



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

25 June 1997

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MR SPEAKER (Mr Cornwell) took the chair at 10.30 am and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

PETITION

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

By **Mr Moore**, from 47 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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DOMESTIC VIOLENCE (AMENDMENT) BILL (NO. 3) 1997

MS TUCKER (10.32): I present the Domestic Violence (Amendment) Bill (No. 3) 1997.

Title read by Clerk.

MS TUCKER: I move:

That this Bill be agreed to in principle.

Mr Speaker, the legislation I am tabling today includes a number of amendments to the Domestic Violence Act. To summarise, the purpose of the legislation is to improve and strengthen the process for receiving protection in domestic situations. This legislation increases the maximum duration of a protection order from 12 months to two years and also provides a clearer extension process. It removes the requirement for an applicant for a protection order to prove that they “fear for their safety”. It removes the requirement for an applicant for a protection order to prove that the domestic violence is likely to occur again in the future. It includes a provision to require the court, in determining an application for a protection order, to have regard to, firstly, any history of domestic violence, including details and circumstances of any previous protection order; and, secondly, the need to ensure that property is protected from damage.

The legislation is based on recommendations made in the second report on domestic violence by the Community Law Reform Committee. This report reviewed the civil system for securing protection from violence or harassment, while the first report focused on reform of the criminal justice system and agencies dealing with domestic violence in that system. The approach of the Community Law Reform Committee was to take a very holistic approach to the issues of domestic violence, and they came up with proposals that they hoped would form a blueprint for change in the way in which the community deals with domestic violence. They were particularly concerned to ensure a multisystems approach. As members are aware, we already have on the table a number of issues raised by the first report, and again tomorrow we will be debating the legislation establishing the Domestic Violence Prevention Council.

The Government has not yet responded to the second report, which focuses on the civil system. While I look forward to seeing that response and possibly further reforms in this area in the future, I think some of the issues that are contained in the legislation I am tabling today are very important and deserve to be debated sooner rather than later. I will deal first with the extension of protection orders. The amendment I am putting forward proposes an increase in the maximum duration of a protection order from 12 months to two years, but with a provision for the court to grant a longer period if there are special reasons for doing so. This is outlined in clause 7 of the Bill. I am also proposing a much clearer extension process which will ensure that there are no gaps in protection. Currently, the extension process is inadequate because some magistrates take the view that a fresh application cannot be considered while the previous order is still in existence, which means that there will be a gap when no protection is available.

Moving from 12 months to two years as a standard time for a protection order is an important move. Although no fixed time will be appropriate in all cases, the ACT does currently have the most limited protection in this regard, aside from Victoria. A central problem with the current 12-month limit is that the risk to the victim may be ongoing, and the 12-month limit can often be stressful for the protected person. One of the examples given by the Community Law Reform Committee is the fact that most orders are made after separation of the parties, and where the parties are married they are eligible to apply for a divorce after 12 months' separation. With the current 12-month limit, this may coincide with the end of the protection order.

Mr Speaker, the second set of amendments are in relation to the making of protection orders and are in clause 5 of the Bill, which amends section 4 of the Domestic Violence Act. One of the important objectives of the Community Law Reform Committee report was to ensure consistency between the Magistrates Court Act, which includes a protective regime for people in non-domestic situations, and the Domestic Violence Act, which covers protection in domestic situations. Currently, the legislation is more restrictive in the Domestic Violence Act than in the Magistrates Court Act, which means in practice that it is more difficult to obtain protection under the Domestic Violence Act than under the Magistrates Court Act.

Currently, under section 4, the court can grant a protection order if they are satisfied on the balance of probabilities that the applicant has demonstrated a number of factors. These factors include that the respondent is likely to engage in further domestic violence and that the conduct is such that the applicant "fears for their safety". The Greens' amendments aim to strike these requirements out. As the legislation stands, it is not enough that someone has acted inappropriately or even offensively toward another. The applicant has to demonstrate that further domestic violence is likely to occur and that they fear for their safety.

The report found that, because of the diversity of domestic violence, it is also not possible to prescribe an exhaustive list of factors which could be relied on to assess the "likely to occur" element. The requirement to prove "fear for safety" or that an offence is likely to occur again in the future is not necessary in the Magistrates Court Act and, as the Community Law Reform Committee report found, there are no logical reasons why it should be more restrictive in the case of domestic violence. There is also an inconsistency within the Domestic Violence Act, because section 10 requires the court to treat the need to ensure that the aggrieved person is protected from violence or harassment as a primary consideration.

Mr Speaker, it is the fact or threat of violence or harassment or offensive behaviour which indicates that someone is at risk, not whether conduct is likely to occur again or whether someone fears for their safety. A victim may be wishing to empower themselves by denying fear, but our laws currently say that this is not appropriate. The Community Law Reform Committee provided an extensive commentary on these issues. The report commented that the court has held that, to meet the fear for safety requirements, an applicant is required to meet an "objectively reasonable fear" test. This test is not whether the aggrieved person is in fear but whether a judge or magistrate finds that fear is, objectively speaking, a reasonable response to the respondent's conduct.

