perception issue here is that a person with a financial interest in a major property holder, who did not disclose her employment or her contractual relationship with the AMP, clearly has a potential conflict of interest. That is the potential; that is the perception.

20 February 1997

Mr Berry: She said these things to the Stein inquiry before she was appointed and you still appointed her.

MR HUMPHRIES: No, she did not say anything at all about the AMP, Mr Berry. This is the point.

Mr Berry: No, no; the Stein inquiry. It was all said before - - -

MR HUMPHRIES: I am not talking about that. I am talking about the AMP.

Mr Berry: You do not want to talk about that. You got caught.

MR HUMPHRIES: No, I have moved on to something else, Mr Berry. If you were distracted, that is your problem. Mr Speaker, the AMP has major interests in a number of national companies which almost certainly might have a direct interest in this enterprise: In the Lend Lease Corporation there is a \$140m holding by the AMP; in Coles-Myer, a \$140m holding by the AMP; in Woolworths Ltd, \$100m. Those connections are significant. I think, with the greatest respect, it is relevant and it is significant for members of a body like the Interim Kingston Foreshore Development Authority to declare such interests if they have them.

Mr Berry: But she did declare her interest when Kate forced them to put the \$40,000 over to the Science Festival.

MR HUMPHRIES: No, that is not true; they were never declared, Mr Berry.

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

MR MOORE (5.33): Mr Speaker, I seek leave to move the amendment circulated in my name.

Leave granted.

MR MOORE: Thank you, members. I move:

Paragraph (2), omit "calls on", substitute "requires".

Paragraph (2) of the motion would now read:

requires the Government to urgently restore community confidence in the Government's willingness to listen and respond to concerns raised by community groups by reinstating Jacqui Rees as community representative on the Board of the Interim Kingston Foreshore Development Authority, as a symbol of the Government's commitment to improved community/government relations.

Mr Speaker, I think it is a sad day when we are forced to do this to the Government, having heard the debate today and having listened to such an inadequate response from the Government. They failed to provide any proof of what they were saying about the real reason - this is how the Chief Minister started this whole debate - why Ms Rees had to go. It was because she was giving public servants such a hard time when they were completely defenceless. All the evidence here shows very clearly that the attacks on the public servants were in response to very public statements made by public servants. That is the first thing.

The second thing is the perceptions that came from the Stein inquiry. First of all, they came about before Ms Rees was appointed, and that really puts them in an entirely different light. Secondly, they were about public perceptions. So the Government has failed to sustain anything. For some reason, the Government has become particularly vindictive about this, and one cannot help wondering just what the raw nerve is.

MR KAINE (Minister for Urban Services) (5.35): Mr Speaker, I have not participated in this debate about the propriety or otherwise of the Government dispensing with the services of Jacqui Rees and I do not intend to do so now. In fact, I find the whole debate quite distasteful, and I am sure Ms Rees does too. I speak only to the amendment that Mr Moore has now put forward, and I want to sound a note of caution.

Government in the ACT is a quite precarious thing. Members of the Opposition are just as likely to be in government again in the future as we are in government today, and when this chamber goes beyond what is reasonable in directing the government I think we need to be a bit worried about the future of this institution. There are matters of core policy and matters of core concern to the community which are the prerogative of the legislature. There are other things that are administrative in nature. I think that when this place pretends to direct the Government, the Executive which it has created, in terms of how the Government administers this Territory, it is getting outside the bounds.

I think that the people in this place need to go and take a basic lesson in legislative practices in the British Commonwealth, because we pretend to have a system that is based on the Westminster system, and every day we abrogate that. I think this is a case in point. What the Government did in this matter, right or wrong, is a matter of administration. It is not a matter for the legislature. It is not a matter of core concern to the way this Government conducts its business. In my view, it is not a matter on which this place ought properly to direct the Government one way or the other.

I think the motion as originally phrased by Ms Tucker was correct. It is legitimate for a member of this place to call upon the Government to do something and attempt to persuade it to do what is being asked. It is a totally different thing for a member to require something, which in fact directs the Government to do something of an administrative nature. So, Mr Speaker, I oppose Mr Moore's amendment. I think any person in this place who has any regard whatsoever for the proper processes of a legislature such as this can do no more and no less than oppose it, as I do. I think that if this place votes otherwise it is a reflection on the sense of understanding that the members of this place have about what it is proper to direct the Government on and what it is not. I oppose the amendment totally.

20 February 1997

MS REILLY (5.38): I am glad that we are having this debate today. What a pity it is that there is not agreement across the board on this matter, because I think it is important. This debate is long overdue. I think it is good that we are bringing out into the open, through discussion in the Legislative Assembly, the fear and intimidation within the community organisations in this Territory. What we are talking about today is not a new matter. For about two years now I have been hearing stories about fear and intimidation and about community groups being frightened for their funding and about what is going to happen in the future. I have had direct experience of this when an organisation of which I was on the board had its funding threatened by a Minister of this Government. Other organisations that might have supported ACTCOSS were also informed that they should be careful about what they say.

Mr Humphries: Mr Speaker, I rise on a point of order. A very serious allegation has been made by Ms Reilly - that a Minister in the Government has threatened the funding of a particular organisation. That would be a fairly serious matter. Since there are only four or five of us who might be subject to such an accusation, I think it behoves her to detail that case. It is a matter of some importance, and I would hope she would mention who it was and table the evidence of it.

Mr Berry: There is no point of order, Mr Speaker. That is an abuse of the standing orders.

Mr Humphries: No; it is an allegation. Mr Speaker, it is unparliamentary to accuse a member of behaving improperly. To accuse a member of the ministry, effectively, of behaving in what would be, I think, a quite improper way - we would all agree with that - is unparliamentary. Therefore, it ought to be withdrawn or some substantiation of it ought to be offered.

Mr Berry: Absolute rubbish! Under what standing order?

Mr Humphries: No; I want to know who it was. Tell us about it.

Mr Berry: No; that is not a point of order, Mr Speaker.

MR SPEAKER: Order! Standing order 55 states:

All imputations of improper motives and all personal reflections on Members shall be considered highly disorderly.

If the point of order is taken under standing order 55, then obviously the suggestion is highly disorderly. There is no point of order about the allegation that there is some sort of - what was the word you used, Mr Humphries?

Mr Humphries: Mr Speaker, I said that to suggest that a member of the ministry has threatened a community organisation with a cut in funding is a suggestion of improper motives. It is absolutely an improper motive.

MR SPEAKER: Under standing order 55, I would have to uphold that point of order.

Mr Berry: Mr Speaker, that is outrageous. The Government is accused of threatening - - -

Mr Humphries: No; a Minister is accused.

MR SPEAKER: A member, Mr Berry.

Mr Berry: Which one was accused?

Mr Humphries: A Minister.

Mr Berry: Which one?

Mr Humphries: Mr Speaker, to answer Mr Berry's question, you have ruled in the past, as has Ms McRae as Speaker, that a collective attack on a small number of people can count as an individual attack on those members.

MR SPEAKER: That is correct. I have to uphold that point. The fact is that, if you make an allegation of that nature, without naming the Minister, you damn all Ministers.

Mr Berry: Fair enough.

Mr Humphries: Then withdraw it or prove it.

Mr Berry: No, she does not have to prove it.

MR SPEAKER: Under those circumstances, that is grossly unfair to at least three other Ministers.

Mr Berry: Get up and deny it in the debate.

Mr Humphries: No; that is not the way it works.

Mr Berry: It is not a personal reflection.

Mr Humphries: You have to withdraw it.

MS REILLY: Mr Speaker, could you explain what your decision was?

MR SPEAKER: The fact is that you have made an allegation about a Minister, unnamed, having threatened a community organisation. Standing order 55 states:

All imputations of improper motives and all personal reflections on Members shall be considered highly disorderly.

20 February 1997

Mr Berry: So you are saying that what the Government is doing is improper?

MR SPEAKER: No; I am saying that the allegation that an unnamed Minister has threatened a community organisation is improper and should be withdrawn - unless you are willing to name the Minister concerned, in which case we will then have to make it a substantive motion.

Mr Berry: Just leave it; just withdraw.

Mr Humphries: Come on; put up or shut up. That is the simple answer.

MR SPEAKER: That is rather succinctly expressed, yes.

Mr Berry: She does not have to put up.

MS REILLY: There are obviously grave sensitivities.

MR SPEAKER: Order! Standing order 55 states:

All imputations of improper motives and all personal reflections on Members shall be considered highly disorderly.

Standing order 56 states:

When any offensive or disorderly words are used, whether by a Member who is addressing the Chair or by a Member who is present, the Speaker shall intervene.

I am intervening, and I am asking you to withdraw or identify.

Mr Berry: Mr Speaker, that is an outrageous ruling. "Withdraw or identify" is certainly not an option open to you. Either rule out what Ms Reilly said or accept that it is in order. You either rule it out or rule it in.

MR SPEAKER: I am not accepting it as in order.

Mr Berry: Rule it out, then.

MR SPEAKER: Very well. I will rule it out of order and I will ask you to withdraw it.

MS REILLY: I withdraw.

MR SPEAKER: Thank you.

MS REILLY: Can I continue?

MR SPEAKER: Continue.

MS REILLY: Excuse me, Mr Speaker; I am just trying to make sure that I do not offend in any way in the future when I am recollecting actions that happened to me.

MR SPEAKER: I have no doubt you will be let known.

Mr Osborne: Marion, if you were on the board you would get kicked off.

MS REILLY: I realise that; and I am very glad that this is not an issue that I have to worry about at the moment. Just give me a few minutes to ensure that words that I may have used innocently are not misinterpreted.

Mr Humphries: There is nothing at all innocent about saying there is corruption in the Government, Marion.

MS REILLY: There were concerns amongst a number of community organisations - - -

Mr Berry: She never said that. You might have a guilty conscience, but she never said that.

MS REILLY: Can I continue?

MR SPEAKER: Keep going.

MS REILLY: There were concerns about the continuation of their funding in the future, about what they would be able to do and whom they could employ. This has been raised with me and has been discussed amongst the community sector for the last two years. It has continued to be raised with me since I was elected to the Assembly. There is one instance which I want to mention, and I hope that I will be allowed to mention it. During community consultation with a number of people - they are unnamed, but there were several people there - an employee of one community organisation asked a critical question. In other words, he suggested that something the Government might be doing might not be the correct action. Other organisations which were present were shocked and concerned for the questioner and his organisation's funding. This is how this was put to me. They were concerned about this organisation's funding. Are they not allowed to have those opinions?

Mr Humphries: If you want to mention those opinions here, you have to justify them. This is the whole point. Mr Speaker, on a point of order: I think Ms Reilly is repeating these allegations which she was asked to withdraw before.

MS REILLY: No, I am not.

Mr Humphries: We were told earlier today that a cheap attack on a person outside this place is unfair. Everybody who has been mentioned so far has been named in this place. Therefore, it behoves this Assembly, and the work of the Assembly, that Ms Reilly name the people that she is talking about and not leave public servants or politicians, whoever it might be, unnamed in this process.

20 February 1997

MR SPEAKER: I upheld the previous point of order - - -

Mr Berry: You are outrageous.

MR SPEAKER: Just a moment. I upheld the previous point of order because it was alleged that a Minister had threatened an organisation. However, I do not uphold this point of order, because Ms Reilly has expressed the concern of a community organisation. We have had discussions earlier today mentioning public servants and other figures, but we have not named them. Ms Reilly is not, therefore, breaching the convention that has been, to date, a feature of this debate. As long as you do not make comments like you did in the first case about Ministers threatening people, Ms Reilly, you will be all right. Be careful.

MS REILLY: I can understand the feelings of a number of community organisations in the ACT. But one of the problems occurs when people are uncomfortable and uncertain about their continued funding. (*Extension of time granted*) When there is an element of uncertainty and fear within the community organisation there is this silent protest and criticism. This allows changes - can I use that word? - to funding to happen without any - - -

Mrs Carnell: How do they happen?

MS REILLY: Of course, funding changes all the time. In any dynamic organisation, funding continues to change. If you continued to fund organisations in the same way you would not be doing your job, Mrs Carnell. This allows changes to funding to happen without criticism, without objection, without discussion. I think the ACT, as a community, is the poorer for this. The organisations I am talking about, organisations that are providing services, are often providing these services to the most vulnerable people in the ACT. It is important that the organisations that provide those services feel that they have the ability to act without fear and without concern about any problem they may have at any time. Intimidation and fear have generated much distress in the community sector. This reduces the effectiveness of organisations, particularly as advocates for their clients. I am concerned that this Government does not want to be fully informed about what is going on in the community sector.

There is another concern I would like to raise in relation to people being concerned about whether or not they can speak out. With the move to a purchaser-provider system of provision of community services, all organisations are competing for funding. The energy that could be channelled into positive actions and towards providing the best services gets channelled towards fighting off competition. This reduces cooperation and openness within the community sector. I think there will be a loss of creativity and innovation as a result.

