



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

8 May 1997

Thursday, 8 May 1997

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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.

TAXATION (ADMINISTRATION) (AMENDMENT) BILL 1997

MRS CARNELL (Chief Minister and Treasurer) (10.33): Mr Speaker, I present the Taxation (Administration) (Amendment) Bill 1997, together with its explanatory memorandum.

Title read by Clerk.

MRS CARNELL: I move:

That this Bill be agreed to in principle.

This Bill provides for amendment of the Taxation (Administration) Act 1987 to tighten and improve the refund or recovery of revenue provisions contained in sections 95B to 95E of the Taxation (Administration) Act 1987. Business franchise fees are frequently under challenge in one form or another on the basis that the fees are a duty of excise and State and Territory legislatures have no power to impose such duties under the Australian Constitution. So far, the High Court has held that, as long as the fee charged is a regulatory one and is not a direct fee for the trading in goods, it is not an excise. However, for how long this position will be held is unknown, and it is therefore a constant cause of concern in respect of State and Territory revenue collection agencies.

The refund or recovery of revenue provisions were introduced in an attempt to prevent revenue legitimately collected by tax, duty or licence fee from having to be refunded, following an adverse decision by the High Court or another court on the validity of the tax law, or where an amount refunded is not returned to the person bearing the incidence of the tax. Section 95C provides that the Commissioner for ACT Revenue is not to refund a revenue amount unless the person claiming the refund satisfies the commissioner that the tax, duty or licence fee was not passed on to another person or, if it was passed on, the claimant has repaid the amount passed on. The effect of this provision is to prevent a taxpayer from receiving a windfall gain at the expense of those persons to whom the incidence of the tax was passed on.

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Section 95D provides that tax paid under a taxation law prior to a court finding the law to be invalid cannot later be recovered by the taxpayer on the ground of that invalidity. The provision does not apply in respect of an overpayment which would be refunded if the tax law had continued to be valid. Previous legal interpretations have all cast doubt on the effectiveness of these provisions to protect Territory revenue from a claim for refund under certain circumstances. For example, where an application is made direct to a court for a refund of tax paid, or where the application for a refund is for tax amounts paid prior to the introduction of the refund or recovery of revenue provisions in 1993.

Amendments in the Taxation (Administration) (Amendment) Bill 1997, therefore, will:

provide that a court cannot refund tax paid without the taxpayer satisfying the court that the impost has not been passed on to third parties or, if it has, the third parties have been reimbursed;

require a taxpayer to whom a refund is to be provided following court action to provide the court with an undertaking that the tax impost will not be passed on to any other person - the penalty for not complying with the undertaking is an amount equal to double the amount charged or recovered from the third party;

require a taxpayer to whom a refund is to be provided by the commissioner to provide the commissioner with an undertaking that the tax impost will not be passed on to any other person - the penalty for not complying with the undertaking is an amount equal to double the amount charged or recovered from the third party;

provide that a taxpayer may apply to the commissioner for a refund of an amount paid in excess of the tax payable under proposed subsection 95D(2) of the Act, even though the law has been declared invalid by the courts and the tax payable is precluded from being recovered;

provide a taxpayer with the right of appeal to the Administrative Appeals Tribunal where the commissioner is not satisfied that a taxpayer has not charged to, recovered from, or repaid a revenue amount to a third party under proposed subsection 95C(1) of the Act, or where an adverse decision is made by the commissioner on a refund application under proposed subsection 95D(2) of the Act; and

clarify, for the sake of removing any doubt that existed, that Part XIIA of the Act - the refund or recovery of revenue provisions - applies to tax paid and legal proceedings commenced before or after the commencement of this Part in 1993.

These proposed measures, if introduced, will correct anomalies in the existing legislation and ensure greater protection of ACT revenue.

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

GAMING MACHINE (AMENDMENT) BILL (NO. 2) 1997

MRS CARNELL (Chief Minister and Treasurer) (10.39): Mr Speaker, I present the Gaming Machine (Amendment) Bill (No. 2) 1997, together with its explanatory memorandum.

Title read by Clerk.

MRS CARNELL: I move:

That this Bill be agreed to in principle.

This Bill amends the Gaming Machine Act 1987 by tightening the grounds on which the Commissioner for ACT Revenue may rely when considering the issue, cancellation or suspension of a gaming machine licence. The proposal contained in this Bill is the first step in a package of amendments that seek to ensure that all clubs operate within the intention of the law, strengthen their accountability and reporting requirements, and enhance the commitment of the club industry to the community.

Under the Gaming Machine Act, the commissioner, when considering an application for a gaming machine licence from a hotel or tavern, must, among other things, determine the good fame and character of the applicant. No similar test exists to establish the bona fides of directors or influential persons of clubs which make application for a gaming machine licence. This deficiency prevents the commissioner from making appropriate decisions on gaming machines to protect the public interest. I believe that the directors and influential persons of a club should be subject to similar tests of good fame and character, and propose to adopt a more objective test for all clubs, hotels and taverns that the commissioner may rely upon.

This Bill proposes that, when deciding to grant or refuse a gaming machine licence, the commissioner may consider whether the applicant or, in the case of a club, a director or influential person in the club operation has been convicted of an offence, or is subject to a penalty involving an offence, in the past five years involving dishonesty, unlawful gaming, or a breach of the Gaming Machine Act or another taxation law. In addition, the commissioner will be able to cancel or suspend a gaming machine licence where the licensee, club director or influential person in the club operation is convicted of such offences in the future. It is not intended that this provision be made retrospective or cancel or suspend existing gaming machine licences in cases where the offences were committed by licensees, club directors or influential persons before the proposed commencement of the Act.

The Government is committed to ensuring that all aspects of club gaming operations in the ACT are conducted beyond reproach and to protecting the members and the community which these clubs serve. Mr Speaker, I am also going to be asking the Assembly to bring this Bill on for debate next week, if the Assembly sees that as appropriate.

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

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DOMESTIC VIOLENCE (AMENDMENT) BILL (NO. 2) 1997

MR HUMPHRIES (Attorney-General) (10.43): Mr Speaker, I present the Domestic Violence (Amendment) Bill (No. 2) 1997, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: I move:

That this Bill be agreed to in principle.

I am pleased to inform the Assembly that the Government, in presenting this Bill, has fulfilled the undertaking I gave last year in a ministerial statement on the tabling of the Government's response to the ACT Community Law Reform Committee Report No. 9 on domestic violence. In that statement I outlined the Government's intention to legislate for the establishment of a Domestic Violence Prevention Council. As I indicated at that time, the role of the Domestic Violence Prevention Council will be to advise government on domestic violence issues and promote collaboration amongst government agencies and non-government organisations in the ACT.

The Domestic Violence Prevention Council will be primarily tasked with the development and referral to me of an ACT domestic violence strategy. The development of such a strategy has been commenced by the Women's Consultative Council, who were commissioned with preparing a draft strategy for the council's consideration. The Government has been pleased to endorse the strategy, and I would like to express the Government's appreciation to the members of that council for the work that has gone into the strategy, which now awaits the Domestic Violence Prevention Council's attention.

The Domestic Violence Prevention Council will have 13 members, at least six of whom will be appointed as community representatives. The community representatives will include a person capable of representing the interests of Aboriginal people and Torres Strait Islanders and a person capable of representing the views of people of non-English-speaking backgrounds. The council will be chaired, as I indicated last year, by the Victims of Crime Coordinator. Other members will be senior government officers from relevant policy and program areas, to establish a link between the council and the agencies of government responsible for delivering services and developing policies.

The Domestic Violence Prevention Council will draw together all policy and program initiatives and resources, to maximise the effectiveness of the criminal justice response and service responses to domestic violence issues. The council will also play a central role in improving the quality of the community consultation and education mechanisms on domestic violence. This is critical to raising community awareness and empowering victims of domestic violence offences in the Territory.

This initiative forms part of a series of law reforms implemented by this Government in domestic violence matters, which commenced in March last year with the Government providing bipartisan support to the passage of anti-stalking legislation. This was followed recently, as members will recall, by the introduction into the Assembly of the domestic violence package. That package reviewed the existing legislation relating to the effect of restraining orders and protection orders on the holder of a firearms licence and implements the more protective and precautionary policy initiatives adopted in the firearms legislation. It also amends the Bail Act 1992 to remove the presumption in favour of police bail when a person is charged with a domestic violence offence. These initiatives are indicative of the high level of this Government's commitment to ensuring greater safety to victims of domestic violence. The council, I am confident, will significantly improve the responses of government agencies and community organisations to domestic violence issues in the ACT, and I commend the Bill to the house.

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

CANBERRA CULTURAL AUTHORITY BILL 1997

MR HUMPHRIES (Attorney-General and Minister for Arts and Heritage) (10.46): Mr Speaker, I present the Canberra Cultural Authority Bill 1997, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: I move:

That this Bill be agreed to in principle.

The Canberra Cultural Authority Bill 1997 is a significant step in maximising the social and economic benefits of cultural activities and collections to the Territory through an enhanced legal and administrative framework. The Canberra Cultural Authority is being established at a time when Australians are increasingly participating in and spending more on arts- and entertainment-related activities. The authority's core business is venue and related activities management. By efficiently managing the marketing, hiring and programming of performances, exhibitions and events at the venues under its charge, the authority will provide the sustainable infrastructure essential to support the continuing development and fostering of ACT arts and culture in their many forms.

The Bill sets out the functions, powers, membership and staff arrangements of the authority. Other significant provisions deal with the financial accountability and reporting arrangements for the authority. By rationalising administrative arrangements and giving the authority a charter to sound business management focus, the Government will enhance the delivery of cultural activities and collections and integrate the marketing and management of the ACT's premier cultural facilities.

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Its principal function is to manage, control, develop, promote, present and coordinate the activities of the authority and to establish, conserve, exhibit and research collections of the authority or in the possession of the authority. In particular, there are designated locations where this will occur. These are the Canberra Theatre Centre, the Canberra Museum and Gallery - previously and informally referred to as the Canberra Cultural Centre - Lanyon historic property, Calthorpes' House, Nolan Gallery and, in cooperation with Miss Sylvia Curley, "Mugga Mugga" historic property.

Members should note that the principal role of this body is, as I have indicated, to control and develop cultural assets and collections held by the authority. I am aware that there are concerns in some quarters about the Cultural Authority having a role in determining cultural policy or even in allocating grants - roles which are currently taken by the Cultural Council. I want to assure members that this is about managing the Government's cultural assets and its collections, not about those other functions.

Other features of the Bill are the seven-member structure of the authority, provision for a chief executive officer, the ability to contract consultants, the requirement for the authority to comply with the Financial Management Act, and the requirement to provide information to the Minister on request. A key element of the Bill is the flexibility it provides to the authority in relation to commercially oriented ventures with the private sector. These partnerships will assist businesses and cultural facilities which have the potential to benefit from cultural activities or business support to increase their involvement. This is a key outcome in an area which will be actively seeking corporate support.

The ACT Government sees the move to a statutory authority in a positive light. It is anticipated that the ACT Government will provide the authority with similar funding over the next three years. The Canberra Cultural Authority is required to produce a business plan containing three-year financial projections and directions in order to provide the Government and the ACT with strategies and expected outcomes from cultural activities and collections in the ACT within three months of this Bill's enactment.

The existing and new staff of the corporation will be employed under the Public Sector Management Act and the current enterprise bargaining agreement. It is intended that, when the current Department of Business, the Arts, Sport and Tourism enterprise bargaining agreement expires in September 1998 and the Canberra Theatre Centre enterprise bargaining agreement expires in June 1998, a new Canberra Cultural Authority enterprise bargaining agreement will be established. Development of an authority model has been undertaken in consultation with the staff and relevant unions. This process of constructive consultation will continue into the new organisation and in discussions regarding a new enterprise bargaining agreement. Under the new arrangement, the chief executive officer of the Canberra Cultural Authority will have the employment powers of a chief executive under the Public Sector Management Act. The new corporation will commence its operation on 1 July 1997.

The Government intends, in the medium term, to create a lease or licence and transfer the Canberra Theatre Centre site to the authority, as it is an integral part of the Government's asset base and cultural activities venue. The properties which will come under the management of the authority are many and varied and, as such, it will take some time to

ensure that the Territory's interests are safeguarded and the authority's effective management role ensured. All other formal contracts and non-land assets currently held by the Canberra Theatre Centre will be transferred to the new Canberra Cultural Authority. All current assets related to the Canberra Cultural Centre and museums and galleries held by the Department of Business, the Arts, Sport and Tourism will likewise be transferred to the authority.

The Bill before the Assembly gives a new and dynamic approach to management of the cultural facilities in the Territory and provides a structure in which the new Canberra Museum and Gallery can develop and contribute to the social wellbeing of all Territorians. I hope members will see that the authority is a means of being able to better manage Canberra's varied and important cultural assets and its growing cultural collection and will support the legislation as a way of being able to achieve a better integration of the effectiveness of those assets and the better management of those assets between different sectors. I commend the Bill to the Assembly.

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

TRANS-TASMAN MUTUAL RECOGNITION BILL 1997

MR KAINE (Minister for Urban Services and Minister for Regulatory Reform) (10.53): Mr Speaker, I present the Trans-Tasman Mutual Recognition Bill 1997, together with its explanatory memorandum.

Title read by Clerk.

MR KAINE: I move:

That this Bill be agreed to in principle.

The purpose of this Bill is to give effect to the Trans-Tasman Mutual Recognition Arrangement which was signed by the Prime Minister, all Premiers and the Chief Ministers of the ACT and the Northern Territory last June. That arrangement was subsequently signed by the Prime Minister of New Zealand last July. The objective of the arrangement is to remove regulatory barriers to the movement of goods and occupations between Australia and New Zealand and to thereby facilitate trade between the two countries. The arrangement builds on and is a natural extension of the mutual recognition agreement between the Commonwealth and the States and Territories, which commenced operation in March 1993. This legislation is modelled on the Mutual Recognition (Australian Capital Territory) Act 1992.

This Bill forms part of a larger legislative scheme which involves enactment of legislation by the Commonwealth, the States, the ACT and the Northern Territory, and New Zealand. The larger legislative scheme has two components, that is, an Australian component and a New Zealand component. Our Bill, of course, is concerned with the Australian component of this larger legislative scheme.

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The Bill requests the Commonwealth Government to enact legislation applying uniformly throughout Australia the recognition of regulatory standards adopted in New Zealand for goods and occupations. Although the Commonwealth could have legislated on behalf of the ACT, the arrangement as signed requires the ACT and the Northern Territory to pass legislation requesting the Commonwealth to enact legislation for the purposes of the arrangement. This, of course, is different from the situation with the States, where the power has to be referred to the Commonwealth under paragraph (xxxviii) of section 51 of the Constitution.

The proposed Schedule contains a Bill for a Commonwealth Act with the short title of Trans-Tasman Mutual Recognition Act 1997. Amendment of the proposed Commonwealth Act, other than to the schedules, may occur, in accordance with the signed arrangement, only where all Australian participating parties agree. On the other hand, the schedules to the proposed Commonwealth Act will be amendable by regulations in accordance with the Act.

The arrangement is based on two key principles in relation to goods and occupations: If goods may be legally sold in New Zealand, they may be sold in an Australian jurisdiction, and vice versa; and, secondly, if a person is registered to practise an occupation in New Zealand, he or she will be entitled to practise an equivalent occupation in an Australian jurisdiction, and vice versa.

There are a number of specific provisions of the arrangement I wish to bring specifically to members' attention. First of all, in relation to occupations, members will note that I said that the arrangement provides that a person registered to practise an occupation in New Zealand will be entitled to practise an equivalent occupation under the law of any Australian party to the arrangement, and I stress the word "equivalent" in this context. The arrangement focuses on the fact of a person's registration in New Zealand and not on whether or not the person has the educational qualification that would be required to practise in an Australian jurisdiction.

It does, however, allow registration authorities to impose conditions that will bring about equivalence in occupations. Where a person feels aggrieved by the decision of a registration authority, the matter may be appealed to the Administrative Appeals Tribunal. I should also point out that all laws regulating the practising of an occupation, such as laws relating to the operation of trust accounts or continuing education, apply equally to persons registered under the provisions of the Trans-Tasman Mutual Recognition Act.

In relation to goods, the principle is that they need comply only with the standards or regulations applying in the country in which they are produced or through which they are imported to be eligible to be sold in the other country. The arrangement, however, does not affect the operation of any laws to the extent that they regulate the manner of sale of goods or the manner in which sellers conduct their business, the transportation, storage or handling of goods, or the inspection of goods. In addition, to avoid unintended consequences from the arrangement, a number of categories of laws were exempted from the arrangement. These laws, which are listed at Schedule 1 to the Commonwealth's Bill, include laws relating to customs control and tariffs, intellectual property, taxation, and specified international obligations.

In addition, there are a number of permanent and special exemptions from the arrangement. Furthermore, there is a temporary exemption mechanism if a jurisdiction believes that the sale of the good in question could give rise to a threat to the health, safety or environment of the jurisdiction. During the period of the exemption, ministerial council consideration will be given to harmonising the standards between the jurisdictions.

The implementation of the Australian Mutual Recognition Agreement four years ago broke down the barriers of the trade in goods and the movement of occupations in Australia. The broadening of this arrangement to include New Zealand is the next logical step in this process. Freer trade and the movement of occupations between Australia and New Zealand will result in a bigger market for business and contribute to the health of the Australian economy. This Bill will ensure that the ACT has the capacity to specifically benefit from these changes.

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

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

MR MOORE (11.00): I move:

That the resolution of the Assembly of 21 November 1996 which referred the matter of the Strategic Development Options for Ainslie/O'Connor to the Standing Committee on Planning and Environment for inquiry and report be amended by omitting from paragraph (1) "by 31 May 1997".

The requirement for an altered date is because we are still waiting on reports from the Government to be able to continue working on that project. I think it is far better for us to work according to the motion, rather than have a date that we simply will not be able to meet, whilst we are awaiting information from the Government.

Question resolved in the affirmative.

SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION -
STANDING COMMITTEE
Inquiry into Community Consultation on Legislation

MR WOOD (11.01): I move:

That the resolution of the Assembly of 20 February 1997 which referred the matter of community consultation on legislation to the Standing Committee on Scrutiny of Bills and Subordinate Legislation for inquiry and report be amended by omitting "by the last sitting day in June 1997".

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The committee has not completed the consideration of the matter at this stage. We are also working in consultation with the Social Policy Committee, which has a somewhat similar reference on its paper. We will be drawing on much of the material they are acquiring, so we need that little extra time.

Question resolved in the affirmative.

SOCIAL POLICY - STANDING COMMITTEE
Proposed Reference - Compulsory Wearing of Bicycle Helmets

MR MOORE (11.02): I move:

That the Standing Committee on Social Policy:

- (1) inquire into and report on the compulsory wearing of bicycle helmets with particular reference to:
 - (a) the effects of the helmets law on cycling, injuries to cyclists and public health;
 - (b) whether the available evidence indicates that bicycle helmets reduce serious injury for (i) adults (over 18 years old) and (ii) children to the extent that the compulsory wearing of helmets is supported;
 - (c) the need to apply the same laws to adults and children;
 - (d) the role of laws which enforce self-protection within a democratic system with reference to internationally accepted standards;
 - (e) any other related matter; and
- (2) if the Assembly is not sitting when the Committee has completed its inquiry the Committee may send its Report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, circulation and publication; and
- (3) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

Mr Speaker, there are questions that need answers and, therefore, there is a need for an inquiry. There is a need to look at any available evidence to find out whether bicycle helmets do reduce serious injury or whether the helmet causes more head injuries than the accident. We do not know the answer to these questions because there simply has not been any substantive study carried out to find out this information. There was no substantive study on which the policy was formulated initially and there has been none since. There is a need to assess whether the same laws should be applied to adults and to children. We need to determine whether there is a need for compulsory helmet-wearing for children, for example, but a law that allows adults to choose. What we really should seek to find out is what is the healthiest policy for our society.

I remind members that we got this policy in the ACT because of black spot funding. It probably ought to have been called blackmail funding, because we were told that we could have funding from the Federal Government to deal with some dangerous intersections, provided we introduced bicycle helmet laws. It was very difficult for this Assembly to ignore the opportunity to resolve dangerous intersections. The only reason the legislation was passed in 1992 was that the ACT Government was bought off, effectively, and the Assembly as a whole, by the threat of withdrawal of that funding. Yet, for a fraction of the cost of that program, we could have had a rigorous monitoring system to establish the costs and benefits of universally approved bicycle helmet usage.

It was not just this ACT Government that failed to assess the efficacy of bicycle helmets; it was also the Federal Government before they put this kind of pressure on governments around Australia. Governments have failed to evaluate the efficacy of helmets, and the standard of this sort of policy-making is thus degraded. Our current helmet laws distract attention from other measures to prevent accidents and to provide public education, and that is something we need to assess.

A group of people within the ACT community have resisted bicycle helmets, and they have done the work in assessing the policy and trying to determine its efficacy. That is why I am not calling for a rejection of the policy at this stage but saying that we now, five years later, have the opportunity to determine whether it actually has made any difference, whether the imposition on adults of something such as this has been worth while, or whether it is important to look at other methods. One of the arguments put in this Assembly at the time, as I recall, was that we have no choice because we know that helmets will reduce injuries, therefore we must put them in. If that had been a genuine belief, rather than just a convenient argument for debating's sake, we would have had a policy within this Assembly that required the wearing of similar helmets in motor vehicles. There is no doubt that head injuries caused from the impact of heads against the sides of motor vehicles are far greater than injuries caused by people falling off their bicycles.

Mr Berry: Yes, but a few more people get around in cars, too.

MR MOORE: Mr Berry interjects that there are a few more people getting around in cars, too.

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Mr Berry: And they are going much faster, and a few things like that.

MR MOORE: Indeed. Exactly the same logic, however, applies. If you wish to prevent more injuries and this is the method of doing it, if you are going to compel adults to look after themselves, to compel them to prevent injury to themselves, then we must look at it.

Mr Berry: Seat belts, speed limits - - -

MR MOORE: Mr Berry interjects about seat belts. The big difference between seat belts, with which I agree, and bicycle helmets is that the efficacy of seat belts was examined in huge detail, including a huge number of crash tests, before they were implemented. The benefits were clearly demonstrable. There are no similar studies showing demonstrable benefit from bicycle helmets. That is the question we want to argue.

I would love to have the Social Policy Committee, to which I propose this inquiry should go, come back and say, "Mr Moore, you have just missed the studies. The studies do exist. Here they are, and they are conclusive". In that case, I could see that the Assembly would say, "Yes, we have very good reason to argue for bicycle helmets". It may well be that public education is what we need. Public education has been very effective in slowing down drivers on open roads, combined with appropriate policing of speed limits. Maybe improvement of cycle routes and cyclepaths would also help. Since the helmet law came in in 1992, according to evidence provided to me - and this is the sort of evidence I would like examined by the Social Policy Committee - the riding of bicycles has declined by an average of 37 per cent, yet the number of bicycle casualties admitted to public hospitals is virtually unchanged. That requires a little bit of effort in interpretation to ask: What is happening? Is there any real efficacy with bicycle helmets?

I am not proposing the withdrawal of this law or putting this law aside while the Social Policy Committee is looking at it. All I am asking the Assembly to do is look in a sensible way at whether or not the law we put in place is working, because we know that it is discouraging people from riding bicycles. If it is discouraging people from riding bicycles, there may well be an adverse health effect from that. Indeed, we know that the British Medical Association recommends that cycling should be actively promoted as an environmentally friendly means of transport and an effective means of improving public health. That is what this issue is about. To expect only cyclists to make minimal use of the health system is also unfair and discriminatory. We know that people do take some risks, and in our society we recognise that and we still provide appropriate medical services for them.

What concerns me, amongst other things, is that former cyclists are losing the health benefits of exercise, and those who are still riding may even be at greater risk of injury because they wear helmets. I know that there are some people who argue that. I am not yet convinced of it myself, because I still wear my helmet. However, I would like to know whether the benefit to the population's health has increased or whether we have a disbenefit. With very little evidence, we have removed a basic civil right, a basic choice, for adults.

Mr Osborne: Let us look at seat belts, too.

MR MOORE: I have an interjection from Mr Osborne about looking at seat belts, too. Because it is such a fallacious argument, I repeat that when seat belt laws came in they were based on very widespread evidence of benefit to the health of the population as a whole. That was a very sensible law, and I am happy to support that law. I am not questioning it, because the evidence is overwhelming. No such evidence exists, that I am aware of, for benefit from bicycle helmets; therefore we should look at it. It may well be, Mr Osborne, that the Social Policy Committee, in inquiring into this, with your support, would say, "Yes, there is enough evidence to warrant this law continuing in place". It could also look at a range of other issues. If there is an overwhelming benefit from this law, perhaps we should also look at compulsion of helmets where I think they would provide much greater benefit anyway - with such things as rollerblades, roller-skates and skateboarding. Indeed, we may raise the issue of whether helmets should be worn in motor cars.

There have been assumptions by governments and the medical profession that helmets will decrease risk, and there is some evidence I have seen to indicate that the opposite might be true, that is, that a helmet may increase the risk of injury. I imagine that all members have seen evidence that has been put forward. We should be open-minded enough to look at that evidence. It seems to me that we have to be very careful whenever we deal with laws for self-protection. On the one hand, we saw the evidence for seat belts - this was before self-government existed in the Territory - and the evidence of benefit was overwhelming, but in the case of helmets this may not be so. Where will this take us in the end? When will we look at the role of laws designed for self-protection? Will we wind up with everybody walking around wrapped in foam or cotton wool?

It seems to me that parents should be able to associate with this. As parents, what we would love to do is make sure that our children are never put in the situation where they face any injury at all. We are all conscious of some parents who are incredibly overprotective - we use that term very regularly - because they interfere all the time in the sorts of things their children do. Their children do not learn to behave in a physically active way that teaches them, from a very small burn on the finger, for example, how to avoid problems with major burns or fires or whatever. There is a balance there, and it is that balance that I believe should be investigated by this Assembly through the Social Policy Committee.

In conclusion, in 1992 the ACT Government, in putting this legislation up, did not go through a broad public consultation process. At the time I criticised them for that, and I criticise them again for that. They disregarded requests for consultation. The law was passed on assumptions and with pressure from the Federal Government, with the Federal Government also failing to produce the evidence that was needed. Instead of increasing public welfare, it may well be that it has had no impact whatsoever or even may have the opposite effect. Remember, Mr Speaker, that there is an underlying theme in Australian politics, and that is the freedom of adults to act in an autonomous way, unless we have overwhelming evidence for the alternative. I have not seen that evidence on this issue, and I think it is time for us to explore that issue and to get those questions answered. I think this inquiry I have proposed is the appropriate way to test those things and find an answer, to be open-minded about this issue.

MR OSBORNE (11.16): Mr Speaker, I must admit that I am very reluctant to support this. Mr Moore said that there is no firm evidence one way or the other and that the Social Policy Committee could perhaps come up with some and we could have a look at some data. I do not need any of that. In 1994 I had signed to play football in England and I was doing some extra training just prior to going, riding my bike. Going down Erindale Drive, I think it was, I rode over a gutter and went headfirst over the front of my bike and landed on my head. I was wearing a helmet, thank God. I was certainly dazed; I had to get my wife to pick me up. I took my helmet off and there was a crack right through the helmet. If I had not been wearing that helmet, I doubt that I would be here today. I am very comfortable with the thought of wearing a helmet.

I see that Ms Tucker is trying to send the reference across to the Legal Affairs Committee. I would like to say from the outset that neither I nor Mr Wood on the Legal Affairs Committee wish to look at this issue. As I said, with my own personal experience, I find it very hard to be unbiased about it. If we place any doubt in people's minds about wearing helmets - I know how hard it is for me to get my three young children to wear their helmets when they ride their bikes - I think we are heading down a very dangerous path. My personal experience has shown me that I am lucky to be alive because I was wearing a helmet. I am very reluctant to support this, and I look forward to hearing the rest of the debate.

MR KAINE (Minister for Urban Services) (11.19): Mr Speaker, I do not have any particular objection to the inquiry Mr Moore wants the Assembly's committee to take on, but there are some matters I should note from the Government's viewpoint before they do that. First of all, Mr Moore has made the point that in 1989 the question of requiring helmets to be used by cyclists was introduced right across Australia as a result of an agreement between the Commonwealth and all the States. A law was enacted here to put that requirement into place, so it is not something that I believe should or could be disturbed easily. However, Mr Moore argues that there is not sufficient information to justify that decision. I do not know whether there is or not. I certainly do not have a great deal of information available to me, but I am certain that there is a good deal of information about it. Perhaps the committee can serve the useful purpose of drawing it all together so that we can satisfy ourselves that it was a good decision and that it is a legitimate law.