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I would like to read from the report. It puts the problem with decontextualising the conduct in this way very well. It reads:

There is a risk that the outcome of applying an “objective” test will be a tendency to minimise and trivialise the conduct. One of the central features of domestic violence is the fact that it generally occurs in private and the victim is peculiarly vulnerable both in terms of accessibility to the perpetrator and the consequences of undue pressure and intimidation, through the use of a variety of methods and tactics aimed at exerting power, and to attain or maintain control. These tactics can include impugning the victim’s reactions - that is, that ... the victim is crazy, that the victim is vindictive, that the victim is actually the perpetrator or that the victim is equally “to blame”.

The report also found that the interpretation which has been used by the courts is also out of step with the intent of the legislation, which is to curb not just criminal violence but also other forms of violence which have traditionally fallen outside the scope of the criminal law.

The third set of amendments are in relation to the matters to be taken into account in determining an application for a protection order. These amendments are contained in clause 6 of the Bill. The Greens are proposing that, in considering an application for a protection order, the court should have regard to any history of domestic violence and also the need to protect property from damage. Given that the power to grant protection orders is discretionary and will depend on the facts of a particular case, this will enable the court to have regard to any history of domestic violence, including the details and circumstances of any previous protection order in any jurisdiction, and also the circumstances of any breaches of a previous order.

Mr Speaker, there are a number of other important issues raised by the Community Law Reform Committee in its report that are worthy of consideration. However, I think the measures I have highlighted will ensure that the protective regime is improved, hopefully in the very near future, for victims of domestic violence. I would also like to stress that changing legislation is not enough, and I think other members of this Assembly also recognise this as a very important issue. The key to prevention of domestic violence - and at the end of the day that is what we all hopefully see as the priority - is a coordinated response across all government and non-government agencies working in this area. This is obviously one of the reasons that I and other members of the Assembly have seen the domestic violence project coordinator as a very important part of reform in this area to achieve a multisystems approach. Having said that legislation alone is not the answer, it is very important that this Assembly recognise that reforms and cultural change are still needed in our society to send the message that violence in private lives and inside people’s homes is as unacceptable as any other form of violence. As I said last week in the in-principle debate on the Bill establishing the Domestic Violence Prevention Council, we do unfortunately still live in a culture where violence, if it occurs in relationships, is seen as somehow different from other forms of violence. It is time this changed. I commend the Bill to the Assembly.

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

**HEALTH AND COMMUNITY CARE SERVICES
(VALIDATION OF FEES AND CHARGES) BILL 1997**

Debate resumed from 9 April 1997, on motion by **Mr Berry**:

That this Bill be agreed to in principle.

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (10.43): Mr Speaker, charges for hospital and related services were imposed under the Health Act 1993 on 1 July 1996, the day the Health Act 1993 was repealed in favour of the Health and Community Care Services Act 1996. Repeal of the Health Act made the fees that had been determined under that Act invalid. In order to rectify this, a retrospective determination was made under the Health and Community Care Services Act 1996 to validate the health fees. The Scrutiny of Bills Committee raised concerns about the imposition of retrospective fees under subordinate legislation. Mr Berry then moved to disallow the retrospective determination of fees. New fees have since been imposed correctly under the Health and Community Care Services Act 1996. Mr Berry has since discharged his disallowance motion and, instead, introduced a Bill to validate the fees that were collected during the time in which the invalid fees were in operation.

We do not believe, and certainly it is our legal advice, that this Bill is necessary in any way. The Assembly has already spent considerable time on this issue and does not want to waste further time. With this in mind, the Attorney-General will shortly be moving Government amendments to the Bill which deal with a related issue concerning fees collected by the ACT Ambulance Service and other related fees that fall into the same sort of category. As members will remember, on 5 December 1996 Mr Berry moved a motion of disallowance. We believe very strongly, and certainly it is our legal advice, that the actions that we have taken are right. The Standing Committee on Scrutiny of Bills and Subordinate Legislation suggests, though, that the course of action could have been better. The Standing Committee on Scrutiny of Bills and Subordinate Legislation, after receiving the advice from the Chief Solicitor, stated in their Report No. 4 of 1997:

Opinions on either side of the argument could be obtained but it would not be profitable or appropriate for the Committee to get involved in a debate as to whether the view of the Chief Solicitor or the possibility suggested by the Committee is correct. Only the courts can decide what the law actually is.

The advice I have received on this Bill is that the Bill is unnecessary, as corrective action has already been taken. Indeed, determinations 227 and 240 have been superseded and the current determination, No. 54 of 1997, has drawn no comment from the committee. Thus, bringing forward this Bill could be regarded as a waste of the Assembly's time.

