



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

18 June 1997

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Wednesday, 18 June 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.

PETITION

The Clerk: The following petition has been lodged for presentation:

By **Mr Moore**, from 143 residents, requesting that the Assembly pass a Bill allowing for a Territory-wide referendum on the matter of legalising strictly and properly regulated voluntary euthanasia for the terminally ill.

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

Voluntary Euthanasia

The petition read as follows:

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

The petition of certain residents of the Australian Capital Territory respectfully draws the attention of the House to the issue of legalising voluntary euthanasia for the terminally ill.

Your petitioners request the Assembly to pass a Bill allowing for a Territory-wide Referendum on the matter of legalising strictly and properly regulated voluntary euthanasia for the terminally ill.

Petition received.

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FINANCIAL MANAGEMENT (AMENDMENT) BILL 1997

MR WHITECROSS (Leader of the Opposition) (10.33): Mr Speaker, I present the Financial Management (Amendment) Bill 1997.

Title read by Clerk.

MR WHITECROSS: I move:

That this Bill be agreed to in principle.

The purpose of this Bill is to strengthen the provisions of the Financial Management Act which was passed last year. Labor supported the financial management reforms. Indeed, the moves to accrual accounting were started under the previous Labor Government, and Labor believes that the financial management reforms set out in the Financial Management Bill were an important step forward for public finances in this Territory. Mrs Carnell has repeatedly suggested that the new financial arrangements would signal a brave new world in Territory finances, one in which there would be the most open and public disclosure of all the circumstances of the Territory.

I am afraid that the experience of the last 12 months has not always lived up to Mrs Carnell's rhetoric. Like most things, it was more to do with media opportunities than to do with actual personal commitment to the reforms. The need for the amendments which I am moving today has arisen because of the Chief Minister and Treasurer's attempts to thwart, undermine and defy scrutiny of her handling of Territory finances over the last 12 months. I have been repeatedly frustrated personally, and I am sure other members have as well, by Mrs Carnell's blatant and unfettered secrecy. Her rhetoric about open and transparent government is just that - rhetoric. In order for me to do my job properly as shadow Treasurer, and for the Assembly as a whole to do properly its job of scrutinising the Government's finances, these amendments are necessary.

Mr Speaker, let us look at some of the performance of the Government over the last 12 months. One of the key elements of the financial reforms is monthly financial statements, which are required under section 26 of the Act. The intention of the Financial Management Act is clear; monthly financial statements should be that - monthly. While debating this legislation last year, Mrs Carnell was very pleased with herself because, for the first time, monthly financial reporting would be enshrined in legislation. The only problem is that we have not had monthly financial reporting since that time. The first report that the Liberal leader provided to the Assembly was actually provided in November, five months after the start of the financial year. It was a quarterly report, not a monthly report at all. What is worse - and this goes really to the spirit in which she approaches this whole Act - she dumped it on the Assembly in the middle of the night, in the middle of the actual budget debate. We were required to pass the budget on the same night as we actually received the first lot of financial management reporting on the performance of the Government in that financial year. Minimum scrutiny, rather than maximum scrutiny, of what she was doing was obviously her aim.

Since that time, the policy of releasing monthly financial statements has followed a similar lacklustre pattern. One illustration of this is the January financial statement, which was actually released on 28 March, two months after the end of the reporting month. It was released on the Thursday before Good Friday. That was clearly designed to avoid public scrutiny of her financial statement. The March statement then arrived in May, so that it could get lost in the budget coverage. Mr Speaker, we are meant to be debating in this sitting period the Government's budget. But we still do not have any financial statements since the March financial statement. Scrutiny of the Government's performance on financial management is not high on the Government's agenda. The Government's approach has ensured that the Assembly has had the least possible number of opportunities to scrutinise the Government's performance.

As chair of the Public Accounts Committee, I have written to the Chief Minister and Treasurer about the quality of monthly financial statements and the use of phased budgeting. The PAC and I were concerned about the fluctuations in the operating result from month to month and requested an explanation and the monthly targets, to compare whether or not there were really improvements. In November, the monthly statements revealed that we were doing \$4m better than the so-called phased budget; in December, we were doing \$70m better; in January, we were doing \$54m better; in February, we were doing \$62m better; and, in March, we were doing only \$38m better. Such dramatic fluctuations deserve explanation; they deserve a proper justification. Yet Mrs Carnell, the Treasurer, has refused the PAC's request for information about how these phased budget figures were allocated; she has refused to provide them in advance of the end of the month. Effectively, Mrs Carnell announces the target only after the arrow has been fired and has hit; then she paints the target on. Mr Speaker, that is the approach that Mrs Carnell has taken to financial reporting, and we believe it is absolutely essential that we have an objective basis for assessing her month-by-month reporting of finances. It is all very well to talk about improvements in financial reporting, but the improvements have to be real.

The passing of the Financial Management Bill also brought with it outputs-based budgeting, accrual accounting and purchaser-provider models for relationships between Ministers and departments. Such new financial arrangements mean increased knowledge about the true costs of providing services or producing outputs and the performance of departments and their agencies in meeting these costs. Performance measures and the price paid by the Government for outputs are essential tools in managing the Territory's finances. Yet, Mr Speaker, all the monthly reporting, all the reporting that is provided for under the Financial Management Act, relates to inputs, not to outputs. Even though an integral ingredient in the whole approach of the Financial Management Act is a move to output-based budgeting, all of the reporting is of inputs. Purchase agreements were created by the Government as a means of monitoring the performance of agencies, and part of the agreements is the requirement for chief executives to provide quarterly departmental performance reports. I have asked the Chief Minister for these reports in the past. I got a copy of one report, for the Chief Minister's Department only. That report, I thought, was informative and useful; but the Chief Minister has refused to provide any further reports and has refused to provide reports on any other agencies. She has explicitly refused to do so.

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Such information complements the input reporting in the monthly financial statements; it is the other half of the whole and, without reporting on the delivery of outputs, through those performance reports, we simply do not have the whole picture of how governments are working. Knowing that governments are underspending on, say, housing maintenance, as they have done consistently through this financial year, means nothing unless we are also getting performance reporting on whether they are actually delivering on their performance measures in that area of housing maintenance. That is why we need output reporting as well as input reporting, and that is what the proposals in my legislation will do.

Mr Speaker, because of Mrs Carnell's approach, I have found it necessary to propose amendments to the Financial Management Act. Mrs Carnell has not been willing to implement the previous Act in the spirit in which I believe it was intended. The amendments to section 26 relate to monthly financial statements. The second set relates to the quarterly performance reports. The third set relates to information contained in the budget papers. In relation to monthly financial statements, adoption of these amendments will ensure that the Assembly does receive monthly financial statements, and receives them in a timely way; rather than the current arrangement by which they are required to be tabled within three days of the Chief Minister and Treasurer receiving them, which has allowed the Chief Minister to play games by saying, "I received a draft; but I have not received a final".

This has resulted in extreme delays in the receipt of these statements. We have replaced it with a fixed timetable after the end of the month. The legislation requires them to be tabled or circulated within 15 days of the end of the month. I do not believe this is an onerous requirement. Although it is, of course, a fairly tight requirement, I believe it can be done. The Chief Minister obviously needs a firm timetable to work within, and this legislation provides it. Just in case the Chief Minister thinks that she can comply with the timetable by cutting the amount of information in the reports, there are amendments designed to ensure that the level of financial reporting remains as it has been in the past, at a detailed level. The Chief Minister's record on this matter shows that she cannot be trusted and that she needs statutory requirements, and that is what these requirements are.

Mr Speaker, in relation to quarterly departmental reports, the amendments require such reports to be tabled within 30 days of the end of the quarter. The type of information required in such reports has been set out in the provisions of the Bill and mirrors the requirements under purchase agreements. It is not an additional administrative burden on agencies; these reports are produced for Ministers anyway. The Assembly needs information, as I said before, to enable it to keep the Government accountable and to scrutinise the Government's performance so that we know how they are performing and whether they are delivering the outputs, not just how many inputs they have consumed.

Mr Speaker, the third package of amendments relates to the budget papers. The amendments to the information required within the budget papers have been included because the Chief Minister and Treasurer has repeatedly shown that she cannot be trusted. To allow for maximum scrutiny of the ACT budget and the performance of the government of the day, it is important that the papers include comparative figures, year on year. What is the Government's record on this matter? In 1995-96 the budget did not contain comparative figures for the previous financial year.

The Treasurer's explanation for this was that it was because of changed administrative arrangements. The Estimates Committee recommended that she get comparative figures for the following year. Then the following year she came in again without comparative figures. What was her explanation this time? Her explanation was that this time they could not be included because they had changed the accounting system to output-based accrual budgeting and they could not produce comparative figures. The Estimates Committee said again, "We want to see comparative figures next year".

So, what happened this year? Once again the budget papers do not contain the comparative figures that were asked for by the Estimates Committee. What is the Government's excuse this year? The first year it was that they had changed the administrative arrangements; the second year it was that they had changed the accounting system; this year it is that they would not fit on the page. That was their explanation of why they could not provide the figures. That is how committed they are to accountability. The explanation was, "I am sorry; we could not fit them on the page; so, you cannot have them". It shows what a low level of commitment they have to accountability.

Mr Speaker, this Bill also includes amendments pertaining to forward estimates. The Government obviously does not see the need for these to be included in the Act, although they are included in the budget papers. These provisions will ensure that they are included in the budget papers. The provisions in the Act relating to the budget papers fail to require any reference to be made to public trading enterprises. I believe it is important that the budget papers contain information about public trading enterprises, even if these are not budget funded, and my amendment Bill is designed to ensure that such an important arm of government, namely, its public trading enterprises, will have to comply with the same level of reporting and scrutiny as other agencies of government. I believe this is absolutely appropriate. I do not believe the establishment of something as a full-fee cost-recovery unit or as a corporation should exempt it from the same level of reporting and scrutiny as agencies within the general government sector.

Mr Speaker, in conclusion, I believe these amendments are sensible and reasonable. They build on the Chief Minister's work last year in relation to the financial management reforms, which themselves built on Labor's work on accrual accounting when we were in government. Labor believes that, because of the current Government's chequered approach to public reporting of their financial circumstances and their delivery against their performance measures, we had no recourse other than legislation. The amendments are in response to a deliberate and disappointing performance by the Government. The Government has shown that they dislike scrutiny and dislike being questioned. They have demonstrated that they are willing to duck and weave to avoid that scrutiny. The Bill is a sign that Labor in government will act with integrity and transparency. It demonstrates Labor's commitment to high levels of scrutiny and accountability. I urge support for this Bill.

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

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VISITORS

MR SPEAKER: I would like to recognise the presence in the gallery of a politics group from Lyneham High. Welcome to your Assembly.

EUTHANASIA REFERENDUM BILL 1997

MR MOORE (10.50): Mr Speaker, I present the Euthanasia Referendum Bill 1997, together with a copy of the explanatory memorandum.

Title read by Clerk.

MR MOORE: I move:

That this Bill be agreed to in principle.

This is a proposal for a referendum. It seems to me that a range of matters were discussed by members when we debated the issue of voluntary active euthanasia. One of the constant suggestions was that we proceed to a referendum, that we ask the people what their view is on voluntary active euthanasia. Whatever we do on the issue of voluntary active euthanasia, since the Federal Parliament has now passed the Bill that was tabled by Kevin Andrews, we must work within the parameters set by the Federal Parliament. I take this opportunity, Mr Speaker, to foreshadow to you and to members that in the next sittings of the Assembly I will be introducing a piece of legislation which I believe will provide a reasonable regime for dealing with voluntary active euthanasia but which still works within the parameters of the very restrictive Bill put up by Mr Andrews and supported by the majority of members of the Federal Parliament.

Mr Speaker, this Bill is presented to allow for the conduct of a referendum. It relies on the Referendum (Machinery Provisions) Act 1994, which, in turn, relies on the Electoral Act 1994. There has been a widespread process of consultation on this Bill. I made a draft copy available to members and to the public. I had a series of responses to those; and, following those responses, I have modified the legislation, in particular, the questions. Each referendum enabling legislation must be passed by the Assembly, authorising the poll and specifying the unique features of the referendum. It is a particularly easy exercise, thanks to the Referendum (Machinery Provisions) Act.

Clause 3 of this Bill, Mr Speaker, provides for interpretation of the terms in the Bill. Clause 4 sets out the date for the referendum, that is, the 1998 election; and, if there is a conflict with a Federal election, then the date will shift; but this referendum will shift with it. The next clause provides some details on the form of the ballot paper. I should point out to members that I did provide a copy for the Electoral Commissioner, who made some comments, and I made modifications according to the comments of the Electoral Commissioner.

Clause 6 relates to the published cases known as authorised statements. Those members who were in the last Assembly may well remember, when we dealt with the referendum entrenching Hare-Clark, those who voted for the referendum did the Yes case and those who voted against it - and it was only Dennis Stevenson who voted against it - did the No case. To me, that is a reasonably unsatisfactory system because there will be people, I am sure, whenever there is a referendum issue out, who have different views on what they think the referendum should come to but who agree that we should have a referendum. Under those circumstances, we need to use a slightly different technique to ensure that we get a solid Yes case and a solid No case, which the Electoral Commissioner can then distribute to each and every voter in the ACT. So, clause 6 provides for that.

Then, Mr Speaker, there is a Schedule to the Bill. The Schedule specifies the text of the two proposed questions. We give a definition to start off with. The Schedule states:

In these questions “voluntary active euthanasia” means the termination of the life of a mentally competent adult person at his or her request if he or she has a terminal illness and is enduring pain and suffering that he or she considers intolerable.

1. Do you believe that voluntary active euthanasia should be permitted by law?
2. Do you support the following statement?

The people of the ACT call on the Commonwealth Parliament to restore to the ACT Legislative Assembly the power to make laws with respect to voluntary active euthanasia.

Mr Speaker, you would probably be aware that the original version that I circulated had three questions. A number of people approached me and suggested that one of the questions was redundant because it was effectively taken up in the final question. I agreed with that comment and thought that the simpler a referendum can be the better.

Mr Speaker, the Andrews Bill passed through the Federal Parliament; it passed easily through the House of Representatives and just snuck through the Senate. Had two senators changed their vote, it would have gone the other way. Nevertheless, it is now legislation. I think many of the senators would have been very surprised at the outrage expressed by people in the Territories and around Australia when that appalling piece of legislation passed through the Federal Parliament. I know that, even within this Assembly, people who oppose my views on voluntary active euthanasia also are appalled at the legislation going through the Federal Parliament because of the interference in the ability of people within this legislature to deal with this issue. It is interesting to note that it was easier, of course, for Federal members to vote as they are one step further removed from the people than are members of this local legislature; the representation here is much more intense.

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Mr Speaker, what has become clear is that the public demand is there; it must not be ignored or denied. When I began this process of dealing with voluntary active euthanasia there was a fairly quiet support element. When people were asked the question, they supported voluntary active euthanasia, but they were not particularly active in that support; whereas there was always a very strong anti voluntary active euthanasia cause - the people with whom Mr Osborne and other members have worked quite closely. What has come out of the Andrews Bill is a very strong and growing movement for voluntary active euthanasia, which reflects the overwhelming view of the community that people who are in great pain and who are suffering should be able to make this choice. What has occurred is that a national campaign for compassion is under way and will continue; and that national campaign can be seen in the national referenda petitions which have been distributed right around Australia and which are being assisted particularly by the work of the Democrats in the Senate and in other parliaments throughout Australia.

There is just one point I would like to make, Mr Speaker. When I originally suggested that we have this referendum, the Chief Minister and others said, "No; we should not; it is much too expensive", because that was the best argument they seemed to be able to come up with. This came from a party who have tabled in this Assembly legislation for citizens-initiated referenda, which, of course, is a very expensive exercise in itself.

Mr Osborne: What is it going to achieve?

MR MOORE: I will come to Mr Osborne, who interjects, "What is it going to achieve?". I will come to that in just a second; you remind me. But the first point is: What of the expense? The Chief Minister was talking of \$400,000 or \$500,000. Absolute nonsense! The last referendum we had cost us \$180,000, with very close to 180,000 people on the electoral roll voting. We could expect that this referendum would cost \$200,000 at the outside, or less than the cost of buying the *Canberra Times* that morning. That is the sort of cost we are talking about. For that, we will understand what the people's view is; we will understand whether or not people are appalled by the actions of the Federal Parliament; and we can send them a clear message.

"What will it achieve?", says Mr Osborne. First of all, we will be sending the Federal Parliament a message. Secondly, one of the reasons that I foreshadowed that there will be other legislation on voluntary active euthanasia introduced into this Assembly is that it will show you, Mr Osborne, that, in fact, we do still have the power to legislate in some ways; and that will be an enticement and encouragement for people in this Assembly to vote in accordance with the way people view the issue. I know, Mr Osborne, that, no matter what the people say - even if 95 per cent of the people were to have the opposite view - you would still vote against this; and I respect that. I do not respect your interrupting all the time, but I do respect that. If I believe in something strongly enough and I am out of kilter with the people, I will vote for it and answer to the people at the next election. I just warn you, Mr Osborne, that, if it is 95 per cent, you are in strife. But it is not, and I understand that position.

Why is it that you would resist a referendum on an issue that clearly is important to so many people? I will tell you why you resist it, Mr Osborne: You are frightened of the results, because you know exactly what the results will be. You know there will be overwhelming support; you know there is overwhelming support for - - -

Mr Osborne: You are too frightened to go out with the police to see the results of the 4 o'clock close.

MR MOORE: Here is another interruption, about 4 o'clock closing. We will get to that later today.

MR SPEAKER: Do not pre-empt debate.

MR MOORE: Mr Speaker, I commend this legislation to the Assembly.

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

**LEGISLATIVE ASSEMBLY
(BROADCASTING OF PROCEEDINGS) BILL 1997**

MR MOORE (11.02): Mr Speaker, I present the much less controversial Legislative Assembly (Broadcasting of Proceedings) Bill 1997, together with an explanatory memorandum.

Title read by Clerk.

MR MOORE: I move:

That this Bill be agreed to in principle.

I think this is a very important piece of legislation. Members will be aware that currently I have on the notice paper a piece of legislation relating to the broadcasting of proceedings of the Assembly. Mr Speaker, once this piece of legislation is on the notice paper, then it will be appropriate for us to withdraw the previous Bill. You will notice on the daily program a motion to discharge the order of the day for the other broadcasting of proceedings Bill. I did discuss, Mr Speaker, with the secretariat what would be the best way to proceed. It seemed to me that I could have prepared this legislation as an amendment to the existing legislation; but it seemed much more sensible, since there were some fairly substantive changes, to withdraw that other Bill and to replace it with this Bill.

The intention of the two Bills is exactly the same. The current piece of legislation, which I have just tabled and which I have just moved be agreed to in principle, reflects the view of the Assembly committee and the Government response. It has been through a very long process and, for me, I must say, much too long a process to get to the position where our democracy is enhanced by there being widespread publication of proceedings of the Assembly, with the authorisation of the Speaker.

Mr Speaker, the Bill covers the broadcasting to the public and the internal transmission to ACT government offices. It confers a defence against defamation for broadcasts of proceedings. Part 2 of the legislation - clauses 4, 5 and 6 - relates to broadcasting to government offices; and part 3 relates to broadcasting to the public. I think the most

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significant part of the legislation is that it does provide the power in the hands of the Speaker, having been guided by the Administration and Procedure Committee as to methodology, to permit broadcasting of Assembly proceedings; and then, further, that it allows the withdrawal of that permission. If that permission is abused, then the television station or the radio station which does so will simply miss out the next time. I think that is an effective penalty for abuse of what I think is an important privilege.

Mr Speaker, it does raise another issue for members to consider and perhaps to consider should they be in government after the next election, whichever side is in government, and that is the necessity, as I see it, to provide a set of cameras within this chamber in order to record proceedings as a matter of course, in the way they are recorded in the Federal Parliament, and to have that control in the hands of our administrative staff so that the television stations do not have to be in this chamber with their cameras. It will be recorded, and tapes can be provided for television or for radio. It seems to me that that is in many ways a much more effective way of going about it.

I realise there is a cost involved in that; and, of course, that will have to be considered amongst other priorities for funds; but the costs of running a democracy and ensuring a sturdy democracy are also particularly important and need to be taken into account. I think that this legislation will raise the profile and the reputation of the Assembly. Ordinary people will see us, as they do on television, at our work. I must say that our two previous experiments with this process - for the budget and for the debate on the euthanasia Bill - indicate that it can be used well. We should follow that process and encourage it.

There is something else that I think is particularly interesting about this legislation, Mr Speaker. Following the appropriate processes, it will also allow, for the first time, broadcasting of the proceedings of the Assembly committees. I think often, when people look at parliament, they say, "Oh; you sit for only 50 days, 47 days or 42 days a year". The perception is that that is where all the work is done. I think, having committee work, including actually what is said in committee, brought to the public will have the extra advantage of enhancing the reputation of the Assembly. Ordinary people will understand the style of work that is done within our Assembly, when the Assembly is not actually sitting.

Mr Speaker, I think there are quite a number of advantages to this legislation. I know members have considered, in detail, the broad process. I hope we will be able to bring it back on very quickly. I will be seeking, at the next Administration and Procedure Committee meeting, to have this brought on as early as next week. There is nothing new in the legislation; it is really just for members to check through and ensure that it does actually do what the committee process asked it to do. I believe it does. I would hope that we would be able to enhance these democratic processes as quickly as possible. Mr Speaker, I commend the Bill to the Assembly.