I do have some statistics on what has happened in the ACT in terms of bicycle users since 1989. It may be of interest to people to know that, upon the compulsory introduction of helmets, the number of cyclists on 20 selected cyclepaths on which measurements were taken - I do not know how accurate these numbers are, but I assume they have some fairly accurate measurement technique - fell from 11,460 to 7,141. However, by 1994 the figure had increased again to 9,766. I do not have figures beyond that, but the implication is that people stopped riding their bicycles on cyclepaths for a while after the compulsory introduction of cycle helmets, but since then they have been gradually going back and riding their bikes and wearing helmets, presumably. I do not think there is any great argument that says that people are no longer riding bicycles and no longer engaging in the healthy activity because they have to wear a helmet.

Another statistic is that between 1992 and 1994 the number of bicycle riders within each town centre increased by 34 per cent. Statistics also show that in 1995-96 there was a decrease in cycling activity across the board, although there was an overall increase of 27 per cent in commuter cycling to town centres over the same period. So there are all sorts of figures out there. Quite what they mean, I am not sure. An important statistic, however, is that from 1993-94 up to 1995-96 the wearing of helmets increased from 83 per cent to 96 per cent. So there are still the odd people who in 1995-96 were not wearing helmets.

There are many factors that may inhibit cycling and many of them having nothing whatsoever to do with the compulsory wearing of helmets. They include, perhaps, a lack of safe and convenient links in the path and road system - the Government continues to fill those gaps, and every year we do a little bit more; the condition of cyclepaths - we are aware that cyclepaths need to be maintained and we do the best we can; and the condition of on-road cycling lanes. In fact, in some cases there are none. Cyclists still insist on riding on the freeways and the highways, even though there is no provision for them, and it is no wonder that occasionally we lose one. In some cases, people work for employers who do not provide parking, lockers and showers for them to use when they get there after a hard ride in, and the weather is a factor, very often, of course.

On the question of injuries, Mr Moore says that there is no evidence. There have been several studies conducted which cover the period before and after the introduction of compulsory cycle helmet wearing. It is not true to say there is no evidence. Whether Mr Moore accepts it or not is another question. Both the South Australian Office of Road Safety report of November 1994, entitled "Evaluation of the Compulsory Helmet Wearing Legislation for Bicyclists in South Australia", and a report from the Monash University Accident Research Centre of July 1993, entitled "Injury Reductions in Victoria Two Years After the Introduction of Mandatory Bicycle Helmet Use", found a reduction in injuries preventable by the use of a cycle helmet. Mr Curnow's claim, I submit, that the National Health and Medical Research Council's view that cycle helmets may result in an increase in brain injury does not relate to any argument that they will. There are two propositions there. It is very easy to say that they may cause them, but I agree that there is no evidence to confirm that they will or that they will not.

On the general question of public health, to which Mr Moore referred, the helmet law is only one measure to ensure safety for cyclists. Other measures taken to prevent accidents, for example, are the provision of both off-road and on-road cycling facilities and cycle safety research, which all contribute to the safety and the health of people who use bicycles. The NRMA-ACT Road Safety Trust launched a Share the Road campaign, for example, for cyclists and motorists in November 1995. This was followed by the distribution of a brochure promoting safe sharing of the road system. So things are being done.

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Mr Curnow claims that hospital admissions have remained constant post-cycle helmet legislation, but he has presented no evidence on how many of these admissions were for head injury and how many were caused by cycle helmets or not wearing cycle helmets. So Mr Curnow's argument that hospital admissions remain constant without further evidence is not very persuasive; neither, of course, does he provide any information on how long people have stayed in hospital as a result of those accidents. I think we are all well aware that there are widely divergent and strongly held views in the community about the safety issue of cyclists wearing helmets, and expert opinions may also differ on this issue. However, the majority of professional health and safety organisations are of the common view that cycle helmets do reduce the risk of head injury in the event of an accident. Maybe the committee can disprove that, and I will be interested to see whether they can.

Mr Moore was trying to make the distinction between adults and children. As far as I am able to determine, children and adults are at the same level of risk of head injury when they are involved in an accident on a bicycle. There is no differentiation in terms of the risk. Some data from the ACT and around Australia does suggest that cyclists between the ages of five years and 20 years do have a higher average rate of injury, but that does not say that they have a higher rate of head injury. It is interesting that, of the three cyclist fatalities in the ACT in 1996, two were over 20 years of age and they both involved collisions with motor vehicles on public highways, so there is not too much that you can draw from that. As the evidence tends to suggest that the risk of head injury is the same whether for children or for adults, it would be my view that there is no justification for having a different law applicable to adults on the one hand and children on the other.

There has been in the past a civil liberties argument raised about the use of helmets and seat belts, each in their turn. I can remember the bitter argument that went on over the introduction of seat belts in cars. There were people who argued all sorts of dire consequences and that it was an invasion of civil liberties, yet today people accept without reservation that the wearing of seat belts is a good thing and we all do it. The vast majority of our community see it as a commonsense road safety measure, and I believe that cycle helmets can be seen in the same light.

In a recent appeal to the Supreme Court of the ACT, Mr Peter Van Schaik, who is a member of the Cyclists' Rights Action Group, appealed against an infringement issued to him for not wearing a helmet. He submitted that the reasonable cause of his not wearing a helmet whilst riding a bicycle was constituted by four different elements. One of them was a denial of his human rights, as expressed in article 29 of the Universal Declaration of Human Rights 1947. The interesting thing about that is that that particular declaration of human rights has never had any legal force in Australia. The International Covenant on Civil and Political Rights has not been enacted in Australia either, but Australian courts take judicial notice of the fact that Australia is party to the International Covenant on Civil and Political Rights. (*Extension of time granted*) The Chief Justice in that case found that nothing in the ICCPR supported Mr Van Schaik's belief that he was justified in riding a bicycle without a helmet. So there is no basis, under either of those international covenants or statements of human rights, for the view that he was entitled to ride a cycle without a helmet when the law required him to do so.

This is a complex and diverse subject and it will be an emotional one because it does involve, as Mr Moore suggests, what some people regard as their rights. I have never understood people insisting on their rights when, in many cases, it can lead to very severe injury and their own death. There flows from it a cost to society. There have been many laws enacted in this country that have to do with the common good rather than the individual good, and I see this as just another one. In my view, it is justified, but I would be very interested to see whether the committee can come up with any strong evidence to suggest that the law is wrong or that it should be repealed.

MS TUCKER (11.31): This issue is obviously of concern to a number of people in the community. I am not accepting that the Social Policy Committee would be the appropriate place to look at it. Listening to what Mr Kaine just said and to Mr Moore's arguments, obviously Mr Moore has been focusing in his speech on what he sees as the health risks. What I think is much more obvious from his motion is that this is a matter for the Legal Affairs Committee. He has made a mistake in referring this issue to the Social Policy Committee, because the subject of this inquiry sits quite clearly under the terms of reference of the Legal Affairs Committee.

The critical point in this issue, and the one that has generated the most controversy, is whether it should be compulsory for people to wear bicycle helmets. The opponents of the compulsory wearing of helmets argue that the safety benefits of bicycle helmets are not proven; therefore, they should not be forced to suffer the discomfort of wearing a helmet when they believe that the risk of injury in an accident could actually be increased. The issue, therefore, is one of civil liberties, human rights, and the appropriateness and effectiveness of the law regarding compulsory helmet wearing. In fact, the name of the group that has been most vocal about this issue is the Cyclists' Rights Action Group. Again, the emphasis is on rights. Mr Moore acknowledges this in his proposed terms of reference, which refer to an inquiry into the compulsory wearing of bicycle helmets - not just the wearing of helmets or the safety benefits, but the compulsory wearing of bicycle helmets. His paragraph (a) is about the effect of the helmet law, and paragraphs (c) and (d) are again about the role of law in this issue. Paragraph (c) reads:

the need to apply the same laws to adults and children;

Paragraph (d) reads:

the role of laws which enforce self-protection within a democratic system with reference to internationally accepted standards;

This inquiry, therefore, clearly falls within the terms of reference of the Legal Affairs Committee. Its terms of reference are to examine matters related to administrative law, civil liberties and human rights, censorship, company law, law and order, criminal law and consumer affairs. It is also interesting to note that this committee is currently undertaking an inquiry into the immunisation of children, which has health implications but is primarily about whether children should be required to be immunised for their own good and that of the whole community, which is a civil liberties issue, once again. An inquiry into the helmet law would be quite complementary to the immunisation inquiry, as similar issues regarding civil liberties would arise.

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The terms of reference for the Social Policy Committee, on the other hand, are to examine matters related to health, hospitals, nursing homes, welfare, employment, housing, social security, ageing, people with disabilities, family, Aboriginal people, youth affairs, status of women, multicultural affairs, industrial relations, occupational health and safety, education, the arts, sport and recreation. We have quite a lot to look at already. The issue of whether bicycle helmets should be compulsory simply does not fit into our terms of reference. It would be quite unfair and disparaging to those people in the community who are concerned about this issue for the Assembly to refer the matter to the wrong committee. I notice that in several letters that have been written from the concerned groups they always focus on the civil liberties matters as well as the uncertain evidence, as they see it, or lack of evidence, as Mr Moore sees it, about the actual health issues.

I will not go into the debate about the issue itself, although Mr Kaine did raise a number of interesting issues and referred to evidence which obviously does exist, although Mr Moore did not seem to be aware of it. He did refer to skateboards as well. Bicycles are on the roads, and I think there is quite a difference there in how they are used. However, that is debating the issue, and I will leave that for a later date, if there is an inquiry.

I would also like to make a comment about the process of this referral. I think it would have been useful if Mr Moore had given the Social Policy Committee and the Legal Affairs Committee an opportunity to discuss these issues, rather than just landing it on us here in the Assembly. We have a lot of priorities to look at here, and as committees we should at least be respected enough to have an opportunity to look at our priorities - - -

Mr Moore: Like you did when you forced me to do a previous inquiry.

MS TUCKER: I am sorry, Mr Moore; I did not quite hear that. What was that?

Mr Moore: I will deal with you when I have my right of reply.

MS TUCKER: Right. I think the community also is being shown a lack of respect here. If committees are not able to do a good job on a particular inquiry, then you are showing the community disrespect. They should be able to know that the hard work they have put in to making submissions to committees will be given the attention it deserves. I move:

Omit "Standing Committee on Social Policy", substitute "Standing Committee on Legal Affairs".

MR WHITECROSS (Leader of the Opposition) (11.37): Mr Speaker, we will not be supporting Ms Tucker's amendment, and we will not be supporting Mr Moore's motion. I think the Minister has made out a very strong case against inquiring into this matter. Really, after hearing his articulate and persuasive case against this proposal, there is not a lot more to say, Mr Speaker; but there are a couple of things which I do need to address.

The first of these, Mr Speaker, is that I, like other members of this Assembly, have been receiving representations in relation to the compulsory wearing of cycle helmets. I have maintained a consistent position with the lobbyists on this issue, which is that it has been considered, the decisions have been made, and if they want it to be revisited the onus is on them to produce evidence that there is a problem with the existing law; that there is some danger posed by the wearing of cycle helmets. Mr Speaker, they have consistently failed to produce that evidence. The Minister touched on some of the arguments they have used and the faults with those arguments.

Mr Speaker, in the course of seeking to demonstrate this, they even resorted to falsely using the National Health and Medical Research Council report to argue that cycle helmets are dangerous. In fact, the report that they cited was not about cycle helmets; it was about football helmets. That report actually says that, unlike cycle helmets, there is no evidence that football helmets improve safety. The very evidence that the Cyclists' Rights Action Group presented to me seemed to lead to a conclusion contrary to the one they wanted. In the absence of any prima facie case that there is something wrong with the existing law, we should not be having the inquiry. Mr Kaine gave all the reasons why he did not think there was a case. I see no reason for having an inquiry if there is no prima facie case. There has to be something to inquire into. What is the committee going to look at if there is absolutely no evidence?

Mr Speaker, the other issue which has come up in the course of this debate and which Ms Tucker has referred to is the civil liberties argument. Ms Tucker has rightly said that most of Mr Moore's arguments are civil liberties arguments. Quite frankly, the civil liberties argument is the last refuge on this. When all the arguments about how wearing a helmet is actually dangerous fall over, what do you wheel out as a last resort? You say, "You are infringing my civil liberties". When the argument that smoking cigarettes is not bad for you finally falls over, what do you wheel out? You say, "I have a civil right to puff away on cigarettes on the bus or in the restaurant or somewhere else". It is the same approach.

Mr Speaker, civil liberties are an important issue. They are an important issue to me. But there is a balance between the civil liberties argument and the argument of defending the wider community. Mr Moore would take us down a very dangerous path when he argues for the civil right of people to engage in an activity which is almost universally recognised to be dangerous. At a time when we are putting lots of resources into persuading children to wear cycle helmets and to engage in safe practices when riding cycles, Mr Moore would create the impression that there is some sort of legitimate reason not to be wearing a helmet. Mr Speaker, I think that is a concern.

The Cyclists' Rights Action Group have put to me that one of the reasons why we should overturn the cycle helmets law is that there are fewer people riding cycles now than were riding them before we introduced it. If they are not riding around endangering themselves because they do not have a cycle helmet, I think that is a good thing. I do not see why anyone would argue that it is better to have more people riding around endangering their lives or their health than to have fewer people riding around doing it safely.

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There is one other thing I should say in relation to this matter. Why is this before us at all? The first proposal that came to me for an inquiry into this matter came from a representative of the Cyclists' Rights Action Group who had been to see Mrs Carnell at a Meet the Minister meeting. At that Meet the Minister meeting they said, "We want you to repeal this cycle helmet law". Mrs Carnell replied in the normal way, passing the buck. She was not going to say no to anybody. So what did Mrs Carnell do? She said, "I would support an inquiry into it". Never mind that there is no evidence that cycle helmets are bad for you; never mind that there is no case. The Health Minister says, "I do not want to say no to them. We will have an Assembly inquiry and they can say no. Then I will be able to say to the Cyclists' Rights Action Group, 'Do not blame me. It was the nasty Assembly committee that said no, not me'. Do not blame me". Mr Speaker, I think that is a pretty pathetic approach, a pretty pathetic lack of leadership on what I think is an important community safety issue.

I believe that we ought to be rejecting this inquiry. I and my Labor colleagues will support an inquiry into this matter when evidence is brought forward that wearing cycle helmets is bad for you, but that evidence does not exist. I am not going to buy that last refuge argument - that we know it is bad for us, but we have a civil right to do it.

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 Berry**) agreed to:

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

MR OSBORNE (11.45): I will be speaking to Ms Tucker's amendment, Mr Speaker. I had a discussion with Ms Tucker about this. I am very reluctant to take it on board, given my own feelings about the issue. I have also spoken to Mr Wood, another member of the committee, and he is reluctant to take it on as well. I thought I would rise to let you know that I will not be supporting this issue going to the Legal Affairs Committee.

On the issue of it going to Ms Tucker's committee, during my time here I have never forced an issue on a committee when the chair has not been in favour of taking it on board.

Mr Moore: That is a bad precedent.

MR OSBORNE: Mr Moore says that it is a bad precedent, but I think it is a fair one. If Ms Tucker does not wish to take it on board in the Social Policy Committee, I will not force her to do it. As chair of the Legal Affairs Committee, I will not be taking it on board.

MR HUMPHRIES (Attorney-General) (11.46): Mr Speaker, I indicated when this legislation came up in 1992 that I accepted that there was at least a strong prima facie case for the introduction of the compulsory wearing of bicycle helmets, but I expressed at the time reservations I had about some elements of the proposal. I also noted, I think, that there was an element of compulsion in the process of bringing this legislation forward

which, as Mr Moore referred to before, amounted to blackmail - that is a very emotive word - and it goes too far. The Commonwealth Government was introducing legislation across the country to provide for what it saw as a tightening of rules following some rather major road accidents. It offered black spot funding to State and Territory governments if they enacted certain laws.

The argument was put at the time - I was a member of Cabinet at the time - that there ought to be acceptance of this money; that it was quite important funding and we ought to go along with the arrangements being made nationally in order to fit in with that grant of money from the Commonwealth. I forget what the figures were, but there were significant sums of money involved. I fully understand why the government of the day, the Follett Government, decided that it would accept that money.

Ms McRae: How come you were in Cabinet and she decided? You are getting a little confused.

MR HUMPHRIES: I am concertinaing the process a bit. We were looking at the early offer from the Commonwealth Government.

Ms McRae: You agreed; that is the bottom line.

MR HUMPHRIES: I do not know why the people over there are so testy about this subject. They are obviously hypersensitive about the fact that a proposal which they enacted is being questioned later in the Assembly. There have always been strong community views about this. Mr Speaker, I will put my cards on the table. I have always thought that there ought to be compulsory wearing of bicycle helmets, but I am open-minded enough to acknowledge that there are arguments the other way as well. Mr Kaine outlined the very strong reasons why it appears that there should be compulsory wearing of bicycle helmets, but I have had doubts about this and I accept that there is a basis for us to go back and look at the evidence about it.

I can advise, Mr Speaker, that we have had information from our three hospitals in the Territory. The evidence from our inpatient morbidity data covering the three hospitals in the ACT suggests that there has been no reduction in the rate of serious injury as a result of the introduction of the compulsory wearing of bicycle helmets. This was the case for children under the age of 18 and the total population. That is the information from the three hospitals.

Mr Moore: There has been no reduction.

MR HUMPHRIES: That is the evidence that is available to me. I do not know what the date of this is. I do not know how far into the trial it occurred, but that is the evidence that has come to us from the three ACT hospitals. Bear in mind that some injuries from bicycle accidents will not necessarily be showing up in the hospitals anyway. Some people might get grazes or cuts or a bit of concussion and might not turn up at the hospital. That has always been the case, so we cannot be sure. But, Mr Speaker, I think there is enough of a doubt about this matter to allow it to go to a committee.

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I will say that I think there are too many inquiries going on at the moment. I think that the Assembly is probably overinquiring, particularly so late in this Assembly's life; but that is another argument, I suppose. I do think that there is a case here which needs to be explored. We have had the rules in place for about five years now. I think it is time we assessed whether there is any evidence one way or the other about how well they work.

I warn the committee, though, that there is one piece of evidence which will be overpoweringly important in all of this, and that is the question of whether we continue to receive Federal Government black spot funding if we contemplate repealing the legislation. Even if the evidence shows that there is a case against making compulsory the wearing of bicycle helmets, I would have to say that it is a very powerful argument that we might lose Commonwealth funding.

Finally, I respond to Mr Whitecross's statement that there is no prima facie case here, so what are we doing, going back and debating bicycle helmets? I note that the very next item on today's notice paper is a motion calling for an inquiry into whether we should have a new private hospital, a hospital which is already going up. In Australia, in 1997, when every jurisdiction has private hospitals, where is the prima facie case for that inquiry? It obviously does not cut the mustard for the Labor Party on the next motion; so, Mr Speaker, I would say that we ought to consider the same argument for this.

Amendment negatived.

MR MOORE (11.52), in reply: Mr Speaker, I would like to deal with some of the issues raised by different members. Mr Osborne introduced some anecdotal evidence. Anecdotal evidence is interesting, but it is not the sort of evidence that I wanted the Social Policy Committee to rely on for its results. Mr Kaine drew attention to the fact that there is now some evidence from South Australia and elsewhere to show that there is some efficacy. Of course, that was not available in 1992 when the Labor Government was pushed into this position and, therefore, we need to reassess it.

Ms Tucker did make the point that there had been no consultation about this. I think that is a bit unfair, because I have been talking to Ms Tucker about this issue for a quite long time, for at least six months. I concede that I have not raised it with her again in the last few months, but I talked to her about it a large number of times. I knew that her preference was not to have it go before her committee, but I still consider it the most appropriate committee. Members may recall that the Planning and Environment Committee was most reluctant to take on an inquiry recently, but that was the will of the Assembly and the committee, as a body of the Assembly, should do what the Assembly asks.

Mr Whitecross based his whole argument on the notion that there has to be evidence for us to change the law. The point I was putting was that there was no evidence for the law in the first place and it does infringe civil liberties; therefore, we ought to reassess the position. I have not stood up here and said, "Look, the evidence is overwhelming; we must undo this law". I have said there are enough questions being asked and it has had no efficacy whatsoever. If it has had no efficacy whatsoever, it is inappropriate for us to interfere with civil liberties. Let us test it and see whether that is the case. That is what I have been trying to achieve.

Question put:

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

The Assembly voted -

AYES, 8

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

NOES, 9

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

Question so resolved in the negative.

PERSONAL EXPLANATION

MS TUCKER: I would like to make a personal explanation under standing order 46, Mr Speaker.

MR SPEAKER: Proceed.

MS TUCKER: Mr Moore claimed that we had been discussing this issue for six months. We discussed the issue about six months ago. Until yesterday or the day before we had not discussed it again, and I had assumed that it was not something that would be raised in this place.

NEW PRIVATE HOSPITAL - SELECT COMMITTEE Appointment

MR BERRY (11.59): Mr Speaker, I move:

That:

- (1) a Select Committee be appointed to inquire into and report on the establishment of a new private hospital at or near the Canberra Hospital with particular reference to:

- (a) current provision of both public and private beds in the ACT and the appropriate ratio of public/private beds as well as the overall requirement for beds in the ACT and surrounding region;
 - (b) the possible inter-relationship of the proposed new private hospital with the Canberra Hospital;
 - (c) the impact of any new beds in the private sector on:
 - (i) the current public hospitals in the ACT;
 - (ii) the current private hospitals in the ACT;
 - (d) the current and projected requirements of different types/categories of beds in the ACT including different levels of acute care beds and day care bed requirements as well as other possible combinations;
 - (e) the financial arrangements associated with the proposed new private hospital - including land allocations and proposed working and transfer arrangements;
 - (f) the impact on the citizens of the ACT in the climate where the number of private beds are rising at the same time as private health insurance is falling;
 - (g) any other related matters;
- (2) no further contracts be entered into for the establishment of a private hospital until the report of the Committee has been considered by the Assembly;
- (3) the Committee shall be composed of 3 Members - 1 Member nominated by the Government, 1 Member nominated by the Opposition and 1 other member from either the Independents or the ACT Greens. The nominations shall be notified to the Speaker in writing by 4.00 p.m. 13 May 1997;
- (4) if the Assembly is not sitting when the Assembly has completed its inquiry, the Committee shall send its report to the Speaker or, in the absence of the Speaker, the Deputy Speaker, who is authorised to give directions for its printing, circulation and publication;

- (5) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

Mr Speaker, this is an inquiry which is intended to examine the issue of a new private hospital at or near the Canberra Hospital.

Mr Humphries: Even after the contracts are signed?

MR BERRY: Mr Humphries says that the contract is signed. That makes no difference.

Mr Humphries: It did to Ms McRae yesterday. It made a big difference yesterday.

MR BERRY: It makes no difference. Mr Speaker, this is not about blocking contracts; it is about exposing to the people of the ACT what this private hospital really means. It would have been better if this inquiry could have been held before the contracts were signed; but I notice that Mrs Carnell very quickly signed these contracts before this sitting period, in the knowledge that I would have an interest in the matter.

Mr Speaker, what we need to do is to look at the effect of this new private hospital on the public hospitals here in the ACT and the private hospitals. What we also need to determine is whether that effect on our public hospital system is a good one or a bad one. There is this ideological passion in the Government members opposite to push people out of public beds and into the private sector, and reduce the effectiveness of the public hospital system, therefore.

There is, equally, an ideological commitment on this side of the house to preserve the public hospital system and to ensure that the strongest possible public system can exist in the Australian Capital Territory. That is not to say that there ought not to be a private hospital system. I support a strong private hospital system, provided that it does not undermine the effectiveness of the public system, because it is the public system which should be available to all people in the ACT; but we have seen in many other places, Mr Speaker, that governments have been tempted by the opportunity to reduce public hospital resources and to force people into the private sector.

Mrs Carnell quite often harps on the issue of the level of private insurance in the ACT and the refusal of those who are privately insured to be treated as private patients in our public hospital system. That is their right. Mr Speaker, what Mrs Carnell apparently intends to do is to force them, in some way, into the private sector.

Mrs Carnell: How?

MR BERRY: Mr Speaker, she asks, "How?". It is very easy for a right-wing government to deal with the issue of how. They just reduce public facilities in order that the public system becomes unattractive and then only the rich can have access to hospital beds.

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Mrs Carnell: We just brought down a budget which actually has an increase in health spending.

MR BERRY: Indeed it has - \$15m over last year.

Mrs Carnell: That does not sound like a government that is reducing public hospital spending, does it?

MR BERRY: She says that it does not sound like a government that is reducing the public hospital system. The private hospital system is not there yet. But it is intended to be there so that Mrs Carnell can force people into the private system.

I would ask, Mr Speaker, that you use the same discipline on Mrs Carnell as you seek to use on members of this side, on the matter of interjections. It would be very helpful. Mr Speaker, what we need to determine is the impact of any new beds in the private sector on those public hospitals, as I have said, and on the private hospitals; the projected requirements of different types and categories of beds in the ACT, including the different levels of acute care beds and day care bed requirements, as well as any possible combinations.

A briefing preceded the immediate signing of a contract by Mrs Carnell, which was done to ensure that this Assembly had no say in the matter. I do not think there is any doubt about that. This contract was signed in haste, to prevent this Assembly from having any say in the matter. There was an interest in the matter developing before a sitting period. Mrs Carnell was cunning enough to see that this interest had arisen, and she signed the contracts. The inquiry, absent the signing of contracts, would have been an inquiry into what the private hospital might do to the public and private systems in the ACT. Post the signing of the contracts, it will be an inquiry into what this new hospital will do. It makes no difference, Mr Speaker, because it is to ensure that the community is fully aware of the effects of these sorts of systems on the public and private systems.

Mr Speaker, in the briefing that I was given, it was very clear that HCOA has been given the nod in relation to this hospital. That is a company which owns and operates the Port Macquarie hospital, which has been the subject of much interest and criticism in New South Wales. It would be a matter of some interest to see how that interest and criticism might relate to a future private hospital here in the ACT and, indeed, how that interest and criticism affected the judgment of the issues here in the Territory. It may well be, Mr Speaker, that there are other interests in the private hospital fraternity who will have something to say about the operation of an additional private hospital in the ACT.

I am probably the most experienced health person in this Assembly, as I have been associated with the issue in one way or another since I came into the Assembly at the time of self-government in 1989. Mr Speaker, I have never once had a submission put to me or a representation from the private hospitals in the ACT that they wanted another one. The only time I have ever seen the issue of another private hospital emerge was when Gary Humphries wanted to build one somewhere near the Calvary Hospital, when he was Health Minister for a short time. Thankfully, we sorted that out. The next time was when Mrs Carnell came to office. Old memories linger, and they were not able to look at it except through the eyes of the old Liberal Party.

Mr Speaker, this hospital is proposed to have a coronary care unit in it. A couple of months ago, I heard complaints by one of the luminaries from the existing private hospital system in the ACT that the new private hospital, not yet established, was having a say in the selection of cardiac surgeons in the ACT. It did strike me as very odd that that was the case, given that the contracts had not been signed.

Mr Speaker, this is a sensible inquiry. It is an inquiry into the effects on the people of the ACT of a new private hospital. Mrs Carnell has moved very smartly to sign and to ensure that these contracts are signed so that this Assembly can have nothing to do with it. But, now we will be able to show the people of the ACT the full effects of Mrs Carnell's decision on the public hospital system and the private hospital system, and there will be a comprehensive inquiry into the likely effects of this hospital, Mr Speaker. I commend this motion to the Assembly and I trust that I will have its support.

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (12.08): Mr Speaker, when I received notice of this motion from Mr Berry earlier this week, I have to say, I was flabbergasted. It takes an awful lot to surprise me about the things that Mr Berry puts forward, but this was one of them that did surprise me. Since we came to government we have made no secret of our decision to establish a private hospital on the Canberra Hospital campus; but certainly since August 1996 - which was not exactly yesterday - we have made it very clear. In fact, it was in August 1996 that we actually went out to tender. Mr Berry himself put out a press release in July 1996 suggesting that this was not a good idea. We all know that he does not like private hospitals. You would think that, in the nine or 10 months since we called for expressions of interest for the new private hospital, he would have had all sorts of opportunities to bring forward a motion or to debate it in this place; but he did not.