There has also been a lot of discussion in this debate this afternoon about the large amount of consultation which this Government is undertaking. I would like to suggest that quantity does not necessarily equate with quality. I have received complaints about closed consultancies, where the decision has been made before it starts; where people are

not listened to; where people do not feel they have been heard. I think it is of grave concern if people within the community cannot put up suggestions which criticise what the Government is doing. I think it is something we should guard against. I think it is important that we are having the discussion this afternoon and that we look towards having an open community that is actively working towards the best interests of the ACT.

MRS CARNELL (Chief Minister) (5.53): Mr Speaker, the sorts of comments that we have just heard from Ms Reilly, I think, are part of the problem, and we have to try to move to be part of the solution. The community groups that came to see me last week, after we actually talked it through, as Mr Humphries said, agreed that the level of consultation was actually very high. They did say that they believed there was some fear in the community. I then said, "What you have to do is tell us where. Is it coming from the political level?". They said, "No; it is not coming from the political level". I said, "Okay; it is not from that level. Where is it coming from?". They said, "There are some public servants who do this sort of thing". I said, "Fine. If you want us to fix it - and we want to fix it, too - you have to tell us where it is". Restating urban myth almost, I think, is what Ms Reilly just did. She could not actually tell us of any particular circumstances so that we could then go and counsel the people who are involved, assuming these statements are even half true.

Actually, the groups themselves said quite categorically that this was not coming from the political level. They said that the problem, as they saw it, was at the Public Service end. We said, "Fine; help us with this, because if there are some public servants who have the wrong approach to consultation we need to get out to them. We need to make sure that they change those views, that they actually understand that what they are there to do is get information from the community and feedback". In fact, my understanding is that Linda Webb as recently as just after that meeting last week has written to all the various areas in the ACT Public Service making the point, again, that we have to make sure that people who are involved in consultation with the community understand their responsibilities.

We have even put together a consultation protocol for all public servants who are involved in community consultation. I fully agree that, if there is any intimidation, or any of the rest of the things we have spoken about, happening between community groups and various parts of the Public Service, the first people who want to fix it are the Public Service and the Government. But I tell you what: Going around making allegations that are unsubstantiated about unnamed groups, unnamed public servants, unnamed consultation processes, helps nothing. In fact, it actually makes any perceived situation worse. I hope the new customer involvement unit, which will now be involved in speaking to those groups and identifying any particular areas where public servants involved in community consultation may not have got their protocols terribly right, will help.

This is something the Government takes enormously seriously. Maybe quantity does not equal quality. But I will tell you one thing: There is a lot of quantity out there. Our view is that we want the community input. We have focus groups. We have, as I said, 200 different consultations going on right now. We have quarterly reports on

20 February 1997

what is happening; not just what is happening, but what groups we are consulting with, what the feedback is, what the dates are. All of those sorts of things are there now. It concerns the Government greatly that there are perceptions somehow that that consultation is not real. Why would we do it if it was not real? It certainly does not achieve any particular political benefits, or whatever, to do that sort of thing.

I would like to make some comments about the bit of the motion that I did not talk about before, and that is the community consultation. Nobody has indicated that the Government is not consulting. In fact, everybody has indicated that there are an enormous number of consultation procedures that have been had and are under way with the Government - all the way through planning, health, precinct groups, consultative councils. In fact, I think we have something like 120 different advisory groups or consultative groups right across government. One could say, "Heavens! Why do you need that many?". The reality is that there are lots of areas where government needs input. All of that is in place. No-one is saying that the level of consultation is not okay. Nobody is even suggesting that the people who are on these entities are not the right people, because they almost always come from the community. The comment is that the feedback is not as good as it should have been. Okay, we accept that; we accept that sort of input. The reason that the new customer involvement area, with three full-time people, has been set up is to overcome exactly the issues that Kerrie Tucker has raised in her motion.

I then move on to the next part of the motion, because the comments about community consultation are comments that we take very seriously and have spent a lot of time, a lot of taxpayers' money and a lot of work on to make sure we do get our processes right. The issue now of directing the Government or requiring the Government to make particular appointments to particular boards shows a huge lack of understanding of the Government approach or Government procedures.

I am interested to see also some amendments that I assume will be moved by Simon Corbell. I accept he is very new in this place. He seems to not understand at all the approach that has been taken by his own party in the past. He is indicating in his first new paragraph that members of boards and authorities are somehow representatives of communities. The view that we have taken in this place - both sides of the house have - is that people who are on boards or authorities - in other words, decision-making entities - are not representatives of particular entities. The moment somebody becomes a board member, as Ms McRae would know, by law that person can no longer represent a particular external body. Their job must be to represent the board and the entity. You cannot have a situation where somebody is a representative of a third party.

Mr Corbell: I am aware of that. That is not what the amendment says.

MRS CARNELL: That is good. It is what the amendment says at this stage.

Mr Whitecross: It is what you say is in it.

MRS CARNELL: Very much so. The reality is that, with boards such as the Interim Kingston Foreshore Development Authority, Jacqui Rees is not there as a representative of anybody or anything. Jacqui Rees is there as Jacqui Rees. She was there to represent the board in the approach that the Interim Kingston Foreshore Development Authority was taking. There is no way anybody could think that not having her there in some way removed community input into that body, or any other body for that matter.

It is very important that those opposite remember all of those letters they have sent us over the last two years when we have asked them for input on particular appointments - and there are lots of them. The letter back always says, "Appointments of this nature" - those are ones which do not come to committees of the Assembly - "are not the prerogative of the Opposition. In fact, the Government should make these, and you will be held responsible by us for them".

Ms McRae: That is exactly what we are doing.

MRS CARNELL: No; what you are doing here, if you support this, is directing or requiring the Government to make a particular appointment - something which is at absolute odds with everything you have always said and done in the past. You have always said that whoever is on boards and authorities is the prerogative of government, not the prerogative of this Assembly. In fact, legally, that is the case as well. The Assembly actually has no legal right to direct, but that is another issue.

Mr Speaker, to finish, I think it is important for the Assembly to understand that this really is not just the view of the Government. I would like to table for the interest of the Assembly, a letter from Paul Whalan - not a noted Liberal, I have to say; in fact, a previous Labor Deputy Chief Minister in this place - in which he made a quite definite statement. I will read the first bit, and everyone can read the rest:

Your Government is to be commended for its firm and justified position in removing - - -

Mr Moore: On a point of order, Mr Speaker: A short while ago Ms Reilly was ordered to withdraw a general comment unless it was something that was substantiated. The particular letter that Mrs Carnell is reading from, of course, is a bit more blackening of character - I have read the letter - and I think it is important that it be put in its context rather than have any general imputation being directed at somebody, although it is not at a member in this case.

MR SPEAKER: There is no point of order. The Chair is not aware of what on earth Mrs Carnell is talking about at the moment. She is in the middle of reading something.

20 February 1997

MRS CARNELL: Mr Speaker, what we said before is that you should not make allegations without actually putting evidence. All I was suggesting is that our view on this is not just the view of the Government; it is also the view of a number of other people. I was about to table this letter in the Assembly. I just wanted to read the first paragraph, which says:

Your Government is to be commended for its firm and justified position in removing Ms Jacqui Rees from the board of the Interim Kingston Foreshore Development Authority.

The reasons given for her dismissal are justification for the action.

I am very happy for everyone to read the rest. I table the letter.

MR SPEAKER: The member's time has expired.

MR OSBORNE (6.04): I have to say that I quite honestly think that what we have had here this afternoon has been nothing but a complete waste of time. Is this sacking of Jacqui Rees the most important thing that is happening in the Territory at the moment? I do not think so. Is it the thing that consumes my office? Some people here do think that it is the most important thing happening in the Territory at the moment, but I do not think so.

Mr Speaker, there are a number of issues that I want to raise here to let everyone know why I will be voting the way that I will. I would like to point out, firstly, that the thing that is leaving the worst taste in my mouth is the hypocrisy of the Labor Party. We all know that if they were in the position of the Government their opinion of what has happened would be very different. I have to say that I am very disappointed in the stance of the Labor Party. I think that what is happening today sets a terrible precedent. Why the hell waste valuable Assembly time on something like this?

I do not know Jacqui Rees personally. I have not had anything to do with her. When I came into this place I said that planning was not high on my agenda; and, after listening to today's debate, it has gone even further down my list of priorities. Jacqui Rees certainly has a hell of a lot to say. I hope she will not mind my saying this. She does get very political at times. Someone said to me that this debate needs to be finalised today because it is hurting Ms Rees; she is struggling with it. But I would argue that, once she enters the public arena by making comments in the paper, that is probably bad luck.

Mr Speaker, the issue here is not community consultation, I do not think. To be quite fair to the Government, I think they do consult. The big question is whether they listen. But I think, to be fair to them, they do certainly consult with my office. I have no problem with that issue. However, the big point in this debate is the sacking of Jacqui Rees. If after Ms Rees had been appointed to this board she all of a sudden became very vocal, all of a sudden started getting headlines in the paper, you would think that perhaps the appointment was wrong. However, I would argue that the history of the lady shows that she has been quite vocal for 10 years; she has had a lot to say for 10 years.

I think the big mistake is not the sacking of Ms Rees but the actual appointment of her to the board in the first place. That is where you made the mistake, Mrs Carnell. I honestly think that is where you made the mistake. She said some terrible things about people here, but it is not the first time. She made comments prior to your appointing her to the board.

Mrs Carnell: We accept that we made a mistake.

MR OSBORNE: I am glad you accept that. She has said some terrible things about people here, and I am not going to get involved in planning because I do not want her to start on me. Quite frankly, Mr Speaker, the issue for me is not about consultation; it is about the Government realising they had made a mistake and trying to fix it. Unfortunately, I cannot accept that. They have to live with that decision. We all make decisions that come back to haunt us afterwards. I think what has happened here is that the Government have made one in regard to this appointment. Mr Speaker, I still would like to add that I think what has happened this afternoon was a complete waste of time, and I am disappointed that we have spent hours of valuable Assembly time on it. We have gone way past the normal sitting hour on a nothing issue. I think we should have made it very clear very quickly.

As I said, I will be supporting the reinstatement of Jacqui Rees, not because I necessarily think she will be good or bad but because I think the issue is that they appointed her knowing - and I mean this in the nicest possible way - what she was like; and they are going to have to live with it, I am afraid. Mr Speaker, that is the one issue to me; the rest of it, I think, is just political point-scoring. I do not think we need it. On the issue of Jacqui Rees, I think you need to admit you made two mistakes. The second one was sacking her, but the first and biggest one was that you appointed her. I think we have to make you live with it. As I said, it is not a matter of someone coming onto the board lately and all of a sudden becoming very vocal; she has been that through the whole history of her public life. I think you are going to have to wear it. Perhaps by putting her on the board you were hoping she might shut up, for want of a better phrase; but, unfortunately, it did not work, and you are going to have to live with it.

MR HUMPHRIES (Attorney-General) (6.10): Mr Speaker, I will be very brief, because I think we all want to go on to other things.

Mr Moore: He said he would be very brief before, and he went for 15 minutes.

MR HUMPHRIES: When I say that I will be brief, I will be brief. I just want to indicate to the Assembly that, in a funny kind of way, I almost look forward to the passing of Mr Moore's amendment because I sometimes think in terms of being in opposition and I still think about the opportunities that the greater power that devolves to the Assembly gives to those who are not in government. A few years ago the Assembly passed legislation of Mr Moore's to provide that governments, for the first time, had to consult extensively on appointments to government bodies and boards. For the first time, members were actually able to see in many cases what was going on with the appointments to those boards.

20 February 1997

In a sense, the extension of that process today is that, for the very first time, the Assembly is coming to the point where it is going to wreck the particular appointment to be made to a government body - as far as I am aware, for the very first time. If that is the precedent that is being set, we will certainly vote against it today. If it is set, we will acknowledge that it has been set - - -

Mr Whitecross: This is in the category of threats and intimidation.

MR HUMPHRIES: Mr Whitecross, there is a qualification. Only if there has been intimidation can you exercise this power. I am sorry, Mr Whitecross; that is not the way it works.

Mr Berry: That is all right. If we ever do what you did, you can do the same to us.

MR HUMPHRIES: You cannot help yourself, Mr Berry, can you? If the Assembly resolves that members of this place have the right to determine membership of boards and bodies, so be it; that is the way it will be for ever and ever from this point onwards. I am sorry, Mr Berry; that is not the way I see it. I think this will be an interesting development and one that will not be particularly welcomed by the Government at this stage, but it will certainly be one that we will profit from in the future.