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

**LEGISLATIVE ASSEMBLY
(BROADCASTING OF PROCEEDINGS) BILL 1995
Discharge from Notice Paper**

MR MOORE (11.09): In accordance with standing order 152, I move:

That order of the day No. 1, private members business, relating to the Legislative Assembly (Broadcasting of Proceedings) Bill 1995, be discharged from the notice paper.

Mr Speaker, as I explained in introducing the previous Bill, this just discharges the original Bill from the notice paper.

Question resolved in the affirmative.

ACTION BUS SERVICES

MR WHITECROSS (Leader of the Opposition) (11.09): Mr Speaker, I move:

That this Assembly reaffirms the motion passed on 31 May 1995:

“That the Government must receive the support of the Assembly before taking any measure towards corporatisation of ACTION” -

which has not happened yet -

“the leasing of any part of ACTION services, or giving approval to any other operators for the provision of regular scheduled public transport services within the ACT”.

Mr Speaker, it has become necessary for this Assembly, I think, to reaffirm its position in relation to this matter because of the attempt by the Government to give approval to another operator for the provision of regular scheduled public transport services within the ACT - namely, approval for Deane's buses to pick up and set down passengers within the ACT. Mr Speaker, it seems to me that it is a matter on which it is essential that this Assembly take a strong stand. This Liberal Government has shown, over the past 2½ years, that it cannot be trusted with public transport in Canberra. For 2½ years, we have seen the Government relentlessly pursue its policy of cutting back the public transport system.

Mr Speaker, they have cut \$12.7m out of public transport. They have also put their costs up by selling off the buses and forcing ACTION to lease them back, at a cost of \$1m more than the debt servicing cost. Mr Speaker, that so-called initiative of the Government last year foundered only because the Taxation Office would not let them rort the tax system in order to do the lease arrangement. So, when the Taxation Office pulled the pin on that arrangement, ACTION was the happy beneficiary of a change to its arrangements, which actually improved its situation compared to what it would have been if the Government had got its way in the first place.

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But, Mr Speaker, to return to my main point, the Government has taken \$12.7m out of ACTION over three years. They have done this, not by improving the efficiency of operations and not by enterprise agreements which have changed work practices, such as the introduction of part-time drivers, which Labor did. They have done it by one simple mechanism, and that is by cutting back the service. We have seen three successive timetables introduced by this Government designed to cut back on the services provided by ACTION to the commuters of Canberra. We have seen them reducing the frequency of services, reducing late night and weekend services, cutting out Nightrider services and cutting back on school bus services. These are the people who promised us free school buses, but they have cut back on the school buses that they actually do run.

Mr Speaker, that has been their record in relation to this - a record of winding down the public transport system. While they have been winding down the public transport system, they have also been hiking the fares by a massive 50 per cent over three years. The Chief Minister, who went to the last election saying, "Not one cent more", has managed to get away with increasing fares for ACTION by 50 per cent. So, Mr Speaker, what has been the cumulative effect of those policies? The cumulative effect has been to drive patrons off the buses and to make the buses less attractive. Mr Speaker, they have been pulled up, in this relentless drive towards winding back the public transport system in the ACT, only by their own polling and by the Graham report, which came out and recommended that they reverse all the decisions they had made over the previous 2½ years; that they increase the frequency of services; and that they introduce more of Labor's style of express services, which bypass interchanges, to get passengers to where they need to go more quickly.

Mr Speaker, the report recommended that they get rid of the holiday timetable that the Liberals have imposed on the community for the last two years, which has created chaos for bus commuters who happen to work over the Christmas holidays and who need the buses to get to work. It recommended that they restore the quality of evening services and weekend services and that they look at running late-night services from nightspots such as those in Civic; for example, the Nightrider service that was previously cut. Mr Speaker, these are all recommendations of the Graham report to reverse the direction of the Liberal Party policy over the last three years. I spoke yesterday about how much I think we should be trusting the Liberals to get that right, given their policy over the last three years.

Mr Speaker, my motive in moving this motion today is to get the Assembly to reaffirm our previous resolution, given the Liberals' record in relation to ACTION buses, a record which we could only anticipate on 31 May 1995. We have now had a further two years to see what their record means in practice. It is a record of cutting back, a record of hiking costs, a record of trying to dismantle the public transport system in Canberra. That record, Mr Speaker, is all the more reason why we need to reaffirm that the Government cannot lease out ACTION services or give approval to other operators to operate regular scheduled services within the ACT because, if they are given an inch, they cannot be trusted not to use it to undermine the public transport system in Canberra. They cannot be trusted not to use it to undermine the recommendations of the Graham report to improve public transport in Canberra.

Mr Speaker, the justification of the Government for allowing Deane's to set down and pick up passengers within the ACT was that ACTION was not providing a service on that route. But it seems to me that this goes to the nub of the problem. This Government has cut back services consistently over the last 2½ years, and then it uses the fact that there is no service as a justification for allowing a private operator to pick up and set down on that route. Mr Speaker, I think that it would sit much better with the Government's professed commitment to the principles outlined in the Graham report and with its professed commitment to public transport in the ACT if it investigated the feasibility of providing an ACTION service on that route, if the demand exists, for picking up and setting down passengers on the route, rather than using the Government's own cutbacks as a justification for allowing a private operator onto the route.

When we passed this motion on 31 May 1995, all we knew was the Government's worst intentions for public transport in the ACT. After 2½ years, we have seen their worst intentions realised in a relentless attack on public transport in the ACT. We now spend \$10m less than the Grants Commission says that we need to spend to provide an average service - and our service is well below average. Mr Speaker, we need strong support from this Assembly as a signal to the Government that we do not appreciate its undermining of public transport in the ACT and that we do not believe that it ought to be allowing private operators onto routes to provide regular scheduled services within the ACT. If there is a demand for those services, we have a public transport authority - ACTION - and it can provide the services. So, Mr Speaker, if the demand for the service is there, let Canberra's public transport system provide the service. We do not need to allow private operators to provide regular scheduled services in the ACT.

If the Government wants us to change our mind on that, let it do the feasibility study first. Let it come to us with a detailed justification. Let us not have a situation where the Government says, "Let us go in blind and try this and see whether it makes any difference". We heard that argument some time back about 4.00 am closing, and then we got a report which showed that what Labor had been saying all along was right. We heard that argument about shopping hours, and then we received a report which said that what Labor had been saying all along was right. The problem with this Government is that it never wants to do the work up front before it makes a decision. The Government always says, "We will make the decision and then we will see whether it was the right one later". Mr Speaker, if they want to introduce a private operator in the ACT, let them demonstrate why the service cannot be provided by ACTION. Let them demonstrate why it needs to be done.

Mr Speaker, the Government has the ball in its court. That is what this resolution was about on 31 May 1995. That is why I am calling on the Assembly to reaffirm it today. The ball should be in the Government's court to justify and persuade us, rather than allowing it to continue to undermine the public transport system in the ACT. They cannot be trusted with our public transport system. We need to ensure that they are not given carte blanche to undermine the public transport system now.

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MR KAINE (Minister for Urban Services) (11.20): Mr Speaker, the Leader of the Opposition sometimes confounds me, first of all, with the idiotic things he does and, secondly, with the idiotic things he says. To stand up and say that the Liberal Party cannot be trusted on this issue is a case of the pot calling the kettle black. I submit to people such as the Greens and Mr Osborne, who are interested in this debate, that they should look very carefully at Mr Whitecross's performance. From the very basis of the motion he has put forward to the Assembly today, he is attempting to mislead people as to what the original motion was that we endorsed. He has very carefully left off the words Ms Horodny used in explanation of what her motion was about. Those words were quite explicit:

This motion is about the corporatisation, privatisation and leasing of the services and structures of ACTION. It is not about limiting the incidental services provided by interstate operators ...

In other words, Ms Horodny's motion was simply not about the service that Deane's provide; yet Mr Whitecross puts forward the original wording of Ms Horodny's motion today and says, "This is what the motion was", and tries to misrepresent it - a typical Whitecross course of action. To say that we cannot be trusted, while pretending that the Labor Party can, is a fascinating little exercise in deception.

What is this motion really about? It is clearly not about providing a better service for the travelling public, because he wants to deny those people who would use the Deane's service between Canberra and Queanbeyan the right to do so. It is not about saving any money for the ACT taxpayer. He has made it clear that he is criticising us for reducing the operating costs of ACTION. There is no concern whatsoever in this motion by Mr Whitecross to serve the interests of this community in any way. What, then, is his constituency? It is quite clear that his constituency is the officials of the TWU, who have a case to present which protects their interests - not the interests of the travelling public, not the interests of the ACT taxpayer and ratepayer, but the interests of the TWU.

In the report that was tabled yesterday, Roger Graham made it quite clear that one of the major difficulties of ACTION is the restrictive work practices. Those work practices were not put in place by a Liberal government; they were put in place during five years of Labor government. It is demonstrated now, once we really have a look at the issue, which the Labor Party never did, that one of the major constraining factors on ACTION buses running efficiently and in the interests of the community is these restrictive work practices. First of all, they mean that 25 per cent of a driver's paid time is unproductive and, consequently, that increases the operating costs of ACTION. So who are these people to say, "You cannot be trusted."? Mr Whitecross carefully did not say that his constituency in this issue is the officials of the Transport Workers Union, but he knows that that is what this is all about, absolutely and unequivocally. He criticised us for reducing the expenditure on ACTION. I remind him, Mr Speaker, that the reduction over the last five years was largely achieved during a Labor government. Almost all of the \$21m cost saving to the taxpayer that has been achieved was achieved under Labor governments. Mr Connolly was very proud of the fact that during his tenure they reduced the public cost of running ACTION buses. Now it suits Mr Whitecross to repudiate that and to try to lay the blame for the reduction of the money going into ACTION on this Government.

This Government realised that there were problems with ACTION, and we commissioned a comprehensive inquiry into what the fundamental problems were. We have had that report. The Labor Party could have done that at any time during the five years it was in office; it did not. It did not care. It was busily featherbedding the interests of the TWU members who support it, and to hell with the travelling public. Now they have the effrontery to come into this place and say that this is all the fault of the Liberal Party. Mr Speaker, it is not. I totally refute the allegations made by Mr Whitecross. I know he has to get out there and make a running. I know he has discovered that nobody knows who he is, so he has to get out there and try to say a few controversial things and get his name up in the media. But he will not achieve it in this way. The public in the ACT are too enlightened to be conned by this kind of duplicitous debate that Mr Whitecross is entering into.

One would think, from the reaction of the Labor Party and the Transport Workers Union, that we were destroying ACTION, that there was a massive attack on ACTION. All that has happened is that we have allowed to pick up passengers an operator from interstate who has been operating a service into Canberra that has been in existence since 1926 with the constraint that its buses had to drive past passengers standing on the roadside and not pick them up. If it was raining or snowing or sleeting, they had to drive past and leave them there, in the hope that one day along would come an ACTION bus to pick them up. In the days of the Labor Party, there were many occasions when they did not turn up. What we are saying is that, if a Deane's bus is passing an ACTION bus stop and there are passengers standing there waiting to go somewhere and no ACTION bus is in sight, they can get on. Is this going to destroy ACTION?

Have they bothered to inquire just how many passengers are involved in this massive transportation exercise? Of course they have not, and they do not care. They pick this issue up and try to turn a molehill into a mountain. Mr Speaker, you cannot build molehills into mountains. You certainly cannot do it in this way. Either they are totally unaware, or they do not care, that there is a reciprocity in this; that, in exchange for Deane's being able to pick up passengers and drop them off within the boundaries of the Australian Capital Territory, we may have the reciprocal right of taking ACTION buses into Queanbeyan. This then is an opportunity for ACTION to prove that it is, and can be, a competitive operation, that it does not need the protection of a monopoly, if and when the opportunity arises. Why is the TWU so sensitive about this issue? Do they suspect that they cannot run a bus system that can be competitive? Is that the problem? If that is the problem, I think the travelling public is not going to have much sympathy for them.

Mr Speaker, this is a nonsense issue. I am amazed that the TWU and the Labor Party are attempting to turn it into something larger than life. It is a very minor issue. It has very little to do with the current operations of ACTION. It opens up a new possibility for ACTION that has not existed before, that is, on a reciprocal basis to tap into the potential customers in Queanbeyan. Where, then, is the problem? Mr Whitecross carried on with a great deal of rhetoric, but he did not indicate quite what it was that was the problem. The answer is that there is none. Mr Whitecross, yet again, has picked a dud issue on which to try to create an image and a reputation. It will not wash. I do not support it.

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Ms Horodny has an amendment she intends to put. By and large, we have no difficulty with that amendment; but at the appropriate time I will be moving some amendments to Ms Horodny's amendment, which I think she and I have agreed make it more acceptable. I will introduce those proposed amendments in due course.

MR SPEAKER: Ms Horodny, would you like to favour us with your comments and your amendment?

MS HORODNY (11.30): I will not move the amendment yet. I will just speak to the motion, Mr Speaker. We will support this motion. Obviously, it was our motion in the first instance and the issues raised in it are just as relevant now as when they were put up in 1995. We are a little confused, though, about what Mr Whitecross is saying about this motion, because it does not seem to lead to anything. The issue has arisen because of the proposal by Deane's Buslines to allow it to pick up and set down passengers within the ACT on its existing services between Civic and Woden and Queanbeyan. Mr Whitecross's motion still leaves this proposal up in the air, I believe, because it is unclear how this motion would apply to the Deane's proposal. I have foreshadowed an amendment to the motion that addresses the Deane's proposals so that the Assembly can clarify its views on this proposal.

It has been reported in the media recently that when I put up this motion I said that the issue was primarily about corporatisation, privatisation and leasing of services and structures of ACTION and was not about limiting incidental services provided by interstate operators who were already providing services into and out of the ACT. The question arises, then, of whether the Deane's proposal is just an incidental service that is providing an improved public transport service along the routes it is currently operating on anyway or whether it is taking away passengers that ACTION should rightly be collecting. If there is a demand within the ACT for better public transport services in this area, the question arises as to why ACTION is not providing this service.

There are already some ACTION routes that service the particular routes Deane's buses follow - the 313, the 360, the 361 and the 265 - and they provide services along part of the route between Queanbeyan and Civic on the weekends. Route 265 provides services along part of the route between Woden and Queanbeyan. Could the services on these routes be upgraded if there is indeed an unmet demand, as claimed by Deane's? At this stage, I do not know what the total answer to that is, which is why I am very happy for this trial to proceed to give us more information.

Given the release just yesterday of the review by Roger Graham of ACTION's services, which points out a range of problems with ACTION, we also need to know how the proposed upgrade of public transport services between Canberra and Queanbeyan interacts with the implementation of the Graham review. If there is to be a major restructure of ACTION's services, this is a good time to review the linkages to Queanbeyan and how ACTION could best provide those. It should be noted that, in geographic terms, Queanbeyan is closer to the centre of Canberra than are most of the outlying Canberra suburbs, and we know that there is considerable movement of people between the two cities for work and other activities. It is time we looked more closely at how the public transport systems in the two cities are interlinked and attempted to resolve

the difficulties of integrating a private bus system in Queanbeyan and a public bus system in Canberra. My foreshadowed amendment to the motion requires the Government to report back to the Assembly on the outcome of the trial. If the Government wishes to continue with this new service, it will need the approval of the Assembly, which is consistent with my original motion, to which Mr Kaine wants to make some amendments.

What the Greens want in the ACT is a demand-oriented bus service, and the Government has now said that the Graham report, which they tabled yesterday, is consistent with the sorts of changes they want to make. They have said that they want to implement all the recommendations of that report.

Mrs Carnell: So did the Labor Party.

MS HORODNY: Yes, and that is a good thing. At this stage we do not know what the demand is along the Deane's bus routes, so I am definitely not against the trial. Let us have the trial. The information we get from that trial can only help the restructure of ACTION and may create the impetus for ACTION to provide better services, particularly along certain routes. Let us see what the trial produces and then let us see how we can use that information to improve our bus service for all Canberrans and improve the service between Canberra and Queanbeyan.

I move as an amendment to the motion:

Add "and that:

- (1) the proposed 8 weekend trial by Deane's buses to pick up and set down passengers within the ACT proceed;
- (2) the Government provide a report to the Assembly on the outcomes of the trial, including information on patronage levels achieved by Deane's buses on these services, and any impacts on patronage levels on related ACTION routes;
- (3) if the Government wishes to continue this service on a permanent basis then it must also provide a report to the Assembly on how this service would integrate with the implementation of the Graham Review of ACTION's services and other options for improving public transport services between Canberra and Queanbeyan, eg whether ACTION could provide this service;
- (4) the Government must receive the support of the Assembly before entering into any further agreement with Deane's Buslines to allow its buses to provide services within the ACT."

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MRS CARNELL (Chief Minister) (11.37): Mr Speaker, I think it is important to get back to what this motion is about. It is not about corporatisation or privatisation of ACTION; it is about an amazing situation where those opposite seem to believe that buses should drive past people who are waiting for a bus.

Mr Humphries: And leave them there.

MRS CARNELL: And leave them there. What those opposite want to happen is for somebody at Macquarie Hostel, on the route of one of the Deane's buses, who is interested in catching a bus, to stand there and wait, potentially for another half-hour or whatever over a weekend, for an ACTION bus rather than hop on a Deane's bus. This is the *Yes, Minister* approach to buses: Buses are a lot easier to run if you do not pick up passengers.

Mr Berry: You do not understand how buses operate.

MRS CARNELL: Mr Berry is making a comment there. Mr Berry had the same *Yes, Minister* approach to hospitals. He did not know how many patients he was treating, Mr Speaker. He did not have a clue.

Mr Berry: No; I said Mrs Carnell was a wacko.

MR SPEAKER: You should not be interjecting anyway.

MRS CARNELL: I think he should withdraw that, too.

MR SPEAKER: I think that probably is a bit provocative.

Mr Berry: I withdraw that.

MRS CARNELL: That is fine. I really do not mind. What we have is Mr Berry, the person who did not know how many patients he was looking after, the person who had all these phantom patients floating around his hospital, making comments about this situation.

It is important for us all to understand exactly what this proposal is. I think people may have lost sight of it. The department has entered into a memorandum of understanding with Deane's to trial for two months, as set out in the MOU, picking up and setting down passengers in the ACT on the routes it is already going down. Deane's will be permitted to pick up and set down passengers on all stops on route 830 from Queanbeyan to Civic and route 831 from Queanbeyan to Woden on weekends only.

This is a pilot only; it will operate for two months. Deane's are allowed to pick up passengers they would otherwise drive past. Those opposite seem to think it is a much better deal for them to drive past them. For the life of me, I cannot understand why it improves the service for the travelling public in the ACT to be driven past by a Deane's bus rather than be picked up by the bus, which is already going down that path.

From what Mr Whitecross said, he seems to think that, if there is a person waiting there and the Deane's bus is driving past, that is exactly what should happen, and we should put an ACTION bus on the same route to pick up that person rather than let a bus that is already driving past pick them up. How absolutely ridiculous!

The MOU, or the agreement, stops predatory pricing, so it stops either ACTION or Deane's undercutting each other to pick up each other's passengers. In other words, the price will be the same. Not only are we saying that Deane's can pick up passengers in the ACT, but we are also not saying that ACTION cannot pick up passengers in Queanbeyan. In fact, quite the opposite is the case. The MOU says that Deane's Buslines will raise no objection if ACTION seeks reciprocal rights to operate services to and from Queanbeyan which are currently operated exclusively by Deane's buses, specifically to Harman and Oaks Estate. It sounds to me like extra services here. It seems to me that people in Oaks Estate, Harman and other places on those routes might get an improved service.

Those opposite obviously think an improved service is simply no good at all. What is wrong with a resident of Canberra catching a Deane's bus from Macquarie Hostel in Barton to Fyshwick? The Deane's bus is going past Macquarie Hostel to Fyshwick. Why should they not hop onto the bus at the same price? I am sure that people who are at Macquarie Hostel right now would at times like to go to Fyshwick at a time when the Deane's bus is passing Macquarie Hostel. It would seem quite logical to me; but, if they do not want to hop onto a Deane's bus, they do not have to. We are just giving them more choice, and for a trial time, to see whether this improves the service to the travelling public in the ACT and, for that matter, improves the service potentially to the travelling public in Queanbeyan as well. What we are talking about here is something that is basic commonsense; but it seems that those opposite, Mr Whitecross in particular, would rather look after his mates, and I think a very few mates, in the TWU than make sure that our travelling public, people who want to move around our city at times when there may not be an ACTION bus going down that particular route, have an opportunity to do so at the same price.

I come back to where I started. Those opposite cut ACTION budgets by \$10m over three years and they cut the number of buses on ACTION routes quite significantly; yet they have the hide, the gall, to get up and make the sorts of comments Mr Whitecross did. Mr Whitecross obviously does have a *Yes, Minister* approach to buses. He does believe that buses should go past passengers who want to be picked up if they are not run by his mates in the union: Bugger the travelling public, let us make them not be able to catch a Deane's bus from Macquarie to Fyshwick or from Fyshwick back into Civic because, let us be fair, it is not an ACTION bus and it is not run by Mr Whitecross's mates. It is not acceptable, Mr Speaker. We do not want a *Yes, Minister* approach to buses. We want an integrated bus system where Deane's can, if they are going past passengers, pick them up, and if ACTION are going into Queanbeyan they can do the same. It is only sensible to have an integrated system, and all this is is a two-month trial.

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MR KAINE (Minister for Urban Services) (11.44): It might be appropriate, since Ms Horodny's amendment is being debated, for me to seek leave to move together my amendments to Ms Horodny's amendment.

Leave granted.