On 3 January 1997, I announced that, after a two-stage selection process, Health Care of Australia had been appointed as the preferred proponent and that the Department of Health and Community Care would seek to enter into an agreement within three months. So, we announced it in January and said that we would have something in place in three months - not exactly a rush job in signing the contract. In fact, the contract was signed somewhat more than three months after I announced the preferred proponent. Those three months obviously expired on 16 April 1997. At that time, I was advised that, with the exception of a few minor outstanding issues, the signing of the agreement was imminent. Those matters have now been resolved and an agreement has been signed.

In fact, I agreed that senior government officers should brief Mr Berry last week. I understand that they advised him at that stage that the signing of the agreement was going to happen in the very near future. That is probably what sparked Mr Berry to bring it to the Assembly. So, far from our speeding up the process, Mr Speaker, it just means that Mr Berry has been very slow to move in the 10 months or so since we announced it. Immediately after the agreement was signed and after six months of the Government's intention being clear - in fact, I would suggest that it was even longer than that - Mr Berry has decided to call for a select committee.

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Before returning to this matter, I would like to reiterate some of the reasons why the Government has encouraged the development of a private hospital on the Canberra Hospital campus. Mr Speaker, the ACT has the lowest provision of private bed numbers of any State or Territory and at the same time has the highest rate of private health insurance coverage. Our public bed numbers are similar to levels in other metropolitan areas of Australia. It is our sort of level of public hospital beds that other States are aiming for. Because we have fewer private hospital beds, this places a higher level of demand on our public hospital beds. Not only that, but our private hospitals tend to cater for patients with less complex needs. This means that people with complex needs who have private health insurance have to travel interstate for care or attend the Canberra Hospital, often as public patients.

This has a range of major effects, Mr Speaker. Where people travel interstate, they further complicate an often stressful time for themselves and their families. Furthermore, their health care dollars are spent interstate and are lost to the ACT economy. Where people are admitted to the Canberra Hospital as private patients, we cannot recover our costs, and therefore we are subsidising private health funds, Mr Speaker. I am sure that Mr Berry would not like us to do that, or I would not have thought that he would. Where people are admitted as public patients, they lose the advantage of any amenity benefits their private insurance is intended to provide, and the money they pay for private insurance is effectively lost to them and represents an opportunity cost to the ACT economy. In fact, our privately insured health population now subsidises New South Wales.

Mr Speaker, I apologise for the health economics lesson here, but it is essential that we spell out the consequences for an already overloaded ACT public health system if we do not encourage private health care for people with complex needs whose needs are not currently met through the current private hospitals here in the ACT. After investigating solutions to this situation in other States, the option of a private hospital co-located with the Canberra Hospital was proposed; furthermore, we could rely on private health institutions to go through the thorough investigation required to assess whether such a venture would be successful.

Mr Speaker, this Government is reluctant to spend public money to do things that private industry is perfectly willing to do itself. We carefully set up an independently chaired committee to manage the selection process, with key government agencies represented, with expert advisers, and monitored by an independent probity auditor. It called for expressions of interest and received four proposals. The committee invited detailed proposals from three organisations, stressing that they should do their homework on demand, areas of specialty which they could provide and how the hospital could be set up; furthermore, that they could not rely on government business or sponsorship.

MR SPEAKER: Order! It being 30 minutes after the extended time for Assembly business commenced, the debate is interrupted.

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

That so much of the standing orders be suspended as would enable the Assembly to consider and vote on notice No. 4, Assembly business, relating to a proposed select committee on a new private hospital.

MRS CARNELL: Mr Speaker, as I was just saying, we made it very clear right from the beginning that a new private hospital could not rely on government business or government sponsorship in any way. The Health Care of Australia proposal was selected as the most viable for the ACT, after an extensive and scrupulous assessment process which included extensive financial analysis and which was overseen by an independent probity auditor.

Mr Speaker, I would like to briefly enumerate the benefits of a private hospital to the ACT. In these flat economic times, we are talking about - and wait for this, Mr Speaker - 230 people being employed over the construction phase of the hospital from June this year, in just a couple of months' time, to September 1998, when the hospital will be completed. This comprises 30 people in the early works over four months, 80 people as the building goes up over the next five months, and 120 over the seven months as the hospital is fitted out and completed. Mr Speaker, 230 jobs is not something that I would have thought anybody in this Territory, even Mr Berry, would question even for a moment. When the hospital is operating, from September 1998, up to 200 people will be employed directly or through contracts generated by the hospital. So there is another 200, Mr Speaker. I think that is a very important thing to keep in mind here.

Mr Speaker, I opened my comments by saying that I was flabbergasted by Mr Berry's belated attempt to second-guess the role of a private hospital. However, I must say that he has suggested a series of very sensible questions - questions which we obviously have answered in our research and development of the private hospital. They do not need to be answered again, Mr Speaker. We certainly do not need to use the scarce resources of this Government and this Assembly to do what amounts to rediscovering the wheel. I am very happy, Mr Speaker, to run through six of the substantive issues that he has raised and the answers to those questions.

First, on the current provision of public and private beds in the ACT and the surrounding region: In the ACT we have 784 public hospital beds and 240 private beds. On a comparative basis with other metropolitan areas in 1993-94, the ACT's public hospital bed provision of 2.6 beds per 1,000 population is no different from the national metropolitan average, according to the "First National Report on Health Sector Performance Indicators, February 1996". In comparison, we have 0.7 private beds per 1,000 population; the national level is 1.2.

Mr Berry: So, we are better off than they are.

MRS CARNELL: No; we are worse off. We have fewer of them. However, it is well recognised that Australia is oversupplied with hospital beds, and we should aim - - -

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Mr Berry: So, we are going to put some more in.

MRS CARNELL: No; Australia, not us. We are undersupplied; they are oversupplied. We should aim for an overall level of 3.5 beds per 1,000 population. The addition of 100 private hospital beds will reach that target for the ACT. So, if we add an extra 100 private beds, we actually reach the national target, Mr Speaker.

Second, on the possible interrelationship between the proposed private hospital and the Canberra Hospital: The ACT Government has made it clear that the private hospital cannot expect the Canberra Hospital or the ACT Government to contract work to it. That is quite simple. It is on the record. Third, on the impact on current public and private hospital beds: The private hospital will provide a range of services not currently provided in the private sector, thus filling a current unmet market niche here in the ACT.

Fourth, on the current and projected requirements of different types and categories of beds: Mr Berry seems to be obsessed with absolute bed numbers. I know that, in the past, he has made comments that bed numbers simply do not matter. We provide a wide range of services, and the bed numbers are merely one indication, as Mr Berry himself has often said, of the system's capacity to provide health services. The ACT private hospitals currently provide 240 beds which meet the needs of people with medium level complexity conditions. There is a gap in service of private hospital beds which provide complex levels of surgical and medical care in the ACT and the south-eastern region of New South Wales.

Mr Berry: Rubbish! We are better off than the rest of Australia already. We do not need any more of them.

MRS CARNELL: Mr Speaker, Mr Berry says, "Rubbish!". Somehow, he thinks that there actually are intensive care beds in the private sector here in the ACT.

Mr Berry: No; I did not say that. Do not put words into my mouth.

MRS CARNELL: I am sorry; he said that it was rubbish that there was an unmet need. The fact is that, if there are no intensive care beds in the private sector, there must be an unmet need, by the very nature of the equation, Mr Speaker.

Fifth - Mr Speaker, I think this is very important for those few members who are here at the moment - on the financial arrangements: As people would have seen from the budget figures, there is \$2.1m up front. In the health budget, the one I brought down this week, there is a \$2.1m direct payment from the private hospital to the ACT public hospital system, Mr Speaker. The rental payment for the site closely matches the Australian Valuation Office estimate, while other payments substantially add to the value of the project to the ACT. There are also significant opportunities for the Canberra Hospital to provide services to the new private hospital at a reasonable rate of return, which will provide an ongoing source of income. So, it is income flowing that way, Mr Speaker, not the other way.

Sixth, on the impact on ACT citizens when private health insurance rates are falling, according to Mr Berry: The ACT has traditionally had a very high level of private health insurance, currently reported at about 38 per cent. The ACT Government has made it clear that the private hospital will not receive any business or funding from the Government. So, the impact on ACT citizens from the perspective of public health seems very obscure indeed, Mr Speaker. However, I would speculate that having access to a private hospital offering high complexity services will be an initiative to encourage some people to actually retain or even to take out private health insurance, particularly with the new rebate options that will be available in the next financial year from the Federal Government.

Mr Speaker, this Government is very openly encouraging private business development in the ACT, to reduce the massive dependency we have on the public sector here. We believe that Health Care of Australia's willingness to invest over \$20m in a building in the ACT is something that we should be supporting, particularly as the ACT public hospital system gets a \$2.1m up-front payment, straight into the public hospital coffers. This seems to me to be a very sensible approach. Mr Speaker, Health Care of Australia have made it very clear that they want to get on with the job of building this hospital very quickly. That is the reason why we have moved into the contractual phase as quickly as we have. They believe that construction costs will be driven up by the Sydney 2000 Olympics, and they want to get on with the job. I think that is good news for Canberra. New construction jobs and \$20m worth of construction dollars into the Canberra community are things that I am sure at least most of us would be very positive about.

Mr Speaker, I think the only people that I know are not positive about this new development are actually the doctors who own the other private hospital in Canberra. In his speech, Mr Berry made the comment that the local private hospital owners had actually not come to the Government asking for a competitor. Mr Speaker, I do not know of any business that has ever come to the Government and said, "Excuse me, could you please set up a competitor for me". (*Extension of time granted*) Normally, businesses like not to have competitors, if they can get away with it. The reality is, I believe, that competition in the area of private hospital beds in the ACT will actually improve service provision. The great irony of debating this here today is that I suspect that it is the first time that Mr Berry has ever got up and supported a case put to him by a group of doctors, particularly the actual doctors who are involved and about whom in the past Mr Berry has not actually been overly complimentary, I have to say. But it shows that all things can change.

Mr Berry now says that this inquiry is not actually looking at this private hospital but is looking at - I think these were his words - what this private hospital development will do to the ACT in the future. Mr Speaker, can I ask how you could do that? When I suggested to Mr Berry that we were not going to cut public hospital spending in the ACT, because I had just brought down a budget and it actually had more money in it for public hospitals, he said, "Yes, but that is now". It is very important to run through this argument. That is for the next 12 months, Mr Speaker. There are forward estimates out there that show what our intentions are in the future if we are re-elected.

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Mr Speaker, how can an Assembly committee look at something that has not happened, when the budget that is in place actually has an increase in public hospital spending in the ACT and the only basis on which Mr Berry brought down this motion was that at some stage in the future some government might reduce public hospital spending on some basis that we have more private hospital beds? Mr Speaker, that is not our policy. It is not Mr Berry's policy. I do not know whose policy it is. I would just like to say that I cannot see what an Assembly committee could actually do in this circumstance that has not already been done.

Mr Speaker, I think it is very important to look at some of the history in this situation. The previous Labor Government actually increased the number of private hospital beds by, I think, some 20 per cent during the time that it was in power. I would like to quote from Mr Connolly when he was Health Minister. He said:

We have approved in recent months a total of some 55 additional beds in the private sector, which will take significant pressure off the public sector.

Mr Speaker, that is not a quote from me; that is from a Labor Minister for Health. That is the reality of the situation. What happened as a result of those new private hospital beds? The reality is that pressure was taken off the public hospital, more women chose to have their babies in private hospital beds and we were able to reallocate those public maternity beds to the adolescent unit. So, out of that approach came a much needed new unit in the hospital. I would have thought that everybody would have thought that that was a great way to go. So, if we can produce new services in our public hospital system by allowing private investors to put money into the private system, that has to be good news for our public system generally.

Mr Speaker, it seems to me to be quite clear, on the statistics, that we need new private hospital beds in the ACT. Mr Connolly made it quite clear that private hospital beds did take the pressure off the public hospital system. We certainly need pressure taken off the public hospital system. This Government has made it quite clear that we have no intention of cutting public hospital funding in the ACT. Most importantly, Mr Speaker, not only will this project not cost the ACT taxpayer any money, but there is \$2.1m up front, going straight into the public hospital system in the ACT. It has to be a good idea, Mr Speaker. For the life of me, I just think Mr Berry is posturing and, as usual, attempting to stop a project that will, even in the short term, produce 230 jobs.

MR HUMPHRIES (Attorney-General) (12.28): Mr Speaker, I want to make just a brief contribution to this debate; but I do not really need to do any work for that. I am actually in the fortunate position that a speech for me has virtually already been written. I went back to *Hansard*. I looked at the *Hansard* of 16 October 1991. There is a speech of Mr Berry's there which I could use here virtually as it stands. It is a perfect response to the present matter. This was at the time of a proposal by me to establish a select committee into hospital bed numbers.

Mr Berry: And you got it.

MR HUMPHRIES: Indeed, we did; we got it. Mr Berry, who was Health Minister at the time, responded in a particular way to it, and I am happy to quote his words:

This is just a stunt - nothing more than that. It is not about a reasonable inquiry into what is going on in the hospital system at all.

Mr Berry: It was, and the inquiry turned up nothing. The inquiry did not turn up a thing.

MR HUMPHRIES: Plus ca change, Mr Berry. It is no more than a political stunt. He has roped other members of the Assembly into the same belief. It is a complete and utter waste of time. We have in front of us a motion that has been moved by the discredited former Minister for Health.

Mr Osborne: You have never pulled a stunt in your life, Gary? What about trading hours?

MR HUMPHRIES: No, never. This is the Minister who left the hospital system a smoking ruin. The man has been responsible for all that happened in the hospital system over his period as Minister. At the end of the day, his committee will achieve nothing. At that point, Mr Moore said something. Mr Moore chuckles behind me, as he often does. Mr Moore obviously does not understand it either; but Mr Moore, hungry for issues, of course, is keen to get on this one as well. So, Mr Speaker, as I said, plus ca change, the wheel comes full circle.

I simply want to say, Mr Speaker, that if ever there was a motion moved by ideology it is this motion here today. Mr Berry detests all things private. He believes that the idea of having more private hospital beds in our hospital system is an absolute outrage. He wants to stop it. He realises that it is a bit late to stop it on this occasion, but he will do his damndest by having an inquiry. At least he will be able to discredit it, he hopes, by having an inquiry. The reality, Mr Speaker, is that, of course, Mr Berry is too late. Mr Berry knew a year ago that the Government was moving to establish a private hospital. He should have moved for his inquiry then, not now.

Mr Berry: I had my briefing just recently, Gary.

MR HUMPHRIES: You get briefings when you ask for them, Mr Berry. I remind you that, when you were Minister for Health, Mrs Carnell never got briefings at all.

Mr Berry: Yes, she did. In fact, somebody from my office or I myself would go to the briefings.

MR HUMPHRIES: Yes, I know; you always made sure that someone was there when someone was giving her the briefing, did you not? Mr Speaker, I think there were two occasions when there was a briefing provided to the woman who would one day become the Minister for Health and Chief Minister of the Territory. That changed when Mr Connolly became Minister for Health. While Mr Berry was Minister for Health, Mrs Carnell almost never got a briefing. But that is the past.

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Mr Berry has said that Mrs Carnell moved quickly to sign the contracts so that Mr Berry's motion today would be stumped or stymied by Mrs Carnell's signing of the contract. Mrs Carnell indicated in her budget last year - almost a year ago - that she would be signing a contract for a private hospital. Mr Berry had numerous opportunities between then and now to move this motion, and he neglected to do so. Mr Berry knew perfectly well what was going on and understands what the situation is.

Mr Speaker, I have to ask the question: Why, in this day and age, when every single health system in this country - indeed, I go further and say every single hospital system in the world, practically; maybe not Cuba, but practically in the world - relies on an interplay between public and private hospitals and hospital systems, are we trying to wind back the clock in the ACT? Can we forget that Mr Berry railed publicly against his colleague Mr Connolly for daring to introduce more private hospital beds into the John James Hospital in 1994? Can we forget how he publicly attacked Mr Connolly, his colleague in the Labor Government at the time, for overturning his decision as Minister for Health not to allow John James Hospital to have more beds? Can he recall that?

Mr Berry: No, that is not true.

MR HUMPHRIES: It is true. Do not forget there is *Hansard*, Mr Berry. Go and get the *Hansard* and the records and bring them back. I also have access to the library. It says there what you said at the time. Mr Connolly, to his credit, went ahead and opened those private hospital beds. It would not have happened under Mr Berry. Mr Speaker, Mrs Carnell is also moving, at this stage, to address an obvious unmet need in the hospital system of the ACT to supply those beds, those services, which are not presently - - -

Mr Berry: It is a bit hard to stop somebody from having a baby. It keeps wanting to get out.

MR HUMPHRIES: Mr Speaker, I have not said a single sentence without Mr Berry interrupting me.

MR SPEAKER: Order! Would you be quiet, Mr Berry. You have already spoken.

Mr Berry: Mrs Carnell and I are having an interjection contest.

MR SPEAKER: You can do it outside. Mr Humphries has the floor.

MR HUMPHRIES: Mr Speaker, we see that Mr Berry is stumped by the reality that the world is moving on; that the new Labor Party opposite is, in reality, Mr Berry's old Labor Party, with the same old shibboleths, the same old ideology. He knows that he cannot stop private hospitals and private hospital services being an important part of this Territory's operation.

Mr Berry: I just want to show the community what you are doing to them.

MR HUMPHRIES: Mr Speaker, I have to ask - - -

MR SPEAKER: Order!

Ms McRae: From little, quiet Mr Humphries!

MR HUMPHRIES: I did not say anything during his speech.

Ms McRae: You did so. Kate did not stop, and you did not stop much either.

MR HUMPHRIES: I see. Revenge is at its best served cold. Mr Speaker, I simply say to the Assembly that Mr Berry can have his inquiry; but I have to ask the Assembly very seriously: Do we feel that Mr Berry, who is obviously going to sit on this inquiry, is going to approach this matter with an open mind? We have had here today the usual diatribe against anything private, and Mr Berry says, "Let me sit in judgment", probably "Let me chair an inquiry into private hospital beds in the ACT, and expect me to come up with a balanced, unbiased report". With the greatest of respect, I find that very hard to believe.

Mr Berry: You will have a member on the committee.

MR HUMPHRIES: Yes, that is right; but, if you want to chair the committee, Mr Berry, can we expect a balanced look at these matters, or are you going to say to anyone who comes in the door, "Private bad; public good", and that is it - closed mind, nothing further to talk about?

Mr Berry: I would not get away with that. I think your member on the committee would dob me in if I did that.

MR SPEAKER: It sounds like *Animal Farm*, actually.

MR HUMPHRIES: It does, indeed, sound very much like *Animal Farm*. Mr Berry would never have read *Animal Farm*, so he would not understand the allusion, Mr Speaker. He would not have read anything by George Orwell, so I doubt that he would understand the reference.

MR SPEAKER: I do not know; there were porkies in there.

MR HUMPHRIES: Mr Speaker, we know what we are talking about. So, I say to the Assembly: Just beware. Let us not make this inquiry completely pointless from the start. Let us not try to wind back what everybody in public and private health management in this country knows is a necessity; that is, a balance between public and private health systems. Let us not undo the good work of people like - - -

Mr Berry: Did you study George Orwell? Is that what happened to you?

MR SPEAKER: Order! It really is absurd.

MR HUMPHRIES: Mr Speaker, I really think I need a bit more protection.

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So, we have to recognise that, if there is going to be any kind of balance in that system, we have to preserve it. Let us not let Mr Berry upset that balance and provide for a winding back of the clock to the old-fashioned Labor ideology, which is discredited in today's Australia.

MR SPEAKER: Are you moving your amendment, Mr Humphries?

MR HUMPHRIES: Yes. The amendment is simply intended to add another consideration, explicitly for the committee to consider any economic or employment benefits, if any, that may come out of this proposal. I move:

After proposed subparagraph (1)(f) insert the following subparagraph:

“(fa) any economic or employment benefits of the new private hospital;”.

Amendment agreed to.

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

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

MR WOOD (12.38): Mr Speaker, I present Report No. 4 of 1997 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation. I move:

That the report be noted.

Mr Speaker, in the eight years of this Assembly, this is the most significant report of the Scrutiny of Bills Committee. The consideration of Determination No. 227 and the resolution of the contrasting views of the committee and the Government demand the most serious consideration by this Assembly. This is an argument in the real tradition of parliaments. The committee asserts most strongly, indeed vehemently, that on this matter the Assembly must assert its primacy over the Government. I might point out to members that this report was circulated out of session. The committee makes this report in its traditionally bipartisan nature.

Determination No. 227 retrospectively imposed a range of charges for health services as certain charges had been collected without legal authority. Determination No. 227 was designed to remedy the invalid determinations Nos 106 and 136. The committee disagreed with the Government's procedure, arguing that the determination was subordinate law by virtue of subsection 6(19) of the Subordinate Laws Act and that it was restricted from retrospective operation by section 7.

The principle here, which continues to be the committee's argument, is that retrospectivity in delegated legislation that prejudices individuals is absolutely not acceptable. The Government has accepted the Government Solicitor's advice that the determination was, among other things, an administrative instrument and not a subordinate law. In the meantime, a motion of disallowance had been moved in the Assembly and later withdrawn following the introduction of a private members Bill proposing an alternative means of dealing with this problem. Hence, the Assembly will need to consider this report. I urge members to put it aside carefully, for close examination before the next debate.

I again stress the significance of this report and this Assembly's ability to scrutinise delegated legislation. Large sums of money are collected in the Territory under the provisions in delegated legislation and, if this power can be exercised retrospectively to impose legal liability on citizens where none existed before, it could be regarded with concern by citizens in the Territory and by this Assembly. But, if the view accepted by the Government is correct, it means that legal monetary or other burdens can be imposed retrospectively on Territory citizens by delegated legislation made by the Executive, or a member of the Executive, without any prior consideration by the Legislative Assembly. If this kind of retrospectivity is valid, people can have monetary burdens placed on them retrospectively where none existed before.

It is no longer possible for a parliament to make all the law in our complicated society. Thus, parliament confers power on the executive or on other people to make law on behalf of the parliament. As it is law being made in parliament's name, parliament imposes certain restrictions on the making of that delegated legislation. It requires publication of making, tabling, disallowance and, in some instances, consultation with the parliament.

One common and key restriction on the making of delegated legislation is that, to protect citizens, the executive does not have the power to make delegated legislation that imposes liabilities retrospectively on individuals. Benefits can be conferred retrospectively by delegated legislation, but not burdens. If the executive wishes to impose burdens retrospectively, that must be done by the parliament itself and be subject to parliamentary scrutiny, debate and publicity. It is the committee's view that this is a basic principle that must be upheld.

The committee argues that section 7 of the Subordinate Laws Act applies this restriction in the ACT and so ensures that in our delegated legislation members of the public and of this parliament should know in advance what their legal liabilities will be. On the Government's view, it appears that almost all Acts under which fees and charges can be imposed escape the prohibition against prejudicial retrospectivity on individuals and it would be possible to impose prejudicial retrospectivity under any of those Acts. The Assembly can exercise some control over delegated legislation through disallowance, as was attempted in respect of Determination No. 227, though withdrawn with that Bill coming into the Assembly. But it is only partial control and does not answer the principles that I have outlined. And, of course, money would have been collected in what could be an extended period, and those who paid the money would not expect any refunds.

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The Government's major argument is that Determination No. 227, as an instrument of an administrative nature, could be given retrospective effect. If the Government's advice is correct, almost none of the determinations of fees and charges under ACT Acts would be examined by this committee. This would mean that about 25 per cent of all delegated legislation - based on last year's figures - would not be examined by this committee in relation to issues of rights, liberties and the other terms of reference, because they are administrative, not legislative, in nature. As members would be aware, this committee has pointed out numerous problems in determinations of fees over the years, and this would go unchecked if the Government's view were upheld.

I state again that it is the committee's emphatic view that retrospectivity that prejudicially affects citizens should be restricted to Acts that have been debated in parliament. In another circumstance, soon to be debated, I know that this is the Government's - certainly the Attorney-General's - firm view, but not at the moment in respect of Determination No. 227. The Government, in respect of this determination, should acknowledge the principle about retrospective burdens long held by parliaments and seek another means to resolve the problem presented by this determination.

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

Sitting suspended from 12.46 to 2.30 pm

QUESTIONS WITHOUT NOTICE

ACTEW - Payments to Government

MR WHITECROSS: My question is to Mr Kaine in his capacity as Minister for Urban Services.

Mrs Carnell: I am really disappointed.

MR WHITECROSS: You cannot have everything. Minister, in the recent ACTEW price determination report handed down by Mr Baxter, Mr Baxter noted:

The determination allows ACTEW to cover its operating costs, fund its capital works, meet its debt servicing obligations and satisfy the Government's dividend expectations while still increasing its net cash holdings.

Minister, was the pricing commissioner made aware of the Government's intention to squeeze \$173m out of ACTEW before he determined the price increases? Did he have the opportunity to consider the additional debt servicing obligations that would be imposed on ACTEW as a result of the organisation being looted by Mrs Carnell?

MRS CARNELL: As I am the Treasurer, I will take that question. Mr Speaker, the pricing commissioner is at arm's length from government and makes determinations at arm's length from government, although there was a discussion that I and, I think, Mr Kaine as well had with the pricing commissioner, at which time he made comments about ACTEW's capital structure. He said that he believed very strongly that ACTEW's debt-equity ratio was far too low and made comments, as he made in that report, that debt-equity ratios of that sort can lead, shall we say, to management decisions that might not be totally efficient. That sort of discussion was had with the pricing commissioner, but certainly we did not pre-empt our budget to the pricing commissioner.

MR WHITECROSS: Since Mr Kaine is not answering, I ask the Chief Minister a supplementary question. Given that the pricing commissioner was unable to factor these additional imposts you have placed on ACTEW into the pricing structure, will you now concede that the costs of the dividend demanded from ACTEW will be passed on to the consumer sooner or later in the form of increased water and electricity charges?

MRS CARNELL: No. As I answered yesterday, that simply will not be the case. The pricing commissioner made it very clear that he believed ACTEW, if they chose to borrow, could handle a significantly greater debt than they currently have. He made the point in that commission report that what he was looking at was ACTEW's capacity to generate revenue, not ACTEW's debt burdens, how much cash they had in the bank or any of those sorts of things. In fact, the pricing commissioner made it very clear, as I am sure the Fay Richwhite report which is currently under way will also make it clear, that if they decide to borrow - they may choose not to borrow, of course, and fund out of cash reserves and long-term investments - that would not affect his pricing determination. Quite seriously, without equivocation, he said that it would not affect his pricing determination at all. In fact, he makes that quite clear in his report.

VISITORS

MR SPEAKER: I would like to acknowledge the presence in the gallery of the University of the Third Age, who are looking at parliamentary education. Welcome to your Assembly.

QUESTIONS WITHOUT NOTICE

Labour Market

MRS LITTLEWOOD: My question is to the Chief Minister. In mid-1996 this Government put into place strategies to stimulate investment and job growth in Canberra to counter Federal Government cutbacks. Can you advise me and this Assembly whether these policies have been successful, based on the latest data on the ACT labour market?

MRS CARNELL: I would like the Assembly to notice that Mr Whitecross and Mr Berry left at this particular moment in question time.

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Mr Humphries: What are they afraid of?

MRS CARNELL: I cannot imagine. The change of government federally last year did usher in a period of great uncertainty for Canberra. Massive reductions in Commonwealth spending during 1996 represented an economic shock the like of which Canberra had never experienced before. I do not think anyone would doubt that. My Government recognised very quickly that this was the greatest challenge that Canberra had ever faced, and we moved just as quickly to formulate a response. That response involved making job growth, investment and private sector expansion the central focus of Government policy. Jobs have been the central theme of the last two ACT Government budgets and were the key element of the ACT strategic plan we released last year which was not really accepted by this Assembly. Mr Speaker, I make no apology for focusing squarely on jobs, because that is undeniably the issue that is uppermost in the minds of Canberrans.

What has been the result of two budgets focusing on jobs and over 12 months of focusing on business and jobs? I am delighted to report to the Assembly today that there is now unambiguous evidence that the labour market in the ACT is strengthening after the dramatic jobs shedding that occurred during 1996. Official job statistics released today show the following: The ACT trend unemployment rate is down from 7.2 per cent in March to 6.8 per cent in April, lower than in any other State and lower than when we took government in March 1995; the total number of unemployed is down by 500, to 11,600, which is 100 fewer than when we took government; total employment was up by 1,500 in April, to 157,900; the teenage unemployment rate has dropped from 43.6 per cent to 31 per cent; and, added to all of that, the participation rate is up from 71.8 per cent to 72.2 per cent. Quite simply, we are now seeing the benefits of the job strategy that this Government put in place almost 12 months ago. We are out there marketing Canberra, attracting new businesses and new jobs to the ACT.