MR WHITECROSS (Leader of the Opposition) (6.13): I am sure Mr Humphries will get an opportunity to be in opposition in the future, so I am sure he will enjoy that when it comes. Can I just say in relation to Mr Humphries's fascinating contribution just then that Mr Humphries, if he were being a little more intellectually rigorous, might accept that, if you have a situation where the Government is forced to consult on appointments to boards, then logically you cannot have a situation where the Government arrogates to itself the right to sack people the next day without any sanction from the Assembly for failing to stick with your decision. We were indeed consulted on the appointment of the Interim Kingston Foreshore Development Authority board. We raised no problems then. Surely we are in a position now to express a view about the dismissal of someone from the board.

Mr Osborne said in his remarks that he thought this debate was unnecessary and a waste of time. I have to say that in many respects I agree with Mr Osborne. But it is necessary because the Carnell Government has on this matter, as on other matters - like doing 1997 valuations or defects in their cuts to ACTION bus services - simply refused to read the writing on the wall and has taken it right to the brink. Mrs Carnell has known for some time what the attitude of other members of the Assembly was to her decision to dismiss Ms Rees from the board in this way; yet she has taken it right to the brink rather than reading the writing on the wall and accepting, in the spirit of community consultation, in the spirit of respect for the Legislative Assembly, that perhaps she needed to review her position.

Unfortunately, Mr Osborne is to be disappointed; the time of the Assembly is to be wasted because Mrs Carnell is not capable of listening, of reading the writing on the wall; she waits till the last minute; she waits till she is told. Even when a motion is put by Ms Tucker calling on her to reinstate Ms Rees to the board, Mr Humphries gets up and says, "Even if you pass a motion calling on us to reinstate, we are still not going to do it.

You have to require us to". Mr Speaker, that is how unresponsive they are to consultation. While they get up here and talk and talk about community consultation and about listening, their actions illustrate that listening is not something they are very good at. They know what the views have been on this issue and, indeed, on the issue we debated yesterday about revaluations for rates purposes; yet they will not act until they are forced to act.

Mr Speaker, the suggestion was made by Mr Osborne that this was an awful precedent to be setting, to be passing a motion like this. In many ways, it is an awful precedent to be setting, but it is not as awful as the precedent that was set by Mrs Carnell and Mr De Domenico when they chose to sack Ms Rees from the board of the Interim Kingston Foreshore Development Authority for criticising the ACT strategic plan, which is in fact what they did. The letter, drafted in Mrs Carnell's office and signed by Mr De Domenico, makes it clear that her comments reported in the *Canberra Times* on 8 December were just the kind of thing that they were not going to put up with anymore.

What were these comments? These were comments consistent with the comments of a great many people in Canberra, and the majority of people in this place, that Mrs Carnell's strategic plan just did not add up; that it just was not up to scratch; that it was not an acceptable document. That was fair comment, but it led to Ms Rees being sacked from the board. Mr Speaker, that is the awful precedent that we are talking about here. That is the awful precedent that we are railing against in this place.

Mr Humphries: You wish it was the precedent, but it is not.

MR WHITECROSS: It is the precedent.

Mr Humphries: It will come back to haunt you, Andrew.

Mrs Carnell: The precedent is that the Assembly can direct the Government on appointments.

Mr Humphries: You are so desperate for a win that you will sabotage the future of your own party.

MR WHITECROSS: Mr Speaker, are you going to deal with your colleagues or are you scared of them just like everyone else is?

MR SPEAKER: I am listening to you.

MR WHITECROSS: I would not want you to be subjected to threats and intimidation from Government members.

Ms McRae: You are the only one who can listen to him, Mr Speaker; we cannot hear him.

MR SPEAKER: Order!

20 February 1997

MR WHITECROSS: Thank you, Mr Speaker. On Tuesday I asked the Chief Minister a question. In light of her apology to Ms Rees, I asked her to explain the real reason why she sacked Ms Rees from the board, given that the reason that was set out in her letter to the Conservation Council had been withdrawn. In answering my question, Mrs Carnell did not take the opportunity to clarify the record; Mrs Carnell did not take the opportunity to set the record straight. Instead, Mrs Carnell took the opportunity, under parliamentary privilege, to repeat the allegations she had previously apologised for and to defame Ms Rees some more. That is what she did. That is the kind of arrogance that we are forced to confront by this motion today.

Mr Speaker, I can go further. When this issue first came up last year, Mr Moore came to me and said, "I am very angry about this. I would like to move a no-confidence motion in Mr De Domenico on the spot". We talked about it. I said, "I am very reluctant to vote for a no-confidence motion today", the day after the letter came out.

Mr Moore: It was supposed to arrive after the sitting finished.

MR WHITECROSS: Unfortunately, the mail was unusually good that week. I said to Mr Moore, "I think that the Government ought to be given a chance to explain. Before we move on this issue, the Government ought to be given a chance to respond to our concerns about the manner of this sacking from the board".

Mr Moore: Which I told you I thought was wimping out; nevertheless.

MR SPEAKER: Order! I will not allow interjections. I will not allow cross-chamber discussion either.

MR WHITECROSS: You are very selective, Mr Speaker, but I accept your ruling. Mr Moore thought I was wimping out; I thought I was giving the Government a reasonable chance. I spoke to Mrs Carnell and to Mr De Domenico. I said, "The reasons set out in your letter for sacking Ms Rees from this board are not good enough. You are going to have to do better than that". They have not. They have had plenty of time. They had an opportunity on Tuesday in question time. The very first question I asked gave Mrs Carnell an opportunity, and she did not take it. Instead, she abused parliamentary privilege to attack Ms Rees some more. That is why we find ourselves in the position of supporting this motion today.

Mr Speaker, in the few moments remaining to me I want to touch on two allegations that were made by Mrs Carnell today further attacking Ms Rees's integrity. I think I should take the opportunity to put an alternative view on the record. One was the suggestion that there was something improper about Ms Rees's failure to declare that she had done work for the AMP. Ms Rees was a consultant to the AMP, advising them on Federal privacy legislation - a matter which has absolutely no relationship to any of the activities of the Interim Kingston Foreshore Development Authority. Whatever Mrs Carnell's concerns about the matter, she cannot describe that as a conflict of interest; it is a matter completely unrelated to her work on the Interim Kingston Foreshore Development Authority board.

Mr Speaker, another issue that Mrs Carnell raised was the suggestion that Ms Rees acted somehow improperly on the board of the Interim Kingston Foreshore Development Authority because she failed to declare her associated work with the Science Festival when the board allocated \$40,000 to the Science Festival. In fact, she did declare it and she declared it in writing.

Mrs Carnell: On a point of order, Mr Speaker: That is exactly what I said in the speech. She did declare it, and that is exactly what I said.

MR WHITECROSS: Mr Speaker, I do not think it is a point of order, but I accept Mrs Carnell's version of events. (*Extension of time granted*) The fact is that Ms Rees was always up front about her association with the Science Festival. She did not participate in or contribute to the debates about the proposal to transfer \$40,000 of the Interim Kingston Foreshore Development Authority funds to the Science Festival. Mr Speaker, what Mrs Carnell, perhaps, did not say was that the Interim Kingston Foreshore Development Authority board initially rejected the suggestion that they might donate \$40,000 to the Science Festival. In fact, they changed their mind only after Mrs Carnell insisted that they change their mind.

Mrs Carnell: On a point of order, Mr Speaker: Members would be aware that I have no power at all to insist on how they spend their money. I have absolutely no power under the Act to do so.

MR WHITECROSS: This is not a point of order.

Mrs Carnell: It is a personal explanation, under standing order 46.

MR SPEAKER: Yes, under standing order 46. You can make it at the end of the debate, Mrs Carnell.

Mrs Carnell: That is fine. I am very happy to do so. It was a solar-powered boat race.

MR WHITECROSS: Yes; I know what it was. Mr Speaker, as I was saying, she insisted. Mrs Carnell will say in her personal explanation that she had no power to insist. Of course, as we all know, there is a climate of fear and intimidation which surrounds these matters, and members of the Interim Kingston Foreshore Development Authority board can be sacked for no good reason, at the whim of the Chief Minister. What board member would think twice about not abiding by the Chief Minister's wishes, especially when you had to be asked not once, but twice; you would not press it to a third occasion because she might then start drafting up one of those letters and handing it across to Mr De Domenico to sign.

Mrs Carnell: Mr Speaker, that really is an unacceptable statement, and I ask the member to withdraw.

MR SPEAKER: Withdraw, Mr Whitecross.

MRS CARNELL: It suggests motives.

20 February 1997

MR WHITECROSS: Can you explain your ruling, Mr Speaker?

MR SPEAKER: The Chief Minister has taken offence.

Mrs Carnell: You were suggesting improper conduct.

MR WHITECROSS: On the point of order, Mr Speaker: I am sure there are a lot of things that I say in the course of the business of this house to which the Chief Minister takes offence. I would not have thought that, on its own, the fact that the Chief Minister takes offence constitutes a reason to withdraw something.

MR SPEAKER: You also mentioned Mr De Domenico.

Mr Kaine: On that point of order, Mr Speaker: The Leader of the Opposition was clearly asserting that the Chief Minister had somehow extracted something out of the Interim Kingston Foreshore Development Authority by coercion. That is clearly unacceptable in terms of the standing orders of this place, and he should be required to withdraw it.

MR SPEAKER: Would you withdraw.

MR WHITECROSS: Mr Speaker, I withdraw any imputation that Mrs Carnell coerced. My point was a simple one. Members of the Interim Kingston Foreshore Development Authority board were entitled to feel, regardless of any coercion on Mrs Carnell's part, the danger and had to change their mind - - -

Mrs Carnell: On a point of order, Mr Speaker: I do take exception to that. It indicated that there was some reason to be fearful, some view that I was in some way attempting to make the Interim Kingston Foreshore Development Authority do something that they did not want to do by using some other form of power that I cannot imagine I have. If that is the case, I think that Mr Whitecross should withdraw it totally, because it is simply unacceptable.

MR WHITECROSS: Mr Speaker, events demonstrate that the Chief Minister has the power to do something to people on the Interim Kingston Foreshore Development Authority board. I do not think she can say that she does not have any powers.

Mrs Carnell: You should rule on that, Mr Speaker.

MR WHITECROSS: I was talking about perceptions that may have existed in the minds of members. That has nothing to do with whether Mrs Carnell issued any threats, and I have not said she issued any threats. I have suggested that they made a decision not to allocate the \$40,000; that Mrs Carnell came back and insisted; and that, on her insistence, they changed their mind. That is the kind of atmosphere in which people work in this Territory. If Mrs Carnell had been more responsive to the concerns that were raised last December when Mr De Domenico first signed that letter drafted in her office to sack Ms Rees, then perhaps they would not be in this situation now. But they have not been responsive, and that is exactly the point of the motion.

Question put:

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

The Assembly voted -

AYES, 8

Mr Berry
Mr Corbell
Ms Horodny
Ms McRae
Mr Moore
Ms Reilly
Ms Tucker
Mr Whitecross

NOES, 7

Mrs Carnell
Mr Cornwell
Mr Hird
Mr Humphries
Mr Kaine
Mrs Littlewood
Mr Osborne

Question so resolved in the affirmative.

MR CORBELL (6.32): I will be brief, as I know that we are into the early evening. This Government appears to believe that it is not appropriate to allow community representatives to speak out against the Government if they just happen to be on a government board or authority. I believe that is completely wrong. Many in the community would argue that a person should be able, and indeed deserves to be able, to continue to represent the views of an organisation they may belong to and, at the same time, continue to act in a professional and appropriate manner on a government board or authority. Indeed, there are many business people, people who represent private organisations and businesses, who continue quite publicly to advocate the views of their organisation in the wider community and, at the same time, maintain a professional and responsible approach on many government boards and authorities.

The amendment to Ms Tucker's motion which I have had circulated requires the Government to develop protocols which will help guide community representatives and Ministers on their rights and responsibilities when serving on or overseeing government boards and authorities. I recognise the Chief Minister's point that when people are appointed to a board they act as an individual, but what this amendment intends to do is allow those same people to continue to speak on behalf of a community organisation which they represent in the wider community. It does not in any way require or allow a community representative to act in a partisan manner on the board of a government authority. The rules that currently apply to government boards and authorities would remain. But it would allow a community representative to speak out on behalf of the organisation they represent.

It is a very simple amendment, but I think it would be a useful one for this Assembly to adopt because it would allow the person involved to advocate the view of their community organisation without fear of any sort of reprisal from the government because they just happen to hold an office on a government board or authority. I commend the amendment to the Assembly. I move:

20 February 1997

That the following paragraphs (3) and (4) be added to the motion:

- “(3) requires the government to develop protocols which will guide community reps and Ministers on their rights and responsibilities when serving, or overseeing, such boards and authorities; and
- (4) ensure such protocols guide and protect community reps in their role of representing the views of their organisation in the wider community.”.