MR KAINE: I move:

- (1) Paragraph (2), after the words "outcomes of the trial", insert the words "in the first sitting week in August 1997".
- (2) Paragraph (3), insert, before the existing words, the words "if the trial is deemed successful, the interim arrangements may continue during consideration by the Assembly of the report, but".
- (3) Paragraph (4), omit the paragraph.

First of all, I would like to commend the Greens. At least they see the merit of conducting a trial. They do not have closed minds, like the Labor Party, and they are prepared to see the trial conducted, which seems to me to be a sensible thing. Their amendment indicates that they have a genuine concern that this might get out of control and could become a permanent thing without the Assembly having the opportunity to make some judgment on that.

My amendments are aimed at enabling that review process the Greens would wish to see. I am amending paragraph (2) of their amendment by inserting the words "in the first sitting week in August 1997". In other words, the report on the trial has to be submitted to the Assembly immediately the trial is concluded, which will give the Assembly the first opportunity to judge whether this is a good thing or a bad thing. The second amendment is to their paragraph (3), in which I have added the words "if the trial is deemed successful, the interim arrangements may continue during consideration by the Assembly of the report". That allows the Assembly to consider the report, but it means that a successful trial can at least continue until the Assembly has made a judgment on whether it should continue permanently or not. Of course, if the trial is deemed unsuccessful, it will be stopped right then and there.

The second part of the review process, which Ms Horodny was worried about, is provided for in her paragraph (3). If we decide to make it permanent, she is asking that we come back to the Assembly with a report on how this would be integrated into the activities flowing from the Graham review. I think that is reasonable. It gives the Assembly two opportunities, if it is to become permanent, to review - one when the trial is complete and the other when we determine that we will make it a permanent arrangement. The Assembly will have an opportunity to review on both occasions and, obviously, if the Assembly judges on either of those occasions that it should not proceed further, then the Government would be bound by that. My amendments are intended to facilitate the arrangements the Greens wish to see in place and to make sure that there is a review by the Assembly of this new arrangement. I think they are eminently sensible, and I understand that at least broadly they are acceptable to the Greens.

MR MOORE (11.46): I rise to address the motion and all the amendments that have been put on it. It was interesting that Mr Kaine said that this was a question of the pot calling the kettle black. I chuckled to myself and thought that some of us have to choose between the pot and the kettle. In this case, if I can refer to Mr Kaine as the kettle, even though sometimes he does go a little potty, I know that he would reject the pot side of things, given the opportunity, and would be able to handle the kettle so much better and help keep the lid on it.

I thought the amendment moved by the Greens and the ones from Mr Kaine turned this into a very sensible motion. I want to see the most effective possible public transport system for the people who want to use it. We want a system in which ordinary people, given the opportunity, can be encouraged to move on public transport. That raises an issue that has been touched on but not dealt with, and I think it will provide a challenge in some ways for Mr Kaine as Minister. It is entirely appropriate to run a trial to see whether our public transport system can be improved by having Deane's involved in this way, but is it not equally important for this Minister to assess whether it is worth while extending our buses a little further into Queanbeyan from the transport routes they use? Perhaps that would make some of the services past Narrabundah, Oaks Estate and other areas even more efficient than is the current circumstance. These are issues that are important for us to consider and for the Minister to negotiate with the Queanbeyan City Council and other authorities.

Mr Speaker, I think this is a great opportunity. The way the Greens seek to amend this motion will mean that the Assembly does know what is going on and, at the same time, the Minister will be free to negotiate to get a better public transport system. I think it is an excellent outcome.

Question put:

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

The Assembly voted -

AYES, 11

NOES, 6

Mrs Carnell	Mrs Littlewood	Mr Berry
Mr Cornwell	Mr Moore	Mr Corbell
Mr Hird	Mr Osborne	Ms McRae
Ms Horodny	Mr Stefaniak	Ms Reilly
Mr Humphries	Ms Tucker	Mr Whitecross
Mr Kaine		Mr Wood

Question so resolved in the affirmative.

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MR WHITECROSS (Leader of the Opposition) (11.52): Mr Speaker, I want to speak briefly to Ms Horodny's amendment, as amended by Mr Kaine. I feel I have to speak, although I addressed some of the issues raised in Ms Horodny's amendment when I spoke the first time, before people vote on Ms Horodny's amendment. I need to draw people's attention to a couple of things that have been said in the debate and what they really mean.

First of all, let us go to the lack of information about what constitutes this trial and my call earlier for the Government, if it wants to proceed with the trial, to first produce some sort of feasibility study so that we understand what they are proposing. I am not sure that even the Chief Minister understands what they are proposing. The Chief Minister paints a picture, and Mr Humphries in interjections paints a picture, of all these people standing by bus stops waiting for a bus. A Deane's bus drives past and they say, "Gee, I wish I could get on that Deane's bus". Mrs Carnell suggests that there is going to be an ACTION bus just around the corner and they are waiting there for the ACTION bus, but they could get onto the Deane's bus half an hour earlier.

Mr Gilmour, according to the paper, says that the trial would not provide any direct on-road competition because there is no ACTION bus going past. So, these passengers Mrs Carnell talks about who are standing forlornly at the bus stop watching the Deane's buses go by do not exist, because there is no bus service. Mrs Carnell is saying, "This is impractical; this is silly. All these people are standing by the bus stop waiting to catch the bus and Deane's drives past them and will not let them on the bus", but there are no passengers because there is no service. This is just a myth. I would hate to use a word like "deceitful" to describe the Chief Minister, but it is hard to escape it sometimes, Mr Speaker. All those passengers she talked about do not exist. She claims that there is demand for this service. She paints a picture of all these passengers waiting to get on these buses; but they do not exist, because there is no-one waiting at the bus stop.

How do they know that there is a single passenger waiting to catch the service? Where is their market research to explain whether there is a single passenger who wants to catch this service? The Greens and the Independents are happy enough to proceed on the basis of absolutely no information from the Government as to why they are proceeding with this, and this really brings me to the point: Why are they proceeding with this? Clearly, they have no evidence of demand for this service. We all know that the passengers standing forlornly by the bus stop are just a fiction - - -

Mr Moore: In the rain and snow, in the dark, when it is sleeting.

MR WHITECROSS: That is right; in the rain, snow and sleet, Mr Moore. They are all just a figment of Mrs Carnell's imagination. So, what is the real reason they want to introduce a private operator to start picking up and setting down in the ACT? It has always been part of Liberal Party policy to introduce competition into the Canberra market, to have private operators operating.

Mrs Carnell: Shock, horror!

MR WHITECROSS: Mrs Carnell confirms my suspicions when she says “Shock, horror!”. She wants to have private operators operating in the ACT. This is the first of many such services. Next she will be saying that, since they are picking up passengers in Kingston, they might as well go around the suburb, and they might as well go into Griffith and Narrabundah and Red Hill as well, on the way to Woden. It is a Trojan horse.

At the end of this trial, what are they going to say? Are they going to say, “They picked up two passengers. It was not doing any harm, so we decided to continue it.”? What are the crossbenchers going to do then? Are they going to say, “That sounds fair enough to us.”? When the Government says, “Now we want to take it through Narrabundah and Griffith and Red Hill”, are they going to say, “We will have a trial of that, too, and maybe we can cancel a couple of ACTION bus services along the way. After all, Deane’s will be picking up the passengers and there will not be any need for the ACTION routes anymore.”?

The Independents and the Greens have been conned here by the Government. They have not produced a skerrick of evidence that there is a demand for this service. They have not thought about where the Government is trying to take them with this proposal. Instead, they have been hoodwinked by the Government saying, “It is just a trial”, like 4.00 am closing was just a trial. We should not allow the Government to hoodwink us into allowing a private operator to start operating on a route when the Government has not produced a skerrick of argument, a skerrick of evidence, that there is a demand for the service, that the service is necessary. If they do have evidence of the demand, let them produce it and let them explain why an ACTION bus service could not meet that demand.

The whole basis on which the Government has been arguing is a fiction - that there are passengers waiting to catch the bus at the bus stop but Deane’s drives past them. Those passengers simply do not exist. There are no passengers waiting on the side of the road to catch the bus, because there is no service to wait for. The message Mrs Carnell gave that Deane’s were going to pick up the passengers half an hour earlier than ACTION would have is just not true, because there is no ACTION service. Mr Gilmour said it in the paper. Mrs Carnell does not even understand her own trial.

The reality is that Mrs Carnell has confirmed in her interjection today that they want private operators operating in competition with ACTION. That is the truth, and before the Greens and the Independents start down that slippery slope they ought to be considering what that will mean for public transport. In every city where they have had multiple transport operators - private operators operating alongside public operators - it has always ended the same way. It has always ended in timetables clashing, services not matching, distorted fare structures, and all sorts of other inconvenience for the commuters. We have had enough inconvenience to commuters from the Liberals. We do not need any more.

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I urge the Independents and the Greens to reconsider their position on these amendments because the Government has not produced any justification. If they really believe that this is justified, let them produce the feasibility studies first. Let them demonstrate to the Assembly where they are going with this and what their future plans are, rather than trying to pretend that this is a little one-off thing. It is not a little one-off thing; it is part of a larger plan. I urge members to oppose these amendments. They are not in the best interests of public transport in the ACT, they go against the wording of the 31 May 1995 motion, and they will take us down a road which the Liberals are apparently comfortable with but which the crossbenchers and the Greens have previously indicated that they were not comfortable with and they ought not to be comfortable with now.

MR SPEAKER: I acknowledge the presence in the gallery of the politics group from Kaleen High. We are having a busy morning. Welcome to your Assembly.

MR HUMPHRIES (Attorney-General) (12.00): Mr Speaker, I am slightly embarrassed that the students of Kaleen High have seen such a dismal performance by the man who purports to be the alternative Chief Minister of the ACT, namely, Mr Whatever-his-name-is across the way, the man opposite with the beard. You really have to wonder. What was your degree, Mr Whitecross? Was it an arts degree, or a BEc?

Mr Whitecross: Okay; we know all about the personal attacks. Why do you not argue the debate? We are going to have 10 minutes of smear, are we?

MR HUMPHRIES: Your colleague there just a few minutes ago called the Chief Minister a wacko. Do not talk to me about personal smears, Mr Whitecross. Goodness me!

Mr Moore: Come on, Gary; that is just Wayne Berry. We do not have to lower our standards like that. Let us not lower our standards to his level.

MR HUMPHRIES: That is true. We need not go down to Mr Berry's level for this debate. Mr Speaker, this is all about ideology, ideology on the part of the Australian Labor Party that says we cannot, we must not, tolerate any involvement by a non-government service provider in a presently government-provided service in this Territory. We cannot allow that to happen. It is all about ideology: If there is a service already running through the ACT that is passing by spots where people might be picked up to go from place A to place B, even if such opportunities are present, as a matter of principle, as a matter of ideology, we cannot allow that service to stop and pick up those passengers.

Mr Whitecross: If there is an opportunity, why is not ACTION servicing it?

MR HUMPHRIES: Because ACTION, for all sorts of reasons, may not realise that that need is identified and is necessary in the context of the present bus services provided in the ACT.

Mrs Carnell: Maybe there are only 10 people. Are you going to put a bus on for 10 people?

MR HUMPHRIES: As the Chief Minister suggests, supposing there are only 10 people who might want to travel on this route between A and B, why should not those 10 people have access to that service?

Mr Berry: But there is not anybody.

MR HUMPHRIES: You do not know that. Why would Deane's Buslines approach the ACT Government to pick up these people and take them from A to B if they are non-existent? Why would someone approach the ACT Government to run a service like this if there were no passengers?

I can guarantee that I will eat all the papers on my desk if nobody wants to get on this service. I can guarantee that that is what will happen. I will eat every one of these papers, and there are quite a few papers on my desk today. I will not eat the plastic. I do not think I could digest the plastic; that is a little bit too much to get through the gullet. But I can guarantee I will eat all the papers on my desk, and maybe Mrs Carnell's and Mr Kaine's as well, if nobody gets on this bus service. You can sit here and watch me. We all know that there will be people who want to get on this bus service. It is such a silly claim - we do not want to have this service operating because nobody will get on it - that we will have to see it operate on only the very first day to realise that people are going to get on this service and they are going to use it.

Mr Whitecross pointed out that there is no present ACTION bus route that follows the particular alignment of the proposed Deane's bus route from point A to point B, from Canberra to Queanbeyan. That may be true, and it has a lot to do with the fact that ACTION presently does not have any penetration into Queanbeyan - a matter we might be able to change as a result of a trial like this. Be that as it may, it does not alter the fact that, as I think Mr Kaine suggested, there is still the man who comes out of the Macquarie Hostel and wants to go to Fyshwick. If he wants to go to Fyshwick, what he might well have to do now is get an ACTION bus from Macquarie Hostel - I do not know where to exactly, but say - to Red Hill or Civic, and then another ACTION bus to the place he wants to go to in Fyshwick. He has to catch two ACTION buses. This passenger certainly will be out there waiting for the Deane's bus to come along if he knows that the Deane's bus route goes directly from the Macquarie Hostel to Fyshwick, the place he wants to go to.

They are the passengers we are talking about, Mr Whitecross. They are the people who are not following an ACTION route now because it is too long and too complicated, or they do follow it but it takes a long time to get there. They want to get to Fyshwick, and the Deane's bus will take them there. Why should they not get on that bus? Because, we have heard, it is the thin end of the wedge. It is the slippery slope. It is going to destroy ACTION. Mr Speaker, we really are being taken for a lot of suckers here. As if this first bus route is going to divert to another part of ACTION's territory and take a few more passengers, and then another diversion occurs and another bus route is taken over, and then there are a few more bus routes going on.

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Suddenly, you find that Deane's are all through the Territory and the Government gets up here one day and says, "We do not need ACTION anymore; Deane's has taken over. We do not need ACTION; we can sell it off". As if this sort of thing is not going to occur in a very up-front way whereby the Government has to put it on the table if it wishes to take on that kind of change.

For goodness sake, what do you take us for? What do you take the public of the ACT for? I know what we can take you for, however. We can take you for ideologues who do not care about passengers, who do not care about the quality of service in this city, who do not care about making the cost of running our public bus system more effective from the point of view of taxpayers.

Mr Whitecross: You have not demonstrated that a single passenger is going to use this service.

MR HUMPHRIES: You have your mates in the Transport Workers Union. That is what it is all about, is it not?

Mr Whitecross: Not a single passenger.

Mr Berry: That is what this is about. Gary has no mates and he is envious of people who have.

MR HUMPHRIES: Mr Speaker, could we have a little bit of order in this debate?

MR SPEAKER: Order!

MR HUMPHRIES: It is your mates in the Transport Workers Union you are trying to look out for. That is it: "You guys have to stop this in the Assembly. We do not want it to happen, and you guys had better stop it". You have made this dismal and forlorn attempt to prevent there being a very sensible arrangement whereby a bus which is already passing passengers can stop and let those passengers into the bus to take the empty seats on that bus.

Mr Whitecross: You have told that fib again. There are no passengers there.

MR HUMPHRIES: If you think it is a fib, Mr Whitecross, then let us put it to the test. I tell you what: I will eat my papers if nobody gets on that bus. Will you eat yours if someone does? No.

Mr Whitecross: Get out of here. Where is your evidence that there are passengers waiting to catch the bus?

MR HUMPHRIES: The evidence, Mr Speaker, will be available next weekend, if and when this trial starts in the ACT. That is where the evidence will be, and you will be embarrassed when Mr Kaine comes back and says, "Since the trial started, five people - - -"

Mr Whitecross: There will be a roster of Liberal Party people to get on the bus. Stephen Forshaw will be handing out the dollar coins, saying, "Here you go; catch the bus to Fyshwick and back".

MR SPEAKER: Order! Mr Whitecross, you have already spoken twice.

MR HUMPHRIES: Those opposite will be embarrassed when Mr Kaine comes back and says that since yesterday five people or six people, or whatever it might be, have travelled on this service now provided to the people of the ACT. Will they be embarrassed? I do not think they will be. They are totally shameless. If the opinion poll with about 38 per cent of people knowing who Mr Whitecross is does not embarrass you, then obviously nothing will.

Let me give you some advice. If you want to win back the confidence of the people of the ACT at the election in February of next year, you have to show you can put aside the narrow, vested interests of the Transport Workers Union in favour of the broader interest of the public of the ACT, in particular, the passengers who happen to need and rely upon a good transport system operating in our Territory. They are the people you have to address. You are not going to win votes by saying no to anything private - down come the shutters; no, nothing private; if it is private it is bad; four legs good, two legs bad; no, we cannot tolerate this. That is not going to win you the next election. You have to accept that the people of this community are the people you should be putting first, and that is what this trial is all about - putting the people of the ACT first. Those people who cannot get a convenient bus service from particular points at the moment are the ones we are looking out for in this service, and they are the ones who are going to benefit from the operation of this trial.

MS TUCKER (12.11): I want to point out one thing that was incorrect in what Mr Whitecross said. He was making a very strong point of the fact that we do not know what the demand is; but anybody who looks at transport and trying to increase use of public transport, including Roger Graham's report, says that you actually create the demand by providing the services. I am afraid Mr Whitecross has it wrong there.

Question put:

That the amendment (**Ms Horodny's**), as amended, be agreed to.

The Assembly voted -

AYES, 11

NOES, 6

Mrs Carnell	Mrs Littlewood	Mr Berry
Mr Cornwell	Mr Moore	Mr Corbell
Mr Hird	Mr Osborne	Ms McRae
Ms Horodny	Mr Stefaniak	Ms Reilly
Mr Humphries	Ms Tucker	Mr Whitecross
Mr Kaine		Mr Wood

Question so resolved in the affirmative.

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MR WHITECROSS (Leader of the Opposition) (12.15), in reply: I want to speak briefly in closing this debate. I understand that it is the will of the majority of members of the Assembly, notwithstanding my concerns, to proceed with this trial according to the framework set out in Mr Kaine's amendments to Ms Horodny's proposal and that this will effectively be an indefinite time trial under these arrangements, until such time as the Assembly considers the report that is due to be brought down in August 1997. While the Independents and the Greens have chosen to go with the Government on this trial, I would urge them to consider seriously in the intervening two months how they are going to respond when the report comes out and what view they are going to take when further such trials are proposed in the future premised on further such hypothetical passengers that Mrs Carnell has talked about.

I take Ms Tucker's point that improving public transport does improve patronage, and one of our arguments all along has been that reducing service quality on the ACTION network has led to passenger reduction. I quite understand that the corollary of that is true as well, namely, that if you improve frequency of service you make it more attractive and you improve passenger numbers. I think that is a perfectly reasonable proposition. However, I remain unconvinced that ACTION could not have provided that service if it was felt that this was a gap in the service provision.

The Greens and the Independents need to consider what they are going to do when the Government proposes that Deane's be able to pick up and set down passengers in the ACT on weekdays as well as weekends, when the Government proposes that other interstate bus companies pick up and set down passengers within the ACT. They need to consider what they think about the remarks of Mr Cooper from Deane's, reported in the paper, that if the trial is successful we could work towards compatibility of fares, that is, some sort of system where Deane's take ACTION fares and vice versa. We have to consider why Deane's would want to do this for just a couple of routes operating on the weekend, picking up maybe half-a-dozen passengers, according to Mr Humphries's estimate. It is clear that Deane's believe that there is a wider agenda at work here than just picking up a couple of passengers on a couple of existing routes. It is clear, from what Mrs Carnell said earlier in this debate, that that is Mrs Carnell's intention as well.

While this trial has gone ahead, this provides an opportunity for the Greens and the Independents to think about their position and where they want to take public transport in the ACT. I think we are going down a dangerous path with this trial. The reality is that, where private operators have been given the opportunity to operate public transport routes in other States, the result has been that they have not met the frequencies they were contracted to meet, there have been problems with interaction between different bus companies in terms of meeting timetables and changeovers, and the inevitable result is some level of cherry picking of the nice convenient routes that are easy for the private operators to make a buck on, while it is left to the public transport system - the ACTION buses - to pick up the unprofitable and unpopular routes.

Mr Speaker, make no mistake; we need to ensure that we have a quality public transport system. We have seen from this Government a commitment to downgrading public transport in the ACT over the last 2½ years.

Mr Humphries: Nonsense! That is just rhetoric, and you know it.

MR WHITECROSS: It is not just rhetoric; it is in your own report. It is in the Graham report. You should go off and read it, Mr Humphries, instead of just talking nonsense. It is in your own report. Over the last 2½ years you have been systematically downgrading public transport in the ACT. It rings very hollow for the Government now to claim that they are suddenly concerned about improving the quality of public transport in the ACT, and it rings pretty hollow for them to be suggesting that improving public transport is at the heart of this proposal. At the heart of this proposal is introducing private operators into the Canberra market. I urge the members of the crossbenches to consider carefully what they are going to do when this report comes back in August and what they are going to do when the Government makes further requests for similar trials in the future.

Motion, as amended, agreed to.

LAND (PLANNING AND ENVIRONMENT) (AMENDMENT) BILL 1997

Debate resumed from 9 April 1997, on motion by **Ms Horodny:**

That this Bill be agreed to in principle.

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

LIQUOR TRADING HOURS

MR MOORE (12.21): Mr Speaker, I move:

That the Assembly requires the government to remove the 4 a.m. restrictions on the hours of liquor trading currently imposed on ACT businesses.