Mr Speaker, we have now seen five consecutive months of job growth in Canberra. Since November 1996, shortly after we brought down our 1996-97 budget predicting job growth of 2,700 - I have to say, a much maligned 2,700 - total employment in the ACT has increased by 5,600, not 2,700; the unemployment rate has dropped from 8.5 per cent to 6.8 per cent; and the total number of unemployed has dropped by 2,600. We are certainly not out of the woods yet. The Federal budget next week could have a major impact on our local economy, and clearly the Commonwealth still envisage further downsizing in the Commonwealth public sector. However, members can be assured that this Government will continue to focus on job creation and expansion of the private sector here in Canberra, but we will not forget our public sector either. The budget that I brought down earlier this week created a number of new jobs in the public sector, as well as having a package of \$4.5m for job creation and business incentives in the ACT. We are in no way resting on our laurels. Mr Speaker, it will be as those opposite said earlier when they said that this budget was more of the same for the ACT. I would like to thank them, because if, in a budget that is more of the same, to quote Mr Whitecross, we can achieve that sort of reduction in the unemployment rate and we can achieve 5,600 new jobs or 2,600 fewer unemployed, I think more of the same is exactly what Canberra needs.

Rugby League Park, Braddon

MS McRAE: Mr Speaker, my question is for the Minister for Land and Planning. Mr Humphries, can you inform the house as to the progress - - -

Mr Humphries: Speak up, Ms McRae.

MS McRAE: Poor Mr Humphries has gone deaf these days. I must stop shouting at you. It has affected your hearing. Mr Humphries, can you inform the house as to the progress you have made in regard to the change of leases at Rugby League Park in Braddon and what compensation is being paid?

MR HUMPHRIES: I happened to bring down my file for non-budget matters, Mr Speaker. It is lucky that I did. The matter of ownership of the lease at Northbourne Oval has been in dispute for a number of years. Members will know that the matter was listed for hearing in the Supreme Court last December. Prior to the hearing, I met with the ACT Rugby League and the ACT Leagues Club and reached a resolution of a dispute by facilitating some agreement between the parties. I am indebted to a number of members, including Mr Osborne and Mr Hird, for their assistance in doing that. That agreement cleared the way for a resolution of the question of ownership of the lease and provided for the reasonable requirements of the club and the aspirations of the Canberra and District Rugby League to establish a training headquarters for the Raiders. As part of the agreement, two separate lots will be created, one for the Leagues Club and one for the oval. To give effect to this, a variation to the Territory Plan will be required, and that variation will reflect a situation that has existed on the block for the last 15 years.

The two parties agreed, following that agreement, to stand down the matter that was before the Supreme Court and to sign a deed of agreement, although that has not actually happened as yet, as I understand it. A draft variation is being prepared at the moment. Draft leases, deed of agreement and plan of management have been circulated to the parties. The club has agreed to all matters, and the CDRL is currently negotiating issues with respect to their lease. The proposals have been discussed with the Braddon Residents Association and, I understand, have been generally supported. In fact, I think I have agreed to meet with the Braddon Residents Association at some time in the near future to discuss with them any concerns that they have. I do not know what amount of betterment either has been paid or is envisaged to be paid, but I will take that part of the question on notice.

MS McRAE: As a supplementary question, I ask: Who will be selected for compensation, if any is paid either through absolution of betterment or through compensation? That is specifically what I need to know, Minister.

MR HUMPHRIES: Mr Speaker, I do not think it was envisaged by the arrangements in place that anyone was going to be compensated.

Ms McRae: I think some people think that. I think you had better check.

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MR HUMPHRIES: I am aware that some parties have spoken about compensation. I have made it equally clear to those parties that the agreement itself and settlement of the legal action were compensation enough, as far as I was concerned; that a separate lease would be allocated to the ACT Leagues Club for their part of the oval and that the Raiders would have the other playing part of the oval, so that the revenue producing part of the oval would belong to the Leagues Club but the playing part of the site would belong to the Canberra Raiders. My understanding of the agreement was that there was not going to be any significant amount of compensation paid between the parties. Even Mr Hird, who has connections with the Leagues Club, I understand, is prepared to accept that position, apparently, on behalf of the Leagues Club. I would suggest that that is the position that we all ought to accept as the agreement reached last December.

Government Borrowings

MS HORODNY: My question is directed to the Chief Minister. Chief Minister, in your budget statement you said that there would be no new borrowings in the general government sector, but buried in Budget Paper No. 4 is a statement that the Interim Kingston Foreshore Development Authority is being funded in 1997-98 on the basis of borrowings of nearly \$1m. The budget paper says that the borrowings and accumulated interest are to be paid back from revenue raised over the life of the project, but it is borrowing nonetheless. The budget paper says that this practice is consistent with the operations of the Gungahlin Development Authority; but this authority has already been established by an Act of the Assembly and has clear commercial objectives, whereas the future use of the Kingston site is by no means settled yet. The Kingston Foreshore Development Authority is only an interim authority, and there is no clear idea as to what revenue may accrue to the Government in the future. In the light of what is happening with the Kingston foreshore development, are you stretching the truth in saying that there will be no new borrowings?

MRS CARNELL: It is unfortunate that Ms Horodny does not understand how that borrowing is going to happen. It is internal, Ms Horodny. It is not an external borrowing at all. The Kingston Foreshore Development Authority will borrow from the Central Financing Unit, so it is an internal transaction. There are no new borrowings in the general government sector outside the ACT Government - end of deal. What we are doing with the Kingston Foreshore Development Authority is allowing them to draw from the Central Financing Unit \$1m, if they need it of course, to get the project on the road. That will then be paid back to the Central Financing Unit when money is generated from the sale of land. You are right; it is an interim authority and, obviously, legislation will have to come forward to make it a permanent authority under appropriate Acts of this Assembly. But there are no new borrowings in the general government sector. It is an internal transaction between two parts of government.

ACTEW - Job Losses

MR CORBELL: My question is to Mr Kaine in his capacity as Minister for Urban Services. Minister, I refer you to recent comments made by the chief executive officer of ACTEW, Dr Mike Sargent, who stated that the decision recently handed down by Mr Baxter not to grant ACTEW the price increases they were seeking would cost ACTEW between 40 and 50 jobs. Minister, you were quoted in the *Canberra Times* on Saturday, 3 May this year, as saying there would be no jobs lost from ACTEW as a result of the recent pricing commissioner's decision. Minister, who is right - you or Dr Sargent?

MR KAINE: First of all, Mr Corbell, as is often the case, misquotes me. What I said was that there should be no jobs lost from ACTEW because of the decision made by the pricing commissioner. I am prepared to argue that that is the case. If we look at the performance of ACTEW, we do not need to go any further than the recent assessment of their performance by the Steering Committee on National Performance Monitoring of Government Trading Enterprises, which found that the electricity part of ACTEW, in all of its trading parameters, is in a better position than any other electricity supply authority in Australia.

Mr Corbell: Then why did Dr Sargent say that jobs could be lost? Why did your chief executive officer say that, Minister?

MR KAINE: If Mr Corbell wants to answer his own question, I am quite happy, Mr Speaker; but he might like to listen to the facts instead of closing his mind and opening his mouth. These are not our evaluations; these are the evaluations of the independent steering committee on GTEs. ACTEW's operating sales margin for the year 1995-96 was 13.9 per cent, compared to 10 per cent for other distributors and 25 per cent for the electricity market as a whole. ACTEW's operating sales margin is the highest of all distributors reported. On a raw measure - and again I am quoting - ACTEW's domestic prices for 1995-96, at \$83.60 per megawatt-hour, compare well with other domestic prices at \$94 per megawatt-hour. When prices are considered as an index on the 1989-90 prices, ACTEW does not compare so well, but generally speaking the figures show that ACTEW is performing well. ACTEW's return on assets, at 7.3 per cent, is higher than the distribution industry average of only 6 per cent.

When you look at those figures - and they are not ours; they are produced by this independent authority - you have to say that ACTEW is a very successful business being run efficiently and effectively. Even after its prices have been capped by the prices commissioner, ACTEW is still expected to make a profit of about \$45m next year. If you could see - - -

Mr Corbell: I raise a point of order. Mr Speaker, I asked the Minister specifically about job losses in ACTEW and whether or not he agreed with his chief executive officer. He has not mentioned jobs once yet. I would ask you to direct him to answer the question.

MR KAINE: Mr Corbell just needs a bit of patience and he will get the answer.

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Mr Hird: On that point of order, Mr Speaker, I would say that you should use standing order 39. The Opposition continually interject on the Minister, who is endeavouring to answer their question.

MR SPEAKER: There is no point of order on that point, Mr Hird. I am sure the Minister is coming to the point that Mr Corbell was concerned about.

MR KAINE: Indeed I am, Mr Speaker. Before we talk about redundancies or job losses, we need, first of all, to establish that ACTEW is a very efficiently run organisation. As I was saying before I was interrupted, even after the price cap has been put on ACTEW's prices by the prices commissioner they are still expected to make \$45m profit next year. If any organisation in any industry of comparable size in Australia is making a \$45m a year profit, what justification would they have for firing people on the basis that they are not making enough money to pay them? The answer is that there is no such justification.

So we come to the nub of the question Mr Corbell asked me: Will ACTEW be firing people next year? The answer to that resides in the experience of ACTEW over each of the last three years. To my knowledge, in order to achieve efficiencies, they have offered about 50 redundancies a year for each of the last three years. I would expect that they would continue to do the same next year in their continuing search for efficiencies and to get their operating costs down. The two things, however, are totally unrelated. If you can argue that 50 next year are because of the price cap, then you have to ask what justified the 50 a year over each of the last three years. Mr Corbell is on the wrong track, as usual. There is no relationship between the fact that ACTEW may shed a number of people next year, on the one hand, and the fact that the prices commissioner has capped their retail prices, on the other.

I come to the question of whether I am in conflict with the chief executive. No, I am not. The chief executive is saying that they may put some people off next year. I am saying that they may put some people off next year, too, but not for the reason that Mr Corbell is advancing.

MR CORBELL: I ask a supplementary question. Mr Speaker, in my question I was not referring to normal redundancies. I was referring to additional jobs lost as a result of price increases, and that is what Dr Sargent was referring to also. So, Minister, you do seem to be in conflict with your chief executive. As you are, I ask you: Do Dr Sargent and the board of ACTEW enjoy the same level of support and confidence that you have so recently and so brilliantly displayed when it comes to the chief executive officer of ACTION?

MR SPEAKER: That is a very hypothetical question, Mr Minister.

MR KAINE: I think it is more than hypothetical. To satisfy Mr Corbell even more, if it is possible to satisfy him on this question - - -

Mr Hird: No, I do not think so.

Mr Corbell: Only because he has not answered the question.

MR SPEAKER: Order! The Minister is feeling benign and he is going to satisfy Mr Corbell.

MR KAINE: He will never be satisfied with the answer, because he has his mind made up. If I do not answer the way he wants me to, he is not going to be satisfied. My understanding, Mr Speaker, is that a presentation was made this morning by ACTEW to those unions that could potentially be affected by this, and those unions are satisfied that the pricing tribunal decision will not result in job losses. Does that suit you, Mr Corbell?

Tuggeranong Community Arts Centre

MR OSBORNE: My question is to the Minister for the Arts. I hope you note that this is my third one, Mr Humphries. Earlier this year, Minister, with great fanfare you revealed the final plans for the Tuggeranong Community Arts Centre. At that time you praised its innovative architectural design and the consultation process that had gone into that design by the Bureau of Arts and a number of local community groups. Minister, could you inform the Assembly which of those groups helped to approve a design that contained no furniture, no heating, no lighting, no sound equipment and no proper flooring?

MR HUMPHRIES: Mr Speaker, let me say, first of all, that obviously Mr Osborne has now reconciled himself with Mr Mico, with whom he had several highly public and spectacular clashes in the course of last year.

Mr Osborne: I raise a point of order, Mr Speaker. I ask Mr Humphries to withdraw that. I have had no public clashes with Mr Mico. I get on quite well with the man.

MR SPEAKER: You may make a personal explanation later if you wish.

MR HUMPHRIES: If he says he is good friends with Mr Mico, I will take his word for that. Mr Speaker, it was made abundantly clear to the people who were involved in the Tuggeranong Community Arts Centre that there was a budget to work to in this process; that there was \$1.75m - a figure actually settled by a committee of this Assembly, as I recall, for the Tuggeranong Community Arts Centre. The decision was made that we should be able to proceed within that budget.

The so-called drawbacks to the centre that Mr Osborne says are a result of having to stick to that budget are exaggerated considerably. Of course there will be flooring on the floor of the centre.

Mr Osborne: It is concrete.

MR HUMPHRIES: There are lots of buildings in this town that have concrete floors, Mr Osborne. What the Tuggeranong Community Arts Association wants is a very expensive sprung floor. Even the people at Gorman House who teach dance do not have a sprung floor. There are other sorts of floors between concrete and a sprung floor which you might be able to get by with. I am in discussions with that organisation.

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In fact, I am meeting with them tomorrow. I am going to have further discussions with them, my department is having discussions with them about these matters, and we will try to work through them; but they have to understand that a budget has been set and they have to work within that budget.

MR OSBORNE: I ask a supplementary question. Thank you for that, Minister. I would like you to cast your mind back to June 1995, when you had a shot at the previous Government about the Civic police station.

MR SPEAKER: Ask your supplementary question without preamble.

MR OSBORNE: You went on to say:

And we will not be building police stations without any furniture for the police to sit on.
That will not be part of this Government's policy.

Given your attitude then and now, Mr Humphries, do you agree that you have been a little bit hypocritical?

MR HUMPHRIES: No.

Retail Trading Hours

MR BERRY: My question is directed to Mr Humphries. Mr Humphries, would you explain to the Assembly why you have done a monstrous backflip and withdrawn the restrictions on trading hours.

MR HUMPHRIES: Thank you for the dorothy dixer. Mr Speaker, this Government made it perfectly clear when it announced it was introducing a trial of trading hours that it was going to - - -

Mr Moore: A trial! Good one, Gary!

MR HUMPHRIES: Mr Moore has arrived. It is nice to see you here, Mr Moore. If listening to the community, doing the work of finding out what the community wants and assessing the level of community support for these proposals amount to backing down, the Government will back down any day of the week. We have done our homework. We have assessed the level of community support for this proposal, and we have assessed - - -

Mr Moore: I raise a point of order, Mr Speaker. Standing order 118(a) provides that answers shall be concise, confined to the subject matter and as truthful as possible.

MR HUMPHRIES: Mr Moore has a different version of standing orders to mine, Mr Speaker. We stand by our decision. If members opposite think that listening to people is backing down, then I am afraid we will back down every day.

Employment Growth

MS McRAE: Mr Speaker, it being not quite 3 o'clock, I remind the Chief Minister that yesterday, through Mr Humphries, I asked for a piece of paper to be tabled. I wonder where it is.

Mrs Carnell: I was not here; I am sorry.

MS McRAE: No, but I did ask Mr Humphries to ask you.

MRS CARNELL: Thank you very much. I am happy to table that piece of paper. It comes out of the Access Economics five-year business outlook. I have photocopied the page.

MR SPEAKER: It being 3.00 pm, pursuant to the resolution of the Assembly of 6 May 1997, question time is interrupted.

AUTHORITY TO RECORD, BROADCAST AND PHOTOGRAPH PROCEEDINGS

MR SPEAKER: I understand that it is the wish of the Assembly to permit the taking of still photographs during consideration of the Appropriation Bill 1997-98 today, Thursday, 8 May 1997. I also remind members that, pursuant to the resolution of the Assembly of 6 May 1997, the proceedings during the consideration of the Appropriation Bill 1997-98 will be videotaped with sound.

APPROPRIATION BILL 1997-98

Debate resumed from 6 May 1997, on motion by **Mrs Carnell:**

That this Bill be agreed to in principle.

MR WHITECROSS (Leader of the Opposition) (3.01): If there was ever a time when the ACT economy needed an answer, it is now. If there was ever a time when the ACT economy needed a solution, a long-term strategic response to the difficulties it faces, it is now. And if there was ever a time when a government failed in its response, it is now.

Last month Access Economics released the *Access Economics Budget Monitor*. They predicted a bleak future for the ACT economy. Under the Carnell Government, Access Economics predicted that the ACT's growth would drop below the national average and stay there for some time. The ACT economy would shrink to the point

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where it was smaller than Tasmania's. If the Carnell Government were not to change its policies, unemployment would hit 9.2 per cent in 1997-98, and employment would drop by 0.5 per cent. The key message was that, without a change of policy, the ACT economy would get worse. The key message was that more of the same from Kate Carnell would be bad news for Canberra. For Canberrans, the bad news arrived on our doorstep on Tuesday. We have more of the same.

There are some in the ACT who would say this is not Kate Carnell's fault. Indeed, Kate Carnell is usually the first to say it. But the facts tell a different story. Howard Government policies have had an impact on the ACT, but the facts are that Liberal policies at both the Federal level and the Territory level have combined to cause such a contraction of our economy that it has now been in recession for the past three quarters.

Kate Carnell came to power with the intention of achieving a significant and permanent reduction in the size and role of government through cuts to government expenditure, contracting out, purchaser-provider arrangements, competitive tendering and, as a result, reductions in services. When she moved in upstairs, she took with her the Liberal Party manifesto of small government. If you get elected as a Liberal and introduce Liberal policies based on the same ideological narrow-mindedness as your colleagues, you cannot escape the guilt.

With her first budget, Kate Carnell put the brakes on the ACT economy. She cut the Public Service by 640 jobs, the total capital works budget was underspent by \$28m, fees and charges went up and government expenditure went down. Unemployment in the ACT rose from 7 per cent in August 1995 to 8.2 per cent in April 1996. That was before your scapegoat, John Howard, even moved into Kirribilli House. That was the economy Kate Carnell set on a downward slide, just in time for John Howard to give it the big push down the rails into recession. It was a tandem team effort.

But, even after seeing how hard John Howard hit, Carnell continued on her merry way. She had her own small-government agenda to achieve, and the 1996-97 budget saw no deviation from the plan. Her last minute, cobbled-together jobs strategy last year turned out to be yet more of the Chief Minister's trademark repackaging, window dressing and hyperbole. Since the last budget we have seen three quarters of negative growth - a recession. Mrs Carnell, you were on trial with your co-accused, John Howard, and you have been found guilty.

This week Mrs Carnell produced the budget we were all fearing - a more of the same budget - not that anyone should be surprised. The Liberals' term in office has not been known for its motivation, its innovation or its strategic thinking.

Mrs Carnell: More money on education, more money on health, more jobs, more money on business, more money on police, no new borrowings in the general government sector.

Mr Berry: I raise a point of order, Mr Speaker. Mrs Carnell had her chance to make her speech on Tuesday. She should just let the Leader of the Opposition make his. She has had a few interjections. We are prepared to cop just a few, but I think she has had a - - -

MR SPEAKER: Mr Berry, I uphold the point of order. I would ask members to remember that this is an important debate, as indeed was Tuesday's.

MR WHITECROSS: Thank you, Mr Speaker. Mrs Carnell does not like it. That is the problem.

MR SPEAKER: Do not be provocative. Just speak.

MR WHITECROSS: Just being here is provocative enough for Mrs Carnell. The Liberals' term in office has not been known for its innovation or strategic thinking. A budget that was a response to our current economic environment would have been yet another admission that her three-year budget was a fantasy, and there was no way she was prepared to concede this. We have another Federal budget next week, with further cuts to the public sector in Canberra expected; yet she delivers her budget without any regard for this. If Mrs Carnell were serious about responding to the economic crisis in Canberra, the ACT budget would have been after the Federal budget so that we could respond to it. Instead, Mrs Carnell delivered her budget only one week before her Federal colleagues, to give herself another opportunity to blame her Liberal running mates. It is another attempt to divert attention from her own failures. Mrs Carnell, you are guilty, but your modus operandi is to point the finger at someone else.

Mrs Carnell promised us more of the same, and that is what we have got. More of the same was not enough in 1995, it was not enough in 1996 and, tragically, it is not enough in 1997. On Tuesday we saw the continuation of Carnell's blinkered approach to financial management - more of the same cuts in services, ad hoc policy and smoke and mirrors accounting. The Government continued with its ad hoc policy approach, offering a bit of money here and a bit of money there in an attempt to keep as many groups as possible happy but with no stability and no strategic direction.

This is why the Canberra economy will continue to suffer under this Government's lack of commitment to the provision of an affordable and reliable public transport system. Mr Speaker, the budget brought down on Tuesday will see ACTION's budget cut by \$3m over the next two years, including \$2m in the next year. This will lead to a further reduction in services, resulting in more people becoming frustrated with the bus service and finding alternative forms of transport. This Government has learnt nothing in the past two years about the management of the bus system that has led to a massive downturn in ACTION patronage, and this Government cares nothing for people who are dependent on public transport.

Mrs Carnell's creative accounting used last year to disguise borrowings is used again this year. This year her budget hinges on plundering ACTEW's coffers. ACTEW is being made to hand over \$173m. So much for the vision of corporatisation, of ACTEW being allowed to operate as an independently managed commercial enterprise. Mrs Carnell's finances are in such a desperate state that she has revised and accelerated ACTEW's payments of dividends to government. In one year they have gone from \$25m to \$74m - a 192 per cent increase. In 1998-99 it is expected to drop back to \$32m. And who said it was not an election budget? Not only is Mrs Carnell milking ACTEW's cash; she is making ACTEW buy all the streetlight poles in Canberra, at a cost of \$100m.

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Due to Mrs Carnell's dishonest accounting, ACTEW will borrow and pass on the cost to consumers in future years. Not only do you want to finger John Howard but you also want to fleece the people of Canberra. With her blinkered approach, Mrs Carnell will set the ACT economy in a recession for an extended period.

There is an alternative. I do not intend today to lay out all of Labor's policies for the next election. We will be doing that over the months leading up to the election. I will not make outrageous, unachievable and naive promises, as Kate Carnell did as Opposition Leader in her reply speech in June 1994. In June 1994 Kate Carnell said she would not throw money at health for no return. She said casemix funding would lead to \$26m in savings in health, and instead she has topped up the health budget in each year of her term. A promise made and a promise broken! Kate Carnell said she would have a three-year budget. It fell over in under one year. It was just plain nonsense, but she thought it sounded good. A promise made and a promise broken!

Kate Carnell said she would cut \$27m from ACTION and still improve availability, punctuality and cost; yet patronage has fallen by 13 per cent, services have been cut by 20 to 30 per cent in some areas and fares have increased by 50 per cent. I suppose that is why we are now awaiting the findings of an inquiry into ACTION. Another promise made and another promise broken! Kate Carnell's one page of unrealistic costings to support this fantasy was a sham. Kate Carnell says that she set a precedent that all oppositions should follow. It was a foolish, fanciful and fraudulent precedent and a precedent I will not follow. I believe in integrity in opposition and in government. The Labor Party commitments will be realistic.

There is an alternative. What I intend to do today is outline a new direction for the ACT. Unemployment is, without doubt, the fundamental economic and social problem facing Canberra. Unemployment is set to rise to more than 9 per cent next year. The only solution to this jobs crisis is real economic growth. It is the role of government to create conditions for a growing economy. Either Kate Carnell does not understand this or she has thrown her hands in the air and said it is all too hard. According to her, positive thinking will fix the economy. Kate Carnell thinks that all she has to do is close her eyes, click her heels three times and think of Kansas, and everything will be all right. Labor knows it would take more, and we would provide more.

Mr Osborne: Which one is Toto?

MR WHITECROSS: Toto is not here anymore. The diversification of the ACT economy should be a Territory government's long-term but highest priority. We all know that our core economic activity, the Public Service, is contracting and a narrowly based economy is a vulnerable economy. We must diversify our economic core to survive. Other cities and regions have done so, and so can the ACT. What the ACT is desperately lacking is a long-term strategic approach. The economic problems of the Territory cannot be solved in one, two or even three years. I think Mrs Carnell's problem is that she expects instant gratification. Only policies that return regular "picnics" are pursued by this Government.

We need to develop and implement a comprehensive and strategic industry plan. Over her term, Kate Carnell has failed to recognise and pursue this priority. She tried with her so-called strategic plan but failed miserably. All she could produce was Liberal Party ideology masquerading as strategic thinking, and quite rightly the community rejected it. Now, after months of pressure from Labor, she has, in desperation, come up with a summit, a talkfest, in the hope that someone else will come up with the ideas to fill the policy vacuum that has been a hallmark of this Liberal Government. It was not even in her budget. It was a last minute reaction to the pressure she was facing.

In sharp contrast, Labor will commit to developing and implementing a strategic industry plan. Labor's industry plan will incorporate a new direction and focus for the ACT Public Service. Liberal governments have been fixated on the narrow focus of the internal mechanisms of public sector reform. The public sector used to pride itself on its policy research and analysis, its frank and fearless advice and its vision for a better society. Labor will return this focus. Systematic, comprehensive and well-developed industry policy will result.

Labor will ensure there are mechanisms in place to foster links between our highly skilled work force, educational and research institutions, locally based enterprises and industry bodies. The industry plan will identify industries particularly suited to the ACT. They must be value adding, must complement existing industries and must fit in with the overall industry plan. We will be aggressive in our pursuit of such industries. Labor will maintain a watching brief on infant industries. They must not be impeded by government regulation, and assistance will be assessed and provided, when required, to ensure they expand and diversify.

We will not just talk regional development. An industry plan will be developed in consultation with regional representatives. The plan must identify and include strategies to take advantage of regional industries and markets that differ from the ACT. We need to identify new and complementary market opportunities for the ACT. Labor's plan will ensure ACT industries are given a fair go. They will be provided with every opportunity to tender for government contracts. This Government's ad hoc approach to industry will be overturned. Last week Kate Carnell was talking up an IT-led economic recovery. This week it is a cheese factory-led recovery. One day she talks about a regional approach; the next day she is trying to steal a cheese factory from under the noses of our regional neighbours in Bega. From now on, when Carnell visits regional New South Wales to promote cooperation and development, they will have to check her bags at the town limits. While Labor believes new industries and business should be encouraged to locate in Canberra, we would be strategic and sensible. New businesses will have to complement the ACT industry plan.

As part of the industry plan we will provide a firm commitment and new approach to industry assistance. At present it seems that the key criteria for industry assistance are that you should be an interstate company and that you should provide an opportunity for the Chief Minister to cut a ribbon or unveil a plaque. Unlike Kate Carnell, we will not make secret deals. Labor will provide balance in its industry assistance. We will not ignore local businesses. We will provide assistance to build and strengthen our existing job base. We will assist firms to survive and compete. These jobs are here,

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the skills developed, the experience and local knowledge established and the commitment to Canberra proven. These should be exploited and strengthened. This may not generate many photo opportunities for me as Chief Minister, but I think it is a small price to pay to strengthen existing Canberra businesses.

This is not to say that attracting new businesses to the ACT through incentives is not an essential element of Labor's refocusing of industry assistance. The difference is that we will target industry assistance to attract businesses that complement our industry plan. There is no point in attracting businesses if the business environment in the ACT is not suitable or if there will be an unfair advantage in competing with local established businesses. We must be strategic. Industry assistance under Labor will be assessed according to uniform criteria. It will not be open-ended. There will be firm commitments regarding the nature and scale of the proposed operations and the benefits to the ACT economy. There must be a local content or impact statement. Also, in stark contrast to Kate Carnell, I give a firm commitment that all industry assistance decisions will be open and accountable. I will not be hiding behind a wall of commercial-in-confidence.

So far I have outlined a long-term strategy to diversify the ACT economy; but, unlike Kate Carnell, I cannot ignore the immediate crisis facing our community. Labor is not afraid to give a real commitment to countercyclical measures such as labour market programs and capital works. These would be financially responsible. I am not advocating spending our way out of the Liberals' recession, but its effects must be ameliorated. We must act with compassion. There must be balance between long-term economic development needs and short-term crisis management.

A marked difference in direction between Labor and Liberal would be Labor's real commitment to the unemployed of Canberra. We would not be insulting the intelligence of unemployed people by merely pretending to address their needs. We would not be calling something a Job Funds and spending more than half of it on subsidies to business, business incentive schemes, tourism promotion and existing big project commitments. Unlike Mrs Carnell and her friends in the Federal Parliament, we will not abandon those members of our community who are unemployed. We will not be telling them to wait for better times and to stop whingeing. We will focus on rebuilding Canberra's economy. We will also be ensuring that the unemployed are assisted through labour market programs which address their needs for skills maintenance and development and for support in their search for employment.