Amendment agreed to.

Question put:

That the motion (**Ms Tucker's**), as amended, be agreed to.

The Assembly voted -

AYES, 9

Mr Berry
Mr Corbell
Ms Horodny
Ms McRae
Mr Moore
Mr Osborne
Ms Reilly
Ms Tucker
Mr Whitecross

NOES, 6

Mrs Carnell
Mr Cornwell
Mr Hird
Mr Humphries
Mr Kaine
Mrs Littlewood

Question so resolved in the affirmative.

LEGAL AFFAIRS - STANDING COMMITTEE
Inquiry into the Motor Traffic (Amendment) Bill (No. 2) 1996

MR OSBORNE (6.37): Pursuant to standing order 246A, I wish to inform the Assembly that, on 30 January 1997, the Standing Committee on Legal Affairs resolved not to proceed with the inquiry into the Motor Traffic (Amendment) Bill (No. 2) 1996. I, therefore, move:

That so much of the standing orders be suspended as would prevent a motion being moved to rescind the resolution of the Assembly of 5 December 1996 relating to referral of the Motor Traffic (Amendment) Bill (No. 2) 1996 to the Standing Committee on Legal Affairs for inquiry and report.

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

MOTOR TRAFFIC (AMENDMENT) BILL (NO. 2) 1996
Rescission of Resolution

MR OSBORNE (6.38): Mr Speaker, I move:

That the resolution of the Assembly of 5 December 1996, relating to the referral of the Motor Traffic (Amendment) Bill (No. 2) 1996 to the Standing Committee on Legal Affairs for inquiry and report, be rescinded.

Last December the Assembly referred the Motor Traffic (Amendment) Bill (No. 2) 1996 to the Standing Committee on Legal Affairs. This Bill changes our current procedures for the examination of learner drivers wishing to obtain a provisional licence by introducing a continuous assessment approach to the competency-based licence testing scheme, which we all know people are advertising already. After initial discussions amongst committee members, it was clear that the committee was interested not only in the Bill but also in the broader issue of road safety, in particular the 17- to 24-year-old age group. Consequently, the committee expanded its inquiry to include the education and assessment of driver attitudes, the level of involvement of high schools and colleges in driving training, and having different speed limits for learners and provisional drivers.

Soon after advertising for submissions to the inquiry, the committee received a letter from the NRMA-ACT Road Safety Trust about the development of their novice driver safety program. The letter explained that the trust was considering a \$2m grant to the Department of Urban Services to develop the program and that the program itself would complement the proposed continual assessment approach through state-of-the-art education, focusing on driver attitudes and behaviour, for inclusion at high school and/or college level. As the committee had previously been unaware of this proposal, it asked for and received a very comprehensive briefing from the department on the competency-based licence testing scheme and the novice driver safety program. I believe Mr Whitecross and Mr Kaine received briefings on that.

On behalf of the committee, I would like to thank Jane Wolfe and Keith Wheatley from the department for their assistance to us at the time, because it was over the Christmas break and there was a timeframe involved. The committee also received advice at that time from the then Minister for Urban Services - the much loved by the Liberal Party, Mr De Domenico - on the scope of the project. As a result of those briefings, the committee has satisfied itself that most of the issues that were to be examined through the inquiry can be more readily examined during the development of the novice driver project. The committee also believes that those issues which will not be included as part of the novice driver project, namely, the differing speed limits and the suggestion of retaining the current mandatory departmental practical driving test, can be resolved by the Assembly during the debate on the detail stage of the Bill. Consequently, the committee decided on 30 January that the inquiry does not need to proceed and that I present this motion and statement to rescind the Assembly's original decision on 5 December 1996 to refer this Bill to the Legal Affairs Committee.

Question resolved in the affirmative.

ADJOURNMENT

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

That the Assembly do now adjourn.

Death of Mr Norman Fisher, AM

MRS CARNELL (Chief Minister) (6.41): Mr Speaker, members may be aware that the former Canberra Institute of Technology director, Norman Fisher, passed away suddenly in Melbourne yesterday. I understand Norm suffered a heart attack. His passing is a very sad event for many of us here in the ACT. He was 60 years old. It is only a few months since we farewelled Norm from the ACT Public Service in a lengthy series, shall we say, of farewell lunches, dinners and other functions. He retired after 45 years in the Public Service, culminating in his period as director of the CIT. I understand that members would be interested in having a condolence motion moved early next week; but I just felt that it was important for us all today to be able, on behalf of the Assembly, on behalf of the Government and all members, I am sure, to extend our sympathies to Norm's wife, Maureen, and their family. We will have a full debate, I understand, early next week. I am confident that, as Norm was a real character, was very good-natured and certainly did an awful lot for the ACT, many would like to have a say.

Royal Canberra Show

MR HIRD (6.43): Mr Speaker, I would like to invite everyone to the 1997 Royal Canberra Show, which will be on this weekend, the 21st, 22nd and 23rd.

Mr Moore: You are inviting everybody, Harold; are you going to shout?

MR HIRD: Yes, I am inviting you out there. It links back to the one-day spring show staged at Hall in 1927 by the Advance Hall Association. The agricultural show was actually staged from 1908 to 1915 at Ginninderra, and then at Hall from 1924 to 1926, by the Ginninderra Farmers Union. It moved to Exhibition Park in 1964, with about 1,400 patrons - and I was one of them - and it rained like you know what. The 1996 three-day show attracted approximately 160,000 patrons, with 35,000 from outside the Territory. This year's show will, more importantly, give a \$13m boost to the ACT economy. This year, the society will celebrate 80 years of shows in the ACT. The Royal Canberra Show Society won the 1996 ACT Tourism Award. Over 1,000 volunteers, with a small number of staff, will put this event on. I think it is to their credit that such a large sum will come back not only to the ACT but to the region.

Question resolved in the affirmative.

Assembly adjourned at 6.44 pm until Tuesday, 25 February 1997, at 10.30 am

ANSWERS TO QUESTIONS

MINISTER FOR POLICE AND EMERGENCY SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 344

Police Force - Statistics

MR OSBORNE: Asked the Minister for Police and Emergency Services -

- (1) For costing and/or budgetary purposes, does the Treasury have and/or apply an average cost, in dollar terms, for the provision of a police officer.
- (2) Was the 1994/95 average costed at approximately \$70,000. If not, what average was applied.
- (3) Has the average costing mechanism been amended since 1994/95, and if so, what is the average cost now.
- (4) How is the average costing figure determined.
- (5) What exactly does the average costing data include and provide for.
- (6) What was the total number of sworn police officers, in the ACT, in 1979.
- (7) What was the total number of non-sworn officers (clerical support), in the ACT, in 1979.
- (8) What is the total number of sworn police officers, in the ACT, in 1996.
- (9) What is the total number of non-sworn officers (clerical support), in the ACT, in 1996.
- (10) What was the ratio of sworn police officers to population, in the ACT, in 1979.
- (11) What was the ratio of sworn police officers to population, in the ACT, in 1996.
- (12) How does the 1996 ratio of officers to population, in the ACT, compare with the ratios that exist in New South Wales and Victoria.
- (13) What are the current numbers as agreed to under the Commonwealth/ACT policing agreement.
- (14) Does the current number, in the policing agreement, include non-sworn officers (clerical support) and if so why.
- (15) What numbers of sworn police officers, in the ACT, are presently unfit for full duties.

20 February 1997

- (16) How many sworn police officers, in the ACT, are presently on workers compensation or other form of approved leave as a result of being unfit for full duty.
- (17) What percentage does the level of unfit officers (for full duty) equate to in relation to the overall sworn police force numbers for the ACT.

MR HUMPHRIES: The answer to Mr Osborne's question is as follows -

- (1) No.
- (2) No. In 1994/95 the ACT provided funds totalling \$51.590M for which the Australian Federal Police, in accordance with the ACT Policing Arrangement, provided 689 personnel to perform operational policing and support duties in the ACT. These personnel are not distinguished between "sworn police officers" and "non-sworn officers".
- (3) Not applicable. The basis for funding community policing in the ACT has not been amended.
- (4) Not applicable.
- (5) Not applicable.
- (6) 581 at 30 June 1979; 572 on 19 October 1979 when the ACT Police became part of the Australian Federal Police; and 574 on 31 October 1979.
- (7) 73 at 30 June 1979.
- (8) 629 as at 20 November 1996.
- (9) 44 as at 20 November 1996.
- (10) 1:383
- (11) 1:487
- (12) ACT 1:487
NSW 1:472
VIC 1:434
- (13) Agreement provides for 689 personnel (members and staff members) to provide policing services in the ACT. It is also agreed that the ACT Government fund 594 of these personnel and the Commonwealth 95 personnel to reflect the proportion of community policing and Commonwealth policing functions in the ACT.
- (14) Yes. The Australian Federal Police has a unified workforce that deploys both members and staff members to provide the community policing service for the ACT.

Staff members are employed to undertake functions to support operational police and they perform duties that do not require the occupants to exercise police powers.

- (15) The actual number varies between each rostered shift. For the fortnight ending 13 November 1996, 214 shifts were performed by members and staff members on restricted duties (ie equivalent to approximately 21 personnel). In addition, another 13 personnel were on workers compensation leave.
- (16) 13 members of the ACT Region were receiving compensation on 20 November 1996.
- (17) 2%

20 February 1997

**MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 346**

ACTTAB - Contract with VITAB Ltd

Mr Osborne - asked the Minister for Business Employment and Tourism - In relation to your response to question on notice No. 326:

- (1) Who, on behalf of ACTTAB, instructed Messrs Freehill, Hollingdale & Page to prepare independent legal advice in relation to the role of Messrs Macphillamy, Cummins and Gibson.
- (2) Will the Minister table a copy of (a) the advice together with the letter of instruction; and (b) observations and any material which was made available upon which the advice was based.
- (3) Did ACTTAB or you seek or receive any advice in relation to the role of Messrs Macphillamy Cummins & Gibson prior to the settlement with VITAB being effected in August 1994, if not, why not.
- (4) Why did ACTTAB wait until more than six months after the VITAB settlement was effected before obtaining the independent legal advice.
- (5) Did ACTTAB or you at any time receive advice in relation to the role of Messrs Macphillamy Cummins & Gibson from Messrs Sly and Weigall, the solicitors who took over the conduct of the VITAB matter.
- (6) At the time that they received instructions to act on behalf of ACTTAB in relation to the VITAB matter, did Messrs Sly & Weigall (now part of Messrs Deacons Graham & James) disclose to (a) the Board of ACTTAB, (b) the Minister or (c) any departmental officers that they were involved with the merger discussions with Messrs Macphillamy Cummins & Gibson, the former solicitors for ACTTAB.
- (7) Given that Messrs Sly & Weigall and Messrs Macphillamy Cummins & Gibson subsequently merged on 1 July 1994, will you now direct the Board of ACTTAB to obtain independent legal advice regarding an action for negligence against Messrs Macphillamy, Cummins & Gibson, or its successors in title.
- (8) Will you guarantee that every possible avenue will be pursued to ensure that ACT taxpayers money is recovered.

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

- (1) The instructions were prepared by the Board relying upon its own commercial and legal expertise, and forwarded in a letter from the Chief Executive, Mr Roger Smeed, dated 14 February 1995.

I would like to make the point at this stage that my Ministerial responsibility for ACTTAB dates from 15 March 1995, when the Carnell Ministry was announced. This Government was not in power in the period leading up to, and during the the Vitab inquiry and therefore I cannot accept Ministerial responsibility for the primary events covered in this question.

- (2) The contents of the instructions and the advice, observations and supporting material comprise a detailed document which in its entirety, is "Commercial-in-Confidence".
- (3) The Deed of Termination between ACTTAB and VITAB was signed on 10 August 1994.

On 3 August 1994, one week prior to the signing of the Deed, the ACTTAB Board sought independent legal advice from Sydney solicitors, Freehill Hollingdale and Page, to ensure that by entering into the Deed of Termination, the terms of which were provided to Freehill Hollingdale and Page, ACTTAB was not prejudiced from any claim against the solicitors who acted for ACTTAB in the establishment of the VITAB agreement.

Advice was received from Freehill Hollingdale and Page, also on 3 August 1994, that "if a compromise is ultimately entered into with VITAB in terms of the draft Deed, you will retain your rights, if any, against the former solicitors for breach of duty of care".

- (4) The ACTTAB Board has advised that, in light of the Freehill Hollingdale and Page advice received on 3 August 1994, there was no impediment to later take action against ACTTAB's former solicitors. As a result, the Board took a commercial decision that their immediate priority was to concentrate on recovering the significant amount of business that had been lost over the course of the previous months and to rebuild confidence in the organisation by customers and ACTTAB staff.

The Board determined that the matter of any action against ACTTAB's former solicitors would be addressed once the business had commenced its recovery.