The question that this raises for us is how we make policy in this ACT Assembly, how each and every one of us in this Assembly goes about the policy process. There is a series of ways we can do it. We can do it just on gut reaction, we can do it in response to pressure groups, or we can base our decisions on solid, sensible research. When I speak about gut reaction, I think in some ways it is a bit unfair to suggest that that is in some way in isolation from other information, because a gut reaction in terms of policy takes into account information that we have already had from dealing with a range of people. It takes in an interpretation on a personal level of a range of pieces of information that have come to us, and it relies, of course, on our own personal understanding of community feeling.

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Mr Speaker, the second method of policy-making that concerns me is when we bow to pressure groups. I think it is important for pressure groups to have a place. It is very important for pressure groups to put their perspective to members of the Assembly, and policy is influenced to a certain extent by them. When we have the opportunity, as we do with 4.00 am closing, to have a look at solid, sensible research, we really must be very careful to take that into account. Mr Speaker, I have been invited by the police - I think the Minister also extended the invitation - to go out with them to have a look at the difference that 4.00 am closing made.

Mr Osborne: Why don't you?

MR MOORE: Mr Osborne says, "Why don't you?". I do not need to, Mr Osborne, because we have such a solid, sensible report that explains exactly what happens when you look at it. Going out on a personal level would add something to my own information but would present only a very small part from the perspective of police officers. They have an important perspective and - - -

Mr Osborne: Is that not good enough?

MR MOORE: "Is that not good enough?", says Mr Osborne. Of course it is not good enough. I would have thought, Mr Osborne, that you would have read this report easily enough. Mr Osborne is going to make his decisions on simply one small part of the perspective, his gut reaction, enhanced, of course, by his personal experience of going out and around with the police. It is some years since I went out with the police while they did their work around Civic. Anybody who has done that - I understand that Ms Tucker did so recently - would realise what a difficult job police have and what a great job they do while they are there. But, of course, it is also part of a single perspective. When we are making these decisions we cannot take into account just the police perspective. We have to take into account the broad range of issues that are before us.

Mr Speaker, when I supported an evaluation of 4.00 am closing I did so because I believed that members of the Assembly would read it carefully and would try to understand what the perceptions were before making a final decision on 4.00 am closing. I certainly did that and I could quote from sections of the report to indicate what it is about this report that has convinced me that we should no longer pursue that policy.

My guess is that Mr Osborne's perspective was that you run a trial so that you can get a specific outcome. I have never been involved in that game, and I do not intend to be involved in that game. If a trial provides an outcome that I disagree with, I will go with that outcome. That applies equally, I must say, to the proposed trial of heroin, if it ever gets going. If the outcome is that it does not reduce harm associated with society, I will say, "Good; let us go and have a look at some other policies for how we might approach the particular issue". I am very comfortable about putting that on the record because it seems to me that that is the only intelligent way to approach such studies.

If Mr Osborne could come back here and show some major fault in the way this trial was conducted, some major fault in the way it has been interpreted, or some major misinterpretation of the statistics, I would say, "Okay, the report is inadequate". Then we could make a decision on a series of other things. We would take that into account. But that has not happened. We have not seen anybody do that. We have not seen anybody do that at all, and I would be very interested to hear other members say so.

There is no question that the conclusions in the report give a certain amount of room for movement because the report basically says there are some negative results and there are some positive results, leaving some room for interpretation by members. It may well be that some members have no problem about cutting out business and jobs in the ACT even though the supposed benefits of 4.00 am closing simply have not been demonstrated. There are some small administrative benefits for police officers. Okay, I accept that. Does that outweigh the loss of jobs and the loss of business in this Territory at a time when we are having such great difficulty in getting jobs? As far as I am concerned, it certainly does not. Mr Speaker, section after section of this report clearly illustrates that there are no great benefits to improving community wellbeing and community safety by 4.00 am closing. There are none.

That being the case, how can we have a situation where this Government still has not removed the restrictions it has put on business - particularly a Liberal government? Each and every one of its members has come into this house and before committees and said again and again, "Jobs, jobs, jobs, jobs, jobs". Is their "Jobs, jobs, jobs" just simply rhetoric, or are they serious about it? You are now in a position where you have to deal with a very serious issue. The serious issue is that there has been no demonstrated reduction in harm to the community through this trial - a long, carefully conducted trial - other than a significant impost on business and a major reduction in jobs in the Territory.

Mr Humphries: A drink-driving reduction, too.

MR MOORE: Is that cost enough? Mr Humphries interjects about drink-driving. The drink-driving issue is one that we have to be very careful of. I agree there is an issue that comes out of this report as far as drink-driving goes. We have to ask ourselves questions in the light of the new legislation that is before the Assembly at this minute. Debate on it was adjourned as of yesterday. That legislation has some difficulties, although there is an appropriate new structure. What impact will flow through this as well? Mr Speaker, there are many things changing on the issues that we are dealing with; but this report indicates very clearly that members ought to be basing their decisions on solid, sensible research; and anybody who is basing their decision on solid, sensible research would be saying, "Why has not the Government put an end to this 4.00 am closing restriction?"

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

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PERSONAL EXPLANATION

MS McRAE: Mr Speaker, I seek permission, under standing order 46, to make a personal explanation.

MR SPEAKER: Proceed.

MS McRAE: Thank you, Mr Speaker. Yesterday, acting in good faith and on the information I was given, I asked Mr Humphries to explain what was going on in regard to the dumping process that was going on at Fairbairn. I specifically asked why a permit was first granted, and then a new and wrong permit was further granted. Mr Humphries took the question on notice.

As it turns out, it was permission that was granted, both times, not a permit, and those concerned believed that a permit had been granted. So, I would like to withdraw any reference to a permit. In the first instance, it was believed that the permit was granted because the Fairbairn site was believed to be a free dump site, and therefore it was okay. In the second instance, they spoke to the local site management and believed, in that case, that it was okay. Both of them subsequently turned out to be wrong, although we are not sure about whether the Fairbairn site was a free dump site.

The people who informed me acted in good faith, and I acted in good faith in following it through; but I would like to withdraw any reference to a permit or any impression that the department was remiss in any way in the issuing or non-issuing of these permits. I would still like Mr Humphries to take on notice the part of the question that asks what is going on, because the dumping from the Acton site has been planned for an awfully long time. These people, acting in good faith, believed that they had permits and permission to do all of this, and now it does not transpire. So my explanation is in regard to that. Thank you for indulging me, Mr Speaker.

Sitting suspended from 12.31 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Tidbinbilla Nature Reserve

MR WHITECROSS: Mr Speaker, my question without notice is to Mr Humphries in his capacity as Minister for the Environment, and it relates to the proposed fees at Tidbinbilla Nature Reserve. Minister, in the Estimates Committee on 29 May you undertook to provide to the committee details of the various projects being undertaken this year at Tidbinbilla, the costs for each project and how they would be paid for. Minister, why did you fail to provide the information requested by the Estimates Committee concerning the cost of each of the proposed new projects at Tidbinbilla Nature Reserve as a result of the introduction of the \$8 entry charge to the reserve? Why did the answer you did provide arrive late, taking two weeks instead of the required three days? Will you now undertake to provide complete details of the projects planned to be undertaken at Tidbinbilla this financial year, including the individual costs for each project, by the close of business today?

MR HUMPHRIES: Mr Speaker, I am not aware that the information was provided either late or in insufficient detail to satisfy the members of the Opposition, but I will find out what the story is. I will take that question on notice.

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

MR WHITECROSS: I do have a supplementary question, Mr Speaker.

Mrs Carnell: Why do you not just ring up and ask him?

Mr Humphries: That would be far too simple.

MR WHITECROSS: I am asking him now.

Ms McRae: We did. We rang the office many a time for the answer.

Mr Kaine: Well, why is he asking again?

Ms McRae: We did not get it.

Mr Humphries: Whom did he speak to?

MR SPEAKER: Order!

MR WHITECROSS: Thank you, Mr Speaker. I was waiting for the chatter on the Government benches to die down.

Minister, is it the case that in reality you are reluctant to provide complete details of the new projects and their individual costs because the amount collected from the entry fee will not cover the total cost of the projects?

MR HUMPHRIES: No.

Queanbeyan Residents

MR HIRD: Mr Speaker, my question is to Mrs Carnell in her capacity as both Chief Minister and the chair of the regional leaders forum for the Australian Capital Territory area. The Assembly will recall comments made by a member in this house last month concerning Queanbeyan and its residents which were later reported in the *Canberra Times*.

Ms McRae: Is that all you can ask?

MR HIRD: I am not mentioning names. Can the Chief Minister confirm that she has now received an official approach from the Queanbeyan City Council asking her to take action on these comments?

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MRS CARNELL: Thank you very much, Mr Hird, for the question. Mr Speaker, on 23 May this year I received two letters from the Mayor of Queanbeyan, Alderman Frank Pangallo, in relation to comments made by Ms McRae during the May sittings of the Assembly. You would all recall the speech by Ms McRae, I am sure, because it was a beauty. The first of Alderman Pangallo's letters was addressed to me as Chief Minister. In it, after "Dear Chief Minister", he said the following:

Enclosed is a copy of my letter to Ms Roberta McRae about her untimely and unsolicited comments which appeared in the recent article in the *Canberra Times*.

It would be most appreciated if you would press this particular individual and her Party for a public apology on the floor of the Assembly. Comments such as these coming from ACT Legislative Assembly members do nothing for the relationship between Queanbeyan and Canberra.

I know that you are most supportive of regional matters and it would be appropriate that this sort of behaviour be stopped forthwith so that the excellent relationship you have developed with the region is not spoilt.

I look forward to a positive response from you.

Mr Speaker, I think it is important to requote one sentence of this particular letter. It says:

It would be most appreciated if you would press this particular individual and her Party for a public apology on the floor of the Assembly.

Mr Speaker, the second letter was addressed to Ms McRae and copied to me, Mr Whitecross and the *Canberra Times*. As it is only short, I will quote it in full. It is a letter to Ms McRae and it says this:

Your comments were ill considered, trivial, distasteful, unintelligent and reflected poorly on you as an individual and as a member of your Party.

These are not my words. They are Frank Pangallo's words. He goes on to say:

Irrespective of any subsequent claim that you were reported out of context, what you said has been recorded and unfortunately printed. It is a poor reflection on the reporter also that the article was printed in the first place.

You seem to have a very poor understanding of society. The aspersions you cast on a wide range of people are insulting and a complete abuse of your position as an ACT Assembly member.

Queanbeyan by the way is situated only ten kilometres from Parliament House. It has a history dating back to 1838 and celebrated its sesqui-centenary (i.e. 150 years) at the same time that Canberra celebrated its 75th anniversary. People have lived in Queanbeyan for generations and choose to live here because of the life style it offers. Everyone in Queanbeyan has no doubt been insulted by your remarks. The word poor appears eighteen times in the article and no amount of back tracking will erase the insult you have offered the people of Queanbeyan.

In the event that you care to cross the border I would be pleased to give you a personal tour of the City and to show you the development and growth that is occurring in Queanbeyan.

Over the past few years Queanbeyan City Council has developed an excellent working relationship with the ACT Government and bureaucracy. Untimely and unsolicited [comment] such as yours does nothing for this relationship.

On behalf of the people of Queanbeyan I would expect nothing short of a public apology through the Press and on the floor of the Assembly.

Ms McRae: Do you feel better now that you have read it out?

MRS CARNELL: Mr Speaker, the Mayor of Queanbeyan has asked me to take these actions and to bring these matters to the attention of the Assembly, so I am doing so today. Those opposite seem to think it is a bit of a joke, but I have to say - - -

Ms McRae: You are a joke.

MRS CARNELL: Ms McRae says that I am a joke for bringing forward the request of the Mayor of Queanbeyan, Mr Speaker. What does that say for regional development, Mr Speaker? What does that say for operating as a region, not just as a city? Queanbeyan, as the mayor says, is 10 kilometres away from Parliament House, and our relationship with Queanbeyan and, for that matter, our region is the future of this city, our national capital, and it is about - - -

Ms McRae: You are a joke - joke, joke, joke.

MRS CARNELL: Ms McRae makes the comment again that it is a joke. It is not a joke and Frank Pangallo does not think it is a joke, Mr Speaker. He has taken it very seriously.

Mr Speaker, on behalf of all members, I will table both of those letters. I think it is very important because Mayor Pangallo has made it very clear that he expects Ms McRae and those opposite to put an apology on record. I guess, though, Mr Speaker, the ball is now back in Ms McRae's and Mr Whitecross's court, particularly Mr Whitecross's, because this is an opportunity for Mr Whitecross to actually show some leadership, to actually

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show that he really means what he says about regional development. He can get up in this place and say, "I apologise for what Ms McRae said". Mr Speaker, a bit of leadership from those on the opposite side of this place is desperately needed, and it is about time Mr Whitecross showed some.

Tidbinbilla Nature Reserve

MR BERRY: I have a question to Mr Humphries in his capacity as Minister for the Environment. Minister, in statements to the media you have said that the proposed \$8 entry fee to Tidbinbilla Nature Reserve will cover the complete costs of the new projects you announced in the Assembly on 13 May. How is it that you are so confident when the draft plan of management prepared by the ACT Parks and Conservation Service for Tidbinbilla, and personally endorsed by you, indicates that "imposing access charges could decrease visitor numbers in the short term"?

MR HUMPHRIES: You are reading the document out of context. It said that there was a potential for that to happen, but it also said that in the long term the proposal is a positive one. Read the whole document; do not quote just bits of it.

MR BERRY: I have a supplementary question. As you appear so confident, as you are oozing confidence that the entrance fees will cover the complete costs of these projects, the ACT Parks and Conservation Service must have prepared information on the number of visitors to Tidbinbilla next year. Has this actually been done, and have they taken into account a possible reduction in visitors, and thus in revenue, due to the new entry fee? Will you undertake to provide this information supplied to you to the Assembly by the close of business today?

MR HUMPHRIES: Mr Speaker, the information about visitor numbers at Tidbinbilla is contained in the document that Mr Berry has just quoted from. Go back and read it.

Mr Berry: I take a point of order, Mr Speaker.

MR HUMPHRIES: Mr Speaker, he has no point of order. He is going to ask another question. He does not have the entitlement to do that under standing orders.

Mr Berry: No, I am not. I want to draw Mr Humphries's attention to the question that I asked. I want the figures that I mentioned provided to the Assembly by the close of business today. Will you do it?

MR HUMPHRIES: I heard what you said. Mr Speaker, I repeat my point: This is not a point of order. It is an abuse of standing orders and I would ask you not to allow that sort of abuse to go on.

Mr Berry: No; just answer the question. Just get him to answer the question.

MR SPEAKER: Mr Berry, resume your seat. Mr Humphries is answering the supplementary question quite adequately.

MR HUMPHRIES: Mr Speaker, I cannot read the documents for the Opposition. If they want to sit down and read the documents themselves, let them do that.

Mr Corbell: I take a point of order, Mr Speaker. Mr Berry asked a question specifically about visitor numbers at Tidbinbilla Nature Reserve next year, and Mr Humphries has failed to answer that question. We want to know whether any work has been done on - - -

MR HUMPHRIES: I have hardly got a sentence out. How would you know what I have failed to do?

Mrs Carnell: Well, Mr Business, who cannot even multiply or divide - - -

Mr Corbell: Mr Speaker, I would invite you to ask the Chief Minister - - -

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

Mr Corbell: I have not finished my point of order, Mr Speaker. If you would allow me to - - -

MR SPEAKER: You certainly have not started it very well either. Go on.

Mr Corbell: I would find it far easier to make the point of order if you stopped interjections from the Chief Minister. My point of order is that Mr Berry asked Mr Humphries for information on visitor numbers at Tidbinbilla next year. Has he been provided with advice by the ACT Parks and Conservation Service on anticipated visitor numbers next year, and, if he has, will he supply it to the Assembly? If he has not, why not?

MR SPEAKER: There is no point of order, Mr Corbell. I think you need to understand, because you are relatively new to this chamber, that the Minister can answer the question as he sees fit, and he is answering it quite adequately. Continue, Mr Humphries.

MR HUMPHRIES: Mr Speaker, for the benefit of those opposite, the information available to my department about visitor numbers next year is contained in the public document released already and from which Mr Berry quoted. I suggest that he go back and have a look at that if he wants to know all that I know, and all that Parks and Conservation know, about what is likely to happen in the course of next year. Mr Speaker, my speculation, talking now personally as Gary Humphries, is that with the establishment of a new \$200,000 visitor information centre, courtesy of - - -

Mr Berry: Mr Speaker, I do not think - - -

MR HUMPHRIES: Look, he jumps up. He does not want to hear about this, does he?

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Mr Berry: Mr Speaker, I do not think Mr Humphries is speaking personally as Gary Humphries. We want to hear from him only as the Minister. We do not want any misleading information from Gary Humphries. We want fair dinkum, straight, up-front information about the figures that I asked for in the question, and I want them by the close of business today.

MR SPEAKER: In that case we will move on to the next question. Mrs Littlewood, we will move on to the next question, if that is - - -

MR HUMPHRIES: I have not finished my answer, Mr Speaker, actually. The fact is that the creation of a \$200,000 visitor information centre at Tidbinbilla will significantly boost visitor numbers in that place. I believe it will be a significant addition to the range of services offered to visitors at Tidbinbilla, and we will see a very substantial capacity, by Tidbinbilla, to be able to enhance the service it offers to visitors - domestic, interstate and international. That would be the best news that anybody who is interested in keeping visitor numbers up at Tidbinbilla could possibly want to hear.

Primary Schools - Sex Education

MRS LITTLEWOOD: Mr Speaker, my question is to the Minister for Children's and Youth Services. I note that the ACT Labor Party now has a policy to teach contraception in primary schools. Could you tell me what the Government's view on that is?

MR STEFANIAK: I thank the member for the question. Basically, Mrs Littlewood, the answer is that this Government does not have any intention of introducing teaching about contraceptives in primary schools. We believe it is out of place in primary schools. It is interesting, Mr Speaker, that there was a road poll conducted this morning on FM106.3 which indicated an incredible 98 per cent opposition to this proposal. However, I am sure that the ALP conference did not bother to consult with the voters. I also understand, Mr Speaker, that there was considerable division within the ranks of the ALP conference on this issue.

Ms McRae: Are you sure it is not taught now?

MR STEFANIAK: I will come to that.

Ms McRae: Are you sure it is not taught now, Minister? You had better be careful.

MR SPEAKER: Order! You had better be careful too, Ms McRae. You might not get a chance to ask a question if you continue to interject.

MR STEFANIAK: I wonder how the former Minister for Education and the current Opposition spokesperson voted on this issue. It is interesting, Mr Speaker. I would like to place before you an article which was in the *Canberra Times* on Sunday.

There was some opposition to this within the ALP. A Mr Michael Cooney, who apparently is a member of the ALP, was reported as saying that he was concerned that only one stipulation was made in the policy on sex education. He said:

That stipulation is not that you must deal with values, not that you must deal with consent, not that it must be handled in a manner that is sensitive to the values of minority communities within government schools. None of those things are stipulated by the health policy committee because of the political ideological obsession of that committee.

Primary schools, primary schools ... We're talking about pre-pubescent children. No-one, older than 11 - the majority of them under the age of nine - must be taught contraception options.

I can understand a parent as a prime educator seeking to educate a child of that age about contraception but I do not accept that every child of that age must be taught about contraception options.

I say again, "every child of that age must be taught about contraception options". Mr Speaker, it is foolish to think that all children in ACT government schools should be subjected to lessons about contraception. That is simply not on. Many primary school students are simply not interested in such things. Many people would think that children should be allowed to be children and to have their childhood.

This Government supports the concept of sex education relevant to the age and psychological development of the child. There is no problem with education about contraception at the right time, providing parents give their informed consent. It seems that the ALP, in agreeing to an extreme position here in relation to teaching about contraception to very young children, has once more allowed itself to be held hostage by the looney Left. Here is a classic example of a motion coming out - - -

Mr Kaine: Here they come again.

MR STEFANIAK: Exactly; here they come again, Mr Kaine, out of left field. I think this is an example of ALP radical policy-making on the run. See a problem and shoot from the hip. As usual, everything but the target is hit, and, as usual, I think the ALP shoots itself in the foot. What other bizarre attempts at social engineering will we see from the ALP in the run-up to the next election? I will repeat Mr Cooney's comments for the benefit of Ms Reilly and Ms McRae. He says he does not accept that every child of that age must be taught about contraception options. Really, I think the ALP has just gone off on a complete tangent on this one. A huge number of Canberra voters obviously have considerable problems with this.

Tidbinbilla Nature Reserve

MS McRAE: Mr Speaker, my question without notice is to the Minister for the Environment, and it relates to Tidbinbilla Nature Reserve. Minister, you have announced that concessions will be available to visitors to Tidbinbilla Nature Reserve under the new \$8 entry fee proposal. How are you going to implement the concessions regime for visitors travelling to the reserve in cars? Will the concession be provided on the basis that the driver of the car is eligible for a concession or if a passenger in the car is eligible for a concession? Alternatively, what will happen if the driver of a car is eligible for a concession but three of their passengers are not? What will happen if the driver of the car is not eligible for a concession but their passengers are? Minister, is it not the case that the concessions regime for people visiting Tidbinbilla by car is ill thought through and unworkable?

MR HUMPHRIES: Dear, oh dear, oh dear, Mr Speaker! Goodness me! Is this really a question worthy of question time? Do you not have anything else? We could give you some questions if you really want a decent question. Just come around and ask us.

Ms McRae: You cannot answer it. That is why you are having a go at me. Why don't you just answer it?

MR SPEAKER: Order!

MR HUMPHRIES: I shall be tabling in this place tomorrow the determination which provides for fees. You can see in there what arrangements are made for concessions. Mr Speaker, I do not know what arrangements are made for people with concessions. I know that we are providing concessions.