Labor recognises its obligations to the unemployed. Enhanced labour market programs are a well-established and appropriate response to cyclical economic downturn. Indeed, we saw this demonstrated by the Federal Labor Government's Working Nation package, which assisted those bearing the brunt of the economic downturn. In the ACT, we are doubly obligated. In the first place, as the ACT was pushed into economic recession, the Federal Liberal Government severely cut back on labour market programs. Secondly, as the rest of the nation recovers economically, and Canberra continues in recession, those Federal labour market programs that remain are inadequate in the face of Canberra's increased need.

We would address the needs of young people, but we would also recognise that half the unemployed in Canberra are over the age of 25. A Labor government would commit an additional \$5m to real labour market programs and job creation. We would focus on a mix of programs which would address the range of needs of the unemployed in Canberra. This would include a community projects employment program developed in partnership with the community. Projects included in the program would be clearly focused on providing people with real training and real work experience which would develop skills transferable to areas with realistic prospects of long-term employment as the economy picks up.

Our programs would work in with any available Commonwealth programs and would focus on the development, maintenance and enhancement of skills which would equip people for real jobs as the economy improves, as well as ensuring that people have the opportunity to develop effective job search skills. On Tuesday, Mrs Carnell announced a Youth500 program focusing on wage subsidies for employers who employed young people. We would broaden the focus of this program to explore other initiatives to assist young people in their quest for work. This is essential, given the deep cuts by the Federal Liberals to their labour market programs. We do not believe it is right for Mrs Carnell to put all her eggs in the wage subsidy basket.

The Carnell Government has a very poor record on capital works spending. Labor would do things differently. The Government has neglected to use the opportunity that capital works provide to give a boost to the economy. Mrs Carnell has been quietly cutting Canberra's capital works program over the past three years. This year she is spending \$28m less than Labor budgeted for in 1994-95. That translates to 420 fewer jobs. This is highly inappropriate in a recessionary climate. The construction industry is the Territory's fifth largest contributor to the ACT economy, and it should be supported. Support for construction also translates into support for other industries and businesses and the opportunity for government to contribute to an optimistic business culture.

Finally, Labor, after consultation with the community, would bring forward some essential capital works projects immediately. This short-term boost to the economy in recession would meet identified social or economic needs of the community. The emphasis is on the timing of expenditure rather than the total long-term commitment. Mrs Carnell promised in her 1995 campaign material that she would ensure that the 13,000 residents of Gungahlin would have a town centre by the end of 1995 at the latest. They are still waiting. It now looks like Mrs Carnell will get to turn the sod just in time for the 1998 election. How convenient! Labor would not have allowed this to occur. Labor in government would have ensured the development of the town centre and that essential services needs were met as a priority.

Labor would commit funds to increasing ACT Housing accommodation where there are demonstrated shortages of suitable stock. There are currently 4,179 people waiting for housing, and there are some 1,035 people waiting to be transferred to more appropriate government accommodation. There is an identified severe shortage of accommodation for aged persons, sole parents and single people across Canberra. If an elderly person needs a one-bedroom unit in Tuggeranong, the average waiting time is 86 months.

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What does this tell us about the Carnell Government's commitment to elderly people and their housing needs? Also, in Tuggeranong there is an 87-month wait for one-bedroom flats most appropriate to single people. So not only has the Government budget not assisted young people to find jobs; it is not assisting them to find housing either. There is a clearly identified need for homes for families. For instance, in Tuggeranong again - the area of Canberra known as Nappy Valley - families have to wait up to 75 months for a four-bedroom home. The need for expenditure on accommodation is obvious. The Government has turned a blind eye. Labor would address this need and create jobs at the same time.

Labor would, as a priority, ensure that a higher standard of accommodation was provided for important community service providers in the Griffin Centre, such as the Community Information Referral Service, Pathways, the Migrant Resource Centre and the ACT Council of Social Service. The Liberal Government has increased their rent, imposed charges for electricity and water, and at the same time pushed large maintenance and utilities costs onto these organisations. When the demand for these services is increasing, they must have appropriate accommodation. Labor would address this need and create jobs at the same time.

This is a sample of the difference Labor will make in the ACT, the difference strategic thinking and leadership will make to our future. The priorities I have outlined today - a strategic industry plan, refocused industry assistance, an extra \$5m on labour market programs and an accelerated capital works program - are what our economy needs now. They are responsible and achievable. We will be honest about funding these promises. As indicated earlier, this is not an alternative budget. It would be unrealistic and misleading to do what Mrs Carnell did in 1994. But let me be clear about this: If a modest increase in borrowings were required to fund these priorities, we would do it. These are short-term, countercyclical measures to respond to the Liberal-induced recession. Unlike Kate Carnell, who makes ACTEW borrow for her, we will be up front. Labor's alternative is what Kate Carnell should have announced on Tuesday, but she is too blinkered.

Kate Carnell has been adamant this week that her budget was not an election budget. Make no mistake; it is an election budget. Kate Carnell will be judged at the next election by her actions this week. She may think she has time to buy votes before the next election, but pre-election sweeteners will be useless when all around them Canberrans see their economy deteriorating. Canberrans are no fools. They recognise her hype for what it is. They recognise her role in bringing our economy to a standstill, and they are bitterly disappointed with her more of the same budget. More of the same is not enough. Our economy needs an active response, and her hands-off approach will leave the next generation of Canberrans lagging behind in the economic race. Labor is ready to pick up the pieces. We are committed to the long haul to achieve economic turnaround for all Canberrans. We are committed to returning commonsense and compassionate government to the Territory. Labor has a new direction for the ACT.

MRS CARNELL (Chief Minister and Treasurer): Mr Speaker, could I have leave to make a personal explanation?

Mr Berry: Definitely not, Mr Speaker. There has been a motion passed in this chamber to allow members to speak in the chamber - - -

MR SPEAKER: People are entitled to make personal explanations under standing order 46.

Mr Berry: Mr Speaker, Mrs Carnell will have the opportunity to reply to the debate in due course, after everybody else has had a go.

MRS CARNELL: You have to wait till the end of the speech in which the comment is made, and I did.

Mr Berry: It is outrageous disorder.

MR SPEAKER: No, it is permissible for people to seek leave to make a personal explanation under standing order 46.

MRS CARNELL: Mr Speaker, I understood that we had an approach that meant you waited until the end of the speech to stand up, which I did.

MR SPEAKER: Correct. You cannot interject when the member is speaking.

MRS CARNELL: It will be very short, Mr Speaker.

MR SPEAKER: We will save a lot of time if the Chief Minister gets on with it now.

MRS CARNELL: Mr Speaker, in Mr Whitecross's statement there were lots of things that were untrue, but there were two things that were particularly unfortunate. He made the point that - - -

Mr Berry: Mr Speaker, Mrs Carnell is debating the issue.

MR SPEAKER: No, she is not yet debating the issue. I will watch this very carefully, Mr Berry.

Mr Berry: I understand that Mrs Carnell disagrees with some of the things that Mr Whitecross said, and in due course she will have the - - -

MR SPEAKER: I have no idea yet what Mrs Carnell is going to say.

Ms McRae: We do, and she is debating the issue.

MR SPEAKER: You must be clairvoyant.

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MRS CARNELL: Mr Whitecross said that I did not have an industry policy or that this Government did not have one. I would like to table "Dealing with Change: An Economic Development Strategy for the Australian Capital Region", dated May this year.

MR MOORE (3.30): Mr Speaker, this is not an impressive budget. Why is it not impressive? The Chief Minister's spin doctors have presented it as a good budget; but let us ask a few questions. Does this budget reduce the Territory's annual deficit? Does this budget remain free of borrowing? Does it help economic growth and employment in Canberra?

Mrs Carnell: Yes.

MR MOORE: I am unimpressed, Mr Speaker, because none of these things are really true. They are, at best, half true. Indeed, we heard an interjection from the Chief Minister a short while ago, saying yes to one of my questions. These things are, at best, Mr Speaker, half true.

I must say that I am dissatisfied with this Government's growing habit of distortion. This budget is a budget of distortion. It is about presentation of half-truths and spin doctoring to conceal the true picture. The true picture is that the continuing losses are made up by borrowings concealed through such devices as "dividends" from recently corporatised government organs; "distributions" from the same source to maintain otherwise falling capital investments; "debt-equity restructurings"; and accounting transactions, such as one arm of government selling light-poles to another. There is a fundamental distortion of the difference between what we earn and what we spend. Mr Temporary Deputy Speaker, this is the critical factor. We have about a \$100m discrepancy in cash terms between what we earn and what we spend - around a \$200m operating loss in accrual terms.

The Government keeps referring to jobs, jobs, jobs; but jobs growth is not really in this budget. They have done some polling, and the polling tells them that they had better do something about jobs. So, they dress up a budget, which they have already conceived, as a jobs budget. It is merely a presentation spin added because of these polls. The Government has it as its theme to keep talking about it - not to do anything about it, but to talk about it.

The Liberals came to office promising openness; but, in fact, they are artful distorters of the true picture. So, what do the artful distorters do? They continue to sell off the public assets. The asset sales and borrowings are the means by which the Liberals support their budget, the means by which they cover up this \$100m discrepancy. They have not solved the problem; they have just covered it up, and they have distorted and distorted in order to pretend that they have solved the problem.

Last year, the distortion was about the sale of public assets. This year, the distortion is about concealed borrowings. The Liberals' device with ACTEW looks like a great deal - money coming in to us from an outside entity - but overall - - -

Mr Osborne: On a point of order, Mr Temporary Deputy Speaker: I would have thought that at least one Minister would be here to listen to a budget reply. I draw your attention to the state of the house.

MR TEMPORARY DEPUTY SPEAKER (Mr Wood): A quorum is present, Mr Osborne.

MR MOORE: The Liberals' device with ACTEW looks like a great deal - money coming in from an outside entity. It is interesting, Mr Temporary Deputy Speaker, that when the Chief Minister is being exposed for her distortions and when her Ministers are being disposed about these distortions - - -

Mr Humphries: Disposed?

MR MOORE: We would like to dispose of them, indeed. When they are being exposed for their distortions, where is the Chief Minister? She has gone off to hide somewhere, no doubt.

Overall, what has happened is that an organ of government has been transformed into an appendix, and that is now being slowly sold off, at first through borrowings, to private interests. This year's, like last year's, asset sales are effectively a trade in body parts, when you consider the Government to be a body and ACTEW to be one of its organs. It is a trade in body parts, and it must cease. Will it be the public or the private interests who end up owning this economic success of ACTEW? That will be one of the questions. If it is the private interests, will not the cost to the public inevitably rise as the profit motive becomes more and more powerful? We need answers to those issues, now, not in 10 years' time.

Let us look at the New South Wales budget. The New South Wales media have feted the Labor Premier, Mr Carr, as Robin Hood. Mrs Carnell has shown herself to be the opposite.

Mr Humphries: Maid Marian?

MR MOORE: Inasmuch as Bob Carr is Robin Hood, Mrs Carnell is not Maid Marian, but rather the Sheriff of Nottingham - or, more accurately, the Sheriff of Narrabundah. In Mrs Carnell's time in office, she has reduced community health services, and the public education system has lost ground to the private system.

Employment programs have been transformed into financial grants to private interests, in the hope - dare I say, the vain hope - that some of this public money will go to good public ends, in the hope that some of this money will go to jobs. That is part of this distortion. She says, "We give this money to business, we give this money to private enterprise, and that is how we get jobs, jobs, jobs". The polling tells her that, whatever she does, she has to use the words "jobs, jobs, jobs". But, Mr Temporary Deputy Speaker, it is a distortion. This whole budget is about distorting. This Government is about distorting. We see public wealth inexorably moving to private interests. The losers are the socially needy, the public education system and other public interests - health, housing and so forth - for which the Liberals have no love.

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Taxation is about two things. It is about providing community services and it is about the redistribution of wealth. The two, of course, are interlinked. Current governments, though, seem to neglect these two principles. They seem to go more and more for user pays, and ignore the importance of the redistribution of wealth and the importance of those who can more afford it paying for the public services. If we did not have this need for taxation, it is quite clear that the wealthy would still live well, as they always have.

Mr Temporary Deputy Speaker, this is a budget that is about going nowhere fast. The Commonwealth pocket-money is rapidly decreasing, and we have not grown self-sufficient fast enough to make our own way. There is still a \$100m gap.

Mr Hird: So, you want to bring in more taxes, Michael?

MR MOORE: Mr Hird interjects, "Oh, do you want more taxes, Michael?". Yes, Mr Hird, I do; and I am going to tell you how to go about it, because, Mr Hird, you might be able to ignore the fact that there is a \$100m gap in our spending and our revenue or you can do something about it. There is a series of things that can be done about it. What you have been doing is patching it up. You find a bit of money from the sale of assets and sticky-tape it up; you take a bit of money from ACTEW and sticky-tape it up. But what does it do? It still leaves a fundamental \$100m problem, every year, from the budget, and we are going to run out of sticky tape. That is the trouble, Mr Humphries; you will run out of it.

So, let us look at where you can find some taxation. I suggested some time ago - and you foolishly ruled it out - an accommodation levy, a bed tax. You did that on the ground that tourism would flood across the border to New South Wales. What nonsense! It was always a nonsense argument, but now - - -

Mr Humphries: Now it will flood the other way, into the ACT.

MR MOORE: Mr Humphries assures us that what will happen is that the accommodation trade will now flood into the ACT because of the bed tax. What nonsense! You know that it is nonsense, Mr Humphries. What will happen? None of that. Instead, we will just miss out on the possibility of taxing - not just taxing, but taxing people from outside the ACT. That is what a bed tax is about. The levy is on visitors. It is an excellent revenue idea, and you have a window of opportunity. Instead of always being held by business interests, have a look at this window of opportunity. New South Wales now has introduced a bed tax. You can do the same. In doing so, you will narrow down that \$100m gap that we need to resolve in a permanent way instead of just patching up. This is an opportunity that must be seized now.

Our difficulty is that we have become addicted to our own mistakes. Our financial base is ignored. In fact, it is concealed. It is distorted by devices which require the shift of public assets to private hands - a public disgrace. Our education base is slowly being neglected. It is slowly falling behind other States. It is slowly falling behind the private sector. For how long can we go on like this? For how long can governments keep playing these distortion tricks and neglecting the real tasks?

The distortion tricks go down to the very smallest of tricks, like today's tricks, and I think Mr Humphries should be ashamed of himself. The day that the Leader of the Opposition and others are delivering their replies to the budget, what does he do? He accepts the folly of the Government's decision on a previous occasion and he pulls a stunt - not just one stunt but two stunts. First of all, he goes out and says, "Instead of listening to a response from the Leader of the Opposition, instead of listening to responses on the budget, we are going to kill 1,000 little Skippies". That is clearly going to get a bit of attention.

Then what are we going to do? Apart from 1,000 Skippies, we are also going to back down completely on a stupid piece of policy that we made before. Do you remember the distortions associated with that? Oh, no! And there are distortions again today. They are a government of distortions. It was a wonderful policy. It was going to save small business. But, today, when they do not want to hear the replies to the budget, they set it up.

Mr Humphries: This is nonsense.

MR MOORE: Mr Humphries stands there - - -

MR TEMPORARY DEPUTY SPEAKER: Order! You may not interject at all, and certainly not when standing.

MR MOORE: Mr Humphries stands there, embarrassed about these distortions. They are frightened of the replies to the budget. They are frightened of being exposed. That is what has happened. They are being exposed for their distortion, exposed for exaggerating, exposed for attempting to present a budget which is about passing funds over to their friends and trying to distort it to be a jobs budget, which it is not.

Mr Temporary Deputy Speaker, one of the difficulties I have in replying to this budget is that I am conscious that some of the underlying problems have been caused and not resolved by five years of Labor government, and by 13 years of Labor government federally. The cause of our present malaise is their ideological abandonment of service to the community in favour of economic rationalism - they, too, are the eco-rats - and concessions to private interests. One of the difficulties is that, even though I find this budget a distortion, I find all the problems with it and I have listened to Mr Whitecross, I just do not think things would be any better under a Labor government.

MR OSBORNE (3.45): Mr Temporary Deputy Speaker, for some time now I have been wondering why this year the Chief Minister did not extend an invitation to me to have some input into this budget. Over the previous two budgets, I was invited in. However, this time I was overlooked, for some reason. I have to say that I have been grateful for those opportunities, over the last couple of years, to have some input; but there was no invitation this year, and I have been getting more and more suspicious. After looking through the budget on Tuesday, I now know that there are at least three reasons why. I will take each of these points in turn.

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Firstly, what I want from Mrs Carnell in this budget is some honesty. It is obvious that, as a Territory, for whatever reason, we are still not living within our means and there will once again be a deficit. How is that deficit going to be funded, Mr Temporary Deputy Speaker? It is through borrowing. The Chief Minister can dress it up however she likes, but it is still borrowing. In all the pre-budget leaks to the *Canberra Times*, the message had been that there would be no new borrowings. At page 3 of the Chief Minister's budget speech she states:

All this has been achieved without the need for new borrowings ...

Later in her speech, Mrs Carnell qualifies this to mean no new borrowings by the general government sector; but the message initially given out and understood by the Canberra community was that there would be no new borrowings, period.

The reality is that ACTEW is going to be doing the borrowing on behalf of the Government. Budget Paper No. 4 clearly shows the truth. It shows that there will be new loans taken out by ACTEW, and forced on it by the Government, to pay for, among other things, Canberra's streetlights. All I ever want to hear from the Chief Minister in this regard is the truth: "Yes, Canberra, things are tough. Unfortunately, we have had to take some money from ACTEW and, unfortunately, it is going to have to fund that money by borrowings". A continued refusal to make this budget admission is dishonest and deceitful. If the Government needs to borrow to get this year's budget on track, unfortunately, that is life; but at least be up front and honest about it. That is the best way to win my support, Mr Temporary Deputy Speaker.

My second point - at the risk of being accused of talking down our economy - is that, for the third year now, the Government has failed to present a financial strategy that seriously comes to terms with our rapidly mounting debts and brings us to the point of living within our means. I said last year that I was prepared to support tough decisions in this regard, and I still am. I am disappointed that I have not seen anything really courageous for three years, and I am left wondering whether the Government really has it in it. Last year, I focused much of my attention on the Territory's massive unfunded superannuation liability and the problems this creates for us. As each year passes, it multiplies and, if left unchecked, in another decade, it will probably become too large for us to come to grips with. This is not scaremongering; this is reality. If we try to slowly chip away at it, as we are doing now, we will still be doing so in 40 years' time - and that is if things are going well. I, for one, do not want to leave that legacy of debt to my grandchildren.

There are a lot of good things in this budget, but financial bravery on the scale required is not one of them. Mr Temporary Deputy Speaker, at some stage in the near future, someone in government is going to have to do something courageous, something to fix up the financial mess we are currently in. On a positive note, I appreciate the attempt this budget makes to, hopefully, produce some new local jobs. As we all know, the ACT economy is a very small fish in a large pond and is, more often than not, at the mercy of the Federal Government. Also, our private sector still provides only around 40 per cent of our local employment. In order to have financial and employment stability in the ACT,

we need a stand-alone economy of the type that can ride out the whims of our Federal colleagues. Is this possible in the near future? I hope so. A plan to get us to that point, even a "courageous plan", will have my support. I fear for the future of Canberra otherwise.

My final point, and the one that is most distressing to me, is that there is not a lot in this budget for my electorate. Down south, we have half of the children under the age of 15 who live in Canberra; but the reality is that there are not enough child-care facilities, library books, schoolteachers, school resources, health care facilities, bus shelters, cyclepaths, sportsfields and local jobs. Why should I support spending money in areas of the city where few people are living, instead of raising the level of local services in my electorate up to the same levels that the more established areas of the city already have?

Mr Temporary Deputy Speaker, as well as being left with lower service levels, as far as I can tell, we get no capital works. I wonder how many times this year Mrs Carnell has driven along Drakeford Drive and been caught in the bottleneck after Athllon Drive, especially around peak hour. It is disgraceful. I wonder how many times Mrs Carnell has walked around Lake Tuggeranong and been forced to go onto the road for a stretch near Greenway. Why on earth this bike pathway has not been linked, I will never know. The one fear I have is that some young child is going to be cleaned up because of the many blind spots on that part of the road. I plead with the relevant Minister, Mr Kaine, a member for Brindabella, to fix up this small section of the pathway. Surely it is not going to have that much of an impact on the budget. They are two things in Tuggeranong that stand out to me as needing to be addressed quickly.

Mr Temporary Deputy Speaker, I have to say, as I referred to during question time, that I am also very disappointed about the fact that the Community Arts Centre has been only half finished. Not long after coming to government, Mr Humphries discovered that the former Labor Government had failed to include the cost of furniture in the newly reconstructed police station in Civic. I am sure that Mr Humphries remembers only too well how he dined out for the next six months on ridiculing this Opposition on that one. What Mr Humphries has done at the Tuggeranong Community Arts Centre makes the mere omission of furniture, by comparison, pale into insignificance. Not only do we have no furniture; we also have no proper flooring, no stage, no sound equipment, no lighting and no heating. I realise that, at the time, Mr Humphries was proud of the Arts Centre's new, innovative design when he unveiled its plans earlier this year, but I think he got a bit carried away somehow. I know that the Tuggeranong arts community has had to do without a facility for a very long time; but they seem not to be a whole lot better off than they were previously, with only four walls, a roof and a concrete floor.

My message to Mrs Carnell and Mr Humphries is simple: Before you go fixing up the sportsgrounds, roads and arts facilities in your own electorate, as you have planned in this budget, you must first finish what you started in mine. This project has been left short by \$130,000, and it is for all the essential items that go into making up an arts centre. What they will be left with is a cold, dark shell that is totally unsuitable for its arts purposes and therefore unviable. Mr Temporary Deputy Speaker, I think the Government needs to commit to finishing this job properly, and then I will consider whether I think the capital works projects down in my part of the city are satisfactory.

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In summary, if the Government has somehow mistakenly taken my vote for granted this year, then all I can say to them is, "You are fools". I am bitterly disappointed that I was not consulted prior to the budget being put together, and certainly that is something I will dwell on over the next few weeks. Over the next couple of months, I will have a choice to make when it comes to this budget: Do I vote for this deceitfully presented budget and go back to my electorate empty handed, or do I vote against it?

MS TUCKER (3.55): This budget is framed at a time when our employment base is being ripped from underneath us. It is a time when there is growing insecurity in the community, when services are being cut, and when the most disadvantaged people in our community are facing increasing pressure. Canberra might be a relatively affluent society, but not for all. This is a time when we are also facing a growing number of environmental problems, both locally and globally. Although it is within our power to change this, things are getting worse, not better. Canberra's high ozone levels and all the associated health and economic costs of preventing and treating skin cancer should be a constant reminder to us that we cannot afford to be complacent about the environment. Unfortunately, it is not.

The budget highlights that our unfunded superannuation liabilities are high and are also climbing. If we do nothing, we will have a debt of \$2 billion by the year 2013. But, if we do nothing about the other liabilities that we are leaving to future generations - the growing gap between rich and poor, the lack of meaningful employment, and the environmental degradation - we are also going to be left with a huge cost to pay. Mrs Carnell does not want us to have any more economic colds. I think avoiding some social and environmental flus is also a pretty important objective of government.

Mr Temporary Deputy Speaker, in a wealthy society such as ours, affordable quality housing, high-quality health and community support services, an excellent - not just adequate - education system, meaningful employment for all and protection of our precious natural ecosystems should not be tagged as a price that is too high to pay. It is interesting that this Government is boasting so much about the fact that New South Wales has increased taxes on the wealthy but that it has not. I would like the Government to make this same boast to people who are seeking crisis accommodation, waiting for public housing, waiting to catch a bus, trying to pay for dental services or looking for some respite care. I do not think they would be so convinced that it was such a wonderful thing that we were not prepared to look at increasing taxation. Of course, there have been other sources of revenue collection suggested to this Government, not only by Mr Moore and by the Greens, but also by ACTCOSS and other organisations in the community. There have been suggestions for a bed tax, suggestions for increased land taxes on the wealthy and other suggestions.

This budget is a jobs budget, we hear. Like last year's budget, it was framed as a jobs budget. The Greens believe that finding meaningful work for everyone is, indeed, an enormous challenge and an important priority. It says a lot about the quality of our current economic institutions that it is so hard to find work for people. Heaven knows, there is plenty to do, and those with jobs only seem to be working longer and longer hours. On the whole, it is a repeat of last year's jobs budget, with a few new initiatives.

The Greens are very concerned about the lack of a strategic approach to job creation and industry planning, and we are glad that Labor has picked up this concern. Aside perhaps from the IT industry, this Government has not done its homework in developing an industry plan. In the environmental industry, this is particularly apparent.

In February 1997, I put a question on notice to the Chief Minister. I asked whether or not the Government had information on what industries and occupations within industries are the main contributors to employment growth and employment decline. The answer was:

Private sector employment and unemployment trend data for (a) industry and (b) occupation are not published by the ABS ...

I also asked:

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?

The answer was:

There are no projections about industries and occupations that are likely to contribute to (a) employment and (b) unemployment.

There is no evidence from this Government of analysis about the employment growth potential within existing industry sectors or future areas of job growth. If the Government has made no projections about growth in particular sectors, how can we therefore ensure that government assistance is most strategically placed to achieve higher rates of socially useful employment at the least cost per job? The Government needs to get much better at tracking jobs growth and assessing value for money.

I might not have been in this Assembly for very long, but there are some short memories here. It is a sleight of hand to claim that this is the biggest single injection of funds ever into jobs, when two years ago the budget for labour market and training programs was cut from \$4.1m to \$1.6m. The presentation of the jobs paper this year is at least more honest, because additional money, or catch-up money, is separated out from money allocated to maintaining existing programs. There are some proven winners. The Youth Joblink program is obviously very successful. It is a pity that our public transport system stops people getting to the jobs, however.

The traineeship program, Youth500, has potential too, if the take-up rates are there. I think it was Bill Kelty who recently was talking about the benefits of the training and apprenticeship programs over the past few years in Australia, and I hope that they will grow in the environmental area as this industry grows. Programs like this still do not guarantee long-term jobs, and that is why this sort of training program must be linked into strategic industry development. I think a program of this sort to retrain older people is also needed, particularly as the NEIS program is ending, although this is offset to a degree - by about half - by increasing the New Future in Small Business program.

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Some creative, proven job creation techniques are also missing from this budget. They might not be as glamorous; but, in terms of pure effectiveness, local employment initiatives are a lot less costly per job and more sustainable - in both economic and environmental terms - than big marketing campaigns, events and attracting businesses from other States. It is in building up our local businesses that the real engine of employment growth and investment lies - a point that is raised as the major issue in the McKinsey report, "Lead local compete global: unlocking the growth potential of Australia's regions".

In the energy and waste area alone, the Greens' proposals would create real jobs as well as meet other objectives like helping households and businesses achieve lower energy bills, reducing the ACT's greenhouse gas emissions and contributing to meeting our target of no waste to landfill by 2010. The Greens want to see the creation of an energy efficiency and alternative energy fund, which will stimulate innovative financing schemes and public education to get households and businesses investing in energy-saving systems.

We all know that the ACT's stock of housing is poorly equipped for our climate. It is, in fact, quite primitive for our climate. If we establish a 10-year target for improving the energy efficiency of housing and buildings, that could provide a real stimulus to jobs in this area. Numerous studies have indicated that energy efficiency is a very good area for job creation - and much less costly than other job creation schemes. We have also called for more money to be directed towards catching up on the huge backlog - \$65m - in our public housing stock. The Government has put some money into that in this budget, but there is a question mark hanging over whether additional money in the housing budget is going to be financed by sales of inner suburban housing.

Talking of energy efficiency, now let me turn to the issue of ACTEW. The Government's decision to take \$173m in the form of an increased dividend and a \$100m equity payment from ACTEW is, as others have said, rather devious. Whether it is sale and lease-back or money from ACTEW, the Government should come clean about it, rather than saying that they are improving their underlying budgetary position. The merits of this initiative obviously require much further examination during the estimates process. However, I would like to say that ACTEW should be investing in our community. It is, after all, a community asset, and we certainly do not agree with some of the projects ACTEW wants to invest ACT taxpayers' money in, particularly the gas-fired power station.