20 February 1997

(5) No.

I am advised that Sly & Weigall had no input into the matter. At the request of ACTTAB, Sly & Weigall agreed to make the file available in the event that ACTTAB sought to review the actions of its former solicitors.

The selection of the Sydney solicitors, Freehill Hollingdale and Page, and the decision to appoint them as independent legal advisers on the matter was made solely by the ACTTAB Board.

(6) An examination of the files has not revealed that the previous Board received any written advice about the possible or impending merger between Macphillamy Cummins & Gibson and Sly & Weigall.

During the inquiry, there was an extensive search and review of departmental files. I do not consider it appropriate to divert further departmental resources to this issue.

(7) As I have previously advised, ACTTAB has already sought and received independent legal advice from prominent and highly respected Sydney solicitors Freehill Hollingdale and Page in February 1995 as to whether it would have any claim against Macphillamy Cummins and Gibson, in relation to the agreement it ended with VITAB on 22 October 1993. Freehill Hollingdale and Page concluded “that ACTTAB would not be able to establish a cause of action against Macphillamy Cummins and Gibson giving rise to a right to recover damages”.

(8) The Government is committed to ensure that all avenues for recovering have been fully and exhaustively explored. However, in my opinion, the ACTTAB Board has acted responsibly in taking independent legal advice on the matter whilst ensuring the preservation of its rights. The advice has been that an action would not succeed. The clear cost of pursuing a potentially unsuccessful action would result in the awarding of costs against ACTTAB adding to the already substantial financial burden incurred as a result of this matter.

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 347

Dog Control

Mr Wood - asked the Minister for the Environment, Land and Planning from October 1995 to October 1996 -

1. How many dog attacks have been reported.
2. How many charges have been laid as a result.
3. In how many cases are charges being considered.
4. How many cases have been brought to court.
5. How many are pending.
6. Have all fines imposed been collected.
7. How many stray dogs have been impounded.
8. How many dogs have been destroyed.
9. When will a further education campaign be held to encourage dog owners to observe fully all Dog Control legislation.

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

1. 245 dog attacks have been reported to Dog Control in the period of October 1995 to October 1996. The attacks do not include cases where medical treatment for minor incidents is treated by local doctors or hospital casualty units and are not reported to Dog Control.
2. Following investigations of the attacks, 37 charges have been laid. A further 16 on the spot infringement notices were issued in lieu of court proceedings.
3. No charges are being considered for incidents within this period as all matters have been finalised and charges laid where necessary.
- 4 & 5. A total of 13 cases have already been placed before the Magistrates Court with a further 7 cases pending whilst being considered by Director of Public Prosecutions Office.

20 February 1997

6. Fines imposed by the court usually give the defendant extended time to pay the penalties and if penalties remain unpaid a warrant is issued by the court for that person's arrest. Following up payment of court imposed fines are court responsibilities and not those of Dog Control.
7. In the 12 month period of October 1995 to October 1996, 2,103 dogs have been impounded through removal from public places by Dog Inspectors or handed in by a member of the public.
8. From the dogs impounded 893 dogs remained were unclaimed and were destroyed in the same period.
9. An education program is currently being considered by Government which will remind dog owners of their responsibilities and simultaneously encourage people to register their dog.

**MINISTER FOR SPORT AND RECREATION
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NUMBER 350

Olympic Games - Futsal Bid

Ms McRae asked the Minister for Sport and Recreation:

Could you provide details in relation to Canberra's bid to have Futsal played in the ACT during the year 2000 Olympics, including

- a) who has travelled to Brazil on behalf of the ACT Since March 1995 to promote the Futsal bid;
- b) the cost of that travel;
- c) what other travel ie to other countries or cities in Australia, has been undertaken by government officials, politicians or government funded representatives to promote the Futsal bid since March 1995;
- d) the cost of that travel;
- e) what entertainment has been undertaken by the ACT Government to support the Futsal bid since March 1995; and
- f) the cost of this entertainment.

Mr Stefaniak - the answer to the Members question is as follows:

a)i) The Chief Minister, Chief Executive Chief Minister's Department and the Chief Minister's Senior Advisor travelled to Brazil in January 1996 to promote both Canberra's support for Futsal's inclusion into the 2000 Olympic program and pre Games training opportunities for teams;

a)ii) Mark Owens the General Manager, Sport Recreation and Racing, travelled to Brazil in May 1995 with representatives of the Australian Futsal Federation led by the President of the AFF, to support Futsal's inclusion in the 2000 Olympics. The delegation met with Dr Havelange, President of FIFA and discussed both indoor and outdoor soccer in Canberra in the context of the 2000 Games;

b)i) the total cost of the Chief Minister's delegation was \$11,576 including accommodation and hospitality. The airfares for this travel were provided by the Australian Futsal Federation;

b)ii) the total cost for the travel of Mr Owens to Brazil in May 1995, including accommodation and hospitality was \$2753. The airfares for the travel were provided by the Australian Futsal Federation;

c) Mr Mark Owens, General Manager of the Bureau of Sport, Recreation and Racing travelled to Spain for the Futsal World Cup in November 1996 to join the official FIFA delegation. The purpose of this visit included objectives related to indoor and outdoor soccer and particularly the operation of the Men's World Cup given Canberra is seeking to conduct international Futsal events. Mr Owens also undertook other business outside of Spain during this travel in relation to pre Games training for Olympic teams;

20 February 1997

- d) the total cost of Mr Mark Owens travel relating to Futsal including travel, accommodation and hospitality was \$3,500; the total cost of the trip was \$7889;
- e) In September 1996 Canberra hosted an international Futsal challenge at the Lakeside Arena with teams competing from Brazil, Japan and Canada, as well as the Australian team. During this tournament PROJECT 2000 hosted officials from the competing nation's to encourage sports officials to promote Canberra for sports training in their respective countries; and
- f) the total cost of this hospitality undertaken by PROJECT 2000 was \$1,300.

**MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO. 353

Landscaping Contract - Gordon

Mr Wood - asked the Minister for Environment, Land and Planning - in relation to outstanding work on Gordon 8 Estate -

- (1) When will a tender for the outstanding hard and soft landscaping of this area be let.
- (2) When is it expected that this work will commence.
- (3) What is the scope of the work.
- (4) When is it expected that this work will be completed.
- (5) What will be the cost of the work.
- (6) What is the amount of bond forfeited by the developer.

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

- (1) A select tender for the completion of outstanding landscaping works was advertised on 22 November 1996. All tenders were received on 5 December 1996 and are currently being reviewed by Officers of my Department in order to select the successful tenderer. All outstanding driveways will be provided by my Department on an ongoing basis using bond monies.
- (2) Work is expected to commence in December 1996.
- (3) The works will include completion of all outstanding hard and soft landscaping works on the Estate. This includes pathways, continuing provision of driveways to residences within the Estate, all soft landscaping including grassing, verge works and open space areas.

20 February 1997

- (4) It is expected this work will be completed in April 1997 with a further 3 month Consolidation and Defects Liability period.
- (5) The cost of the soft landscaping component is anticipated to be \$358,000 and \$22,800 for design, documentation and supervision of the contract. An amount of \$72,151 has been set aside for ongoing provision of outstanding driveways
- (6) The Bond relinquished by the Developer was in the amount of \$463,000.

**MINISTER FOR EDUCATION AND TRAINING FOR THE
AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
Question Number 354**

Canberra Institute of Technology - Purchaser-Provider Model

MS TUCKER - asked the Minister for Education and Training on notice on 5 December 1996

In relation to the Canberra Institute of Technology -

1. What information and/or reviews have been collected on the experience of other States in implementing the purchaser provider model in TAFEs.
2. What is (a) the process for distinguishing between contestable and non-contestable elements of CIT operations; and (b) will it be subject to Legislative Assembly scrutiny.
3. What is (a) the process of determining Community Service Obligations of CIT; and (b) how will they be funded.
4. Has the Government (a) conducted a cost benefit analysis of introduction of the purchaser provider model in the CIT; and (b) what are the results of any such investigation.
5. If the Government has not conducted such an analysis, how can the Government demonstrate through proper analysis that the benefits of introducing contestable funding outweigh the costs.

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

1. The review of the CIT is aimed at introducing a distinction between the roles of purchaser of vocational education and training services, and the provision of those services. Under the National Strategy for Vocational Education and Training one of the six key priority areas is user choice, the open training market and competitive tendering. The first part of the review is a consultancy which is close to completion which has drawn on the views of the industry, students and staff at a local level as well as interstate experience. The consultant was selected largely because of previous experience in this area. Also the steering committee includes the Institute Director, who has a good understanding of the situation in other States. Specific reviews of other States have not been sought primarily because this is the only jurisdiction which has a monopoly provider which operates totally within a single jurisdiction. Therefore the review is concentrating on developing a model suited to the unique situation in the ACT, which will allow room for development and modification over time.
2. The process for identifying the contestable and non-contestable elements of the Institute stems from the identification of the purchaser and provider functions. The purchaser functions will not be contestable. The extent to which provider functions will be contestable is still under review. Factors to be taken into account will include the needs of students and business and industry; the maintenance of viable public sector provision of vocational educational training; the capacity of the private market to provide courses of the necessary quality; and the cost of vocational education and training provision and appropriate benchmarking. The national reforms of the vocational education and training sector may also impact on the operations that are contestable.

The process of Legislative Assembly scrutiny is still to be finalised, but the expectation is that the all government activities will go to the Estimates Committee as is the case at present.
3. The process for identifying Community Service Obligations is the same as for all government activities, in that the Institute will have to make a case to the Treasurer, and if successful then the funding is provided through the Budget in the normal way.
4. No.
5. The implementation of a purchaser/provider separation will not attract any additional costs. It will realign activities more accurately between provider operations which will remain in the Institute and purchaser activities which will transfer to the Department of Education and Training.

**MINISTER FOR HOUSING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 357**

Housing Trust Properties - Ainslie

MS REILLY - asked the Minister for Housing and Family Services - In relation to properties in Ainslie -

- (1) How many properties have been sold in the suburb of Ainslie by ACT Housing from (a) 1 July 1995 to 30 June 1996; (b) from 1 July 1996 to 30 November 1996.
- (2) Can you provide the following details in relation to these properties -
 - (a) the location including street address;
 - (b) what was the sale price of each property;
 - (c) was the sale price in the case of each property above or below the valuation;
 - (d) which of these properties was vacant at the time of the decision to sell;
 - (e) if the property was not vacant at the time of the decision to sell was the current tenant of the property or any other tenant given the opportunity to purchase the property; and
 - (f) if the property was vacant what was the reason for the vacancy.
- (3) How many management initiated (by ACT Housing) transfers of tenants have been undertaken in Ainslie between the dates of (a) 1 July 1995 and 30 June 1996 and (b) 1 July 1996 and 30 November 1996.
- (4) Which properties, by street address, were the subject of this type of transfer.
- (5) How many (a) vacant ACT Housing properties are in the suburb as at 5 December 1996 and (b) how long have each of them been vacant.

MR STEFANIAK - The answer to the Member's question is as follows:

- (1) (a) Two
- (b) Nine.

20 February 1997

- (2) (a),(b)&(c) See attachment 1. It should be noted that all properties are sold at or above valuation. The method of sale is by auction and a reserve price is set prior to auction. If the property is passed in at auction, a market price is established based on the original valuation and feedback from the agent during the marketing period, after which the property is offered for sale by private treaty.
- (d) Two properties were sold to existing tenants between 1 July 1995 and 30 June 1996. All other properties were sold upon vacancy having been assessed as no longer suiting requirements for ACT Housing.
- (e) ACT Housing's current sales policy is to only sell properties which have become vacant and have been assessed as no longer meeting ACT Housing's stock requirements. This does not apply to properties sold under the Sale to Tenant Program.
- (f) All vacated properties were the result of tenant decisions to vacate.
- (3). (a) One
- (b) Nil
- (4). An existing tenant was transferred from the property at 34 Bonney Street Ainslie, to allow the purchase of a different property in Ainslie. The Bonney Street property had been identified for future redevelopment.
- (5). (a) 14
- (b) These properties have been vacant from the following commencement dates.
- 6 March 1994
14 March 1994
30 April 1994
11 May 1994
15 May 1994
12 December 1994
22 December 1994
7 June 1995
6 July 1995
12 October 1995
14 November 1995
10 April 1996
14 May 1996
24 October 1996

Eight of these sites are programmed for redevelopment, with the timetable depending upon planning approval processes and construction program constraints. Six are vacant awaiting a Variation to the Territory Plan as a result of the Local Area Plan currently being developed for Ainslie.