Ms McRae: There you go. You cannot answer my question, can you?

MR HUMPHRIES: No, I cannot. Mr Speaker, if Ms McRae is ever in the fortunate position of being over here as a Minister, perhaps even as Minister for the Environment, I dare say she would not be able to answer such a question either.

Mrs Carnell: Nor should she.

MR HUMPHRIES: Nor should she. Mr Speaker, if Ms McRae does not like the new fees arrangements, let her move a motion of disallowance when they are tabled in the Assembly tomorrow.

MS McRAE: I have a supplementary question. The Minister has conceded that he has announced a policy that he knows nothing about. Minister, have you indicated by default that concessions will not be available to people who visit Tidbinbilla by car, that it is not workable? As car visits account for a very high proportion of those visits, that means that the entry charge scheme is inequitable and should not proceed, in the very cases you are suggesting. You have announced a policy that you seem to know nothing about.

MR HUMPHRIES: Is that right?

MR SPEAKER: That is not a question. It is a statement.

Ms McRae: It was a question. There was a question mark at the end. He did not hear it. He was too busy bagging me.

MR HUMPHRIES: Mr Speaker, the lettuce leaf is stinging a bit. I might just retreat for a minute and mop my face.

Tidbinbilla Nature Reserve

MR CORBELL: Mr Speaker, my question without notice is also to the Minister for the Environment, Mr Humphries.

Mr Humphries: I hope it is better than the last one.

MR CORBELL: Perhaps you will be able to answer this question. You have not done very well on the previous two. This is in relation to Tidbinbilla also. Minister, based on previous years' visitor numbers, and the revenue you have announced in the first year to be drawn from the entry charge, your own draft management plan and draft public works implementation plan appear to calculate a drop in visitor numbers this year due to the introduction of an entry fee. Minister, by my calculation this amounts to an estimated 15,000 fewer visitors going to Tidbinbilla this year. Given that 87 per cent of all visitors to Tidbinbilla are Canberrans, and 13 per cent interstate and overseas visitors, how can you justify introducing a fee which will result in 13,000 fewer Canberrans and potentially 2,000 fewer interstate and overseas visitors visiting Tidbinbilla this year?

Mrs Carnell: Why don't you ask Rosemary Follett?

MR HUMPHRIES: Yes, that is a very good question, Mr Speaker. Why is it that I am being asked these questions when it was you people who pioneered the concept of fees at Tidbinbilla?

Opposition members interjected.

MR SPEAKER: Order! Settle down.

MR HUMPHRIES: You people pioneered the concept of fees at Tidbinbilla. We came to office without any policy at all about fees at Tidbinbilla. We had no particular position about it and we saw in front of us a report which lobbed on our desks.

Mr Corbell: You do now.

Mr Berry: Answer the question.

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MR HUMPHRIES: Mr Speaker, it would be nice to answer the question without speaking over - - -

MR SPEAKER: You might as well sit down, Mr Humphries. They are obviously not interested in your answers.

MR HUMPHRIES: I might as well. I think that is a good idea, Mr Speaker. I will.

MR CORBELL: I have a supplementary question, Mr Speaker. Perhaps, Mr Speaker, you could require the Minister to abide by the standing orders and actually answer the questions instead of prevaricating.

MR SPEAKER: He cannot be heard.

MR CORBELL: Minister, why do you not concede that this fee will effectively stop 15,000 people from visiting Tidbinbilla this year when the ACT Parks and Conservation Service has apparently calculated for this drop? Do you not accept their advice? Is it not true, Minister, that you would not have to charge this fee and drive Canberra and interstate visitors away from the reserve if the Liberal Government had not misspent government funds on wasteful projects like the \$300,000 futsal slab - \$30,000 more than the revenue anticipated to be raised from Tidbinbilla? Further, how does a situation in which you are effectively driving away 2,000 tourists from visiting Tidbinbilla reconcile with the Liberal Government's purported aim of encouraging visitors to come to Canberra?

MR HUMPHRIES: Mr Speaker, we know how Mr Corbell - Mr Countback, I should call him - works with numbers. We know how successful he is at working out the - - -

Mr Whitecross: I take a point of order, Mr Speaker. I would have thought it was your job, as the upholder of the standing orders, to ask the Minister to refer to members by their correct titles.

MR SPEAKER: I should be happy to do that if I could hear above the interjections. If you would not mind, Mr Humphries.

MR HUMPHRIES: So, Mr Speaker, if I call Mr Corbell a wacko that is all right, but if I call him Mr Countback it is not, is it? Is that the difference?

MR SPEAKER: No; that was withdrawn earlier this morning.

MR HUMPHRIES: Mr Speaker, I am not prepared to take on trust any estimation by Mr Corbell about how so-called visitor figures will be affected by the application of charges. What I do know is that the charging of an entry fee will provide for a significant capacity to return to Tidbinbilla - not to other areas of government, not to Consolidated Revenue, but to Tidbinbilla - a significant investment that will improve the quality of that place both as a nature reserve and as a destination for domestic visitors - that is Canberra people - and interstate and international visitors. I am quite confident of that.

Mr Corbell is doubtful. Mr Corbell has a very easy option - to block the fees. You have the thing coming in tomorrow. Move for disallowance; block the fees, Mr Corbell. This Government has excised this measure from the budget in order that the issue can be placed before the Assembly without any risk of blocking the budget or amending the budget by blocking those fees. We think this is the right thing to do. We have consulted with relevant parties about it - the National Parks Association, Friends of Tidbinbilla, and so on. We believe they understand that this is a project to restore an adequate level of funding to Tidbinbilla that is worth while. We do not know precisely how people will react to the process, but we do know that the improvements going on at Tidbinbilla will result in a better centre and a better nature conservation reserve for the people of the ACT. That is worth while investing in.

CanTrade Delegation to China

MR MOORE: Mr Speaker, my question is addressed to the Chief Minister and is with reference to the CanTrade delegation to China. I gave her short notice that I would be asking a question about this issue. Could the Chief Minister advise the purpose of the visit by CanTrade to China? How many ACT public servants are on the trip? What is the cost of the exercise to the ACT taxpayer? What return to the public does the Chief Minister expect as a result of this outlay?

MRS CARNELL: Thank you very much, Mr Moore, for the question. During the delegation to China in January this year the chairman of CanTrade, Jim Murphy, was invited by both the Beijing and Yungzhou governments to bring a further trade delegation back to China and to organise trade exhibitions in those cities. That was very exciting, Mr Speaker, because Canberra has never been in a position to be able to put together such a high-profile and far-reaching trade delegation as this one.

I am pleased to say that the delegation left Canberra yesterday morning. Members of the delegation include representatives of local businesses and government enterprises, concentrating in the fields of higher education, advanced technology, information technology, tourism and hospitality, and environment management. Delegation members include representatives from the ANU, ANUTech, the ACT Fire Brigade, the Association of Consulting Engineers, Telstra, Select Computer, Coms21, the Technik Group, Praxa, the Australian International Hotel School, Canberra Tourism and ACTEW. A list of the delegates and their areas of expertise is available for any member who would be interested.

The delegation will promote our local businesses and government enterprises with a view to further developing trade links with China. The strengths and capacity of those participating in this introduction, I suppose, of Canberra into China, I think, is an indication of the potential that local businesses see in the China market generally. It really shows that a lot of local businesses and other entities, like the ANU, really see that this is the way to go for Canberra. A number of presentations will be associated with this delegation. The delegation will have a number of meetings with various organisations.

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Mr Speaker, I would like to table something for the interest of members, although I have to say it is a bit hard to read because it is all in Mandarin. Mr Moore would remember from our visit to Japan that one of the things we were critical of was that at that stage there was not enough information in Japanese for us to give to various businesses or various entities that were interested in Canberra business. We now have information on the whole delegation in Mandarin. We have tourism information in Mandarin as well. We have regional information on agricultural opportunities that exist in the region. We have a full list of events that occur in Canberra and opportunities that exist here for both tourism and business. Also, I think most excitingly, we have now put together a brochure on all of the investment opportunities that exist in Canberra, right from such things as information technology through to things like the Kingston foreshore and those sorts of opportunities that exist.

Mr Kaine: Would you just like to read an introduction to one of them, Chief Minister?

MRS CARNELL: I would be happy to read it at length, but it might be very strange. Mr Speaker, I am happy to table that because it certainly is a great step forward for Canberra.

Mr Moore: And the cost to the taxpayer?

MRS CARNELL: I am getting to that. The total cost to the Government is expected to be in the order of - - -

MR SPEAKER: Did you say "a great leap forward", Chief Minister?

MRS CARNELL: A great leap forward. The cost of the delegation to Canberra, Mr Speaker, will be in the vicinity of \$45,000. The ACT Government will not be paying for any of the business representatives. They will be paying for themselves. This is, of course, not of the same ilk, I have to say, as when members of the previous Government went to Japan and the Government did pay for business representatives to go with them. All of the business representatives who are going are paying for themselves. The cost to the ACT Government is in the vicinity of \$45,000.

MR MOORE: I have a supplementary question, Mr Speaker. Thank you, Mrs Carnell. Could you explain something to me? When you say the cost to the ACT is \$45,000, does that include entities that are at arm's length from the Government, such as the representatives from ACTEW, from the hotel school and from the ACT Fire Brigade? What is included in that \$45,000?

MRS CARNELL: When the delegation gets back I will give the Assembly a full run-down of exactly what was spent in what area. I am very happy to do that if the Assembly would like us to. As Mr Moore would be aware, it is hard to give exact figures until the delegation gets back. My understanding is that all of this money can be found from inside the budget. I know that CanTrade has an overseas travel budget, an international travel budget, of about \$30,000. ACTEW will meet its own expenses, as will other entities, inside its current budget; but I am happy to give a more - - -

Mr Moore: But that takes it beyond the \$45,000, does it not?

MRS CARNELL: I am not sure that it does, Mr Moore. My understanding is that the cost of government members will be met from their respective organisational budgets. My advice is that the total cost to government is in the vicinity of \$45,000.

John Dedman Parkway

MR WOOD: My question is to Mr Humphries. Minister, could you tell the Assembly why the Maunsell study has been extended from May to September? Could it be because you have found a way to deflect the problems likely to be caused by the parkway from your electorate to another?

MR HUMPHRIES: I do not understand the last part of the question, Mr Speaker. Perhaps Mr Wood can explain the overly subtle nuance to me at some other stage. Mr Speaker, members will be aware that there has been considerable debate about the Maunsell study and about the way in which the process has proceeded for assessment of alternative routes for a possible John Dedman Parkway. Members will also be aware that that process has been controversial. Indeed, I suspect that some members have attempted from time to time to exploit the controversy in that respect and perhaps obtain some political advantage in doing so.

My view is that the Maunsell study has been appropriately extended to allow for further concerns raised by participants in the workshops to be addressed. I understand that some people in that process wanted additional work to be done. I know that there have been at least three different workshops conducted at various stages by Maunsells to enable them to gauge community feeling about the various options. The third workshop was held on 12 April and that focused on an initial assessment of options. As a result of community concerns raised at that workshop, an extra workshop is to be held to review the study context and the range of options, including the "No John Dedman" alternatives, in mid-June. This follows site inspections of the John Dedman route alternatives by workshop participants. After the June workshop a preliminary assessment will be prepared and issued for public comment later in the year and, if I direct the preparation of an environmental impact statement, an additional period for public comment of two months or more is envisaged when the EIS is finalised. So, Mr Speaker, it depends very much on what further work, if any, is required once the decision is made on the outcome of the preliminary assessment.

On 20 February this year the Assembly passed a motion requiring the Planning and Environment Committee to undertake a wide-ranging inquiry into the future route of the parkway and noted that the inquiry would take into account the results of the current study by Maunsells. I should emphasise that the current study is to fix the route for the parkway if, and when, it is ever built. There is no Government decision to proceed with a parkway. If this Government made an in-principle decision to do so it could quite probably not be in office when the time came to carry that decision into action. Estimates have ranged between five and 10 years for the actual decision to be made to implement that process, and I am not sure that any of us count on being around for as long as that.

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A related study included in the 1996-97 budget in response to earlier studies and reviews began in March. This study is to identify a preferred route for the intertown public transport system between Belconnen and Civic. That will also review the Gungahlin to Belconnen and Gungahlin to Civic intertown public transport route options. But that is a separate process from the Maunsell study. Mr Speaker, I am not sure it is true to say that Maunsells will run all the way through to September.

Ms McRae: That is what they said in newsletter No. 4. You had better check it. It says it in newsletter No. 4 - September/October.

MR HUMPHRIES: All right; I will take your word for that. I am not saying it is or it is not. I am saying I am not sure about it, but I will take Mr Wood's and Ms McRae's word for that. I am anxious to resolve the matter sooner rather than later. I understand that that is being driven by the participants in the workshop; but, if members have a different view about whether that should occur or not, I would be interested to hear from them. I have not, I confess, greatly intervened in the process of the Maunsell public consultation. I think it is appropriate for governments to stand at some distance from that; but, if members feel this is dragging on for too long, I would be interested in hearing from them and I am very happy to entertain some thought about whether it should be drawn to a sooner conclusion.

MR WOOD: I ask a supplementary question. Minister, can you advise us, whether now or later, of the additional cost of this extension of the work?

MR HUMPHRIES: I cannot do it now, but I will do it later.

Truck Parking Areas

MS HORODNY: My question is to the Minister for Urban Services, Mr Kaine. Last November, which was seven months ago, the Government advertised for expressions of interest in establishing two commercially operated truck parking areas in Hume and Mitchell. This was meant to be a solution to the problem of trucks parking in residential areas, as it would provide an alternative parking facility for truck operators, although we pointed out at the time that these commercial truck parks would work only if all the large trucks in Canberra were required to use them. Could you tell us why it is taking so long for the Government to make a decision about these truck parks, or is it the case that these truck parks have proven to be commercially unviable because your new truck parking laws have hardly changed the status quo and the very big trucks will need to be moved out of the suburbs into separate truck parking facilities in Mitchell and Hume?

MR KAINE: Mr Speaker, there were, essentially, two parts to the question - why has it taken so long and is it economically viable? The reason why it has taken so long, Mr Speaker, is that we had to invite public proposals, which we did. We received some response to that. In one case it involves the use of existing leased property at Hume.

There are questions of lease purpose and technical questions associated with that, of course, because the land is already leased for some other purpose. Since that piece of land would, from memory, be big enough to take only about 44 heavy vehicles, there was a question of whether there would be more space required. The proposal includes the proposition that an adjoining property - which is also under lease but which I understand is vacant at the moment, although leased - would have to be taken over, in some fashion, by the proponent. That would then provide sufficient parking space for about 85 vehicles. There are ongoing negotiations as to whether or not it is possible to set up that particular park and to accept the proposal put in relation to it.

There is also a proposal for another park at Mitchell, but there are similar problems. The proponent is talking about a quite small block of land that would not accommodate a large number of trucks. However, negotiations are continuing on those proposals. There was a third one, and this is a major one, which would entail setting up a quite large facility near the airport. It would involve considerable expenditure on the part of the proponent and it would go much further than simply truck parking. My understanding is that it would involve a freight bay for transshipping road freight and perhaps a maintenance facility for heavy vehicles as well as the parking space. That, you can understand, involves some very complicated negotiations because the land, at the current time, is not zoned for such a purpose. Secondly, it is designated land, and, thirdly, of course, we have on the table the whole issue of the future of the airport, and that raises questions about the land surrounding it.

It is not for want of trying that no heavy vehicle park has yet been created. We are continuing to negotiate and we are hopeful that we will have at least some heavy truck parking available. I think the first and most likely cab off the rank is the one at Hume, and we are hoping to have that in place between July and September, or around about that period. There is also the question of a code of conduct by which heavy truck owners and operators will be obliged to operate, and that will be before the Assembly this week.

The second part of the question has to do with the economic viability. It is clearly not economically unviable, or we would not have people attempting to negotiate with us to provide this heavy truck parking. I believe it is economically viable. It is just a question of identifying the areas where the heavy trucks should be parked, where they can be parked, and what arrangements have to be entered into by the Government to facilitate such.

Taxi Ranks

MS TUCKER: My question is for Mr Kaine, also. Mr Kaine, could you clarify this? Is it the responsibility of government to provide taxi rank facilities? Do you review facilities from time to time to make sure they are appropriate and safe?

MR Kaine: I am sorry; I did not hear that question, Mr Speaker. Ms Tucker speaks very softly.

MR SPEAKER: Could we have it again, Ms Tucker?

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MS TUCKER: Mr Kaine, is it the responsibility of government to provide taxi rank facilities for taxi rank areas that are designated, and do you review facilities from time to time to make sure they are appropriate and safe?

MR KAINE: It is clearly the responsibility of government, Mr Speaker, to provide taxi ranks. They are on our public streets. Just as we provide loading zones and other commercial spaces, yes, it is our obligation to provide them. Whether we review them frequently or not, I do not know; but I will take on notice the question as to how often a review of the provision of taxi ranks is carried out and come back to Ms Tucker.

MS TUCKER: I have a supplementary question. Is the Minister aware that the provision of sufficient taxi rank space has become an issue in Manuka? Can he explain why a request from the chief executive of Aerial Taxis to the director of City Services to reorganise parking arrangements to meet the need was met with a response from government that sounded like it would improve the current arrangements, but it would be more likely to happen quickly if Aerial Taxis did it themselves and funded it?

MR KAINE: Mr Speaker, I have no knowledge of the circumstances that Ms Tucker outlines. I will certainly find out whether any such proposal has been made; whether, indeed, that was the response; and what, if anything, the Government should be doing to respond to it.

Local Area Planning Advisory Committees

MS REILLY: Mr Speaker, my question is to Mr Humphries as Minister for Land and Planning. Minister, can you explain why you have expanded the scope of the LAPACs, thereby reducing the three current groups to two?

MR HUMPHRIES: Yes, very simply, Mr Speaker. As members know, I commissioned a consultant's report which reported in about October or November last year and which made recommendations about a number of changes to the LAPACs. That included doing away with elections, having members of LAPACs appointed by the Minister, and other recommendations which found little favour among community groups, members of LAPACs or the Government. As a result, I was unhappy with those recommendations.

I subsequently brought together a working party, consisting, in the majority, of members of existing LAPACs, to give advice about the way in which LAPACs should be structured in the future. There was a package of recommendations and, broadly speaking, the Government has accepted those recommendations. I do not recall whether the three into two was one of those recommendations, but I do recall that it was imperative that the Government be able to provide for an extension of the LAPAC concept into other parts of the ACT, including South Canberra and Belconnen, or parts of Belconnen. Obviously, it is not possible to do that at the same level of cost if we replicate relatively small structures throughout the whole of the rest of Canberra. Essentially, the Government has acted on the basis of recommendations made by the working party, a majority of whose members were members of existing LAPACs.

MS REILLY: I ask a supplementary question. Minister, is the reality that because the LAPAC covering Turner has become difficult to deal with you got rid of it?

MR HUMPHRIES: No, we have not, because they are still there. There is still a LAPAC covering Turner. In fact, the representatives of the Turner Residents Association came to see me and said they wanted to be included with the residents of Braddon. They felt the - - -

Ms McRae: But you cannot appoint them and they might not be there.

MR HUMPHRIES: I am not proposing to appoint them. They said, "We want to be in with the residents of Braddon". We have designed a LAPAC structure which puts the residents of Turner in with the residents of Braddon. We have not got rid of the LAPAC. The LAPAC is going to continue in a different form. It is going to continue. What more do you want?

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

PERSONAL EXPLANATIONS

MS McRAE: Mr Speaker, I seek leave, under standing order 46, to make a personal explanation.

MR SPEAKER: Proceed.

MS McRAE: Mr Speaker, I can understand why Mrs Carnell wants to attack me when she has the recognition rate she has. Forty-four per cent do not know how to vote and only 21 per cent will vote Liberal. She is clutching at any straw. What neither she nor Mr Pangallo chose to point out was that on 16 May, the day after the article appeared in the *Canberra Times*, an article appeared with a huge headline in the *Queanbeyan Age* not only on page 3 but also on page 1. I seek leave to table that article.

Leave granted.

MS McRAE: Perhaps Mrs Carnell can proceed to tell people that the apology was in the *Queanbeyan Age* and that Mayor Pangallo saw it. If Mayor Pangallo chooses to pay no attention to it, it is his problem, not mine.

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MR CORBELL: Mr Speaker, I seek leave to make a personal explanation.

MR SPEAKER: Under standing order 46?

MR CORBELL: Yes, Mr Speaker. I seek leave to table in the Assembly two documents. One is page 47 of the Tidbinbilla Nature Reserve draft management plan.

Mrs Carnell: How can you table something in a personal explanation, Mr Speaker?

MR CORBELL: I am seeking leave.

MR SPEAKER: I am waiting for the explanation. You are certainly not going to incorporate them in *Hansard*.

MR CORBELL: No. I also seek leave to table page 3 of the Tidbinbilla Nature Reserve draft public works implementation plan.

Leave granted.

MR CORBELL: Both documents indicate visitor numbers to Tidbinbilla, and there is no reference, although the Minister alleged earlier that there was, to visitor numbers to Tidbinbilla Nature Reserve next year. I would ask the Minister to reflect on his answer and make sure that he has not inadvertently misled the house about the nature of the information supplied in these documents.