The Greens have a vision for ACTEW which does not involve a gas-fired power station. Besides the fact that a surplus of electricity production already exists, ACTEW could become a real leader in the energy market by diversifying its services to help people save energy. This would create far more jobs and local investment. It concerns me greatly that ACTEW is still saying that it wants to proceed with the development of a gas-fired power station. The Government's move to take \$173m from ACTEW could be seen as a clear signal that it does not support ACTEW's planned investment in a gas-fired power station either. I would like the Government to stop plans for this new power station or influence ACTEW as much as it can and back the Greens' call for ACTEW to diversify its operations.

While I am on the topic, I would like to say that it was a major disappointment in this budget that there was no financial commitment to implementing the ACT's greenhouse gas targets. We do not see any money being directed towards making the waste reduction targets a reality. We also have the issue of selling the light-poles to ACTEW. As members here are aware, there is a committee inquiry at present looking at how our streetlighting is operated, ways in which we can have greenhouse gas emissions reduced through more efficient lighting, and also the quality of lighting reducing light spill and light pollution in our night skies. It would be interesting to see how selling light-poles to the electricity supplier would enhance the possibility of these sorts of objectives being met.

There are good initiatives in the environment budget - things we have pursued, such as protection of native grasslands at Dunlop, a better environmental purchasing policy, a ground water strategy and the rainwater tank subsidy. But, for the second year running, this budget contains a deep cut in our capacity for strategic planning and environmental regulation. The conservation and Landcare package also contains a significant deception. It is simply stretching the definition too far to include roadworks in Tidbinbilla and upgrading of the camping ground as key conservation initiatives; yet these two projects account for about 30 per cent of the conservation and Landcare package.

Education is another issue in which the Greens are extremely interested. Maintaining education funding is a smart move; but it would be even smarter if we recognised this as the real investment it is and put more resources into helping those who are, for whatever reason, disadvantaged in our education system. Despite the recent closure of the School Without Walls, there are no resources for the new alternative education facilities. From the response by the School Without Walls, it looks as if basically alternative programs will be off-line programs from schools. The Social Policy Committee was told by the Government that two of the off-line programs had folded because of teacher burnout and lack of resources. We must see a commitment to resourcing such programs appropriately. The teacher-student ratio may, indeed, need to be different from in the mainstream classes if these programs are to be successful, which means that there may have to be extra resources allocated to these sorts of programs. There is also no additional assistance for the education system to come up to speed with the new training agenda. Additional resources are required for programs to support students at risk of substandard performance, early intervention for emotionally and behaviourally disturbed students or professional development for teachers, and disadvantaged schools have to be accommodated in this age of school-based management and an increasing dependency on financial contributions from the community.

Obviously, I am pleased to see the Government provide more resources for communities which have been the subject of recent Social Policy Committee inquiries - children at risk, disabilities, and mental health. Most of this will really help us catch up, if you like, because these are areas which are severely underresourced. While an additional \$200,000 has been allocated for the introduction of mandatory reporting, this is far less than what all the reports on this subject have recommended - even if there is only a slight increase in reporting levels.

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We already know that consultancies have increased. It is particularly concerning that there appears to be no extra money for the community sector, which is already overstretched. The whole point of consultancies is that they are supposed to result in less invasive methods of supporting families - less invasive than a notification - but less invasive methods need support. It means moving within the community sector to help the families who are at risk or troubled, so that their children do not have to be put into care. So, we have to see an appropriate increase of resources in the community to match an increase in consultancies. It is not clear from the budget papers how great the increase is. We are told only that there are 600 consultancies, and there is an increase in that number, but I am not clear on how much it is.

Unfortunately, the small gains from the ACT may not cover the losses from the Commonwealth. In some major programs, such as the home and community care program, the ACT has promised to match funding, and the community sector is obviously very pleased to have an additional nearly \$1m in this area. But what happens if the Commonwealth funding is not as high as predicted? It is very unclear from the budget papers. Mrs Carnell indicated yesterday that she would take no responsibility for a net loss brought about by Commonwealth cuts. She is happy to include in the budget papers projected increases from the Commonwealth, but she takes no account of projected cuts. If our economic and employment strategies need to be reassessed in light of Commonwealth decisions, our social policies do too. Just as an example, if national mental health strategy money does fall, as projected, by \$338,000, that means that our overall mental health budget is falling.

I turn to other general issues of health. There are questions in relation to some of the figures. For example, \$9m of savings is attributed to "implemented efficiency measures". The details of these claimed savings are important matters in determining how achievable the budget for the portfolio is going to be; but they are not apparent in the budget documentation. Similarly, where the funds are being reallocated from is not at all clear. Who, then, are the losers? Given the moves claimed from institutional- to community-based care, a significant reallocation from one to the other may have seemed likely; but, again, this is not immediately apparent from the budget documentation. There are many areas of increased expenditure in relation to the institutional elements of the health system, including additional funds for cardiac surgery in the new cardio-thoracic unit, \$3.5m; additional funds for hospital waiting lists, \$1.5m; and provision for increased throughput of patients in the hospital system. The budget also sets out the establishment of a convalescent care unit "within existing Canberra Hospital resources". What activities are stopping to achieve this?

The Greens strongly support the greater availability of options in both health and community care. However, this budget takes only tiny steps towards changing the focus of the system. For example, the Government claims to be targeting "people with a mental dysfunction" in its budget. With this and its overall focus on care in the community, it might be expected that there would be a significant shift in the balance of funding towards community-based assistance. This does not seem to be the case. For example, with a 1997-98 budget target of \$18.2m for mental health services, it provides only \$0.25m for additional accommodation, respite care and day care services in the community for people suffering from mental illness. The budget provides no transparent analysis of what money is going where in this important sector.

The budget is lauded as allowing a 37 per cent increase in numbers of participants in the community midwife program. The pilot project involved 73 women, with funding being provided in 1996-97 to increase this to 175. This program has been acknowledged as highly successful, providing good value for money, as part of mainstream maternity service in the ACT. The program was so popular five months in that it was booked out nine months ahead, and there was a waiting list. What has been the Government's response? To increase the availability of this option to just 240 women. There are 4,750 babies born in the ACT each year. This means that this excellent initiative will still not be available to 95 per cent of birthing women in the ACT.

The Government also claims to be strongly committed to increasing the use of hospital in the home and provides modest funding to increase the capacity of the program from 400 to 600 people. While this is a move the Greens support, it is still a drop in the ocean compared to the estimated increased hospital throughput to 52,000. Hospital in the home is thus going to be an available option to only around one per cent of patients using the hospital's institutional facilities.

The overall lack of transparency in the budget documentation is a real problem when trying to determine what money is really going where. If it is not here, does the Government know? If it does know, why are the losers not spelt out as well as the claimed winners? The lack of sufficiently clear attribution of funds in the budget documentation leads to a feeling that much of it may be smoke and mirrors, an illusion created for an election year by a troubled government.

What is happening to housing in Canberra is also a worry. The end of the rent relief scheme is very concerning for accessibility to housing for lower income earners, particularly at a time when access to public housing is being reduced. Although the housing budget got back the \$5.4m, the housing budget still had to bear the entire burden of the Commonwealth black hole contribution for the second year running and, while the gains are clearly spelt out, exactly where the money will be coming from is very unclear. The final issue I want to mention is gambling. Despite all the public attention to gambling recently and calls from the community and the Greens for the past two years for more public recognition of problem gambling, there is still no additional support in this area, although community services are experiencing very high levels of demand.

To conclude, I would like to mention the presentation of the budget papers. While there are some improvements in this year's budget papers, such as including a Government response to the community consultation process, which is a good indication of acknowledging the need for feedback after consultation, the overall lack of transparency in the budget papers is still very concerning. It is very difficult to determine what money is really going where. While winners are clearly spelt out, the losers are not so clearly spelt out, and it is still very difficult at this stage to identify many areas where announcements are new initiatives as opposed to the reannouncement of existing programs.

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MR HUMPHRIES (Attorney-General) (4.16): I want to make a few brief comments, Mr Speaker. I understand that we will be adjourning the debate on this Appropriation Bill. I do not want to take a great deal of time, but I will say a few things. First of all, I heard the Leader of the Opposition's response today to the Government's budget. Once again, Mr Speaker, I have to say that he was speaking as the alternative leader of government. This is the man who purports to be ready to take over as government leader, as Chief Minister, after the election in February next year.

I think we are entitled to know what the Labor Party intends to do about Canberra's problems. The problems are not easy to resolve. The problems are difficult and you have to present a credible alternative to what has been put forward. We know that the Labor Party disapproves of the Government's taxation measures. We know that this afternoon they are going to try to wind back some of the debits tax that we have introduced. We know that they are opposed to our taxation measures. We know that they are opposed to our measures to decrease expenditure in the Territory. Every time we have tried to save money they have accused us of being niggardly and of cutting back the interests of people in the community. We know that they oppose borrowings. They thoroughly attacked our so-called borrowing measures in this and previous budgets, so we know they are opposed to borrowing. We know that they will have no more luck in getting money out of the Federal Government than we have. Therefore, Mr Speaker, I have to say very clearly that if we are to wear any criticism from those opposite we really need to know what their alternative strategy is.

Mr Moore, at least, is honest enough to say that he supports a bed tax. But what does the Labor Party want to do on that score? Where are the Labor Party's taxes? I do not know. Mr Speaker, I heard what Mr Whitecross had to say about the budget. I heard Mr Whitecross's so-called alternative vision. It was not exactly an alternative budget, but it was supposed to be a sort of alternative vision. I do not know whether anything that he said amounts to anything substantial enough to be able to know what the Labor Party will do.

He has told us that the Labor Party will have a strategy in place, he has told us that the Labor Party will develop plans to create jobs through job creation programs, and he has told us that the Labor Party will consult with the community; but those are empty words. Those are empty words that could easily describe what this Government has already done. They could describe what almost any government has ever done. They do not mean anything. They do not tell people where they are going and, Mr Speaker, they will have to do that. The present Chief Minister had the courage, this time three years ago, to lay on the table her approach towards fiscal management in the Territory. Why does not the present Leader of the Opposition have the same courage? Why will he not come clean and be honest with the people of the ACT and put his vision on the table? We are owed at least that, Mr Speaker.

I must say that I was intrigued and stunned by a couple of remarks made by - - -

Mr Moore: Gary, it is very simple. It is the same reason why John Howard would not put his policies on the table.

MR HUMPHRIES: Okay, Mr Moore, I will take the point. John Howard and Andrew Whitecross are in the same boat. Okay, that is fine by me. I am happy not to argue with that. They are on a lower rung on the evolutionary scale than Mrs Carnell. That is fine by me, too. I am not going to disagree with that comment.

I must say that I found a couple of comments made by Mr Whitecross quite amazing. One was his attack on the approach we have taken towards job creation programs. He said, and I think I pretty well paraphrase precisely what he said, "We will not be focusing on funding business or tourist promotion".

Ms McRae: No, that is not what he said.

MR HUMPHRIES: I think that is pretty well what he said when he rose some minutes ago. Mr Speaker, it does seem to me to be strange to have Mr Corbell a few weeks ago hoeing into the present Government for not funding tourist promotion and then to have Mr Whitecross attacking us for doing exactly what Mr Corbell urged us to do. That does leave me a little bit puzzled. Perhaps Ms McRae could interject across the chamber and tell us what they want to do. Do they believe in investing in tourist promotion or not investing in tourist promotion?

Ms McRae: You will find out sooner rather than later from the sound of it.

MR HUMPHRIES: I will take that interjection. Yes, we will find out, but it will not be sooner; it will be later.

Mr Kaine: And the answer is yes and no.

Mr Stefaniak: All of the above.

MR HUMPHRIES: The answer is yes and no, and all of the above. Mr Speaker, we have no blueprint to follow. The electorate of the ACT has no blueprint to follow from those opposite, and we should accept that.

We are going to get \$5m more for job creation programs, but apparently Labor's programs will not be directed towards the private sector. They will be directed towards creating jobs in the public sector. That is the only other sector there is, so presumably it is going to be in the public sector. Obviously, \$5m spent in the public sector has to mean \$5m spent on actually creating full-time complete jobs. You cannot get a subsidy in the public sector because the money is already allocated, and you cannot encourage people through incentives to spend more if they do not have it already in some other area of public sector expenditure. So, obviously, what follows from that is that jobs created in the public sector are more expensive than the ones created in the private sector. I would like some more information about this. What Mr Whitecross is saying is that he has plans for fewer jobs being created with \$5m than we would be able to create by spending the same amount of money in the private sector.

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Let me correct a further mistake - I will be charitable - by Mr Whitecross. The ACT Government did not promise to complete the Gungahlin Town Centre by the end of 1995. We promised, as the record will clearly show, to start work on the centre by the end of 1995, and we kept that promise. Mr Speaker, we have maintained our promise. We will proceed with those things. We will be able to fund those things because we have shown how we will do that, but those opposite do not seem to have the answers to the problems that they have posed.

Let me set at rest a couple of things raised by Mr Osborne and Mr Moore. Mr Moore posed the question: Does this budget reduce the annual deficit? There seemed to be a criticism there that we did not reduce the annual deficit.

Ms McRae: Well, you do not.

MR HUMPHRIES: Indeed, we do not - not significantly. There is a reduction in there. In real terms there is a reduction in the deficit, but it is not dramatic. I will concede that. Mr Osborne was more explicit in his statements. He said that we need to be courageous and we need to deal with expenditure which is too high. I have to say that I accept a level of criticism on that score. There is still a question about the amount of money that the ACT Government is spending overall. That is a matter which perplexes the ACT Government and which, I will say, I believe the ACT Government needs to return to in the future. But I must say I really find it difficult to accept that criticism from Mr Osborne or Mr Moore because they both, fairly consistently, particularly Mr Moore, have opposed measures by this and previous governments to reduce expenditure by the ACT.

If anybody in this place could be said to be the person who always says no when expenditure cuts are proposed, it is Mr Moore. To be quite frank, I think Mr Moore should be the last person to pick up lines out of the *Canberra Times* editorial about our not dealing with the hard issues of expenditure reduction and ask why this is not happening, because he is probably the biggest single obstacle, in a legislative sense, to there being action on that score. Let Mr Moore, if he really believes that expenditure is too high, come to us and say, "I will support cuts in these areas". Then it might be a different story.

Mr Speaker, I want to finish by referring to a couple of issues raised in the debate which are picked up by the editorial in the *Canberra Times* of yesterday. First of all, the Opposition has valiantly attempted to pin the blame for the current ACT economic position on the ACT Government.

Ms McRae: Ha, ha! As if it is not your fault. Who else can you blame?

MR HUMPHRIES: Ms McRae laughs. I will tell you who else you can blame. I quote from the *Canberra Times* editorial of yesterday:

As Chief Minister Kate Carnell said in her Budget speech, the economic downturn in the ACT is directly attributable to massive reductions in spending and employment by the Commonwealth.

Then they go on to quote her, as follows:

“We must diversify our employment and our investment base so that the ACT never catches an economic cold again every time the Commonwealth sneezes.”.

Mr Speaker, we all know, whether or not we admit it in our public statements, that that is a profoundly true statement. The diversification of our economic base is the only way to go forward. Can you rely for that program on an Opposition which consistently attacks business and, in fact, has no understanding of what business tries to do in this Territory, or will you rely on a Government which is already having some success in that very program of diversification?

There is employment growth in this city. We have seen that now persistently over five months. I know that there are long faces over there at this news. I think it is a matter of some shame that those opposite should be distressed about drops in unemployment in this Territory, but the facts are clear to see. Since this Government was elected in March 1995 the Australian Bureau of Statistics labour force figures show the following things. First, the trend unemployment rate has fallen from 7.1 per cent to 6.8 per cent. Secondly, the trend rate of 6.8 per cent is actually the lowest rate since June 1994. Thirdly, total employment has risen by 3,800 jobs in just over two years. That is close to 4,000 more people with jobs in this Territory since this Government came to office. The total number of unemployed that we inherited in March 1995 has fallen by 100.

Mr Speaker, I ask you to reflect for a moment on the enormity of that statement in the climate we are talking about - so-called unsympathetic ACT Government policies. Let us see what the evidence is: A clearly damaging employment policy being pursued by the Federal Government, and huge reductions in employment prospects at the Commonwealth level; yet the ACT Government achieves a fall in the number of unemployed by 100. You people said only a few weeks ago, “You have to accept responsibility for what is going on in the ACT Budget”. Do you stand by that statement today, Mr Berry? He is not too sure. If we are to take the credit or the fault for what goes on in the ACT economy, you have to give us credit for those figures, because unemployment has fallen in this Territory for the fifth consecutive month.

Ms McRae: Totally unimpressive!

MR HUMPHRIES: Unimpressive? Is it unimpressive that there are 100 fewer unemployed people than there were when we came to office?

Ms McRae: I do not believe it. I do not believe a word of it.

MR HUMPHRIES: You do not believe it?

Ms McRae: No.

MR HUMPHRIES: Ms McRae says she does not believe it.

Ms McRae: No.

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MR HUMPHRIES: What will you believe?

Ms McRae: No, I do not believe it.

MR HUMPHRIES: They are ABS figures.

Ms McRae: The margin of error makes it - - -

MR HUMPHRIES: They are corrected from the previous month's figures which were criticised by the *Canberra Times* and others. They have been corrected by the ABS. These are corrected figures. The participation rate has fallen by only 0.1 of 1 per cent, from 72.3 per cent to 72.2 per cent, since we came to government. Overall, those figures are extremely impressive, and those opposite are not prepared to concede that.

Finally, Mr Speaker, I want to make reference to ACTEW. Some people have described the actions in respect of ACTEW as "ripping the guts out of ACTEW", "gutting the organisation" and "hit and run". We have heard all those sorts of comments. I must say that this really is a very intriguing point of view. Those opposite have argued against either the privatisation or the corporatisation of ACTEW because they say it is a public asset; that the public should own it; that the public should get the benefit of ACTEW. If the public get the benefit of ACTEW, why should not the public have the advantage of major profits made by ACTEW? The answer is that they should. Mr Speaker, what we are doing is taking that benefit and applying it to the benefit of the people of the ACT.

Ms McRae: You are making them borrow. You do not fool any of us.

MR HUMPHRIES: Mr Speaker, again those opposite will not believe it. They talk over me. They try to avoid it. They talk to themselves. They look down. They read their papers. They avoid the reality.

Mr Kaine: Or they absent themselves altogether from the chamber.

MR HUMPHRIES: Most of them have absented themselves altogether from the chamber. I again quote from the *Canberra Times*:

... the idea of such a drawing is defensible; bodies such as Actew must now compete in open markets, including out of the ACT. The \$100m extracted - some, but probably not all, of which Actew will have to make up by borrowing - belongs to the people of the ACT. In the new climate it might well have been spending that - even facing the possibility of losing that - in operations in NSW or elsewhere.

The people of the ACT own that money. Mr Speaker, we all know that those opposite would be doing the same thing if they were in the same position. If they had thought of it they would have been doing it. It leaves us with very little to say in this budget debate.

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

**FINANCIAL MANAGEMENT ACT - APPROVAL OF GUARANTEE
Paper**

MRS CARNELL (Chief Minister): Mr Speaker, for the information of members, I present, pursuant to subsection 47(3) of the Financial Management Act 1996, an approval for guarantee of payment by Canberra Cosmos (Soccer Canberra Pty Ltd) of \$200,000. The guarantee is effective only until 31 October 1998 and represents a very strong commitment by the Government to supporting the Cosmos team in the national soccer competition.

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

MRS CARNELL (Chief Minister): I also present, pursuant to sections 31A and 79 of the Public Sector Management Act 1994, copies of contracts with Kenneth Archer, Terence Golding, Kenneth Whitcombe, Michael Peedom, David Hunt, Philip Walker, Philip Mitchell, John Flutter (a termination), Bruce Dockrill (a termination), and Garrick Calnan (an extension of a temporary contract). I seek leave to make a short statement about these contracts.

Leave granted.

MRS CARNELL: Mr Speaker, I present another set of executive contracts. The contracts are tabled in accordance with sections 31A and 79 of the Public Sector Management Act, which require the tabling of all executive contracts. You will recall that I previously tabled contracts on 10 April 1997.

Today I present seven contracts and three Schedule D variations. The contracts relate to long-term executive officers and include three from the office of the Director of Public Prosecutions and four from the Attorney-General's Department. One of the Schedule D variations extends the temporary contract arrangements for the Director, Office of Planning and Land Management Statutory Decision Maker. The remaining two Schedule D variations terminate the contract arrangements for the Executive Director, ACTION, and the Executive Director, Works and Commercial Services. Both contracts were terminated due to changes in the operational requirements of the Department of Urban Services.

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

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**NATIONAL ENVIRONMENT PROTECTION COUNCIL - 1995-96 REPORT
Paper and Ministerial Statement**

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning): I present the National Environment Protection Council Annual Report 1995-96. I seek leave to make a short statement.

Leave granted.

MR HUMPHRIES: I also include the Commonwealth Auditor's report on that earlier report. The ACT is a member of this multijurisdictional council, which comprises Commonwealth, State and Territory Environment Ministers. The primary function of the council is to make national environment protection measures for the protection of the environment for the benefit of the people of Australia. The council also monitors and reports on the implementation and effectiveness of the national environment protection measures. The ACT National Environment Protection Council Act 1994 provides that the annual report of the council be laid before the Legislative Assembly within seven days of it being formally adopted by the council. This annual report was adopted in November 1996 and was, therefore, due to be tabled on or before 25 February 1997. This did not occur, because of an administrative error in the Department of Urban Services. I regret the delay in tabling the annual report.

**BAIL LEGISLATION
Paper**

MR HUMPHRIES (Attorney-General): Mr Speaker, I present a revised explanatory memorandum to the Bail (Amendment) Bill 1997, which was presented to the Assembly on 10 April 1997. An earlier uncorrected version was printed instead of the final version which had been prepared. The presentation of the revised explanatory memorandum will rectify this.

**SOCIAL POLICY - STANDING COMMITTEE
Report on Skateboards and In-line Skates**

MS TUCKER (4.36): I present Report No. 5 of the Standing Committee on Social Policy on its inquiry into the use of skateboards and in-line skates near shops, together with a copy of the extracts of the minutes of proceedings. The report was circulated when the Assembly was not sitting, on 22 April 1997. I move:

That the report be noted.

This was a very interesting inquiry. We were contacted by a quite large number of groups. We realised that the terms of reference could have been broader because we found that skateboarders and in-line skaters were quite different groups and there were other people who felt they were affected, such as residents of the inner city. Our terms of reference, from memory, were the needs of young people, pedestrian safety issues, and any other related matter. There were other related matters that we did end up looking at.

We were contacted by older people, the Council on the Ageing, and other groups. We were contacted by young people. We were contacted by adult in-line skaters. We were contacted by tradespeople. We were contacted by city residents. We were also contacted by youth advocates and youth workers. We saw that there were two quite distinct cultural groups involved in the use of these small-wheeled vehicles. There were skateboarders, who were predominantly a younger group, and there were in-line skaters, who were either children or adults, and they were a quite different group.

A number of public servants who spoke to the committee were in-line skaters. They felt quite concerned because they felt the perceived behaviour of some skateboarders was going to have a quite serious impact on their ability to use their in-line skates, which they felt on the whole were very responsibly used. I was interested to see the Australia Council report which stated:

Skateboarding is an integral part of popular culture of contemporary youth; it is their non-traditional form of creative expression ... the reason for the popularity of skating is its high risk value and creative skill challenge which empowers skaters to create meaning in their local urban landscape ... identification with and participation in the activity (skateboarding) provides a basis for identity beyond a particular group or physical location.

What we saw quite clearly was that the skateboarders were using their skateboards for that recreational excitement and so on, but they also were using them for transport, as were the in-line skaters. Both groups, in fact, used their small-wheeled vehicles for transport and recreation. Both groups, of course, were strong in defending their use of these small-wheeled vehicles because it is a very healthy activity. It increases fitness. It is good, physically and psychologically, to be involved in some kind of recreational activity that is so physical. This group of young people using skateboards is quite different from some of the other young people in Garema Place, for example, who are substance abusers. There is a quite distinct cultural difference between the two groups.

The committee was concerned about how many of the older people, particularly, in our community were concerned about the use of skateboards in public places. There was a definite perception that skateboarders were quite threatening, although that was not supported by incidents. The police explained that there were only five incidents reported. They were not incidents of injury; they were just incidents where people were asked to move on and so on. There were some incidents of self-injury through falling off a skateboard that were reported to hospitals. There was a very definite perception from older people that they were actually threatening; that the use of skateboards was something they were not happy with in public places.

I will quickly go through the recommendations of the committee. We recommended against legislation. I think I need to go into a little bit of detail about why, because I do not think it has been understood. There have been some unfortunate things in the media about the committee's report which, I think, are the basis of not understanding why we

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came up with the recommendations we did. The police say it would be almost impossible to enforce legislation. Young people do not have identification. The proposed legislation would be difficult to enforce. Young people should not be forced out of the city and major shopping areas, and the legislation would further damage relations between young people and the police.

In-line skaters would be deterred from commuting, as they would find it hard to avoid travelling through shopping areas on their way to work. They would also not be able to skate at lunchtime; nor could they skate to a cafe or restaurant. In-line skaters were not happy about having their activities curtailed because of the problems caused by a minority of skaters, feeling that the majority should not be penalised for the problems caused by a few. Education was seen as a more effective way of changing behaviour than introducing legislation.

Basically, what the committee did was focus on the manner of use of skateboards rather than the place. That has happened in a number of other regions in Australia and overseas. We ask that there be a trial of go-slow zones to address the problem that skateboarders cause fear in older people or other members of the community if they are coming fast, as do in-line skaters if they are coming fast, and if they are doing tricks where there is loud crashing. That sort of use of skateboards was quite obviously where the problems lay. The idea is that we have this trial of the go-slow zones, and the tricks and the fast riding occur in the skate parks, which are the appropriate places. When skaters are moving through public areas they can stay on their skates, but they are not to go fast. It is a go-slow zone. In New York they say you cannot recklessly ride your skateboard. That is another way of framing it. Basically, the go-slow zone would be accompanied by an education campaign and a code of conduct not dissimilar to the one this Government has just produced for mountain bikes. There are obvious ways by which you can let people know you are coming. You can say, "Coming on the left", or you can ring bells. On bikes you ring bells. Basically, it is up to the community involved in this issue to decide what the protocols would be.

The really critical thing is that this educational approach to this issue of cooperative sharing of public space has to be taken on with goodwill. I have heard people making extremely cynical comments, and they can ensure very easily that this fails. There is no doubt about that. On the other hand, people can actually give young people a chance. They can acknowledge that often education, encouragement and giving responsibility are what works with young people, much more than punishment. I have heard such sentiments expressed here and I am very disappointed when I hear people chuckling away and saying this is a joke. If we do not give young people a chance to do this, and if the tradespeople do not give them a chance, how can you blame young people? You can then bring in legislation and you will, I believe, pay the price of that in terms of relationships between young people and the community.

I think we have taken a really good approach to this issue. I think this is an opportunity for all members of the community to get together on this issue, because we do want to see a situation where public space is shared in an atmosphere of cooperation and mutual respect. I believe that, if the Government appropriately funds and facilitates the development of this protocol and code of conduct, there is a very good chance that we will find a solution to this problem which will take into account everyone's concerns.

MS REILLY (4.46): We released this report two weeks ago. We set up this inquiry originally in response to Mr Hird's concerns about the use of skateboards in shopping centres. We thank him for giving us the opportunity to go out into the community and to inquire into what young people want in using public space and skateboards. I think that was one of the great things about this inquiry. The committee did take the opportunity to go out of this building and to go and talk to young people in places where they congregate. I think it was also an opportunity for the community to understand some of the work of committees and what we actually do in this building. It was also an opportunity for people to actually find this building in the first place. I think that the community at times is unaware of the role the Legislative Assembly plays in their lives, and committee hearings are one way in which they can discover more. I think the fact that we took this opportunity to go out and talk to people in the community was a very positive aspect of this inquiry, and it might be one that other committees take up as well.

The first of these hearings that we went to was at Tuggeranong College. The committee members who were there were very impressed with the very articulate group of young people who spoke to the committee about the use of skateboards. They also raised other issues that young people face, such as the lack of facilities to use their skateboards. They also spoke about other wheeled vehicles such as bicycles. It was good to see after we went out there the announcement of a long-planned skate park in Tuggeranong. They also raised the issue of public transport in getting around in the ACT; the issue of how hard it is to get connecting buses and how hard it is for some of them to use buses as well. They also spoke about the harassment they receive because of the way they look or the fact that they are carrying skateboards. That is also an interesting aspect and an interesting comment on the ACT community. They spoke of harassment not only by other members of the community but also by bus drivers who were not happy to have them on their buses, which I find amazing. Skateboards are actually quite small things to put on a bus.