ATTACHMENT 1**1995-1996 Properties sold in the suburb of Ainslie**

Location	Sale Price	\$ Variation
18 Hannan Crescent *	\$134,500	sold at valuation
29 Tyson Street *	\$140,000	sold at valuation

* Sales to Tenants

1 July 1996 to 30 November 1996 - Properties sold in the suburb of Ainslie

Location	Sale Price	\$ Variation
32 Campbell Street	\$132,000	Sold above valuation
7 Lister Street	\$186,500	Sold above valuation
13 Hayley Street	\$123,000	Sold below valuation
4 Shortland Crescent	\$126,000	Sold at valuation
6 Piper Street	\$134,000	Sold above valuation
71 Paterson Street	\$140,000	Sold at valuation
73 Paterson Street	\$145,000	Sold at valuation
8a Ebdon Street	\$160,000	Sold above valuation
61 Tyson Street	\$172,000	Sold above valuation

* the negotiated sale price took into account the poor condition of the property

MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 358

ACTION - Patronage Data

Mr Whitecross asked the Minister for Urban Services:

- 1) Will you provide a weekly patronage report for all ACTION services for the period 21 October 1996 to 27 October 1996 (inclusive) including:
 - (a) all departure times;
 - (b) passengers carried on individual routes;
 - (c) the total number of passengers carried each day for each route; and
 - (d) the total number of passengers carried on each individual services per week.

Mr De Domenico the information in response to the members' request is:

ACTION has provided a full report for the period requested which is attached.

It should be noted that the ACTION patronage data for the week 21 to 27 October 1996 in response to the Member's Question on Notice is presented as obtained from the automated ticketing system and without adjustment of any data deficiencies that arise in the collection of data.

For example, correct attribution of patronage to individual bus services requires that bus operators remember to press the "end of trip" button on each occasion before commencing the next service. Failure to do so results in the passenger boardings from a service being added to the total for the service previously operated. This appears on the patronage reports as an unusually high number on one service and zero on the next. The services operated are commonly on different routes so it is difficult to link and correct these anomalies.

Occasional manual entry of service details by bus operators can also cause apparent anomalies in the data. Unless the operator enters the service details exactly as recorded on the database, the patronage information will appear on reports separately from patronage for other days for that service. Sometimes this is obvious from the reports, such as when 4 days data appears for a particular service and the missing day appears alone on the next line with a slightly different service time or a different

service direction. On other occasions, the manual entry error can result in the data appearing on different route reports or otherwise being separated so it is difficult to link and correct the anomalies.

Readers of the report need to be aware that weekday and weekend timetables are merged on the reports and when the timetable differs between weekdays and the weekend the service will appear to have carried no passengers on the weekdays. In fact, the service will not generally have operated at all (at that time) on the weekdays.

For these reasons, extreme care needs to be exercised in interpreting the data to avoid incorrect conclusions.

[NOTE: The 255-page report provided by ACTION has not been included in Hansard but may be inspected at the Hansard Office.]

MINISTER FOR BUSINESS, EMPLOYMENT AND TOURISM

QUESTION ON NOTICE NUMBER 359

Employment and Unemployment - Private Sector

MS TUCKER - asked the Minister for Business, Employment and Tourism

- (1) Can you provide information on ACT private sector employment and unemployment trend data by (a) industry and (b) occupation over the last five financial years
- (2) Over the same period what (a) industries and (b) occupations within those industries have been the main contributors to
 - (i) employment growth;
 - (ii) employment decline (i.e. unemployment)
- (3) What projections have been made for the coming year(s) about industries and occupations within those industries that are likely to contribute to (a) employment and (b) unemployment
- (4) Can you identify the level of resources allocated in the 1996/97 budget to (a) industries contributing to employment growth; and (b) industries contributing to unemployment.
- (5) What is the government's policy in terms of (a) intervening in the market place to support declining industries or declining occupations in those industries and (b) encouraging the market trend by supporting growing industries or growing occupations within those industries
- (6) To what extent are environmental factors a contributor to government policy making in terms of resource allocation to industry sectors, and what are the environmental indicators used in determining resource allocation.

MRS CARNELL - the answer to the Member's question is as follows:

- (1) Private sector employment and unemployment trend data for (a) industry and (b) occupation are not published by the ABS, or any other organisation. Employment and unemployment data for the ACT are combined for government and non-government sectors - they are not separated out for public and private sector. The Office of Financial Management closely monitors changes in the labour market and the economy.

The 1996/97 Budget Paper Three contains an analysis of economic, industry and labour market conditions in Canberra and contains forecasts of total employment growth.

- (2) Private sector employment and unemployment trend data for (a) industry and (b) occupation are not published by the ABS
- (3) There are no projections about industries and occupations that are likely to contribute to (a) employment and (b) unemployment.
- (4) For 1996/97, the government is contributing \$1.68m to labour market programs targeting industries contributing to employment growth. Programs funded by the ACT Government focus on areas where opportunities exist for unemployed people particularly those linked to business development.

The programs include

- Annual Employment Grants Program
 - funding for three Open Access Centres including a new centre in Tuggeranong
 - the Trades and Technical Women on the Move program;
 - the New Future in Small Business Program provides older unemployed people who have been retrenched or made redundant with an opportunity to establish themselves in a successful small business. As part of the training course participants examine the feasibility of their proposed business and prepare a business plan in the light of current economic climate;
 - start up grants to Youth Business Initiative participants;
 - the Youth Joblink program aims to place unemployed people under the age of 25 years in new additional jobs in Canberra businesses
 - 50 twelve month traineeship places will be made available in the ACT Public Service with priority being given to teenagers who have been unemployed for at least six months;
 - two additional intakes will be made available under the New Future in Small Business program to retrenched or redundant people aged 40 and over who are considering establishing their own small business; and
 - the Women's Workforce Development Scheme will again operate in 1996/97, providing six months work experience and training for women wishing to return to the workforce.
- (5) The government has a policy of encouraging growth for all businesses including (a) intervening in the market place to support declining industries or declining occupations and (b) encouraging the market trend by supporting growing industries or growing occupations in the ACT. The government does this through a number of channels, including
 - the ACT Business Incentives Scheme and the Business Development Fund;
 - the Small Business Summit which provided opportunities and mechanisms for small business in Canberra to have input into Government decision-making processes and to contribute to the development of strategies to make the ACT business environment more business-friendly;

- the recently established Supplier Development Committee to assist businesses and industry in the Canberra Region to enhance their opportunities to compete for government contracts by sharing information on procurement and industry development policies. The committee is made up of senior representatives from ACT and Federal Government, and the business community;
 - conducting targeted research into key industries such as the High Technology Report released late last year that identified a number of factors seen as impediments to growth. Another industry study is planned for early this year;
 - maintaining links with key industry associations, including the Canberra Business Council, Confederation of ACT Industry, ACT Chamber of Commerce and Industry; and
 - pursuing major construction initiatives including the upgrade of the Canberra Airport and the installation of the Very High Speed Rail Service from Sydney to Canberra, both of which will have flow on benefits for businesses within Canberra and the surrounding communities.
- (6) The ACT government has a policy of targeting those industries that have no negative impact on the environment. Given its high environmental standards and bushlands integrated in the urban setting, Canberra continues to be one of the most attractive and clean cities in the world. A significant proportion of jobs created during 1996/97 will be in service industries, high technology industries, research and development industries and education all of which are considered to be “green” industries.

The government is adopting a more integrated and strategic approach to environmental management through the *Canberra: A Capital Future* report and the ACT and Sub-region Planning Strategy. Each of these strategies are founded on ecologically sustainable development principles, ensuring that economic, environmental, social and equity considerations are fully integrated.

A number of initiatives relating to environmental industries have been undertaken by the Business Bureau of the Department of Business, the Arts, Sport and Tourism. These include:

- representation and input into the work of the Environment Industries Taskforce of the Canberra Business Council;
- support and assistance to ‘green industry’ can be provided under the ACT Business Incentive Scheme (ACTBIS), and the Business Development Fund. These schemes provide ACT businesses with incentives (tax concessions, provision of land, financial grants, and workforce development assistance, and other assistance on a case-by-case basis). Business involving recycling activities is one of the selected industries that may qualify for a direct land grant under the ACTBIS.

**LEGISLATIVE ASSEMBLY QUESTION
QUESTION ON NOTICE NUMBER 360**

Chemical Distribution

Mr Wood asked the Minister for Urban Services - In relation to chemical distribution -

1. What chemicals are distributed over
 - (a) playing fields
 - (b) road verges
 - (c) school yards, and
 - (d) trees;
2. For what purposes were they distributed.
3. What are the related hazards following the distribution.
4. What notice was given to residents in the vicinity of any distribution and in particular, does the Government acknowledge the duty to notify schools when chemicals are used.
5. Does the Government acknowledge that some people are more susceptible to chemicals than others.

The answer to the Member's questions are as follows:

1. A wide variety of chemicals are distributed in the playing fields, road verges, school yards and trees. Chemicals are selected and applied to achieve specific desired outcomes. A complete list of chemicals used for pest control has been submitted to the Inquiry into the ACT Use of Chemicals for Pest Control currently being undertaken by the Commissioner for the Environment. This list of chemicals is very extensive, and I will provide the Member with that list.

Without going into the details, the types of chemicals applied are as follows:

- (a) On playing fields fertilisers are applied to keep playing surfaces healthy. Some pesticides are used to control insect pests that cause damage to these assets, and weeds that deteriorate the playing surfaces. Line marking paints and diesel fuel is used to mark lines on playing surfaces.
 - (b) Road verges may have pesticides applied to eliminate weeds or trees growing too close to traffic.
 - (c) School yards are watered and fertilised, and on some occasions pesticides are used to control insects or weeds.
 - (d) Insect pests and other diseases are on occasions treated in trees.
2. With respect to the particular locations listed, the application of chemicals have various purposes. The overriding principle purpose of applying any treatment is to sustain these artificial landscapes. Fertilisers are applied to keep playing surfaces healthy. Pesticides are applied to control weeds, insect pests and diseases. Pesticides are also applied to remove vegetation that affects the maintenance of built assets.

20 February 1997

3. The hazards related to the use of chemicals differ for each chemical. For the hazardous chemicals the manufacturers and approval authorities such as the National Health and Medical Research Council, determine and publish directions for the use of the chemicals. These directions are followed by this Government. If a significant hazard exists, the public are excluded from the affected area.

The least toxic and environmentally safest suitable pesticide is used. Only registered pesticides are used, and the chosen pesticides are specifically registered for the pest being controlled and the situation where it is to be used. Pesticides which persist in the environment are avoided, with the exception that in certain weed control situations, wherein low toxicity herbicides with considerable residual activity may be used to control weeds. Where possible, pesticides which do not act against beneficial organisms in the environment are selected.

The process of applying chemicals is also controlled. Spray drift is minimised, and work is not undertaken when members of the public are in the near vicinity.

4. The Government does acknowledge a duty to inform schools about chemical distribution operations. School Principals are notified in advance of any intended fertilising program or pesticide spraying procedure. Under most circumstances these operations are carried out during school holidays. If exceptional circumstances make it necessary to carry out these works out of vacation periods, then the procedure is undertaken during periods when the children are not in the grounds, such as after hours.

The public are notified of pesticide applications by means of the clear signage on the spray vehicles and appliances, and by the harmless red indicator dye used in the pesticide mix. I am sure that all Canberrans have noted the areas sprayed pink, and most know that the pink colour indicates pesticide sprays. Most chemical distribution tasks are weather dependant, and cannot be undertaken when the conditions are adverse.

5. The Government does acknowledge that some people may have sensitivities to chemicals. If a person with a sensitivity makes the details known to the relevant land managing sections of the Department of Urban Services, the Department will endeavour to inform the person of programs in their vicinity that may affect them. The Department has a responsibility to maintain the community assets for all the community.

MINISTER FOR SPORT AND RECREATION

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 364

Disabled Persons - Sport and Recreation

Ms McRae asked the Minister for Sport and Recreation - In relation to the participation of people with disabilities in sporting activities -

- (1) How are their needs dealt with.
- (2) What policy is in place to ensure full participation in sporting and recreational activities.
- (3) What organisations are funded to support people with disabilities participating in sporting and recreational activities.
- (4) Who (a) monitors the participation of people with disabilities in sport and recreation and (b) works to increase their involvement.

Mr Stefaniak - the answer to the Members questions are as follows:

- (1) The ACT Government is committed to providing quality services to people with a disability in the community. This is supported through grants to sporting and community organisations under the Sport and Recreation Development Grant Program.

Other support is provided by AUSSIE SPORT and coach education programs for people with disabilities; the ACT Academy of Sport new scholarship program for athletes with disabilities; and financial support to the ACT Council for the Australian Paralympic Federation (this support was equal to the amount provided to the ACT Olympic Fundraising Committee).

- (2) The Liberal Government's policy is to encourage all Canberrans to maximise their leisure time through sport, recognising that some groups within the community need increased support to do so, for example, people with disabilities.