QUESTIONS WITHOUT NOTICE

ACTTAB - Kaleen Agency

MR KAINE: I would like to provide an answer to a question that Ms McRae asked me on 15 May and that she prompted me about yesterday. The question was, "Why has ACTTAB chosen not to renew its agreement with the Kaleen agency?". The answer to the question is that the decision not to issue a new deed for the Kaleen agency to the current agent was a commercial decision made by the ACTTAB board. I understand that the agent was first informed of the decision 15 months ago. The current agent, Mr Paul Halliday, had the opportunity of recently meeting with the ACTTAB board to further discuss the matter and any concerns about the process.

I have been informed that the board has confirmed its earlier decision not to issue a new deed. My department has conducted an independent review of the process and can find no aspect of the process which appears to be procedurally incorrect. I am advised that Mr Halliday has made representations to the Ombudsman's office in this matter, but I have to say that the decision not to issue a new deed is a matter between Mr Halliday and the ACTTAB. In view of the circumstances, I believe that it is inappropriate for the Government to intervene.

Tidbinbilla Nature Reserve

MR HUMPHRIES: I want to provide some supplementary information to answer a question I took on notice in question time today. I table a document that indicates estimates, as best they are known, of visitor numbers to Tidbinbilla as a result of the charging of entry fees, implementation costs of the project and revenue estimates and also a possible situation in terms of the financial position if there was a 30 per cent drop in visitor numbers to Tidbinbilla. The 30 per cent figure, I have to emphasise, is a worst case scenario that was referred to in the documents Mr Corbell has just tabled. It does not indicate, as Mr Corbell suggested in question time that it did, that the Parks and Conservation Service believe that there will be a 30 per cent drop in visitor numbers.

Mr Corbell: No; that is not what we said.

MR HUMPHRIES: He did say that, and that is not what the document suggests. It says that, if at the worst estimate there was a 30 per cent drop, this is the result that would occur. The 270,000 expected in the next financial year is based on this worst case scenario. There is no prediction about that. There could end up being no reduction in visitor numbers. Indeed, there could be an increase in visitor numbers. I would say that the likelihood of an increase in visitor numbers on that worst case scenario is greatly to be expected, given that since this was announced the Federal Government has announced the provision of \$200,000 for a new visitor information centre. That, I think, will have an impact on visitor numbers.

Ms McRae asked me about concessions available to people entering Tidbinbilla. The concessions are available to pensioners, the unemployed and members of the Friends of Tidbinbilla group. The charge will be for the car. If you get an annual pass, your car registration number will be on the pass. If you are a pensioner or some other person who falls into the category of a concession and you own the car, then you can bring in people in your car - - -

Ms McRae: What if you do not want an annual pass?

MR HUMPHRIES: Let me finish. If you get people in the car who are not pensioners or are not entitled to a concession, that is good luck to you, as far as we are concerned.

Ms McRae: Yes, but that is for a yearly pass.

MR HUMPHRIES: It is a yearly pass; that is right.

Ms McRae: But what if you do not want a yearly pass?

MR HUMPHRIES: You can get a single entry ticket.

Ms McRae: Then is it for the driver or the car?

Mr Kaine: Mr Speaker, are we carrying on a little discussion here between the Minister and Ms McRae?

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MR SPEAKER: Ms McRae, I warn you.

MR HUMPHRIES: I suspect it is very hard to satisfy Ms McRae, and I will not even attempt to do so.

Mr Corbell: Mr Speaker, I rise under standing order 213. I ask whether Mr Humphries would care to table the document he was reading from in relation to visitor numbers at Tidbinbilla?

MR HUMPHRIES: I indicated that I was tabling it.

Grevillea Park - Erosion Control

MR HUMPHRIES: Yesterday Ms Horodny asked me about Landcare work at Grevillea Park and whether the \$30,000 for Grevillea Park restoration has been used to clean up the mess created by the FAI car rally, how the car rally rehabilitation entered into the objectives of the Decade of Landcare program and why the rally organisers were not paying for this work. I have to say, with great respect, that it is astonishing how often Ms Horodny gets the wrong end of the stick, or at least trots out in this place as gospel matters based on very poor advice or a very poor understanding of the processes or the objectives.

The reality is that the \$30,000 allocated to this project was not for restoration of damage resulting from the FAI car rally. The combined effects of prolonged dry conditions and grazing by rabbits have damaged and denuded large areas of grass cover at Grevillea Park. The park was in need of restoration prior to the FAI car rally. Erosion has been an ongoing problem for many years. The erosion problems have been caused by a lack of ground cover and the inappropriate and illegal use of vehicles, generally during night hours. This has led to the creation of unwanted vehicle tracks and soil erosion channels. Given the close proximity of Lake Burley Griffin, it is important to halt soil erosion before damage occurs to water quality in the lake and downstream waters. The project will provide permanent barriers - approximately 600 metres of them - to prevent vehicle access to grassed areas. The project will also restore grass on all degraded areas, rehabilitate erosion channels and provide cut-off drains to prevent soil from entering the lake.

Yesterday Ms Horodny also asked how I determine the priorities for spending on the Decade of Landcare projects and whether I could table any policies or guidelines used within the Department of Urban Services for determining the priorities. This was a particularly curious question. The Decade of Landcare grants to which Ms Horodny referred were, of course, Decade of Landcare capital works grants. That capital works program is developed within the policy and contextual framework of the document which I now table - the ACT Decade of Landcare Plan, published in 1991 and produced by the former Government. I am very surprised Ms Horodny was not aware of that document, because it is the very document to which she referred in her question. It is the document that governs the policies under which Decade of Landcare grants are being made.

More importantly, that program is examined by the Assembly's Planning and Environment Standing Committee prior to adoption by the Government. Of course, Ms Horodny is a member of that standing committee. The grants which she has drawn into question both here and outside this chamber are the very grants which she, as a member of the Planning and Environment Committee, examined on that committee.

Ms Horodny: We did not have access to that sort of information in that committee either.

MR HUMPHRIES: Ms Horodny has interjected that she did not have access to that information. The information was placed before the Planning and Environment Committee. If it was not, then of course she had the capacity to call for it. My understanding is that she did not call for it. She did not ask for it. It was not referred to in the report of the committee. It was simply not raised as an issue in the debates of the committee. If I am wrong, I will come back to this place and I will withdraw that. Ms Horodny obviously believes that I am wrong, so I will do that. I hope she will undertake to do the same thing if she is wrong. My understanding is that this was not raised in the committee, was not called for in evidence by the committee and was not reported on by the committee when it made a recommendation on the capital works program only a few months ago. I stand by those statements, Mr Speaker.

The Government has committed \$1.25m to this project, to be spent over 10 years. The administration of the program lies with the conservation and land management unit of Environment ACT. Individual projects are managed by the appropriate land management agencies. Projects are identified by land management agencies with assistance from the Landcare subcommittee of the Government's Environment Advisory Committee and community Landcare groups. Project priorities are set by a panel of managers from the relevant land management agencies. I emphasise that this process is an open and accountable one which is done in accordance with the Decade of Landcare Plan I have just tabled, which is passed through this Assembly's Planning and Environment Committee, of which Ms Horodny is a member.

PERSONAL EXPLANATION

MS HORODNY: Mr Speaker, I seek leave to make a personal explanation under standing order 46. Mr Humphries has just said that in the Planning and Environment Committee I did not ask about Landcare issues, but in the Planning and Environment Committee we specifically and consistently have asked what the priorities in capital works are. Whether it is in relation to bicycle paths or Landcare projects, or indeed all the projects in capital works, we have consistently asked how the priorities are set, what list the Government is working from, and which projects are rejected and on what grounds, and consistently we have not received answers.

STANDING ORDER 113A

MR BERRY (3.30): Mr Speaker, I move:

That standing order 113A be amended by adding “or, where a non-Executive Member has notified the Speaker that another non-Executive Member will ask a question on their behalf, the Member so nominated has been given the call.”.

This should not take too long. The motion which I have proposed for consideration by the Assembly has been specifically designed to increase the accountability of government. It would enable non-Government members, and indeed the two backbench Government members, to proxy their right to ask questions to another member if that member has a particular line of questioning he wishes to pursue in relation to a Minister.

In practical terms, for the Labor Party that would mean that we would wish to have one or more of our members ask all of the questions of a particular Minister in question time so that the line of questioning remained on track and made the relevant Minister more accountable. It would assist the interrogation of Ministers about their portfolio responsibilities. The Greens might like a particular line of questioning that the Labor Party is pursuing and they might proxy their right to ask questions to members of the Labor Party, or vice versa.

The same might apply in respect of Mr Moore. Mr Moore might have a particular line of questions that the Labor Party, the Greens or Mr Osborne likes, and they could proxy to Mr Moore their right to ask a question. On the other hand, the crossbenchers might argue that this gives the political parties more ability to question Ministers.

Mr Osborne: Why would you be doing this? Is it out of the goodness of your heart?

MR BERRY: Mr Osborne interjects, “Why would you be doing this?”. I will repeat what I said earlier. Take me as an example. I may wish to ask two or three questions, or another question may develop during question time in relation to, say, health matters which I might wish to pursue Mrs Carnell on. In the case of Mr Kaine, I might wish to pursue a particular line of questioning or additional questions in relation to industrial relations in order to make the Government more accountable. It is not as if we are trying to set new standards. This is a process which is followed in the Federal Parliament and in other parliaments. It is not an unusual process. This is about the Government being made more accountable.

My understanding is that I do not have the support of sufficient members to carry this motion. That is what I have been informed. I think people are making a grave mistake in taking that view and are taking a short-sighted approach to this particular proposal. All of the people on the crossbenches who now indicate that they will oppose this particular motion have in the past claimed that they want to make governments more open and accountable. Of course, the Greens and the other crossbenchers may not now wish to see the Government that they have supported made more accountable, because it is becoming embarrassing. It is most important that members support this motion.

I can understand why crossbenchers are nervous about this. It would also make the Labor Party more effective. It would make the Greens more effective, too. If the Independents could be made more effective, it may help them as well.

MR SPEAKER: I do not want to have to deal with the Greens and the Independents claiming they were misrepresented, Mr Berry.

MR BERRY: I share your view and I withdraw any imputation to that effect. This is a great way to expose the misinformation that was given to the electorate by the crossbenchers and the Greens if they vote against this. They would be opposing moves designed to make the Government more accountable by making it easier for members to interrogate Ministers, to get a better result in question time. Traditionally, question time is about extracting information from Ministers. This would make it easier for individual Ministers.

I think I heard one of the Green members chuckling about this issue, but they ought to be less short-sighted when they are considering this issue. I am sorry if this is noisy for people, but the interjections are becoming a little loud, Mr Speaker, so one has to get a little bit closer to the microphone to make - - -

MR SPEAKER: Order!

MR BERRY: Thank you, Mr Speaker. I am glad you noticed. This is a sensible motion. It deserves the support of the Assembly. I know that members will vote on this mostly to suit their own interests rather than to suit the general principle of proper interrogation of Ministers at question time. I urge members to support the motion.

MR MOORE (3.38): Mr Speaker, I rise recognising this for what it is - a motion of entertainment. I am sure that most of us have enjoyed Mr Berry's little discussion on it. It is actually the "let us give Andrew a chance" motion. You will notice that it reared its ugly head straight after the Labor Party conference and straight after a bit of polling. Suddenly, the manager of Opposition business, the Opposition Whip, said, "What can we do? We have to do something. Let us make sure that at question time Andrew can stand up and get all the questions. How am I going to argue it? They do it in the Federal Parliament". Of course they do it in the Federal Parliament. You have a centralisation of power in the Federal Parliament, the very antithesis of what happens here. This motion is a great joke, Mr Speaker. It is appropriate for us to thank Mr Berry for bringing on such an entertaining motion, providing us with the entertainment of the way he presented it. I particularly loved the bit where he moved closer to the microphone when people interjected on him. How dare they!

What does this motion do? Supposedly, this motion makes the Government more accountable. I have news for you guys. What actually makes a government more accountable is an opposition working effectively. That is what makes a government more accountable and more open.

Mr Osborne: Could you say that one more time?

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MR MOORE: Apparently Mr Osborne did not hear me. An opposition working more effectively is what it is about. No, we do not want centralisation of power in any form in this Assembly if we can avoid it. That is certainly why I will be opposing the motion.

There was another argument that Mr Berry put, and this is the one I like best of all. He said that it will make Labor more effective. Finally, they have found something that just might make Labor more effective. It is not more work. It is not an attempt to work with other members in the Assembly to get legislation up and to show that they can be an alternative government; that they can get people onside; that they can achieve things. No, it is a change to standing orders to let one of their members - I presume Mr Whitecross - ask more and more questions. All we hear from Mr Berry is a projectionist approach. The arguments that he puts are most extraordinary. The accusations he makes against the crossbenches are most extraordinary. Clearly, what he did was look in a mirror this morning.

Mr Speaker, this motion should be treated as the nonsense that it is. It is an awful attempt to give them a chance to increase Mr Whitecross's profile instead of working out their own factional disagreements, starting to work as a team and being supportive. Mr Berry, you do not have to pass all your questions on to one person or let the one person ask them. You can have a coordinated approach. I noticed for quite a while at question time today what I thought was a reasonably effective coordinated approach. If you soup that up, you might actually be able to get the questions going in the way you think is important. It is possible for you to approach members of the crossbenches and say, "We have something on which we think the Government is a bit weak and we think that an appropriately coordinated bit of questioning would be useful". You just might find some response - - -

Mr Berry: But you would protect them, as you always do.

MR MOORE: "You would protect them", Mr Berry says. How would you know, Mr Berry? I have made the suggestion to you quite a number of times from the very beginning of this Assembly that that is what we could do. Until you are prepared to work with the crossbenches and show that you can, Mr Berry, then you cannot be the alternative government under this system. Why is it that Labor cannot see that you cannot be an alternative government unless you can work with the crossbenches? That is what it is about. That is how you become more effective - - -

Mr Berry: It is a bit hard to work with wackos, Michael.

MR MOORE: I do not care what he bleats. There is a simple way to becoming more effective. There is a simple way to show that you can actually be the alternative government instead of the rabble you are at the moment.

MS TUCKER (3.43): I have concerns about this motion. When Mr Berry first put it to me, I could see some point in what he was arguing; but when I thought about it further I had concerns about it in terms of what we are trying to do in this place and in terms of the Hare-Clark system and all members having the opportunity to represent their constituents in the way that they see fit and to have equal place in debate in this place.

Obviously, within a party there is at times a quite large degree of control over what members of that party do. I understand that there are reasons for that - for unity and so on. However, I am a bit concerned at the possibility that we might see question time with really no-one having much profile except the person a party decides for political reasons needs to get a profile. Obviously, it could very easily be used in that way.

I have actually worked with Labor in question time once or twice. It is possible to do that. I also support what Mr Moore says on that level. There is the ability for that coordination, and I welcome it. We have worked very well with Labor quite recently on the apology. I do not think that that rules out at all the possibility of this happening. I think there is a bit of a check and balance in the system if we keep it so that each member has the right. For those reasons, I will not support this motion.

MR HUMPHRIES (Attorney-General) (3.45): Mr Speaker, the Government is not inclined to support this rather strange motion.

Mr Berry: Last chance, Gary.

MR HUMPHRIES: Mr Berry interjects across the chamber, "It is your last chance". We realise that these things come from the Labor Party only when they are in opposition. They are saying, "This is your last chance to get a system where you can make your leader shine as well. You might need this one day, so get together with us and we will be able to make this device happen. This will work in favour of the party being able to control - - -

Opposition members interjected.

MR HUMPHRIES: Mr Speaker, every time I have spoken today, I have talked over a barrage of Opposition interjections. I would ask for protection from the Opposition in that respect.

MR SPEAKER: I have to agree with you there. Order!

Mr Moore: Just move closer to the microphone.

MR HUMPHRIES: Yes, I could do that; that is true. The reason the Government will not be taking up the kind offer that is being made by the Opposition is that we do not see the electoral system operating in the same way as you do. You obviously have a vested interest - at least, the four of them in the chamber at the moment from the Left faction do - in manipulating the way in which the party presents itself, making sure that certain people shine in the cosmos of Labor's constellation.

The fact of the matter is that we on this side of the chamber understand that the Hare-Clark electoral system is about all members being able to demonstrate to their constituents, through their performance on the floor of the Assembly as elsewhere, the benefits that they have to offer by being a member of this place. I do not propose to support you in any measure which is designed to provide - - -

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Mr Whitecross: Tell us about your multiple backflips on 4.00 am closing.

MR SPEAKER: Would you kindly be quiet, Mr Whitecross. Mr Humphries has the floor and you have been chattering all day, whether you have been on your feet or not.

MR HUMPHRIES: I do not propose to combine with those opposite to corrupt one of the important elements of the Hare-Clark system, which is that the public of the ACT, the people in the gallery, and perhaps after the passage of the Bill Mr Moore has put before the Assembly today those listening on the radio or watching on TV, need to be able to see what members are doing on the floor of the Assembly. Question time is the most important performance venue for members of this place. To deprive large numbers of them of the chance to be able to appear before their constituents is a most unfortunate development, and I certainly will not be part of it. This is about posturing and posing, manipulating the way in which parliament operates, to achieve a certain result. If the Labor Party is having internal problems at the moment, that is not the concern of this parliament. They should deal with those problems as they see fit. They can get another acting teacher for Mr Whitecross if they want to. That is the way to deal with that problem. They should not come in here and try to manipulate question time.

Practices on the hill are not relevant to what goes on here. We know that at question time on the hill there is limited time for questions. There is one hour for questions. They do not have the practice we have here of every member being entitled to ask a question. We have a different practice in this place. Every member being entitled to ask a question means every member who is present, not every member who wants to give up his or her right in order to make sure that a lacklustre Leader of the Opposition has some chance to shine.

Those opposite say they want to have a chance to put forward some shining light in the Opposition, presumably to show how good they perform in question time. If today's question time was any indication, why would we cooperate to generate more of that kind of claptrap on the floor of this place? It was one of the most abysmal question times I have ever seen in this place. They were pitifully weak questions. Why should we provide more of that?

MS McRAE (3.49): Mr Speaker, I move the following amendment, which I have circulated in my name:

After "standing order 113A" insert "after consideration of the issue by the Standing Committee on Administration and Procedure and the Assembly's resolution of any question in relation to a motion moved on presentation of that Committee's report on the subject,".

I have never before heard such a level of concern from the crossbenches and the Government for the profile of their Opposition. It is very touching that they are more concerned about our electoral chances than their own. Here we have Ms Tucker worried about my future, Mr Berry's future, Mr Corbell's future and Mr Whitecross's future. I have a little secret to tell her. We want her votes in Molonglo. Perhaps her gratuitous advice is rather misplaced.

We heard the same from Mr Humphries. He was absurdly concerned about how we are manipulating for profiles. Dear, oh dear! They are the Government; we are the Opposition. I will let you all into a secret. You want to get rid of us. You do not want us here. I have never heard anything so extraordinary. If you want to keep us right here, you are telling us how to go out and improve our profiles. There is a little bit of extraordinarily inconsistent logic there.

We come into this debate as if this is the only time this issue has ever been faced by any parliament in Australia. What a joke! I will long remember Mr Moore's laughter. Never have I remembered more the adage that he who laughs last laughs best. I intend to stay here long enough so I can win on that one. He had his laugh today, but we will see.

My amendment is a direct appeal for a bit of commonsense. Instead of putting words into our mouths, motives into our plans, interpretations into random figures, let us just take a long sip of cold water and think about the issues that we are putting before you. In every other case - - -

Mr Hird: The issue is that you have to look after Andrew.

MS McRAE: Here we go again, Mr Hird. Thank you for interpreting what our intentions are. I would look after Mrs Carnell far more than we have to look after Andrew. Let me remind you that 78 per cent recognised her, but 44 per cent had not made up their minds how to vote. I think that is a very strong indictment of those who know her. To know, know, know you is not to love, love, love you, Mrs Carnell, to quote a song. I would worry much more about Mrs Carnell than I would ever worry about Mr Whitecross.

Let us just get back to what we are talking about. We are worrying about an amendment to a standing order. In every other instance where we have gone down this track we have let the Administration and Procedure Committee have a look at it. We have gathered the information as to what is done in other parliaments and why, and with the information before us we have leapt in and changed or not changed the standing orders. We have not provided gratuitous advice. We have not reinterpreted each other's motives. We have allowed the standing order to be examined coldly, carefully and with information, and then reported back.

Mrs Carnell: Garbage!

MS McRAE: Here we go again. Put any interpretation you like on it, but that is the way we have dealt with the standing orders before. If you people think it is your job to improve all our profiles individually, by all means go ahead. Do anything you can. We will accept anything you want to do to improve our profiles. But we have every right to come in here as a party and ask that the Assembly consider something that is done in many another parliament for a range of reasons - historical, good or bad. Here we have a group of uninformed people who cannot tell me which parliaments it is done in, which parliaments it is not done in and why; so I am putting forward my amendment so that the Administration and Procedure Committee can go away and do its homework, which is what the committee is there for. Then we can bring the vote back to the Assembly.

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MR MOORE (3.54): This gives me a great opportunity to speak to the amendment, but just before I do I should take a long sip of cold water.

MR SPEAKER: I have already done that.

MR MOORE: I need it to smooth out my palate. A little asterisk on the notice paper indicates that this motion has just been put on the notice paper for the first time. Yet Ms McRae challenges us to tell her which parliaments actually use this process and which ones do not. Knowing about this motion yesterday, I did not have the time to research that; but I am very happy for Ms McRae, or Mr Berry when he replies, to tell us which parliaments. I would really like the information, Mr Berry, to convince us that it is worth sending this to the Administration and Procedure Committee. I would like you to explain also the difference between the upper house and the lower house, while you are at it.