The overriding impression, and what impressed me particularly, was the pride in which these young people spoke about their skill and expertise in skateboarding. They were very proud of the skills they had. This was a theme that came through in talking to other skateboarders in other places and also in-line skaters as well. We were not talking about any ordinary old thing; we were talking about the skills that came with using skateboards.

This pride was also exhibited by various in-line skaters who were, in the main, a slightly older group than the skateboarders. It seems there is a graduation from skateboards to in-line skates. I think it is important that we remember the pride that these people exhibited, because there is so often so much negative publicity about young people in our community. There is mistrust and antagonism shown to young people and I find this quite surprising, because they are important members of our community. We regularly hear the cliché that young people are our future, but we go an awful long way at times to suggest to young people that we do not care whether they have futures.

They have to face up to negative publicity in the media; they have to face up to complaints that they are unmotivated, lazy and so different from when we were younger. It is amazing how things change. They have to put up with grumpy old men complaining about what they do at various places. They have to put up with them - - -

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Mr Berry: Not the old.

MS REILLY: I was just going to refer to them as GOMs who get nervous when they see young people grouped together in public places. With this antagonism and mistrust, it is not surprising that a number of young people in our community feel alienated from the mainstream. It is also not surprising that at times they exhibit certain behaviours and do things to wind up certain people. They get some very interesting responses at times.

I think our failure to encourage young people is almost criminal. So often as a community we fail to recognise the contribution that young people make. Most young people are active, contributing members of our community. They have jobs or they are looking for work. They are in training or undertaking education. They are playing sport, helping other young kids with sport, or getting together. There was an article in today's paper about young bands. They participate in other arts activities. They are members of political parties and other community groups. They are working together to help each other through organisations such as the Youth Coalition and AXYS and through the youth centres. If you look at the media it is often very hard to recognise the contribution which young people make. We also fail at times to recognise and appreciate fully the enthusiasm they have for life and about not wanting to be stuck in a rut. They can look at things in a different way from us because we had a totally different upbringing and background. They bring forward fresh ideas and views of the world, and excitement that quite often we lose as we get a little older.

Other groups that we spoke to in a number of instances were older people, because one of the issues raised is safety for older people. The various groups who came and spoke to us raised the issue of safety. They talked about the problems and the associated costs and lack of independence that can come to older people if they fall, and fall in any circumstances. It can be extremely debilitating. They talked about the difficulties older people face in visiting local shopping centres if they are nervous about young people. They also added that they were impressed with the skill and expertise that these young people exhibited. They were not as antagonistic as we could have been led to believe. In fact, the committee received a letter from a woman of 87 who said how much she enjoyed watching these young people and how impressed she was with their skill.

There is one further matter that I would like to raise in relation to the evidence put before the committee, and that is the recognition in the *Australian Magazine* about Canberra as a skating destination. This gave another view of Canberra that I had never thought of - that people would come all this way just to skate. It seems that our wide open public spaces, which sometimes at the weekend have very few people in them, and our extensive cyclepath system provide opportunities for skating that you might not get in some other places. I think this is a view of Canberra which is not often spread into the rest of Australia. As we are all aware, through the failure of John Howard to live here, there is quite often a negative view of Canberra. This is a part of Canberra that some of us might not realise. It is one large skating park, Mr Speaker. I am surprised that ACT Tourism has not picked up this idea already and is not organising skating tours to Canberra.

Possibly the main recommendation that people are concerned about is the first one, relating to the introduction of legislation. The committee looked at this very carefully, and looked at other solutions as well. Legislation is an easy, simplistic way out, but we are really looking at a much more complex issue relating to the use of public space. If we just go for legislation we are taking a purely punitive approach against the actions of one group within our community. It is just a continuation of the surveillance, coercion and harassment that young people suffer in a number of instances. There seemed to be little point in going on with it. In fact, the police were loath to support the idea of legislation, recognising the difficulty of making it work. The committee put an amount of effort into finding alternatives to legislation.

One of the things about having community education as a way of dealing with the situation, which is what the committee has recommended, is that it provides an active role for young people to be involved in what is going to happen in the future. The recommendations in this report provide an opportunity for young people and older people to get together to work out solutions. This dialogue would be creative. It would create a positive atmosphere for them to discover more about each other's needs. Surely it is a more educative and positive approach than the punitive approach of legislation which would be unenforceable.

Older people would have the opportunity to explain to young people the difficulties and fears which they have about the use of public areas in certain instances, and their fear, often unfounded, of young people on skateboards or in-line skaters. It would be the opportunity for young people to explain and to work out ways in which they can accommodate and work with older people to allay those fears. It would be the opportunity also for the young people to show off their skills in skateboarding. It would encourage them to show what they can do. Other people in the community would notice what young people are up to in a positive way. The older people we spoke to were interested in this consultative cooperative approach to a community issue, and I think it is an opportunity to bring young people into this aspect of their lives.

From that point of view, I commend this report to the Assembly because this is a chance for us to get the community working cooperatively together in a way that does not happen in a number of areas. It is an opportunity to bring young people, some of whom may not be involved in other community activities, together to work towards a community answer.

MRS LITTLEWOOD (4.57): While I have been on this committee for only a short time and came in halfway through this inquiry, I do have a few comments that I would like to make. I very much support young people and I want to do all I can to encourage them, because I know it is a bit of a rough trot for young people out there today. I spent Tuesday evening with a group of young skateboarders in Tuggeranong. I would like to congratulate the Government on providing the skate park in Civic,

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and also the new one which is going to be built in Tuggeranong and which I understand is going to be of international standard. I can assure this place that the young people in Tuggeranong are absolutely thrilled. I saw the beaming faces on Tuesday night when they saw the model of the skate park. It was just wonderful. So, Mr Kaine, well done by your department!

Mr Hird: It has nothing to do with the fact that Mr Kaine lives there.

MRS LITTLEWOOD: No. I do wish to encourage young people. I think they do have a rough trot, and I think it is important that we recognise their rights as well.

MR HIRD (4.58): Mr Speaker, I oppose the recommendation embraced in this report and I appeal to other members of this parliament to reject the report. However, I acknowledge the work of two of my colleagues when I was on the committee; that is, Kerrie Tucker, the chair, and Marion Reilly, the deputy chair. I also acknowledge the work of the secretary, Judith Henderson, the researcher and the assistant. I thank them for their assistance during our inquiry. We also appreciated all the submissions that we received from a wide cross-section of the Canberra community.

This report, Mr Speaker, is a cop-out by the Standing Committee on Social Policy. It does nothing to resolve the problem that prompted the inquiry in the first place. The inquiry was instigated in response to a proposal I put forward to introduce legislation banning the use of skateboards within 10 metres of shops. Somewhere along the way the purpose of the inquiry was derailed. The committee got right off the rails. Mr Speaker, the fact remains that skateboards in shopping centres are a menace. Pedestrians are intimidated by them. Elderly people, in particular, are disconcerted by them. They feel unsafe, and with good reason.

The committee has gone to great lengths to point out the needs of young people and has used that as an excuse to evade the real issue, namely, the safety of pedestrians and shoppers - old, young, the lot. Mr Speaker, this is nothing more than a money, money, money report. All it does is tell this parliament that it must spend more money on providing facilities throughout Canberra for skateboard riders.

Debate interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

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

Question resolved in the negative.

SOCIAL POLICY - STANDING COMMITTEE
Report on Skateboards and In-line Skates

Debate resumed.

MR HIRD: We have just spent \$320,000 on a skateboard park in Civic. Funds are being provided by the Minister for Urban Services for a similar facility in Tuggeranong, as mentioned by my colleague. What has it achieved? We still have skateboard riders harassing pedestrians and shoppers in our shopping centres. We only have to look outside our own building to see the way pedestrians are being put at risk in Civic Square.

Ms Tucker: So we have a go-slow zone.

MR HIRD: Indeed, a skateboarder broke glass windows in the last two weeks, as you would know. The committee would have us believe that skateboards are not a danger to anyone. It has relied on information from police and health services that injuries are non-existent. These agencies do not have any recorded evidence because they do not have the legislative power to act on complaints. What better evidence could the committee have had than the first-hand information of injuries put forward to the inquiry by me and a prominent Civic businessman, the eminent chemist, Mr Pat Develin? The evidence is noted in the report, but apparently it has been ignored. Police would have evidence if they had the power and the legislative backing to investigate complaints by pedestrians against skateboarders.

The committee has recognised that the use of skateboards and in-line skates around shops has become more prevalent in recent times and there is a growing concern amongst pedestrians, particularly older people, about their safety. Why, then, is the committee afraid to bite the bullet and recommend appropriate action to resolve this growing problem within our community? Legislation should be introduced similar to that which bans the riding of bicycles within 10 metres of shops, Mr Speaker.

Mr Stefaniak: I raise a point of order, Mr Speaker. I note that there is a lot of noise in the chamber. I think the member has a right to be heard in peace.

MR SPEAKER: I uphold the point of order. I think members are skating very close to exhausting my patience. Continue, Mr Hird.

MR HIRD: I thank the Minister for his protection, but I assure him that I can more than acquit myself. Mr Speaker, this report makes mileage out of the fact that the bicycle legislation is not being enforced and, as a result, skateboard legislation will not be policed. That may be so. But, if legislation is in place, pedestrians who are injured will have the right of some redress and police will be able to act against offenders. If there is a breach of the law, accidents can be reported. In recommending a go-slow zone, Mr Speaker - - -

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Mr Kaine: Is that four kilometres an hour or two?

MR HIRD: Yes, go slow; have little speedos on skateboards, or lollipop ladies or men. In recommending a go-slow zone, the committee is abrogating its responsibilities to the general community. It is having two bob each way, so to speak. This recommendation is a joke, Mr Speaker.

Where does the committee believe funds can be found to finance its recommendations? A community education project involving the employment of community workers to promote community education on safe skating practices will not come cheaply, Mr Speaker. It is too bad I cannot put some of these people over here on skateboards and give them a downhill ride. All the education in the world will not save some innocent bystander from being seriously injured if an educated skateboarder suddenly loses control of his board in the middle of Bunda Street or Garema Place or some other public shopping area in the Territory.

The recommendation that the Government consider extending the Civic skate park - it has only just been built and it cost \$320,000 - relocating the air monitoring unit, removing hedges, relocating the electrical substation and providing additional skating facilities in Canberra is another costly exercise. And for what? The committee has acknowledged that the Civic skate park, built at a cost, as I said, of \$320,000 to taxpayers and ratepayers, is not being fully utilised. Specific skating facilities are provided already not only in Civic, Mr Speaker, but also at Telopea Park, Campbell, Kippax - Mr Berry would know, because I have seen him frequent that skating park - Charnwood, Rivett, Stirling, Fadden, Kambah and Richardson. Perhaps, Mr Speaker, if legislation were introduced to keep skateboarders away from shopping areas the skaters might use these facilities that the Government has provided for them. Then we could look at providing additional facilities that might be used. It seems to me, Mr Speaker, that if we adopt these recommendations we will be putting the cart before the horse.

I could not believe what I read on page 11 of the report, under the heading "Pedestrian Safety Issues" - that the committee would take account of a submission from an in-line skater who said:

... pedestrians should stand still or keep moving in the same direction, most skaters are considerate of older people.

On page 12 of the same report the committee said it had accepted evidence from a Garema Place businessman that he had witnessed a number of serious accidents in which older pedestrians had fallen due to the actions of skateboarders. Is this being considerate of old people or other shoppers, or other pedestrians? I think not.

The needs of young people seem to have been the committee's prime concern. What about some concern for the people who are being harassed and injured - the pedestrians and shoppers? Mr Speaker, there is one thing we should all remember. Shopping centres, like those in Civic or in other parts of the Territory, are for shopping pedestrians. They are shopping pedestrian areas. They are not sporting or recreational areas and ought not to be used as such.

Ms Tucker: May I seek leave to speak to address a couple of the issues Mr Hird raised? I will be very brief.

Mr Stefaniak: No.

MR SPEAKER: If you do, you will close the debate.

Ms Tucker: Yes. Does anyone else want to speak?

Mr Wood: No.

Mr Kaine: How do we know whether anybody else wants to speak?

MR SPEAKER: Order! It is a question of whether you wish to close the debate now.

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

That the debate be adjourned.

Ms Tucker: That is all right.

MR SPEAKER: Very well. That will give you the opportunity to respond at some later time, Ms Tucker, as you know.

Question resolved in the affirmative.

PUBLIC ACCOUNTS - STANDING COMMITTEE
Report on Review of Auditor-General's Report No. 9 of 1996

MR WHITECROSS (Leader of the Opposition) (5.08): Mr Speaker, I present Report No. 25 of the Standing Committee on Public Accounts entitled "Review of Auditor-General's Report No. 9, 1996 - ACT Cultural Development Funding Program", together with the extracts of the minutes of proceedings. I move:

That the report be noted.

I have 15 minutes to speak on this, Mr Speaker. This report is a review of an audit of the effectiveness and efficiency of the management of the cultural development funding program by the Arts and Cultural Development Unit. The funding program provided grants to artists and community-based arts bodies of \$2.8m in 1994-95 and \$3m in 1995-96. The Arts and Cultural Development Unit administers the program, and its functions also include support for the ACT Cultural Council and the development of new approaches to assist the arts and culture.

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The audit concluded that the management of the cultural grants program was generally effective in making a positive contribution to arts and cultural development in the ACT. The audit also found that the grants program was managed reasonably efficiently, although an accurate assessment could not be made, due to the absence of established performance measures. In this regard, the audit identified certain areas where procedures could be changed to improve the effectiveness of the Arts and Cultural Development Unit.

Comment on the audit findings was sought from the Chief Minister, who provided the committee with an action plan to address the audit findings and proposals to redress shortcomings. The Chief Minister satisfied the committee that, with one exception, the audit proposals had been implemented immediately or would be implemented at appropriate times. The exception is an audit proposal that unsuccessful grant applicants be counselled by a member of the ACT Cultural Council subcommittee responsible for assessing applications. The committee agreed with the Chief Minister's position that such feedback should more appropriately be given by the relevant officials responsible for processing the applications.

The committee was concerned that a number of grants under the 1994 and 1995 programs had not been acquitted - the amounts involved being more than \$600,000 in each year - and that two bodies which received grants in 1995 had not provided financial reports for some \$235,000 received under the 1994 program and were overdue in relation to \$160,000 of their 1995 grants. The committee's recommendations are intended to ensure that administration of the grants program is tightened, that there is improvement in the handling of applications for grants and, finally, that there are enhanced accountability provisions in relation to grants and, in particular, that grants which have not been acquitted are reported in the annual reports. I commend the report to the Assembly.

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

PLANNING AND ENVIRONMENT - STANDING COMMITTEE
Acton-Kingston Land Swap - Statement by Chair

MR MOORE: Mr Temporary Deputy Speaker, I wish to inform the Assembly, pursuant to standing order 246A, that on 2 May 1997 the Standing Committee on Planning and Environment resolved to inform the Assembly that it had completed its inquiry into the Acton-Kingston land swap which was initiated on 21 April 1995 and which was the subject of two reports - No. 11, entitled "Interim Report on the Acton-Kingston Land Swap", and No. 23, entitled "Further Report on the Acton-Kingston Land Swap".

ADJOURNMENT

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

That the Assembly do now adjourn.

Sharps Hotline

MR BERRY (5.13): Mr Temporary Deputy Speaker, I would like to draw to the attention of the Assembly a matter which was of interest today. My attention was drawn to a number of hypodermic syringes which were dumped near the construction on the theatre site nearby this morning. I went out and inspected the site, found the syringes and, in due course, decided to report it to the sharps hotline. After instructing my staff to act accordingly, I am informed that there was a call to the sharps hotline. For 25 minutes there were constant reminders that my staff member was being moved up the queue. She became so frustrated with being moved up the queue that she decided she had other more important things to do.

I am taking the opportunity to bring this directly to the attention of the responsible Minister this evening. Regrettably, that is a course that the community out there would not have available to them. They would have to wait for however long it took to be moved up the queue far enough to get to the point where they could talk to somebody about the problem of sharps out there in the community. I trust that the responsible Minister will take this on notice and deal with the issue. I repeat that they were at the rear of the North Building in some shrubbery adjacent to the building site. I ask that the Minister inform the people who look after the sharps hotline to pop out there and have a little bit of a look, pick them up and prevent any risk to the community as a result of those dangerous items being dumped.

Public Ovals - Use by Golfers

MR WOOD (5.15): Mr Speaker, I want to raise a matter that has been brought to my attention by a number of concerned residents in Canberra at various times. For them, and I think for the community and perhaps for the Minister for Sport and others, it is a matter that needs some attention. I refer to people who drive golf balls on public ovals. I think Mr Stefaniak and Mr Kaine have responded on this matter on a number of occasions. I have to say that when I was Minister it came to my attention and I was endeavouring to handle it, but I acknowledge that I found no immediate satisfactory solution.

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The use of the Kambah oval was brought up with me this week. It had been brought up with me in earlier weeks too. A golf ball once again had gone through the window of a residence adjacent to that oval. In this case the residence was that of a very old lady who was considerably upset by it. I wonder whether the Government would pay compensation to replace the window, or does she have to do that herself or through her insurance? It is a problem. I know there were some complaints some time ago about Southwell Park, where golfers were driving balls and using the Netball Centre as a means of stopping them and gathering them. That was a problem. Problems have been raised about ovals in Belconnen and in other places. From time to time I had complaints from people who used the ovals. While it was acknowledged that the would-be golfers would stop or take care if people were walking across the oval, the level of competence of the golfers was such that you could not be sure that you were not going to be hit by a sliced ball.

MR SPEAKER: That is why they are practising, Mr Wood.

MR WOOD: That is why they are practising. It is something of an inhibition to other people using those ovals. Bear in mind my major point: It is a problem for people who live next to ovals. I had the courtesy of a reply recently from one of our Ministers on this matter, but I think it is a problem that has to be attended to. We must go further and look for means of controlling those golfers. We do control what happens on ovals. We now have in place measures that say you cannot let your dog run freely. We discourage people from letting their dogs defecate on ovals. You cannot drive your cars on ovals. There are quite a number of limitations on what happens on our ovals. I suggest to the Minister that we should continue to see whether we can find a solution to the problem of golfers on ovals.

Death of Mr Bob Comb

MR HIRD (5.18): An article in this week's *Chronicle* refers to the sad farewell to a great Canberran who was an identity in the Canberra community. The person I refer to is Bob Comb, World War I veteran and winner of the Military Medal, whose funeral was last Thursday. Bob, who enlisted at the age of 15 years and 10 months, had spent his sixteenth birthday on the battlefields in France. Bob turned 97 on Anzac Day, his birthday, but died the following day. He was renowned for his good nature and humour. We say farewell to a great Canberran, a Canberra identity, World War I veteran Bob Comb, the last in this city of the Anzac tradition. Bob had a great sense of humour. His great aim was to attend the 2000 Olympics. He admitted that he did not want to be a participant but he would like to be there. It is one goal that he did not achieve, but I dare say he achieved many during his 97 years of life. I wanted to bring that to the attention of members. I am sure they would join with me in conveying our sympathy to his loved ones.

Public Ovals - Use by Golfers

MR STEFANIAK (Minister for Education and Training and Minister for Sport and Recreation) (5.20): I think it was I who responded to Mr Wood's letter on behalf of that person in Kambah and the problems with golfers on ovals. I was interested to hear what you said, Mr Wood, because I think a lot of things have been tried. Reasoning with people is the bottom line. I suppose that is all we have at this stage. You are quite right; people are banned from doing certain things on ovals. You seemed to be indicating that we should ban golfers from ovals. I would be interested in a letter from you in that regard so that I could discuss that with my colleagues. I think there might well be a lot of sense at this time in a bipartisan approach to this not insignificant problem. I am well aware of a number of people who have been hit by balls or who have had property damaged as a result of that. I think there is considerable concern in the community about this issue.

Mr Wood: I certainly will do that, Mr Stefaniak.

Question resolved in the affirmative.

Assembly adjourned at 5.20 pm until Tuesday, 13 May 1997, at 10.30 am

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ANSWERS TO QUESTIONS

MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 395

Secondary Colleges - Course Fees

MS McRAE - asked the Minister for Education and Training on notice on 8 April 1997:

In relation to every college in Canberra, would you (a) list all courses that incur a fee and (b) the amount charged.

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

Lists of courses which incur a fee and the amounts charged for every Canberra college are attached.

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Secondary colleges - course fees
(Answer to Question No. 395)

Electronic copy of this page is not available but it is included in the printed Hansard.

8 May 1997

Secondary colleges - course fees
(Answer to Question No. 395)

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**MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO 397

Chlorofluorocarbon Gases - Disposal

On 8th April 1997, **Mr Wood** MLA asked the Minister for Urban Services the following questions:

- (1) Is it the case that the Government requires that CFC gases in old refrigerators be specially disposed of?
- (2) If so, can you explain why people, who claim to be authorised by the Government to collect junk, openly puncture and release gases when gathering refrigerators at Mugga Lane landfill recently?
- (3) What action will you take to ensure that these illegal activities do not recur?

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

- (1) ACT requirements in relation to CFC gases are consistent with those of the National Strategy for the Protection of the Ozone Layer. Under the strategy, there is no requirement for CFC gases to be recovered from discarded domestic refrigerators. The reason for this is that there are generally only small amounts of CFC gases left in old refrigerators. The ACT position is consistent with current and proposed NSW legislation. The exposure draft of the NSW *Ozone Protection Regulation 1997* released for public comment earlier this year specifically exempts domestic refrigerators from the provision requiring special disposal (proposed regulation 35(3)(c)).
- (2)/(3) While it is not cost-effective environmentally for CFCs to be recovered from discarded domestic refrigerators, there may be some commercial potential for a recycling operations at landfills to recover CFCs from these refrigerators, as recovered CFC gas does have a commercial value. Although the small quantities involved may mean that recovery is not cost effective from a commercial as well as an environmental point of view, this possibility will nevertheless be brought to the attention of recycling operators at landfills for them to make an assessment.

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**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
Question No. 398**

Public Sector Chief Executives - Remuneration Packages

MR OSBORNE - Asked the Chief Minister upon notice on 8 April 1997:

(1) In 1995 what were the total remuneration packages (expressed in dollar terms and including superannuation and all ACT Government -funded benefits) of the following public sector employees:

- (a) the secretary of the Chief Minister's Department;
- (b) the secretary of the Department of Health;
- (c) the Chief Executive of Woden Valley Hospital;
- (d) the secretary of the Department of Education;
- (e) the secretary of the Attorney-General's Department;
- (f) the secretary of the Department of Urban Services;
- (g) the Chief Executive ACTEW; and
- (h) the secretary of the Department of Environment, Land and Planning.

(2) In 1997, what are the total remuneration packages (expressed in dollars terms and including superannuation and all ACT Government-funded benefits) of the following public sector employees and head of a territory-owned corporation:

- (a) the Chief Executive Chief Minister's Department;
- (b) the Chief Executive of the Department of Health and Community Care;
- (c) the Chief Executive of The Canberra Hospital;
- (d) the Chief Executive of the Department of Education and Training and Children's Youth and Family Services Bureau;
- (e) the Chief Executive of the Attorney General's Department;
- (f) The Chief Executive of the Department of Urban Services;
- (g) the Chief executive of ACTEW Corporation; and
- (h) the Chief Executive of the Department of Business, Arts, Sport and Tourism.

(3) In 1995, what were the total remuneration packages (expressed in dollar terms and including superannuation and all ACT Government-funded benefits) of each of the following categories of public sector employees (i) ASO2, 3, 4, 5 and 6 and (ii) SOG a, B and C, or equivalents, in each of the following departments:

- (a) the Chief Minister's Department;
- (b) the Department of Health;
- (c) Woden Valley Hospital;
- (d) the Department of Education;
- (e) the Attorney-General's Department;
- (f) the Department of Urban Services;
- (g) ACTEW; and

(h) the Department of Environment Land and Planning

(4) In 1997, what were the total remuneration packages (expressed in dollar terms and including superannuation and all ACT Government-funded benefits) of each of the following categories of public sector employees (I) ASO2, 3, 4, 5 and 6 and (ii) SOG a, B and C, or equivalents, in each of the following departments:

- (a) the Chief Minister's Department;
- (b) the Department of Health and Community Care;
- (c) the Canberra Hospital;
- (d) the Department of Education and Training and Children's Youth and Family Services Bureau;
- (e) the Attorney-General's Department;
- (f) the Department of Urban Services;
- (g) ACTEW Corporation; and
- (h) the Department of Business, the Arts, Sport and Tourism

MRS CARNELL - The answers to the Member's question's are set out below:

(1) In 1995 what were the total remuneration packages (expressed in dollar terms and including superannuation and all ACT Government -funded benefits) of the following public sector employees:

- (a) the secretary of the Chief Minister's Department;*
\$176,476
- (b) the secretary of the Department of Health;*
\$149,649
- (c) the Chief Executive of Woden Valley Hospital;*
\$140,966
- (d) the secretary of the Department of Education;*
\$149,649
- (e) the secretary of the Attorney-General's Department;*
\$149,649
- (f) the secretary of the Department of Urban Services;*
\$149,649
- (g) the Chief Executive ACTEW;*
\$148,000
- (h) the secretary of the Department of Environment, Land and Planning.* \$149,649

NB. These remuneration packages include salary, superannuation, vehicle, parking, spouse travel, telephone, leave bonus and Fringe Benefit Tax. Reimbursement of

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travel, accommodation and related expenses, in accordance with the Public Sector Management Standards, are payable on a case by case basis.

(2) In 1997, what are the total remuneration packages (expressed in dollars terms and including superannuation and all ACT Government-funded benefits) of the following public sector employees and head of a territory-owned corporation:

(a) the Chief Executive Chief Minister's Department;
\$209,461

(b) the Chief Executive of the Department of Health and Community Care;
\$171,181

(c) the Chief Executive of The Canberra Hospital;
\$199,021

(d) the Chief Executive of the Department of Education and Training and Children's Youth and Family Services Bureau;
\$189,741

(e) the Chief Executive of the Attorney General's Department;
\$180,461

(f) The Chief Executive of the Department of Urban Services;
\$199,021

(g) the Chief Executive of ACTEW Corporation; and
\$200,000 (plus performance bonus determined by ACTEW Board up to a maximum of \$60,000)

(h) the Chief Executive of the Department of Business, Arts, Sport and Tourism. \$165,381

NB. These remuneration packages include salary, superannuation, vehicle, parking, spouse travel, telephone, leave bonus and Fringe Benefit Tax. Reimbursement of travel, accommodation and related expenses, in accordance with the Public Sector Management Standards, are payable on a case by case basis.