Under the conditions of grant organisations must be able to demonstrate that every effort is being made to ensure that the principles of access and equity are guiding the development of the organisation and any programs that it is conducting. Under their Triennial Assistance Agreement organisations are to identify, where appropriate, in their Development Plans measures being taken to improve access to opportunities and status within the activity to under-represented population groups. This includes people with disabilities.

20 February 1997

- (3) All organisations are encouraged to apply under the Project Assistance category of the Sport and Recreation Development Grant Program to assist in providing new or enhanced opportunities for projects involving special needs groups in the community. Direct funding is provided to the ACT & Region Disabled Sport and Recreation Association (ADSRA) to assist in pursuing the development of integrated and inclusive sport and recreation opportunities with generic sport and recreation bodies in the ACT.
- (4)
 - (a) The Australian Sports Commission through the AUSSIE ABLE program collects data on disabled participants, as does the Australian Wheelchair Association. The Australian Bureau of Statistics also carried out a Survey of the Disability, Aging and Caring in 1995, which included some national data on participation in sport.
 - (b) ADSRA has concentrated on establishing basic programs in conjunction with generic sport organisations in the ACT community to increase the involvement of disabled people in sport.

CHIEF MINISTER
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 369
Public Service - Computer Training

Ms McRae asked the Chief Minister:

- (1) What arrangements are in place for the training of ACT government staff in the use of software on their computers to ensure all ACT employees make the best use of their computers.
- (2) How often is training arranged.
- (3) What happens when new software is introduced.

Mrs Carnell - the answer to the Members' question is:

- (1) For standard desktop software, computer training is currently administered on a Department by Department basis. Some Departments eg Education and Training, Health and Community Care, run in-house training sessions for their staff.

Similarly, for core business applications, each Department currently makes its own arrangements and most provide specific training to their staff. For example, DET provides training in the Student Record Keeping System and DHACC provides training in the Nursing Information Management System.

Assembly members may be aware that this Government has been concerned about the effective use of computing equipment and the cost of IT services within the Government. The InTACT Group was formed in order to improve IT services and minimise the associated costs.

The InTACT Group issued a Request for Offer last September. This Request for Offer covered IT hardware, system software and desktop software. In preparing its Request for Offer, the InTACT Group has recognised the importance of effective staff training in information technology matters and its direct relationship to the ACT Government's success in delivering outcomes.

Suppliers were asked to put forward innovative solutions for IT training in their response to the Request for Offer. The training options could include direct face-to-face training and individual training methods such as on-line computer based training or videos. It is intended that training would be oriented to both new users and those users who need refreshment training.

In terms of standard desktop software, it is also planned to identify staff who require training through innovative and automated methods.

20 February 1997

- (2) Under current arrangements training is instigated on a section or work group basis. Staff are advised of relevant training courses through the Staff Bulletin and attendance can then be negotiated. Of course, matters such as the impact of the staff member being away from work activities and budgetary constraints need to be finalised prior to attendance.
- (3) Historically, the introduction of new software has been accompanied by specifically targeted training. An example of this was the upgrade from Microsoft Word for Windows Version 2 to Version 6 where on a Department by Department basis 'migration' training was offered to staff where appropriate.

Similar arrangements have been utilised in relation to specific business systems and new systems and/or modified processes have generally been supported by parallel training regimes eg training in Human Resource Management System -PERSPECT when it was introduced.

**CHIEF MINISTER
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 370**

Public Service - Software Purchasing

Ms McRae asked the Chief Minister:

- (1) What arrangements are in place for the purchasing of software for each government department.
- (2) Are there any local suppliers favoured and if so who.
- (3) In what ways can small local business compete with the major providers.
- (4) Are they assisted to do so in any way.

Mrs Carnell the answer to the Members' question is:

- (1) In terms of desktop application software, standard products were selected some time ago and whole-of-Government pricing structures agree eg Microsoft and Lotus Licence Agreements. These agreements were designed to continue the involvement of local companies in the provision of the related products eg Microsoft Word and Excel or Lotus cc:Mail and Organizer while maximising purchasing power using a 'whole-of-Government' philosophy. Under these arrangements purchase is undertaken through normal retail channels.

The current arrangements for Department specific business application systems utilise the normal tender processes in order to identify and select appropriate application system providers and/or developers.

- (2) There are no favoured local suppliers.
- (3) The development work of the standard desktop applications is undertaken by the large companies such as Microsoft and Lotus. However, local suppliers are encouraged to participate, within the retail outlet chain, in the provision of the software to Departments. Local suppliers also provide technical support and training services within the ACTPS.

In relation to business applications, local suppliers would be able to compete by participating in any tender process which is let.

- (4) The Government is committed to sustaining and growing the local industry base. To this end, the involvement of local industry through strategic partnershiping is the cornerstone of the InTACT Group's approach to the provision of IT services. Reference within the current Request for Offer to the Canberra Region Industry Plan has strengthened the focus of respondents on providing opportunities to local IT companies. Although the Request for Offer specifically deals with IT infrastructure services the flow-on to local software developers/providers should not be underestimated.

20 February 1997

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 371

Pine Plantations - Isaacs

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

- (1) What will be the extent of clearing of pines at Isaacs Ridge and adjacent areas.
- (2) Is this being carried out by ACT Forests, or for other purposes.
- (3) What regeneration is planned for this area.

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

- (1) The area was planted as a commercial pine plantation in 1954 and the whole area is now due for harvesting of the current crop and replanting. Rather than take it out in one operation, ACT Forests has cleared 9 hectares over September 1996 on the lower slopes and a proportion of the remainder has been thinned to allow it to grow on, well beyond its usual clearfall age.
- (2) The 9 hectare which have been cleared during harvesting will be replanted in Winter (conditions permitting).
- (3) After the new crop has become established in this area, the remaining areas will be harvested in two stages over the following few years and re-planted.

Prior to harvesting all residents in Isaacs were notified through a letterbox drop as to the harvesting and re-establishment plans, and the areas to be harvested were signposted.

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION**

Question No.372

Meet the Minister Program

MR WHITECROSS - Asked the Chief Minister upon notice on 12 December 1996:

1. How many Meet the Minister clinics have been held from 1 July until 30 November 1996 inclusive,
a) by you? and b) by each of the Ministers.
2. Where have they been held?
3. How many staff have been present each time?
4. How long has each clinic been for?
5. What has the cost been for the time of the room used?
6. What has the cost of advertising been?
7. How many members of the public have attended each clinic?
8. What issues a) have been raised; and b) how have they been dealt with?

MRS CARNELL - The answer to the Member's question is as follows:

1. The Meet the Minister program commenced in June 1995. Ministers attend monthly sessions. From 1 July to 30 November 1996;
a) I have held four (4) sessions; and
b) other Ministers have each held four (4) sessions.
2. The sessions have been held in community halls, libraries, shopping centres and other public places, throughout Canberra. The session locations are given in Table 1 of **Attachment A**.
3. Either one (1) or two (2) Ministerial Office staff attend the Meet the Minister sessions.
4. Each Meet the Minister session runs for a period of three (3) hours.
5. Room hire has been charged in only a few instances. The total amount spent on room hire for Meet the Minister between July and November 1996 is \$252.00 - a breakdown of costs for each venue is set out in Table 1 of **Attachment A**.
6. The advertising costs for the Meet the Minister program from July to November 1996 inclusive, is approximately \$5440.00

20 February 1997

7. The number of members of the public attending Meet the Minister sessions is given in Table 1 of **Attachment A**.

The numbers represent the number of people actually spoken to. Due to time constraints it is not always possible to see all the people who wish to speak to the Minister. Constituents who do not receive an appointment are encouraged to follow up their concerns with the Ministers' Offices.

8. a) The issues raised are listed at Table 2 of **Attachment A**.
b) Issues raised are dealt with in the following ways:
- answered at the time;
 - acknowledgment letter sent & response prepared;
 - arrangement of meeting with departmental officer/s;
 - referral to the relevant department for response/action;
 - attendance by Minister at community meeting/s;
 - referral to the relevant Minister for subsequent referral to the appropriate department; &
 - comments noted and referred (relating to program or policy issues)

20 February 1997

[Photocopied and hand numbered page 327 attached]

Table 2
ISSUES RAISED IN MEETINGS

Subject Area	Issues Raised
Housing	<ul style="list-style-type: none"> . policy on selling government houses . request for assistance in getting public housing in Melbourne . dispute over income assessment . dealings with ACT Housing appeal re priority housing . selection process for Havelock House . draining maintenance . private housing . neighbour disputes . buying a ACT Housing Trust property . impact of Federal Budget on community housing . delay in housing maintenance . property allocation criteria . ACT Government Housing Energy Rating Scheme . rebate system . management of Ainslie Village . heating in Ainslie Flats
Family Matters	<ul style="list-style-type: none"> . equity of provision of child care services . Tuggeranong Community Service . facilities for older Canberrans
Community Safety	<ul style="list-style-type: none"> . murals to combat graffiti problems . referendum on gun laws . driveway repairs request . role of Community Advocate . improvements to Holt Shops . national inquiry into gun laws . complaints relating to gun laws . proposed self- regulation of security industry . request for laws against using hand held mobile phones while driving
Environment	<ul style="list-style-type: none"> . ACT participation in Murray Darling Basin Commission . request for removal of dead trees . noise pollution from neighbour's business . proposal for tyre shredding unit . requests for railing maintenance in Cotter Drive . grass mowing in Curtin, Banks and Conder . requests for tree removal and driveway/footpath repairs . request for extra garbage bins in park near Tuggeranong Swimming Pool . using eucalypts as street trees

Education	<ul style="list-style-type: none"> . Charnwood Community Action Group - request for meeting . request for part time teaching work . P&Cs and insurance query . school bus routes in Weston Creek . animal education . SWOW relocation . which ACT schools are teaching 'the basics' . request to introduce Persian Studies into education system . enrolment problems . School Without Walls (SWOW) . information request re Family Services' Service Delivery Procedures
Business	<ul style="list-style-type: none"> . retail trading hours legislation . management of Hyperdome . restricted liquor sales hours . interest in Small Business Summit . Manuka development proposal . licence to operate taxi service on Lake Burley Griffin . tender process for landfill scavenging licence . stall holders at Jamison Markets operating as a trading business . government competing with private sector for tenders . lack of variety of shops in Hyperdome . request for loan from Government to assist with costs of setting up a small business
Transport	<ul style="list-style-type: none"> . fare structure for ACTION buses . parking charges . road transport . use of AGSO car park by Civic workers . ACTION bus services after 9.00pm . release of taxi plates . extension of taxi rank . ideas for preventing road accidents . traffic calming measures in Downer . traffic conditions in Flynn . coordination of ACTION bus services . parking on nature strips . number of disabled parking spots . review into disabled parking arrangements/suggestions for fare structure for ACTION buses and parking charges . proposed roadworks for Owen Dixon Drive/William Slim Drive . random vehicle inspection system . suggestion re new number plate series . ACTION bus routes, services and timetables . unauthorised use of Loading Zones . traffic calming measures in Kambah and the consultation process . request for roundabout . traffic calming measures in Chapman . requests for parking infringement notice to be waived . number of traffic lights in Hindmarsh Dve . request for inquiry into compulsory bike helmet laws . road base storage and increasing number of trucks using site . bus services to Hughes on weekends and public holidays
Industrial Relations	<ul style="list-style-type: none"> . recommendations of Coopers Lybrand review of City Operations . implementing Quality Assurance programs . workers compensation claim . proposed Federal changes to workers compensation

Policing	<ul style="list-style-type: none"> . request for use of police speed cameras . suggested penalties for unregistered cars
Health	<ul style="list-style-type: none"> . heroin trial . new private hospital in ACT . cost of methadone trial . overdue medical test results . use of antibiotics in battery hens . Kippax Health Centre
Planning	<ul style="list-style-type: none"> . Civic Redevelopment comments . regulations for front fences on residential properties . information request re land and planning Process Review . request for pedestrian crossing at Belconnen Town Centre . revival centre proposal for Section 594 Chisholm
Community Matters	<ul style="list-style-type: none"> . request for Minister to attend Gungahlin Community Council meeting . increased amenities for Weston Creek Community Drop-in Centre . support for circuses . community services grants review
Employment	<ul style="list-style-type: none"> . ACT Public Service employee request for redundancy package . staffing at Canberra Hospital
Sporting Matters	<ul style="list-style-type: none"> . Futsal Stadium . access to cricket nets in Tuggeranong
General Matters	<ul style="list-style-type: none"> . request from ACT Public Service employee for staff visit by Minister . request for street cleaning - glass removal . closure of cafe in Woden Library . immigration . Aboriginal issues . access to pornography . earthworks at Macquarie Oval . request for information on benefits for Vietnam Veterans . request for Minister to appoint independent members to Plumbers Board . Technical Services Unit . Federal Government's 'Dole Diary' . request to attend Canberra Pensioners Club luncheon . request to extend pensioner off peak ACTION bus ticket to include peak times . Sri Chinmoy Peace Foundation request for government assistance in promoting triathlon in February, request for permanent electricity supply to Yarralumla Bay . Sri Chinmoy re removing peace signs around Canberra

MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 376

Motor Vehicle Inspections

Mr Whitecross - asked the Minister for Urban Services

1. Does the Department of Urban Services issue notices by mail requesting vehicles to be presented for inspection.
2. How many such notices have been issued between 1 January 1996 and 30 November 1996.
3. Does the department act on third party information about defective vehicles.
4. What qualifications does a third party informant have to have.
5. Does the Registrar only act on information supplied by police officers or motor vehicle inspectors.
6. How many vehicles have been presented for inspection (for the period 1 January 1996 to 30 November 1996) as a result of third parties informing the Registrar that the vehicle was unroadworthy.
7. How many of these vehicles were issued with defect notices when they were presented for inspection.
8. How many of these vehicles have had their registration suspended as a result of failing to present for inspections following a third party information.
9. How many are still under suspension.