I have no intention of sending this to the Administration and Procedure Committee, because I do not want to waste my time on that committee with such a nonsense motion. It does not recognise the way the Hare-Clark system operates. It does not recognise that we have proportional representation. There is simply no good reason that has been put for it. If we are going to change standing orders, then we would normally expect a very good reason. If we are going to give reasonable consideration to something within a committee, then we would expect a fairly convincing argument that there is at least a good reason to consider it. It may well be that we have not yet worked out what the other arguments are and therefore we would not take it through a committee process, but it seems to me that a committee process would be a great waste of time. It is far better for the Labor Party to get their heads together and work out a much more effective way to increase the profile of their leader.

MS TUCKER (3.57): I would like to speak briefly to this amendment. Ms McRae said something that I thought was quite interesting. The reason that the Greens are concerned about this motion is that the research we have been able to do in the short time we have had shows, I state again, that it is in the interests of democracy and representation that we all have the opportunity to ask a question. That is actually in standing orders to ensure that the process is not manipulated by a party. I am not particularly concerned about the individuals here right now. Ms McRae seems to think that that would be the concern. I am interested in the system working in the way that it was designed to work. I am actually interested in democracy - a much bigger issue than the individual people sitting here right now.

MR CORBELL (3.58): I rise very briefly on this issue, simply to refute some points made by Ms Tucker. No-one's opportunity to ask a question is being denied under this proposal. If this proposal is successful, members will have an opportunity to proxy their question to another member. That is all it means. It happens in every other parliament in every other State and Territory in this country. Why the hell can it not happen here? That is exactly the question the Labor Party is asking.

MR SPEAKER: Because I do not think they are going to allow it. That is why.

MR CORBELL: The Greens, Mr Moore and the Liberal Party seem to be suggesting that this will deny people the opportunity to ask a question. It will not. Your opportunity to ask a question remains the same; but, if you would like someone else in this chamber to ask a question on your behalf, if this Opposition or the Liberal Party when they are in opposition one day - and I can assure you that they will be one day - want their leader or another shadow Minister to ask a stream of detailed questions of a Minister in an unbroken sequence, why can that not happen? Is that not another opportunity for effective scrutiny of the Minister?

The Greens seem to be completely misled on this. Michael Moore does, Mr Osborne does and the Liberal Party does. I would urge this Assembly to support this motion. It is a commonsense proposal. It denies no-one the opportunity to have their say. It simply allows an opposition to undertake a different stream of questioning if they believe that is the most effective way of scrutinising the activities of the Executive. I would have thought that Mr Moore, Mr Osborne and the Greens would have wanted that.

Mr Humphries: I raise a point of order, Mr Speaker. I draw to members' attention the fact that only members of the Left faction of the Labor Party are present for this debate.

MR SPEAKER: There is no point of order.

MR OSBORNE (4.00): Mr Speaker, Mr Humphries stole my thunder a little bit. I just wanted to know where the non-aligned members were and what they thought about this.

Amendment negatived.

MR BERRY (4.01), in reply: Mr Speaker, it is most important to have a look at the hypocrisy of the crossbenches on this issue. Michael Moore can cackle about this, but he knows what I am talking about. He knows that he promised that he would support open and accountable government, and he knows that what he is doing now is preventing Ministers from being more accountable during question time. That is what he knows and that is why he is cackling like a mad hyena.

MR SPEAKER: I do not think they cackle, actually.

MR BERRY: If you have a listen, Mr Moore does. Mr Osborne has taken this view as well, as have the Greens. What has not been mentioned with much strength during the debate is that the Liberal Government opposite is owned by them. It is their government. They were the people who voted for Mrs Carnell and gave her carte blanche to set up a ministry. They would be humiliated if their decision to support that Government was shown to be wrong. It would assist the Opposition in this chamber to that end. That may well be embarrassing, but it is not enough reason for you to dodge the issue and walk away from what is a sensible motion which would make the Government more accountable in accordance with what you promised the electorate when you were elected.

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The Hare-Clark system is a red herring. It has nothing to do with it. This is about an opposition party, a political party, in a multiparty democracy taking on the executive government of the day. For those who do not belong to political parties, that is their decision. If they could not make it in a political party, they have decided to run as Independents and take the risk. If you do not belong to a political party, it does not mean that the system of a multiparty democracy is wrong. It does not make it wrong that a multiparty democracy is the system in which we work. It is a well-proven system which in some countries people will die for.

This is about an effective multiparty democracy putting the executive government to the test in the Westminster system. Sometimes Independents get a little bit upset about that and claim that the system is not working because they do not have control of it. That is a cry we often hear. But long-term parties and parties that are here for the long haul want to make executive governments more accountable. If you are here for the short haul and you are worried only about yourself, I can see why you would not be interested in that. I am surprised at the Greens' approach. I am also surprised at the Liberals' approach. I am not surprised at all at the Independents' approach. The Liberals may have to face this issue themselves one day. They have set the pattern. If Mrs Carnell's performance is any indication - although she has blitzed the media, one out of four people do not know her and she is 5 per cent behind us on her own polling - then the Liberals may be wrestling with this situation sooner than they think. This is a motion that makes sense in the Westminster system of multiparty parliamentary democracy. It makes no sense to Independents. I can see why. Theirs is an issue of self-interest, not the interest of the system. I am surprised that the Greens are not supportive and I am surprised that the Liberals are not, but I repeat that this is about protecting the mistakes of the Greens and the Independents. They made the mistake of supporting a Liberal government. Now they want to protect it.

MR OSBORNE: Mr Speaker, I would like to make a personal explanation. I would just remind you, Mr Berry, that I did not cost you government; the people of Canberra did. When I stood up in the election I said that I would support the Chief Minister of the party that won the most votes, and it was the Liberal Party. You got kicked out. So, blame the people of Canberra; do not blame us.

Question put:

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

The Assembly voted -

AYES, 6

NOES, 11

Mr Berry

Mrs Carnell

Mrs Littlewood

Mr Corbell

Mr Cornwell

Mr Moore

Ms McRae

Mr Hird

Mr Osborne

Ms Reilly

Ms Horodny

Mr Stefaniak

Mr Whitecross

Mr Humphries

Ms Tucker

Mr Wood

Mr Kaine

Question so resolved in the negative.

PERSONAL EXPLANATIONS

MR HUMPHRIES (Attorney-General): Mr Speaker, I ask for leave to make a personal explanation under standing order 46.

MR SPEAKER: Proceed.

MR HUMPHRIES: In the course of the debate Ms McRae said that I wanted to get rid of the Opposition. Let me say that nothing could be further from the truth. I am very fond of this Opposition. I would like to see this Opposition around for a long time. In fact, I will work very hard and very long to keep the Opposition in their comfortable positions on that side of the chamber for as long as I possibly can.

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

MR SPEAKER: Proceed.

MS TUCKER: I want to clarify a point. Going on Mr Corbell's response to what I was saying, I may not have been clear. I am interested in the right to ask a question being guaranteed. I was not suggesting that people would necessarily be denied that right. I am interested in a guarantee that each person may ask a question. That is what the point was.

DESIGNATED LAND - DEVELOPMENT PROTOCOLS

MS McRAE (4.11): I move:

That:

- (1) this Assembly calls on the Minister for the Environment, Land and Planning to prepare a set of consultation protocols to be followed when proposals for developments or projects on designated land are being considered. The protocols must establish a process by which the general public can be consulted before a decision is made; and
- (2) these protocols be brought to the Assembly for debate in the September sittings.

This issue is not new. We have mentioned it in the chamber before in the adjournment debate. Mr Humphries provided you with a set of draft consultations a while back and pointed out that they were draft consultations. It is with pleasure that I pick up the debate again. I think it is a straightforward issue that the Government should be able to oblige on.

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The issue arose from three specific events that happened in the ACT - namely, the erection of the futsal slab, the application for the wedding chapel on the side of the lake and the use of the lake for the rally. In each case it was clear that there were protocols by which the Federal Government did consult the ACT Government; but there were no protocols as to what would then happen, other than that the ACT Government would give an opinion on it. Also very clear in the course of the three debates - and I am sure it happens time and again on other issues - was the fact that there are many people in Canberra who feel that they ought to be able to have a say in whether the ACT Government should say yes or no to the proposals that are before them in relation to designated land. I mean specifically designated land where primarily the Commonwealth has the development rights of the land but has a process of checking with the ACT Government on their response to the proposal that is before them.

What I am calling for is a set of protocols very similar to those already used under the Land Act for different applications. They determine the process by which a range of groups - incorporated organisations or perhaps individuals if it is anywhere near an individual's residence - are notified of a proposal and their opinions are taken into account. If the Government so chooses, we can issue a more public and general notice as well, so that the general public is informed. In many of the sites that we are talking about there are very much publicly shared spaces about which many people have very strong opinions. They have historical links. They have a social centre in people's lives. To suddenly find a new building or a new proposal - even if it is within the possible lease uses of the land, even if it is within the character of what is possible in the area, which I think each of the three proposals that I am talking about was, and even if it is a project that really should not be stopped - can cause public concern. With the three that I mention, we saw a very high level of public concern that they somehow sprang up and that people did not have an opportunity to comment.

What I would like the Government to do, and hopefully I have the support of the Assembly, is to provide us with a set of draft protocols - I am calling for them in the September sittings - so that we can look at some proposals about who could be notified, how the notification process could be dealt with, how comments could be dealt with and how the whole business could be expedited, so that the projects can continue but with the input and perhaps the confidence of the Canberra people rather than simply the tick of the ACT Government. I think it is a fairly straightforward motion. I commend it to the Assembly and look forward to seeing these draft protocols in September.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (4.15): Mr Speaker, I rise to support the motion that Ms McRae has moved and indicate that I am more than happy to take up the issue that she has put before the Assembly. In fact, I think that she has summarised very well the nature of a problem which most of us are very familiar with, a problem the heart of which lies in the fact that Canberra is governed by two separate planning systems. We are very far from having an ideal co-existence of those two systems in this city and we need to refine the process very considerably if we are to have a continuation of a dual system of planning in this city at all. As members know, my view - and, in fact, the view of the chamber, because we passed a motion on this a couple of years ago - is that we ought not to have that dual system; we ought to integrate the two planning systems.

Ms McRae is right to say that there have been problems not so much in not having the letter of the law available to describe the entitlement of one planning system and the entitlement of the other in respect of these matters but rather in not knowing how to proceed through the use of general consultation mechanisms to resolve issues of conflict. When I say “consultation” I am referring to consultation between the two levels of government involved, consultation with the broader public of Canberra and, for issues that affect Canberra as the national capital, consultation with others interested in what is taking place within the national capital, particularly in places like the Parliamentary Triangle.

The matters Ms McRae referred to, including the Canberra-Nara Peace Park and the futsal slab, are issues that very much bring that sort of problem into relief and that we need to have better protocols to deal with. I have to confess that I have asked my department to prepare such protocols. It has had two attempts at doing so. To be quite frank, I am not satisfied with either of those attempts and I intend to press them to produce a third and successful attempt at satisfying the requirements laid out in Ms McRae’s motion. I am hopeful of being able to produce those protocols very soon and giving members of the Assembly an opportunity of looking at them over the recess that is coming up soon. I look forward to being able to debate those protocols in the September sittings.

Question resolved in the affirmative.

EXECUTIVE BUSINESS - PRECEDENCE

MR HUMPHRIES (Attorney-General) (4.18): Mr Speaker, pursuant to standing order 77(d), I move:

That Executive business be called on.

Question resolved in the affirmative.

DOMESTIC VIOLENCE (AMENDMENT) BILL (NO. 2) 1997 **Detail Stage**

Clause 1

Debate resumed from 17 June 1997.

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

POSTPONEMENT OF ORDERS OF THE DAY

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

That orders of the day Nos 2 and 3, Executive business, relating to the Motor Traffic (Alcohol and Drugs) (Amendment) Bill 1997 and the Motor Traffic (Amendment) Bill (No. 2) 1997, be postponed until the next day of sitting.

TAXATION (ADMINISTRATION) (AMENDMENT) BILL 1997

Debate resumed from 8 May 1997, on motion by **Mrs Carnell**:

That this Bill be agreed to in principle.

MR MOORE (4.19): Mr Speaker, I rise to support the Taxation (Administration) (Amendment) Bill 1997. Apart from the fact that I see it as a budget Bill - and I would, therefore, support it - I also see that it is sound in principle. It seems to me that it deals effectively with windfall gains in revenue, and I think it is appropriate for us to be able to ensure that these windfalls do remain within the community. There is some question as to whether or not certain parts of the taxation law would be found valid if tested in the High Court. I think it is appropriate that we should effectively shore up a defence to ensure that excise-type revenue measures are not found to be invalid. To be able to take some action to clarify that issue, I think, is worth while. Therefore, I will be supporting this piece of legislation.

The first time I really became aware of this situation was when the business franchise fees in the X-rated video industry did come under challenge, when the excise there was challenged. The ramifications that case had were quite widespread. It seems to me that the State and Territory legislatures ought to see what they can do to ensure that they do have the prerogative to impose such duties. It is interesting that the High Court has held, until now at least, that the sorts of fees we charge are regulatory fees and not direct fees; and, therefore, we have been seen to operate legally. It seems to me that, whenever we are dealing with issues of taxation, we should deal with them in the expectation that they will be challenged. That is why it is that this legislation makes good sense.

MR WHITECROSS (Leader of the Opposition) (4.23): Labor will be supporting this Bill. I thank Mr Moore for his heroic filibuster. Labor can hand out the bouquets as well as the brickbats, Mr Moore. This Bill amends the Taxation (Administration) Act, as I am sure Mr Moore was ably explaining. The amendment Bill includes provisions to ensure 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, that the taxpayers be reimbursed. The Bill contains a provision to allow a taxpayer to apply to the commissioner for a refund of an amount paid in excess of the tax payable, even though the law has been declared invalid by the courts and the tax payable is precluded from being recovered. It also includes rights of appeal to the Administrative Appeals Tribunal for taxpayers where the commissioner is not satisfied that a taxpayer has not charged, recovered or repaid a revenue amount to or from a third party under the Act.

Mr Speaker, these seem to me to be similar provisions in principle to the provisions that were used in the case of the X-rated video franchise to ensure that the Commissioner of Taxation did not have to refund lots of revenue, thus creating a windfall gain for the taxpayer who had, in the meantime, passed on the cost of the tax burden to individual consumers; that is, the person who is the legal entity taxed by the Government should not derive a windfall gain from the fact that the law was subsequently found to be invalid; they can claim a refund only to the extent that they can demonstrate that that refund has not been passed on to another party or that the tax has been refunded to a party down the line.

Mr Speaker, I think this is appropriate legislation. It is important legislation in the context of continuing litigation about the Government's franchise fees and whether or not they are excises for the purposes of the Constitution. For those reasons, Labor will support the Bill as a measure to protect the revenue of the ACT.

MRS CARNELL (Chief Minister and Treasurer) (4.26), in reply: I thank members for their support for this piece of legislation. As members have said, it could easily be a very important piece of legislation, as we have already heard that there are currently a number of High Court cases challenging the validity of business franchise fees. These include petroleum and tobacco taxes; and, if indications are anything to go by, there is certainly some chance that at least one of them will be successful. On that basis, this legislation is absolutely essential to protect the revenue base of the Territory.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

CANBERRA CULTURAL AUTHORITY BILL 1997

Debate resumed from 8 May 1997, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MR WOOD (4.27): Mr Speaker, debate on this Bill is to be adjourned, and for good reason. This Government that talks about consultation is now belatedly engaged in a level of consultation with the arts community about this Bill.

Mr Humphries: That is not true.

MR WOOD: Would you say that again, Mr Humphries?

Mr Humphries: I said it is not true; we had lots of consultation about this Bill.

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MR WOOD: Well, it is true. Perhaps I will add a waiver here. It depends on one's interpretation of the word "consultation". On 10 January this year - I just want Mr Humphries to hear this - a letter went out to the arts community informing them that the interim cultural authority had been appointed.

Mr Humphries: And inviting comment.

MR WOOD: You should read out that letter. I have that letter upstairs, but because this debate was brought on quickly I do not have it with me at the moment. That letter is no more than a letter of information, saying, "This is what is happening". I think in the last paragraph but one there is a comment, "Please get in touch if you have any queries". That was told to us at the Estimates Committee hearing as being consultation. It was notification and no more than that.

The Minister now, after the Artsvoice meeting that we addressed, has sent the Bill out to arts groups. That went out to them on 10 and 11 June - a week ago. We do need that consultation. They are now taking this Bill on and are looking at it very carefully. They will provide comments about their views on this Bill to the Minister and to other members of this Assembly. It would be fair to say that the consultation with the public, in particular with the arts community, began at that Artsvoice meeting, which was about two weeks ago. It was taken a step further a week ago when the Bill was sent out to the arts groups. We have had consultation on this for only a fortnight.

Mr Humphries: That is not true.

MR WOOD: It is true. When you reply you might table the letter that you sent out. The date, from memory, is 10 January. Table that letter. I would encourage you to read it out in full and tell me whether that is a consultative process.

Mr Speaker, my concern about this Bill relates to the name of the body and the implications of that - Cultural Authority. This is the authority, indicating that it will be the dominating body. It is a big concern. The Minister has said that this is not a policy body, and I accept that it may not be his intention for it to be so. But let us look at it. It is going to be a statutory body; it is established in legislation. The Cultural Council, which hitherto has been the main policy advisory body, will be, in terms of its standing in legislation, an inferior body. I do not mean in quality or anything like that; but, in the terms in which I am talking, it will be an inferior body. It will have to match up to this body, with an executive officer and staff. Just given that relative power, it may be difficult for it to do so. I certainly support any suggestions that the Cultural Council does need to review its operations, to reconsider how it is doing things and to redraw policy, which is now happening in a process set out by the Minister.

From my discussions with the arts community in this town, they are very keen to see that the Cultural Council, maybe with some changes, remains the dominant arts advisory body, the dominant policy-making body. But it has to compete with a new body, and there will be difficulties with that. The Minister at various times has used the words, "The Cultural Authority is about bricks and mortar". I have heard that on no small number of occasions. But when we come to read the Bill it is about a lot than

bricks and mortar. I might indicate that my view of the Bill has softened a little over the time that I have considered it and over the time that I have been talking to the arts groups and to other groups. I believe I can move some amendments that will improve it and ensure the primacy of the Cultural Council and the rights of local groups to state a view in Canberra.

Mr Speaker, behind my concern about this Bill is another matter, and that is that I believe there is a feeling on the part of the Government that they want to get more for their quid in respect of the arts; they want a better return, whether in visitor numbers or in some other clearly economic way. We have a problem with that. That is certainly important. Let us get the best out of it we can. But let us not forget that at the core of what we do in the arts is the need for the arts to reflect what is happening in Canberra, to reflect our own vibrant community and to work for our people, for our culture, for our entertainment in Canberra. I do not want it to get carried away with ideas of great entertainment, blockbusters and the like that might attract people - and that is good - but they might not do anything to expand the activity in the arts in our own city. That would be a very significant problem for us.

On these grounds, I am concerned about the implications of the Cultural Authority. I am concerned because the Minister's rhetoric at various times has not always matched what is in the Bill. I will say again the words that the Minister has used on some occasions: "This is about bricks and mortar". But the Bill is not about bricks and mortar; the Bill is about a lot more than that. That might be legitimately so, but they have not been the Minister's words. I wonder whether this is the Minister's agenda or whether there is another agenda coming through that he may be aware of or perhaps only dimly aware of. I start to wonder about some of the agendas behind this. I would be the first to acknowledge that we must constantly review what we are doing, whether with the Cultural Council or in other aspects of the arts; we must be constantly aware, constantly reviewing and changing. Let us do that.

Maybe this Bill has in it some good measures that we should take through, but I am not confident about the whole background to this. For those reasons, I think it is very appropriate that we defer legislation until we come back in August. The arts community have had the Bill in their hands now for only a week. They can have that discussion that the Minister says they ought to have and seems to think they have always had. I will be happy to support the adjournment of this debate and to carry on again in the detail stage in August.

MS TUCKER (4.35): I am also concerned about this Bill in its present form and about the nature of the consultation which has taken place. I am very glad that I have the support of other members in seeking an adjournment of the debate on this Bill today. I think in the Estimates Committee process we did address some of the issues. On the issue of consultation, I support what Mr Wood has said. Basically, the letter sent out in January was very far from what one would consider to be any kind of thoughtful process of consultation. In the Estimates Committee hearing a list of groups that were contacted was read out; but, in fact, those groups were all the groups who were actually going to be subsumed by this Cultural Authority. That was the limit of the consultation.

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Mr Moore: That is an important part of it.

MS TUCKER: Mr Moore interjects, "That is an important part of it". We also need to recognise that they are public servants who maybe could not say exactly what they thought anyway. The broader arts community, obviously, have an interest in this issue. I think it would have been much better if they had been considered in this consultation to the same degree, and they would hopefully feel quite free - and they obviously do, by the public meetings that we have attended - to express their concerns.

I think, as Mr Wood said, there may be some useful things in this Cultural Authority; it may not be bad at all. However, I think one of the issues is that there is insecurity in the arts community. We had a process last year where there was a proposal, involving the Office of Financial Management, to actually change the grants process. Mr Humphries changed his mind about it and moved away from it. That is something that is still very clear in the memory of the arts community and has them worried about exactly what the agenda of this Government is. The Government needs to show the arts community what its agenda is, and that means giving them an opportunity to hear and discuss what these proposals actually are. There is some uncertainty and confusion about actually where arts policy and the strategic vision of arts in the ACT are coming from at the moment. I understand the Cultural Authority is developing an arts strategic plan or a development plan or something. I do not recall exactly what it is called, but it is supposed to be dealing with policy. Members of the arts community were not clear about that and even where that process was.