(3) In 1995, what were the total remuneration packages (expressed in dollar terms and including superannuation and all ACT Government-funded benefits) of each of the following categories of public sector employees (i) ASO2, 3, 4, 5 and 6 and (ii) SOG a, B and C, or equivalents, in each of the following departments:

(a) the Chief Minister's Department:

(b) the Department of Health:

(c) Woden Valley Hospital;

(d) the Department of Education;

(e) the Attorney-General's Department;

- (f) the Department of Urban Services;
- (g) ACTEW; and
- (h) the Department of Environment Land and Planning

The actual individual salary package for each classification will vary due to the following factors:

- which particular superannuation schemes the individual employee contributes to (Commonwealth Superannuation Scheme (CSS), Public Sector Superannuation Scheme (PSS) or other specified schemes) In addition, contributors to CSS and PSS as entitled to an additional 3% Employee Productivity Superannuation Contribution (EPSC) which is included in the total contribution rate for non-CSS and PSS contributors.
- Whether or not the employee attracts shift penalty payments, overtime, or other variable allowances
- The particular increment point in the salary range within the classification which an individual is paid against

Classification	Base Rate	Average all Superannuation (EPSC,CSS,PSS)
ASO2	\$25,431	\$29,881
ASO3	\$28,966	\$34,035
ASO4	\$32,284	\$37,934
ASO5	\$36,009	\$42,311
ASO6	\$38,890	\$45,696
SOGA	\$67,569	\$79,394
SOGB	\$58,179	\$68,360
SOGC	\$49,238	\$57,855

An indicative figure for each classifications, based on the first increment point for the classification and applying CSS, PSS and other superannuation scheme contribution rates is as follows. The indicative rates are consistent across all departments

(g) ACTEW Corporation

Classification	Base Rate	Average all Superannuation (EPSC,CSS,PSS)
ASO2	\$26,818	\$31,645
ASO3	\$30,105	\$35,524
ASO4	\$33,705	\$39,772
ASO5	\$37,109	\$43,789
ASO6	\$41,475	\$48,941
SOGA	\$67,569	\$79,731
SOGB	\$61,620	\$72,712
SOGC	\$51,165	\$60,375

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(4) In 1997, what were the total remuneration packages (expressed in dollar terms and including superannuation and all ACT Government-funded benefits) of each of the following categories of public sector employees (i) ASO2, 3, 4, 5 and 6 and (ii) SOG A, B and C, or equivalents, in each of the following departments:

- (a) *the Chief Minister's Department;*
- (b) *the Department of Health and Community Care;*
- (c) *the Canberra Hospital;*
- (d) *the Department of Education and Training and Children's Youth and Family Services Bureau;*
- (e) *the Attorney-General's Department;*
- (f) *the Department of Urban Services;*
- (g) *ACTEW Corporation; and*
- (h) *the Department of Business, the Arts, Sport and Tourism*

The actual individual salary package for each classification will vary due to the following factors:

- which particular superannuation schemes the individual employee contributes to (Commonwealth Superannuation Scheme (CSS), Public Sector Superannuation Scheme (PSS) or other specified schemes) In addition contributors to CSS and PSS as entitled to an additional 3% Employee Productivity Superannuation Contribution (EPSC) which is included in the total contribution rate for non-CSS and PSS contributors.
- Whether or not the employee attracts shift penalty payments, overtime or other variable allowances
- The particular increment point in the salary range within the classification which an individual is paid against

An indicative figure for each classifications, based on the first increment point for the classification applying CSS, PSS and other superannuation scheme contribution rates is as follows. The indicative rates are consistent across all departments

Classification	Base Rate	Average all Superannuation (EPSC,CSS,PSS)
ASO2	\$26,724	\$31,294
ASO3	\$30,438	\$35,643
ASO4	\$33,925	\$39,726
ASO5	\$37,839	\$44,309
ASO6	\$40,867	\$47,855
SOGA	\$71,003	\$83,145
SOGB	\$61,136	\$71,590
SOGC	\$51,741	\$60,589

(g) ACTEW Corporation

Classification	Base Rate	Average all Superannuation (EPSC,CSS,PSS)
ASO2	\$28,839	\$34,030
ASO3	\$32,374	\$38,201
ASO4	\$36,245	\$42,769
ASO5	\$39,905	\$47,088
ASO6	\$44,601	\$52,629
SOGA	\$72,661	\$85,740
SOGB	\$66,264	\$78,192
SOGC	\$55,020	\$64,924

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**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
Question No. 399**

Public Sector Employees - Statistics

MR OSBORNE - Asked the Chief Minister upon notice on 8 April 1997:

(1) In 1995 how many employees were there in each of the following categories - (I) ASO 2, 3, 4, 5 and 6; and (ii) SOG A, B and C or equivalents, for each of the following departments:

- (a) the Chief Minister's Department;
- (b) the Department of Health;
- (c) Woden Valley Hospital;
- (d) the Department of Education;
- (e) the Attorney-General's Department;
- (f) the Department of Urban Services;
- (g) ACTEW; and
- (h) the Department of Environment Land and Planning

(2) In 1997 how many employees were there in each of the following categories - (I) ASO 2, 3, 4, 5 and 6; and (ii) SOG A, B and C or equivalents, for each of the following departments:

(3) In 1995 how many ACT public sector employees were employed (or acting) as SES officers (or equivalent), including those employed in territory-owned corporations.

- (a) the Chief Minister's Department;
- (b) the Department of Health and Community Care;
- (c) the Canberra Hospital;
- (d) the Department of Education and Training and Children's Youth and Family Services Bureau;
- (e) the Attorney-General's Department;
- (f) the Department of Urban Services;
- (g) ACTEW Corporation; and
- (h) the Department of Business, the Arts, Sport and Tourism

(4) In 1997 how many ACT public sector employees are employed (or acting) as SES officers (or equivalent), including those employed in territory-owned corporations.

(5) In 1995 what was the total cost to the ACT of employing all its public sector staff at the SES (or equivalent) level, including those employed in territory-owned corporations.

(6) In 1997 what is the expected total cost to the ACT of employing all its public sector staff at SES (or equivalent) level including those employed in territory-owned corporations.

(7) In 1995 what was the total cost to the ACT of employing all staff below SES level, including those employed in territory-owned corporations.

(8) In 1997 what is the expected total cost to the ACT of employing all staff below SES level, including those employed in territory-owned corporations.

MRS CARNELL - The answers to the Member's question's are set out below.

Note 1: 1995 is taken to mean 1995-96 financial year and 1997 as 1996-97 financial year Note 2: 1995 and 1997 figures are as at pay 20, end of the third quarter in both 1995-96 and 1996-97

Note 3: The number of employees is the actual "head count" (not Full Time Equivalent (FTE) or number of positions)

(1) In 1995 how many employees were there in each of the following categories - (i) ASO 2, 3, 4, 5 and 6; and (ii) SOG A, B and C or equivalents, for each of the following departments:

(a) the Chief Minister's Department:

ASO2	14
ASO3	58
ASO4	44
ASO5	60
ASO6	76
SOGA	9
SOGB	46
SOGC	78

(b) the Department of Health:

ASO2	87
ASO3	76
ASO4	52
ASO5	38
ASO6	79
SOGA	4
SOGB	36
SOGC	103

(c) Woden Valley Hospital;

ASO2	257
ASO3	70
ASO4	33
ASO5	16
ASO6	23
SOGA	14
SOGB	26
SOGC	84

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(d) the Department of Education;

ASO2	192
ASO3	124
ASO4	137
ASO5	145
ASO6	107
SOGA	2
SOGB	45
SOGC	102

(Includes Canberra Institute of Technology)

(e) the Attorney-General's Department;

ASO2	98
ASO3	74
ASO4	59
ASO5	63
ASO6	57
SOGA	5
SOGB	19
SOGC	31

(f) the Department of Urban Services;

ASO2	144
ASO3	314
ASO4	159
ASO5	129
ASO6	157
SOGA	24
SOGB	99
SOGC	167

(g) ACTEW;

ASO2	63
ASO3	108
ASO4	45
ASO5	43
ASO6	30
SOGA	36
SOGB	75
SOGC	113

(h) the Department of Environment Land and Planning

ASO2	101
ASO3	88
ASO4	64
ASO5	87
ASO6	80
SOGA	17
SOGB	90
SOGC	138

(2) In 1997 how many employees were there in each of the following categories - (I) ASO 2, 3, 4, 5 and 6; and (ii) SOG A, B and C or equivalents, for each of the following departments:

(a) the Chief Minister's Department:

ASO2	12
ASO3	45
ASO4	31
ASO5	49
ASO6	56
SOGA	16
SOGB	32
SOGC	67

(b) the Department of Health and Community Care:

ASO2	103
ASO3	72
ASO4	52
ASO5	38
ASO6	71
SOGA	4
SOGB	31
SOGC	91

(c) The Canberra Hospital;

ASO2	208
ASO3	60
ASO4	32
ASO5	15
ASO6	19
SOGA	13
SOGB	23
SOGC	73

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(d) the Department of Education and Training and Children's Youth and Family Services Bureau;

ASO2	162
ASO3	116
ASO4	133
ASO5	130
ASO6	107
SOGA	2
SOGB	42
SOGC	101

(Includes Canberra Institute of Technology)

(e) the Attorney-General's Department;

ASO2	79
ASO3	70
ASO4	56
ASO5	62
ASO6	46
SOGA	4
SOGB	16
SOGC	33

(f) the Department of Urban Services;

ASO2	151
ASO3	291
ASO4	173
ASO5	135
ASO6	145
SOGA	31
SOGB	102
SOGC	190

(g) ACTEW Corporation;

ASO2	53
ASO3	102
ASO4	42
ASO5	40
ASO6	26
SOGA	35
SOGB	67
SOGC	107

(h) the Department of Business, the Arts, Sport and Tourism

ASO2	52
ASO3	30
ASO4	20
ASO5	41
ASO6	28
SOGA	2
SOGB	26
SOGC	38

(3) In 1995 how many ACT public sector employees were employed (or acting) as SES officers (or equivalent), including those employed in territory-owned corporations.

(4) In 1997 how many ACT public sector employees are employed (or acting) as SES officers (or equivalent), including those employed in territory-owned corporations.

In response to Questions (3) and (4) I provide the following information in a table.

	1995	1997	
No. of SES &	102	73	Executives on contract Equivalent
		8	SES Transitional
Statutory Office Holders	13	13*	Statutory Office Holders
Territory-owned Corp.	18	16	Territory-owned Corp.
TOTALS	133	110	TOTALS

* 14 positions, however Deputy Fire Commissioner is vacant

(5) In 1995 what was the total cost to the ACT of employing all its public sector staff at the SES (or equivalent) level, including those employed in territory-owned corporations.

In 1995, the total cost to the ACT of employing all its public sector staff at the SES (or equivalent) level including those employed in territory-owned corporations and statutory office holders was

Total \$14,109,520

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(6) In 1997 what is the expected total cost to the ACT of employing all its public sector staff at SES (or equivalent) level including those employed in territory-owned corporations.

The expected total cost for 1997 to the ACT of employing all its public sector staff at the executive level including those employed in territory-owned corporations,, statutory office holders and SES Transitional staff is

Total	\$13,130,440
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(7) In 1995 what was the total cost to the ACT of employing all staff below SES level, including those employed in territory-owned corporations.

\$942,274,480

Source: 1996-97 Budget Paper No. 3, page 223 less SES and equivalent total

(8) In 1997 what is the expected total cost to the ACT of employing all staff below SES level, including those employed in territory-owned corporations.

\$852,806,560

Source: 1996-97 Budget Paper No. 3, page 223 less SES and equivalent total

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 400**

ACTAC Building - Fingerscan Security System

MR OSBORNE - Asked the Chief Minister upon notice on 8 April 1997:

In relation to the new fingerscan security system installed in the ACTAC (Canberra Nara Centre) building -

- (1) What is the total cost of the new fingerscan security system?
- (2) The Chief Executive of the Chief Minister's Department is quoted in *The Canberra Times* as stating that the new system cost \$37,000. Does this include:
 - (a) installation and removal of the existing system;
 - (b) public servants' time spent investigating the upgrade of the system and examining at least three tenders; and
 - (c) the cost of scanning the fingerprints of all the staff who need to have access to the building?
- (3) Can you explain (a) why such an elaborate security system was needed to guard the ACTAC building; (b) what prompted the change; and (c) who authorised it?
- (4) Do you know of other buildings in Canberra that use this system, or anything similar and, if so, why?
- (5) Is the system, now in use in ACTAC, more advanced than those guarding sites of national importance (eg. ministerial offices in Federal Parliament and the Department of Foreign Affairs and Trade)?
- (6) Is there an alternative system that is not as elaborate or as costly?
- (7) The Chief Executive has indicated in a circular to ACT public servants, that the system does not infringe privacy laws, as records of fingerprints are not kept. If this is the case,
 - (a) could you explain how the system differentiates between users ie. if there is no central database of finger profiles, against which people's fingerprints (or profiles of their fingers) are checked, how does the system accurately determine who it is letting in or keeping out; and

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(b) can you say, on the record and without reservation, that the stored information cannot be used for any other purpose other than allowing access to the ACTAC building?

MRS CARNELL - the answer to the Member's question is as follows:

- (1) The total cost for the new Fingerscan security system was \$37,000.
- (2)
 - (a) Yes.
 - (b) The research and investigation for the Fingerscan system was carried out by the Corporate Services area of the Chief Minister's Department. Daintree Electronics Pty Ltd is the only other company in the ACT able to provide a security system similar to the finger scan based system. Quotes were received and reviewed from Daintree Electronics, in addition to Aulich & Co, the providers of Fingerscan within the ACT.
 - (c) Corporate Services staff were responsible for carrying out the scanning and logging of all authorised personnel. Staff were able to maintain their regular duties and workload whilst undertaking the requirements needed to implement the new system.
- (3)
 - (a) The new Fingerscan security for the Canberra Nara Centre has not increased the level of security, merely changed and upgraded the technology. The building houses highly sensitive information, including Cabinet and Budget material, the Government-wide financial system and ACT Public Service personnel records, in addition to rates and taxation information on the ACT community.
 - (b) The change was prompted because the Data Key System (DKS), in operation since self government, was out of date and inefficient. No up to date register of the 300 DKS keys existed and the keys which were expensive, required frequent replacement due to loss or damage. The maintenance cost for security within the building was \$29,000 for the 6 month period July - December 1996 alone.
 - (c) The Chief Minister's Board of Management authorised the installation of the Fingerscan security system, with the agreement of the building managers.
- (4) The Fingerscan security system is currently in use at Woolworths in Manuka as a staff management system for over 200 employees. Armaguard, Hawker De havilland and a number of other private companies also use the system. Other Australian Government buildings have had the system installed however details cannot be disclosed for security reasons.

- (5) The Fingerscan system is not a more elaborate or more expensive system than is currently being used by the Assembly or other Government departments in the Territory or other States. It is a system which allows the Chief Minister's Department to have control over its maintenance and ensure that only authorised personnel have access to those areas of the building which require restrictions.
- (6) There are many other security systems available. However the majority require some form of equipment to be provided to the user such as a DKS/Mill key, a swipe card or personal identification. There are also other more labour intensive and costly options - the use of security personnel such as Chubb for example. The Fingerscan system, which is now operating quite effectively at the Canberra Nara Centre, is a best practice system which is cost effective and less cumbersome than those requiring users to carry identity cards or keys which can be lost or can be transferred to someone else.
- (7) (a) It is correct to state that the Fingerscan system does not store images of fingerprints. It merely stores a digitised image of relationships between the highs and lows of a finger profile. This cannot be reconstructed as a fingerprint due mainly to the incomplete information base. This image is stored and downloaded to authorised scanning pads for each individual.

The Fingerscan system requires two components before allowing access to any authorised person - (1) the user's individual identity number, and (2) the user's fingerscan profile. Each user keys in their individual identity number and then places their scanned finger on the reader. The identity number takes the database directly to that person's digitised image and their finger scan confirms that reading.

- (b) Yes.

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MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 407

Teaching Positions - Applications

MS McRAE - asked the Minister for Education and Training on notice on 9 April 1997:

In relation to applications for teaching positions

- (1) When people apply to become teachers in the ACT how is the interview selection made of who will proceed to interview.
- (2) Is there any process of appeals for people (a) who are not granted an interview; and (b) who have been interviewed but not been selected.
- (3) In 1997, how many applications for full time teaching positions (a) were received; and (b) were successful.

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

When people apply to become teachers in the ACT, they apply in a bulk recruitment round. The aim of this recruitment round is to provide a pool of suitable applicants from which the department can draw if and when vacancies occur.

- (1) Shortlisting for interview is carried out by two panels, one Primary and one Secondary. Each panel consists of a Principal (nominated by respective Principals Associations) and a teacher who is jointly selected by the department and the AEU.

Shortlisting is based on evidence provided in addressing the prescribed selection criteria through either:

- (a) The applicant's supporting statement; and
 - (b) In the professional references provided. Beginning teachers may provide Practice Teaching Reports.
- (2) (a) There is no appeal process for people who are not granted an interview, because shortlisting is carried out by a Joint Selection Committee.

- (b) There is no appeal process for people who have been interviewed and not selected. Applicants do not apply for specific positions - they apply for employment. Selection (for employment) can only be offered when vacancies arise which cannot be filled by permanent officers.
- (3) Applications for a recruitment round are submitted in June each year for employment in the following year. Work is currently under way for the 1997 recruitment round. The following figures refer to applications received in 1996:
- (a) In 1996, there were 974 applications for employment across the preschool, primary and high school sectors; and
 - (b) Of these application, 64 applicants were offered permanent appointment in the end-of-year placements. A further 91 applicants were offered fixed term temporary contracts. 186 applicants have subsequently been offered temporary contracts as vacancies have arisen.

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**MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 408**

Government Purchasing Policy

On 9th April 1997, **Ms Tucker**, MLA asked the Minister for Urban Services the following questions:

- (1) Can you provide details of the current status of the Government's purchasing policy framework.
- (2) Can you outline the Government's policy in relation to purchasing goods and services from local businesses.
- (3) Aside from the Government's Buyers and Sellers Information System - (**basis**), can you outline how the ACT Government assists local businesses to access Government contracts.
- (4) Has the Government set any explicit policy about the proportion of Government purchases which should be made locally.
- (5) Has the Government established specific criteria for determining if and when local suppliers will be given any preferential treatment.
- (6) Has the Government made any assessment of the multiplier effects on the ACT economy from the Government purchasing locally.
- (7) What specific environmental guidelines does the Government have in place in relation to Government purchasing activities and what are the details.
- (8) Does the Government apply any purchasing guidelines to activities that are funded by the ACT Government; if so, what are the details.

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

- (1) The Government's current Purchasing Policy framework consists of the statement of the ACT Purchasing Policy.

The ACT Purchasing Policy statement includes key principles which can be summarised as:

- . Value for Money;
- . Open and Effective Competition;
- . Buy Locally;
- . Ethical and Fair Dealing; and
- . Environmentally Responsible Purchasing.

The Policy is also supplemented by related policies, manuals and guidelines, including the Purchasing Manual and circulars; the Disposal Policy; consultancy guidelines; Quality Assurance Policy for goods and services; Information Technology purchasing guidelines; Competitive Tendering and Contracts guidelines; Competitive Neutrality in the ACT guidelines; Code of Ethics in Procurement; and the Code of Tendering.

This policy has been adopted by the Government and forms the basis for all Government purchasing.

The Chief Executives of each agency are also required to issue Financial Instructions specific to their respective agency functions.

These documents are reviewed regularly to ensure they reflect administrative reforms and the changing public sector environment.

- (2) ACT Purchasing Policy became effective on 1 January 1995. In the initial stage of the review of the policy, the opportunity to provide community input was publicly advertised. The Policy was developed in consultation with a joint local industry and government working party. The views of local industry were paramount in the enhancement of the previous purchasing policy. The Policy, whilst retaining the previous policy principles of 'value for money' and 'open and effective competition' introduced a new objective:

“Government purchasing is to be aimed at maximising the opportunity for the procurement of Canberra Region industry goods and services consistent with the principles of *best value for money* and *open and effective competition*.”

The primary tool used in the implementation of the Policy is the Government's Buyers and Sellers Information Service (**basis**).

The objective of maximising the opportunities for local suppliers requires agencies to:

- . have a focus on the Canberra (local) region, actively supporting local suppliers;
- . seek at least one quotation from local suppliers for goods and services valued below \$2,000;
- . seek at least three written quotations from local suppliers for purchases between \$2,000 and \$50,000 (purchases above \$50,000 are normally publicly advertised);
- . seek a Canberra Region Industry Plan for purchases over \$1m (discussions are underway with the construction industry concerning application of the Plans to Capital Works purchases);
- . consider the benefits of buying locally in all purchasing activities;
- . use ACT Government Common Use Contracts (sometimes known as period contracts);

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- . debrief unsuccessful tenderers to enable them to be more competitive in the future;
- . establish and maintain business level contact with local suppliers; and
- . actively consider the opportunities for developing 'partnering' arrangements with local suppliers.

A purchasing awareness program has also been conducted resulting in 406 ACT Government staff being trained in the principles and objectives of the Policy since 1995.

- (3) The Government has not adopted any explicit policy about the proportion of Government purchases which should be made locally. Such a policy would be in conflict with the spirit of the Government Procurement Agreement and the National Competition Policy. Parties to these agreements have undertaken not to apply any preference arrangements which favour suppliers based within their jurisdiction.

The Government's policies whilst complying with inter jurisdictional agreements provide local suppliers with maximum access to business opportunities. The effectiveness of these policies is supported by statistical information from the ACT Government Gazette which indicates that 87% of all suppliers tendering are local firms and that 93% (by value) of contracts gazetted are awarded to local firms. (1996-97 information to 31 March 1997).

My Department is currently examining the options available to extract purchasing statistical information from agencies' financial management systems. This will enable the Government to more accurately monitor purchasing trends and patterns and ensure its policies are achieving the desired outcomes.

- (4) The ACT Government is a signatory to the Government Procurement Agreement as are all State, Territory, Commonwealth and New Zealand governments. The principles of the Agreement provide that the Parties will ensure Australian and New Zealand suppliers are able to compete on an equal basis for government contracts and that preference schemes will not be applied based on the State of origin of goods and services. The principles of the National Competition Policy also aim to develop an open, integrated domestic market for goods and services by removing unnecessary barriers to trade and competition.

However, the Government is aware of the benefits to the local economy from buying locally and uses the Purchasing Policy, **basis** and training programs to educate officers and thus maximise the business opportunities afforded to local suppliers.

- (5) The establishment of specific criteria giving preference to local suppliers would be in conflict with the National Competition Policy and the Government Procurement Agreement. The purchasing guidelines provide a preference to local suppliers when all other value for money considerations are equal.
- (6) The economic benefits of the multiplier effect are taken into account under the Canberra Region Industry Plan which is required to be submitted by tenderers for major contracts. An example is the current InTACT tender process.
- (7) As part of the value for money principles, the ACT Purchasing Policy requires purchasing officers to consider the environmental factors when purchasing goods and services.

Environmental issues are also highlighted in policies for Paper Recycling and Disposal of Assets, and in ACT Government tender and contractual conditions. The Department of Urban Services is currently developing a more comprehensive Environmentally Responsible Purchasing policy expected to take effect in 1997.

- (8) Where the ACT Government provides funding or grants these are subject to the conditions of the particular funding arrangement or grant and are not part of the internal requirements of the ACT Purchasing Policy.

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**MINISTER FOR HOUSING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 410**

Housing Trust Properties - Sales

MS REILLY - asked the Minister for Housing and Family Services - In relation to ACT Housing -

- (1) How many three bedroom houses have been sold between 1 February 1997 and 31 March 1997.
 - (a) what was the location by suburb of each of these dwellings sold; and
 - (b) what was the sale price of each of these dwellings
- (2) How many four bedroom houses have been sold between 1 February 1997 and 31 March 1997.
 - (a) what was the location by suburb of each of these dwellings sold; and
 - (b) what was the sale price of each of these dwellings
- (3) How many single dwellings with more than four bedrooms have been sold between 1 February 1997 and 31 March 1997.
 - (a) what was the location by suburb of each of these dwellings sold; and
 - (b) what was the sale price of each of these dwellings.
- (4) Can you detail for each dwelling the repairs and maintenance carried out on each of the dwellings in (1), (2) and (3) before sale and the cost of the work undertaken on each dwelling.
- (5) For each of the dwellings sold as listed in (1), (2) and (3) were they sold by auction or through agent sales or to the sitting tenant.

MR STEFANIAK - The answer to the Member's question is as follows:

(1) and (5)

A total of 36 three bedroom houses were sold by ACT Housing between 1 February 1997 and 31 March 1997. The details of these properties are listed below.

SUBURB	SALE PRICE	DATE SOLD	SALE TYPE	MAINTENANCE \$
NARRABUNDAH	\$160,000	7/2/1997	TENANT	NIL
OXLEY	\$92,500	7/2/1997	AUCTION	\$2,990
WANNIASSA	\$87,500	7/2/1997	AUCTION	\$4,393
WANNIASSA	\$87,500	7/2/1997	AUCTION	\$3,200
DOWNER	\$110,000	14/2/1997	TENANT	NIL
KAMBAH	\$87,000	14/2/1997	POST AUCTION	\$3,589
CHARNWOOD	\$76,000	21/2/1997	POST AUCTION	\$3,880
CHISHOLM	\$95,000	21/2/1997	TENANT	NIL
KAMBAH	\$74,000	21/2/1997	AUCTION	\$4,435
KAMBAH	\$91,000	21/2/1997	POST AUCTION	\$3,610
RICHARDSON	\$87,000	21/2/1997	AUCTION	\$3,060
CHARNWOOD	\$73,000	24/2/1997	POST AUCTION	\$1,630
RICHARDSON	\$86,500	24/2/1997	POST AUCTION	\$3,880
CHISHOLM	\$86,000	28/2/1997	POST AUCTION	\$3,183
FRASER	\$85,000	28/2/1997	POST AUCTION	\$3,581
MAWSON	\$118,000	28/2/1997	POST AUCTION	\$3,840
NARRABUNDAH	\$165,000	28/2/1997	AUCTION	\$4,785
YARRALUMLA	\$212,000	28/2/1997	POST AUCTION	\$2,340
LATHAM	\$83,000	5/3/1997	AUCTION	\$3,755
LATHAM	\$82,000	6/3/1997	TENANT	NIL
AINSLIE	\$136,500	7/3/1997	POST AUCTION	\$4630
CHARNWOOD	\$73,000	7/3/1997	POST AUCTION	\$1,410
RICHARDSON	\$84,000	7/3/1997	POST AUCTION	\$3,420
LATHAM	\$80,000	12/3/1997	TENANT	NIL
KAMBAH	\$82,000	14/3/1997	TENANT	NIL
NARRABUNDAH	\$95,000	14/3/1997	POST AUCTION	\$4679
WANNIASSA	\$80,000	20/3/1997	POST AUCTION	\$4,430
SPENCE	\$94,000	21/3/1997	TENANT	NIL
MELBA	\$95,500	21/3/1997	POST AUCTION	\$2,570
MELBA	\$74,000	21/3/1997	AUCTION	\$3,890
CURTIN	\$136,000	27/3/1997	AUCTION	\$3,925
KAMBAH	\$86,000	27/3/1997	AUCTION	\$4,360
KAMBAH	\$94,000	27/3/1997	TENANT	NIL
NARRABUNDAH	\$93,000	27/3/1997	POST AUCTION	\$1,939
RICHARDSON	\$90,000	27/3/1997	POST AUCTION	\$4,060
WANNIASSA	\$87,500	27/3/1997	AUCTION	\$3,650

(2) and (5)

There was 1 four bedroom house sold in the period between 1 February 1997 and 31 March 1997. It was located in Kambah and it was sold to the tenant for \$95,000 on 28 February 1997. There was nil maintenance involved in the sale.

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(3)

Nil

(4)

All ACT Housing properties sold by auction have basic repairs and maintenance carried out to bring them up to a saleable standard and to increase the sale price. The extent of repairs is determined by the state of the property when it is vacated. The cost of maintenance on each property sold between 1 February 1997 and 31 March 1997 is listed in the table above.

(5)

The method of sale for each property is set out in the table above. The term used is defined as follows:

Tenant	- sold to the tenant for price supported by a licensed valuer;
Auction	- sold by nominated agent at auction;
Post Auction	- sold by nominated agent after auction for price supported by a licensed valuer.

MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 411

Learning Assistance Program

MR MOORE - asked the Minister for Education and Training on notice on 10 April 1997:

In relation to the learning assistance assessments in government primary and high schools for 1995 and 1996 -

- (1) What was the total number of students in each Year level (1 -9) (a) in primary; and (b) in high school at the August census.
- (2) What was the total number of students at each Year level (1-9) identified by the assessments as requiring learning assistance in (a) literacy; and (b) numeracy.
- (3) What was the lowest and highest level of identified need for any school in each Year level in literacy and in numeracy as percentages of the total number of students in each Year level.
- (4) For each Year level, what was the number of primary and high schools with identified needs within the following ranges for literacy and for numeracy: less than 10%, 10-19%, 20-29%, 30-39% and 40% or over.

MR STEFANIAK - the answer to Mr Moore's question is:

(1)	<i>Primary School</i>	<i>High School</i>
	Year 1 3304	Year 7 2688
	Year 2 3238	Year 8 2922
	Year 3 3118	Year 9 2726
	Year 4 3003	
	Year 5 3028	
	Year 6 3136	

(2), (3), (4) The information to answer questions (2), (3) and (4) is not readily available and a very considerable amount of resource diversion would be required to provide the answers to these questions. Furthermore the data that would need to be accessed and manipulated is unvalidated and would vary from school to school because it has never been standardised across schools.

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The priority for officers in the department with responsibility for assessment is the new ACT Assessment Program. This program is now under way in all of our primary schools and will generate the kind of reliable and standardised data that ACT parents have the right to expect. This data will be made available to the ACT community later this year along with an analysis of the information from the superseded Learning Assistance tests. At the same time I will ask the department to provide answers to parts (2), (3) and (4) of your question.