Minister for Urban Services - the answer to the member's questions are as follows.

1. Yes
2. 126
3. Yes
4. Any signed written complaint of substance will be acted upon.
5. No
6. 97 (11 registrations were voluntarily cancelled).
7. 49 (48 were presented in a roadworthy condition after having repairs completed prior to inspection).
8. 14 (A further 4 were unregistered and will be required to have a full inspection if re-registration is sought).

20 February 1997

**MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 377**

Waste Disposal - Statistics

Mr Whitecross - asked the Minister for Urban Services:

- (1) How many vehicles (excluding heavy vehicles) were charged to dispose of waste at the Belconnen and Mugga Landfills for the period 1 February 1996 to 30 November 1996 (inclusive).
- (2) How many vehicles:
 - (a) paid the three dollar levy between 1 February 1996 to 30 November 1996 (inclusive); and
 - (b) paid the five dollar levy between 1 February 1996 to 30 November 1996 (inclusive).
- (3) How many (a) domestic users were charged commercial fees because they exceeded the weight limit delimiting domestic and commercial use and (b) what was the revenue collected in this way.
- (4)
 - (a) how much was spent to engage contractors to police illegal dumping for the period 1 January 1996 - 30 November 1996.
 - (b) what was the total cost of policing illegal dumping for the period 1 July 1996 - 30 November 1996.
 - (c) how many infringement notices were issued for the period 1 February 1996 - 30 November 1996.
 - (d) how many prosecutions were successfully pursued for the period 1 July 1996 - 30 November 1996.
- (5) How many instances of illegal dumping of
 - (a) domestic (household) waste were recorded for the period 1 February 1996 - 30 November 1996.
 - (b) commercial/industrial waste were recorded for the period 1 February 1996 - 30 November 1996.

Minister for Urban Services - the answers to the Opposition Leader's questions are as follows:

- (1) The Mugga Lane and West Belconnen Landfills charged 140,628 clients for the disposal of waste during the period 1 February 1996 and 30 November 1996 inclusive.

- (2) (a) The Mugga Lane and West Belconnen Landfills made 34,768 \$3 transactions for the disposal of waste during the period 1 February 1996 and 30 November 1996 inclusive.
- (b) The Mugga Lane and West Belconnen Landfills made 105,860 \$5 transactions for the disposal of waste during the period 1 February 1996 and 30 November 1996 inclusive.
- (3) (a) The 2842 clients were charged at the commercial rate due to load weights equalling or exceeding 0.5 tonne.
- (b) The total revenue collected from these transactions was \$54,507.02.
- (4) (a) The total cost of contractors policing illegal dumping was \$6,364.
- (b) The total cost of policing illegal dumping was \$184,035.
- (c) 54
- (d) There were no prosecutions pursued during the period 1 July 1996 through to 30 November 1996.
- (5) (a) & (b) There were 1060 recorded queries, investigations or actions related to instances of illegal dumping in that period. The statistics do not distinguish between domestic and commercial waste.

20 February 1997

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
Question No. 378**

Freedom of Information Requests

MR WHITECROSS - Asked the Chief Minister upon notice on 12 December 1996:

- (a) How many requests under the *Freedom of Information Act 1989* have been requested since 1 April 1995 until 30 November 1996 inclusive?
- (b) What document/subject has been the nature of each request?

MRS CARNELL - The answer to the Member's question is as follows:

- (a) There have been 324 requests recorded during the period 1 April 1995 to 30 November 1996.
- (b) Details of the subject/nature of each request are included in Attachment A.

Subject/Nature of FOI Requests
for period 1 April 1995 to 30 November 1996
(listed alphabetically)

Abortion facilities & pre/post abortion counselling
Accident report - Watson Primary School
ACT House of Assembly security documents
ACT Housing Trust files
ACT Schools Authority records
Ainslie Village/Centacare lease (2 requests)
Animal cruelty
Applicant's home
Arsenic contamination
Assessment by CRS (2 requests)
Autoclave at Royal Canberra Hospital
Behavioural intervention report
Belconnen soccer club (2 requests)
Belconnen tip
Bike helmets
Block 1 Section 103 Symonston
Block 1 Section 64 Deakin
Block 13 Section 33 Ngunnawal
Block 13 Section 33 Ngunnawal
Block 15 Section 66 Giralang
Block 18 Section 24 Macquarie
Block 20 Section 47 Mawson (2 requests)
Block 25 Section 751 Calwell
Block 3 Section 38 McKellar
Block 3 Section 38 McKellar (5 requests)
Block 33 Section 5 Watson
Block 46 Section 65 Belconnen (3 requests)
Block 5 Section 38 Mitchell
Block 5 Section 47 Turner
Block 5 Section 8 Canberra City (2 requests)
Block 6 Section 15 Civic
Block 6 Section 15 Civic
Block 7 Section 30 Reid
Block 7 Section 30 Reid (Heritage section)
Block 9 Section 56 Civic Car Park
Block 9 Section 84 Griffith
Blocks 1, 3, 5 Section 57 Yarralumla (2 requests)
Blocks 32, 33, 50 & 54 Section 26 Kingston
Broken glass interchange
Business dealings (2 requests)
Canberra becoming a Sri Chinmoy Capital City
Child and adolescent documents
Child and adolescent file
Citizen file, tenancy file and Housing Trust file
City Parks
Civic Pool
COMCARE Determination
Community advocate
Condition of back yard

20 February 1997

Consumer complaint (2 requests)
Correspondence between applicant and ACTION
Correspondence between GSO and ACTION
Correspondence from applicant
Correspondence with Department of Environment, Land and Planning
Day Care files
Department of Urban Services Files on Mugga Lane tip
Discrimination
Discrimination hearing
Documentation re treatment Melba Health Centre
Documents re allegations to the Minister
Documents re Belconnen Golf Course
Documents re bocce club
Documents re FOCUS
Documents re funding cuts to ACT Library service (2 requests)
Documents re investigation of complaint (2 requests)
Documents re meeting with departmental official
Documents re self/briefings to Minister/Housing Trust
Documents re state wards
Documents since previous request plus any photographs
Documents voluntary/involuntary retrenchment
Dog attack (2 requests)
Dog complaints
Dog control (3 requests)
Dogs (2 requests)
Drainage works - Belconnen Soccer Club
Drivers licences
Drug Dependence Unit records (2 requests)
Environmental health inspections of a property (2 requests)
Family Services file (6 requests)
Family Services report
Government data
Government decision on "Smoking is addictive" package
Government grants
Government industrial policy
Government Solicitor Office file
Grant to bituminise Fairbairn Park Road
Grass
Grievance file (2 requests)
Grievance report
Grievance/Personnel files (2 requests)
Heavy vehicle parking
Hilmer Report
Hindmarsh Drive accident
Horse trail closure
Housing and property files since March 1994
Housing files (58 requests)
Housing rent relief records
Housing Trust documents
Housing Trust records re allegations
Implementation of Plan No. 11 - Traffic management
Incident report re accident during radiotherapy
Incident report re polling station
Independent report including addresses of properties
Individual's file
Information relating to a position within The Canberra Hospital
Information relating to accident
Isabella Plains Newsagency (3 requests)

Job application
Land survey, environmental analysis of Theodore
Land tax file
Land valuations
Letter re mother and sister of applicant
Letter relating to applicants fitness to drive
Letters to and from department re grantee
Letters, Government Solicitor's Office and Medical Board records
Magistrates Court report
Maintenance and incident reports in Royal Canberra Hospital in 1990
Medical board documents
Medical notes
Meeting and investigation records
Melrose Valley
Mental/emotional health records
Metal grates - Hyperdome
Minister for Housing documents
Mugga Lane tip
Nature strips (2 requests)
Noise complaints (2 requests)
OH&S information re restaurant
OH&S report
Operating theatre staff continuous improvement survey
Organisation performance and departmental performance
Parole report
Passenger's accident report
Pavement accident (2 requests)
Payment of money for Business Franchise Fees
Personal file (34 requests)
Personnel files (3 requests)
Personnel records
Planning and leasing issues (24 requests)
Planning Authority re Block 10 Section 150 Kambah
Planning files - Yowani Country Club (2 requests)
Plans for basement of W H Hancock Building, ANU
Pollution control officer
Preschool administration
Project documents of grantee
Purchase of unit at Zara Holt Gardens
Re Belconnen soccer ground
Real Estate Agents (2 requests)
References to employment
Rental/purchase of photocopiers
Report into Inquiry into Administration of ACT Leasehold
Report re objection to 4 dogs - O'Connor
Request for personnel file (2 requests)
Road signs (2 requests)
Sale of shares in trustee company (2 requests)
School records (4 requests)
Sections 71 & 81 McKellar (2 requests)
Stromlo High manhole
Structures on block
Student's school file
Student records
Submission by Motorsport Council
Tender process DELP building
Traffic calming device
Work on manholes - O'Connor oval

20 February 1997

20 February 1997

APPENDIX 1: Incorporated in Hansard on 18 February 1997 at page 40

[PHOTOCOPIED AND HAND NUMBERED PAGES 339 TO 341 ATTACHED]

20 February 1997

[PHOTOCOPIED AND HAND NUMBERED PAGES 339 TO 341 ATTACHED]

20 February 1997

[PHOTOCOPIED AND HAND NUMBERED PAGES 339 TO 341 ATTACHED]

20 February 1997

APPENDIX 2: Incorporated in Hansard on 18 February 1997 at page 41

PHOTOCOPIED AND HAND NUMBERED PAGES 342 TO 348 ATTACHED

20 February 1997

PHOTOCOPIED AND HAND NUMBERED PAGES 342 TO 348 ATTACHED

20 February 1997

PHOTOCOPIED AND HAND NUMBERED PAGES 342 TO 348 ATTACHED

20 February 1997

PHOTOCOPIED AND HAND NUMBERED PAGES 342 TO 348 ATTACHED

20 February 1997

PHOTOCOPIED AND HAND NUMBERED PAGES 342 TO 348 ATTACHED

20 February 1997

PHOTOCOPIED AND HAND NUMBERED PAGES 342 TO 348 ATTACHED

20 February 1997

PHOTOCOPIED AND HAND NUMBERED PAGES 342 TO 348 ATTACHED

APPENDIX 3: Incorporated in Hansard on 20 February 1997 at page 243

DECEMBER CONSOLIDATED FINANCIAL REPORT

TABLING STATEMENT

Mr Speaker, section 26 of the *Financial Management Act* requires whole of Government financial statements to be prepared each month which are comparable to general purpose accounting statements presented in this year's Budget documentation. The statements are to be presented to the Assembly within three sitting days of completion.

The December report, as with each monthly consolidated financial management report this Government has presented this financial year, continues to improve on previous reports which is another quantum leap in accountability not only for the Territory, but presents a precedent in Government accountability in this country.

The report presents consolidated financial statements at the whole of the Territory level, and for the general government sector and public trading enterprise sector.

As members will see from the December report, the Territory operating account shows an operating loss of \$78m for the first half of the financial year, an improvement of almost a half of the \$148m loss expected at this time of the year.

All agencies have been required to ensure monthly and year to date budgets include seasonal activity so as to ensure assessment of actual results is accurate and meaningful.

The general government sector Mr Speaker, has achieved an operating loss to the end of December of \$84m, some \$39m improved on the position expected. This improvement comprises a \$41m favourable variation in revenue to date, offset by a \$2m increase in expenses.

With the Territory's taxation effort \$23m above expectations to date, and lower than expected economic growth imposing downward pressure on the prices of goods and services purchased by the Government, the position to date stands the ACT in good stead to end the present financial year better than expected.

Mr Speaker, I commend the December Consolidated Financial Management Report to the Assembly.