I think it is quite appropriate that we do have an adjournment so that the arts community has time to confer with the Government. It may well end up that they are prepared to accept this Cultural Authority Bill even as it is, if they know that there are other steps in place to deal with how policies are developed in the ACT and what power this authority would have relative to the power of other groups who are seeking funding. Obviously, a fear you would have is that there would be this basically powerful group who publicly control arts venues and who are seeking money from the same pool as a rather disparate group of community arts people. They need to know and understand that the processes will be fair, so that their type of art will not be lost in what can be seen Australia-wide actually as a trend towards what can be called eventism in the arts, which is this tendency to look at what will bring money into places rather than necessarily the more subtle, social grassroots community arts stuff which may not bring in the tourist dollars but which may give great benefits to the society on a different level. I will be very pleased to see the Government continue what it has now started, and that is meaningful consultation, by giving the Bill to the arts community. I hope to see dialogue between all the people concerned. I hope that we end up with something that makes sense.

MR MOORE (4.40): In rising to speak to the Canberra Cultural Authority Bill, I would like to support what has been said by Mr Wood and by Ms Tucker about the consultation process, but I have no need, as I see it, to go through that area again. In fact, when I looked at the Canberra Cultural Authority Bill, before I had been lobbied at all, I thought, "This Bill actually makes quite good sense". Perhaps it is an opportunity missed, in that a body like the Canberra Cultural Authority may have been able to take a much broader role; but I would be interested in hearing what the community has to say about that.

I was lobbied by some members of the arts community in the initial instance and by members who had some concerns about it, but I also have been lobbied for some time by people who support this piece of legislation. In the most recent round of those discussions, it was mentioned to me that one of the concerns about delaying this legislation is that we have the Playhouse - and I watch it go up from my office - and the Cultural Centre well under way; and to have a body in place to handle these venues would make very good sense. By delaying, we will lose momentum. That concept of momentum carries quite a deal of weight with me. I know that members would recognise the importance of momentum in an election campaign. That is when we would be most conscious of it. If in an election campaign you start to lose momentum and you cannot crank that up again, then you do have problems.

I actually rethought my position as to whether or not I would support a delay in this legislation. In the end, I felt that, even though I think it will actually have an impact on momentum - and I think that is a problem - the case for consultation outweighed the importance of that. I hope that the people the Minister appoints to the body, when the legislation, even if it is modified somewhat, gets up, are such that the momentum will be able to be picked up again, because I think these will be very exciting venues. It is very exciting, and I think that sort of excitement will generate its own momentum, in that it will provide an opportunity which I think not only the Minister but this Assembly as a whole will have pride in.

MR HUMPHRIES (Attorney-General and Minister for Arts and Heritage) (4.43), in reply: I thank members for their comments in this debate. I think it is important to have the in-principle debate today and to come back on another occasion to consider the detail stage. I understand amendments have been prepared by Mr Wood, and I look forward to seeing them and talking to him about them. I am a bit disappointed that, of the people who spoke in this debate, only Mr Moore acknowledged that not only is this legislation controversial in some respects - and I acknowledge that it certainly is - but also it is legislation that does provide a tremendous opportunity to reconfigure the way in which the Territory structures its arts activities.

Mr Wood: So, it is more than bricks and mortar then?

MR HUMPHRIES: I am talking about bricks and mortar. You cannot ignore the fact that bricks and mortar are a very important part of the way the ACT provides for cultural activities in relation to the life of the Territory. Unfortunately, perhaps, we are tied to conducting most drama inside theatres, most concerts inside concert halls and most art exhibitions inside art galleries and museums, and that is a constraint upon us, to some extent, which we need to acknowledge but view as an opportunity to think about in a different way.

I emphasise very emphatically that the Canberra Cultural Authority is not a device to set up a semi-Stalinist structure, as one critic described it, to take over control of all arts-related activity in the ACT and run it from some centralised arts bureaucrat's office in a way which dictates what would be fashionable, what would be culturally acceptable and what would be politically correct. That is not the objective of this exercise. It is essentially an attempt to be able to use cultural assets, principally bricks and mortar, in a much more strategic way than we have in the past.

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We have had little pockets of assets and little pockets of opportunity, if you like, scattered across the Territory, I think, in a relatively unproductive way. The Canberra Theatre, set up with its own little trust to run the activities of the Canberra Theatre and the Playhouse, is one example. We have more recently had an interim board for the then Canberra Cultural Centre, now the Canberra Museum and Gallery, doing its own job quite separately from that. There is very little interaction between the two. Calthorpes' House, Lanyon, Mugga Mugga and so on are heritage assets, yes; cultural assets, yes. They are placed throughout the Territory without any real attempt at integration with those other assets that I referred to. I think that is unfortunate. I think there is an opportunity facing us to be able to better use those assets for the benefit of the people of the ACT.

I have to emphatically reject the suggestion by Mr Wood that this has been a process not accompanied by extensive consultation. That is simply not true. When the Government wrote to people in the arts community in the ACT - and I sat there for some time signing a large pile of letters to such people - - -

Mr Wood: When was that?

MR HUMPHRIES: In January; the letter was in January.

Ms Tucker: That is not consultation.

MR HUMPHRIES: Hang on! It is consultation. The Government said, "We are proposing to move down this path; we have appointed an interim authority; we are proposing to legislate. Here is what we are talking about doing and saying to people. Make your comments. We are here to talk about these things".

Ms Tucker: You did not say, "Make your comments"; you said, "Any inquiries". It sounds like it is just done. It is information, not consultation.

MR HUMPHRIES: Ms Tucker says that the invitation to comment was not forthright enough. I have never observed people involved in the arts in the ACT as being backward when it comes to making very strong comments on areas of this kind. They usually make those comments without the slightest invitation or provocation, I might say. They usually make them very forcefully. Indeed, some did make comments. Although very few made them to the Government, they made them in other forums; and that is, perhaps, a bit unfortunate.

Subsequently, the Government did develop draft legislation, and it circulated that as well to those other people. I wrote to those people and invited them, more explicitly perhaps, to make comments. I do not have the letter in front of me. I do not know what the date was, but it was subsequent to the legislation being developed. The date on which the legislation was prepared was 8 May. People generally had that legislation made available to them. I subsequently wrote to people and gave them a copy of the legislation.

I have also had meetings about it with various people. I have met with representatives of Artsvoice and the Media, Entertainment and Arts Alliance in the ACT.

Ms Tucker: So, are they happy with it?

MR HUMPHRIES: No; I cannot say that they are happy with it. A number of parties are unhappy with it. Indeed, as Mr Wood would well know, two members of the Cultural Council subsequently resigned, and some connection has been drawn - not necessarily explicitly - between their resignation and the proposal to establish a Cultural Authority. I have to say, and it is a matter of great regret, that some people have misunderstood what the legislation is all about. It was put to me that at least one member of the Cultural Council had resigned because they believed that the Cultural Authority was about to snaffle the role of the Cultural Council. I do not believe that is true.

Ms Tucker: You have done a poor job of communicating, then.

MR HUMPHRIES: The Government did not go and talk to the Cultural Council before it announced its intention to establish a Cultural Authority, because it did not see there being any overlap between the roles of those two bodies. The Cultural Authority was seen simply as the successor in title, if you like, to the Arts Bureau and other agencies such as the Canberra Theatre Trust which had run those other assets in the Territory.

The Government bringing together the trust, the Cultural Centre, Mugga Mugga and so on into a single body did not appear to be a matter of direct concern to the Canberra Cultural Council. Talking at length about the subject may well have exacerbated fears that we were in some way looking at taking over the Cultural Council. However, I accept that there has been a misunderstanding about that; people have got upset about that. For that reason, the Government is quite willing to leave these matters on the table while further discussion about them takes place. That means resuming debate on this matter in August.

I do regret the loss of an opportunity to move in this important area. It will be difficult to pick up and achieve as much if we are effectively delaying by two or three months the implementation of this project. I do think there has been more than enough opportunity for people with concerns to be able to sort them out with the Government; and I have had some discussions with people about those things. I have to reaffirm that we have put the basic structure on the table. We continue to believe in it. From my perception at this point in time, I believe the only things we have to deal with are misconceptions on the part of some people; not matters of real substance, on the basis of what people have raised. They are misconceptions, not well-based concerns. I might be proven wrong about that; I am happy to listen to the people concerned and hear what they have to say. But so far I have not heard anything that I would not characterise in that way.

The only argument I have heard which has some vague gravity about it is that, by removing the right of bodies such as Lanyon, the Cultural Centre and so on to be completely autonomous - not that they ever were - the creativity of the people who are involved in those organisations is somehow stifled. That has some superficial attraction.

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At the end of the day, it is not an argument you can sustain. After all, these bodies are meant to be accountable to the people of the ACT. Can you tell me, Ms Tucker, what method Lanyon, for example, presently uses to be accountable to the people of the ACT? How is the creativity of those people who are involved in running Lanyon demonstrated to the people of the ACT in an accountable way? I am afraid, I cannot; but I think it could be that, through these people working with a Cultural Authority, they can demonstrate what they are doing to promote a better use of those facilities and a better understanding of how they contribute to the cultural life of Canberra. That is something which should occur, and I would be happy for it to occur. I think it can occur through the Canberra Cultural Authority.

Mr Speaker, it does occur to me that we have one too many bodies in the ACT with the word "cultural" in their title, and we should reconsider that. I would also have to say it is ironic that many of the individuals and organisations which have rushed to the barricades to defend the Canberra Cultural Council's role in the Canberra cultural scene are the very people who have been highly critical indeed of its role in arts policy in the past.

Ms Tucker: That is just an indication that you need to do the work and actually take the opportunity to really find the solutions, because you are making changes.

MR HUMPHRIES: Ms Tucker said I should simply take the opportunity to find the solution. I have been Arts Minister in this Territory for quite a long time; I have been Arts Minister for a total of about four years. If the answer were easy and obvious, I am sure I would have found it by now. I have also discussed it at length with members of the arts community over a long period.

Ms Tucker: In the last week you have.

MR HUMPHRIES: No; that is not true.

Ms Tucker: I am sorry; the Bill, I mean.

MR HUMPHRIES: I have discussed the issue of the Cultural Council - I am talking about that, Ms Tucker - with members of the arts community over a very long period.

Ms Tucker: Yes, I acknowledge that.

MR HUMPHRIES: Thank you. What I am saying to you is that the answers are not immediate and obvious. Mr Moore said in his comments that we should think about whether the Canberra Cultural Authority should be the supreme kind of all-embracing body making cultural policy and running cultural assets, as some people have feared it might be. Perhaps so. I do not venture a view about that because it is not what the Government has proposed. But I do not think the present structure on the other side of the line that we have clearly drawn in this exercise is working all that well. I think we should come back and revisit it.

Ms Tucker: How can you find a solution if you did not even talk to the Cultural Council when you developed the authority?

MR SPEAKER: Order, Ms Tucker! We have finished that. You have spoken already. We do not want to be here all night on a dialogue. If you want that, go upstairs.

MR HUMPHRIES: We were not attempting to solve that problem in this exercise; we were trying to solve the problem on the other side of that fence - on the side of the fence dealing with cultural assets, Ms Tucker.

Mr Berry: Put him in your appointment book and take him upstairs and have a chat with him.

MR HUMPHRIES: It might be a good idea. Come upstairs afterwards and we will have a drink.

Mr Berry: Are you paying? Is it your shout? We will all come if you are shouting. Old short arms and deep pockets!

MR HUMPHRIES: You are not invited, Mr Berry - although you could do with a drink today. I acknowledge that. I will send a bottle down. A long cold glass of water, perhaps! Yes, indeed!

Mr Speaker, I thank members for their indications of what I think is support for the Bill. I am not sure whether or not it is, but I think it is support in principle for the Bill. I hope we will be able to deliver a good outcome for the people of the ACT from this process. I certainly think members cannot say that the status quo is better than some change. The status quo is not particularly effective. I think the arts play too low a role in the ACT's life, partly because the structures of government are not there to make it play and give it a stronger role. This is an attempt to deal with that. I hope members will see it for what it is and support that process - amend it, perhaps, but support the process - of achieving better outcomes for the arts in the Territory.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clause 1

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

18 June 1997

PERSONAL EXPLANATIONS

MR WOOD: Mr Speaker, I rise to make a statement under standing order 46. The Minister was suggesting that I was not accurate in my claims about a lack of consultation. I will quote from the letter we have been referring to. Mr Humphries said he signed a lot of them on 10 January. I have one of those letters here, with his signature on the bottom of it. I will read the second last paragraph, which, I think, makes the point:

The Interim Canberra Cultural Authority will be consulting on the establishment of the Authority in the near future and I encourage you to utilise this opportunity to ensure the establishment of an effective cultural body in the ACT.

Forget the last couple of words. That consultation did not occur until the meeting of Artsvoice that the Minister, two other members and I attended. It did not occur with the broader arts community, certainly, until he sent the Bill out to those bodies one week ago.

MR HUMPHRIES (Attorney-General and Minister for Arts and Heritage): Mr Speaker, under standing order 46, I also seek leave to make a statement. That is simply not true.

Mr Wood: Well, that is the letter.

MR HUMPHRIES: Yes, the letter said there was going to be further consultation, and there was. I personally met with a number of people and discussed the issue with a number of people.

Mr Wood: The bureaucrats, yes.

MR HUMPHRIES: No, I. I am not a bureaucrat; I am a politician. I discussed it with those people.

Ms Tucker: Whom did you discuss it with?

MR HUMPHRIES: Where? I discussed it in my office; I discussed it at places I went to.

Ms Tucker: Whom?

MR HUMPHRIES: I discussed it with - - -

MR SPEAKER: If you want to have a discussion, I suggest you three go upstairs. The rest of us have other things to do. Continue, Mr Humphries.

MR HUMPHRIES: I have indicated already in my reply, Mr Speaker, whom I discussed it with.

ADJOURNMENT

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

That the Assembly do now adjourn.

Long-day Care Centres

MR WOOD (4.59): Mr Speaker, I want to make some comments about long-day care centres - bodies that are under some threat from actions of the Federal Government. Parents with young families are worried about the impact that Mr Howard's cuts to child care will have on their lives. I have been contacted by constituents in my electorate who have young children and who are fearful of the effect the proposed changes will have on their child-care arrangements. As from 1 July - two weeks away - the Federal Government will no longer be paying a subsidy to community-based child-care centres. This will mean an increase in fees of at least \$20 a week, or perhaps more.

Some parents will find these increases hard to absorb and are already withdrawing their children from these centres as a result. I know of centres with previously large waiting lists which no longer have such lists. I am very worried about the kind of care these children, who have been withdrawn, will now receive. Sydney child-care centres are also reporting a drop in numbers. They say that often these children are now being cared for by unqualified and unsupervised carers in less than ideal circumstances. Affordability is the big issue now. The Federal budget was deafening in its silence with regard to quality.

Under the Federal Labor Government, there was an increase in the number of child-care centres, and these centres all had to be accredited and meet stringent standards of care, staffing and programming. Accredited family day care providers also had to meet certain standards. The forced fee increase will mean that, in future, fewer children will access this quality care. In turn, some of these centres may then be forced to close, with the consequent loss of jobs and provision of care. One of my constituents has told me that these changes mean that her only child will remain an only child for longer than originally planned. She and her husband will not plan for another child until the first child is out of child care and into school, when they can afford that child care. Federal Government policy is now dictating the shape of people's families. What implications will this have for Australia's future? It reminds me of China's one-child policy, and that is certainly twisting the shape of China's future.

I am also concerned about the future for those constituents of mine who are child-care workers. If, as seems likely, there is a decline in the number of children using the services and some centres close, this puts their jobs and career paths at risk. At a time when the child-care industry is struggling to get more recognition for the important contribution it makes to the community, attacks like this on the viability of centres show the Federal Government's low level of commitment to this area. I repeat: Quality child care is under attack from the Federal Liberals. What will this local Liberal Government do to protect it?

Death of Mrs Eileen Jamieson

MR HIRD (5.02): Mr Speaker, I rise to speak about not only a prominent Canberran but a prominent person who devoted a great part of her life to rugby league in the Belconnen area in my electorate. Her husband's life was similarly devoted to rugby league in this area. I speak of the late Eileen Frances Jamieson, who became a staunch supporter of the Raiders. Eileen died in the Canberra Hospice on Saturday last.

Eileen and her husband, Gordon, whom I had the privilege of knowing, moved from Wagga, where he had been a police officer with the New South Wales police, to take up a position in Canberra as a reader at the *Canberra Times*. They were staunch supporters from day one of the club that I was patron of, the Belconnen United Football Club, known as the Panthers. Unfortunately, Gordon had a massive heart attack in 1975 and he did not see the Panthers win their local grand final that year.

Eileen worked on the switch at the old Canberra Hospital. She went back into her shell, so to speak, until the birth of the Canberra Raiders in 1981. Eileen was reborn; she followed them and supported them enthusiastically. Who could forget her brief television appearance following the Raiders' first premiership victory in 1989 at the Sydney Football Stadium? I dare say one of her biggest regrets in the last two months was that her cancer became so bad that she could not continue to look after, as she would put it, her boys.

My sympathy goes to her loved ones, her family. I am sure other members of this chamber would join with me in that. But I would also like to pay a tribute, Mr Speaker, to the people from the Little Company of Mary, who look after the Canberra Hospice, for the way that they do it sympathetically and diligently. They are to be praised not only in this instance but also for the way that they do handle their tasks. The loss of a lovely person such as Eileen Frances Jamieson will be a sad blow for Canberra.

Director of Mental Health Services

MR BERRY (5.05): I want to draw the Assembly's attention to another gift that has been bestowed on us by Mrs Carnell. The Mental Health (Treatment and Care) Act envisages the appointment of a Director of Mental Health Services. For some time during the period that Mrs Carnell has been in charge of the health ministry, an acting director has been appointed. That acting director evaporated after a little dust-up following the smashing of windows here at the ACT Assembly. I understand that since then not only did we not have a Director of Mental Health Services but we then had a situation where the acting director was, if you like, axed. Subsequent to that, Mrs Carnell has excelled herself. We have had nine Directors of Mental Health Services, on my count. I think there were six the first time; and then, according to *Special Gazette* No. S151 of Friday, 30 May 1997, we now have another three, each for a month.

I want to draw your attention to the requirements of the legislation which was passed by this Assembly. It envisaged and indeed required the appointment of a Director of Mental Health Services. Section 113 states:

The Director has the following functions:

- (a) to provide treatment, care, rehabilitation and protection for persons who have a psychiatric illness;
- (b) to rationalise and coordinate mental health services and to promote the establishment of community-based mental health services for the purpose of enabling, whenever possible, the treatment of persons who have a psychiatric illness otherwise than in an institution;
- (c) to promote research into psychiatric illness;
- (d) to assist in the training and education of persons who have a psychiatric illness;
- (e) to consult with voluntary agencies and self-help, ethnic and other appropriate groups to ensure the provision of appropriate mental health services;
- (f) to make reports and recommendations to the Minister with respect to matters affecting the provision of treatment, care, control, accommodation, maintenance and protection for persons who have a psychiatric illness;
- (g) to promote informed public opinion on matters of mental health by publishing reports and information concerning mental health and to promote public understanding of and involvement in measures for the prevention and treatment of psychiatric illness and the treatment, care, control, rehabilitation and protection of persons who have a psychiatric illness.

Mr Speaker, the legislation envisages the appointment of a very senior person to look after the interests of the mentally ill in the ACT and to look after mental health services. The appointment of nine Directors of Mental Health Services does not provide the stability that is required in this very important health service in the ACT.

What has happened as a result of Mrs Carnell's squabbling with psychiatrists in the ACT is that the leadership of the Mental Health Service is unstable and the treatment and care of people within the service are at risk. Mrs Carnell has proved herself to be totally incompetent on the issue of mental health services in the ACT. I cannot understand why it is that she would adopt an approach by which, over a period of nine months, we would end up in a situation where we would have nine Directors of Mental Health Services. I think it is a shameful situation and I think it demonstrates that Mrs Carnell is just not up to the job of Minister for Health.

18 June 1997

Mental Health Services

MR HUMPHRIES (Attorney-General) (5.09), in reply: Just briefly, Mr Speaker: I am sure Mrs Carnell can speak for herself about mental health tomorrow. Mr Berry has always been very quick to capitalise on what he sees as changes in personnel or changes in areas of sensitivity such as this. Mr Berry's own record in mental health, while Minister for Health in the ACT, was not particularly distinguished. I think it is important to recognise the many achievements that the Liberal Party can look to in the area of mental health in the ACT. The Liberal Party provided the first 24-hour crisis service operating in the ACT. That was our achievement. It was denigrated at the time by the Opposition; but, of course, it was a very important addition to the services provided to people in the ACT in need of crisis care who were suffering from a mental illness or disease.

We also have increased significantly spending on mental health in the ACT. The fact remains that it is only those who choose to mislead on this subject who continue to run around the Territory saying that spending on mental health in the ACT is lower than the national average. Of course, that is no longer true. It was true a few years ago. It was true when Mr Berry was Minister for Health.

Mr Berry: No, it was not.

MR HUMPHRIES: It most certainly was, especially when you were first Minister for Health. The ACT was underspending in mental health; today it is not. Mrs Carnell certainly contributed to that process, and I think we can be very proud of her achievements in this area.

Question resolved in the affirmative.

Assembly adjourned at 5.11 pm