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However, while we do not believe that the Bill is necessary, we also do not believe that the Bill does any harm; so, to save the Assembly's time we will not be opposing the legislation. In saying this, I hope that the Assembly will take a similarly mature approach to the Government's amendments that will shortly be moved by the Attorney-General. I think it is always appropriate that the Government support Bills that do not do any harm or that do some good, regardless of who introduces them into this place, and the Government will be very happy to support Mr Berry's piece of legislation.

MR HUMPHRIES (Attorney-General) (10.47): I just want to emphasise the point made already by the Chief Minister, namely, that in the work of government there are a large number of items of subordinate legislation in any given year that deal with a range of areas of government operation from health to education, to motor vehicle registration, to the licensing of businesses to operate in particular fields, to the granting of capacities for people to do certain acts with public land - a vast array of government acts and activities.

It has been the practice, in recent years at least, for those activities to be conducted in a decentralised way such that different agencies of government are responsible for preparing and forwarding for execution those items of subordinate legislation. It is inevitable, whichever system is used, that on occasions mistakes will be made. The issue being raised today is how those mistakes are fixed. I believe that it is appropriate to fix them using the most efficacious means available. I accept the argument put by the Labor Party that in general it is better to impose a retrospective burden, if that has to be done, by legislation rather than by regulation and for that reason can support legislation which retrospectively deals with a problem.

I emphasise the argument put by the Chief Minister that the legal capacity to fix these problems by regulation has not been seriously challenged. Indeed, the fees that are being validated in this exercise, on the argument put forcefully to the Government by our legal advisers, have already been corrected. We have only, from a surfeit of caution perhaps, to ensure that that occurs by virtue of legislation as well. It does raise the question of what we do in the future, however. Whether social matters can be dealt with in the future in this way or not depends on what policy the Assembly chooses to adopt. Mr Speaker, a correcting Bill annually - or maybe a Bill less frequently than that, but certainly a regular correcting Bill - will be necessary. Much as I would like it, I do not think any government can guarantee that mistakes will not be made. If when they are made they impose burdens which have to be retrospectively reinforced, and the policy of the Assembly is to do that by legislation, then a Bill of that kind will be necessary on a regular basis.

MR MOORE (10.51): Mr Speaker, I think the idea that we put these regulations beyond doubt is a positive move. If there is some question lying over them, that question can be resolved in the courts. Probably it never would be; but there is always that possibility, and it seems to me that this is an appropriate opportunity to put these things beyond doubt. I have had some interest in reading through the amendments to this legislation that have been flagged by the Attorney-General. They seek to ensure that not just the matter raised by Mr Berry in this legislation but also a series of other things are put beyond doubt. None of them seem particularly controversial to me. The fees have been paid and are being paid. Probably it is very sensible that we put the validity of those beyond doubt.

MR BERRY (10.52), in reply: This is in many ways the culmination of a long struggle to have a wrong righted. This matter was first raised not by me but by the Scrutiny of Bills Committee. There began the struggle between the view of the respected Scrutiny of Bills Committee and the view of the Government. It is fair to say that, if the Government were to accept the Scrutiny of Bills Committee's advice, then there would be some loss of face, because the Scrutiny of Bills Committee discovered a flaw in the Government's administration which put at risk a range of fees and charges amounting to many millions of dollars.

The Government stubbornly pursued its own line based on its own legal advice, notwithstanding the views of the respected Scrutiny of Bills Committee. It is important that I emphasise the fact that the Scrutiny of Bills Committee is a respected committee of this Assembly, because it does take the trouble to scrutinise with a hawk eye legislation that passes through this place, to ensure that matters which pass into law find their way properly along that course. The Scrutiny of Bills Committee is advised by an eminent lawyer. That is the reason why the Assembly generally takes the committee's advice. The Government, though, adopted a stubborn position which really led us nowhere. All it would have left us with was a contest between the Scrutiny of Bills Committee and the Government's lawyers. The best way to resolve it was, in fact, described by the Scrutiny of Bills Committee in early reports on the matter when it said that the matter ought to have been resolved in the parliament rather than go to retrospective determinations by a Minister.

The Government does not seem to understand the significance of its position. To have a member of the Executive making retrospective determinations contrary to the Subordinate Laws Act is a very serious matter indeed. That is why the matter is being pursued with so much vigour by the Labor Party. This is a significant issue of administration in the Assembly. The Subordinate Laws Act, at section 7, states:

A subordinate law shall not be expressed to take effect from a date before the date of its notification in the *Gazette* where, if the law so took effect -

- (a) the right of a person (other than the Territory or a Territory authority) existing at the date of notification would be affected in a manner prejudicial to that person; or
- (b) liabilities would be imposed on a person (other than the Territory or a Territory authority) in respect of an act or omission before the date of notification;

and where any subordinate law contains a provision in contravention of this subsection, that provision is void and of no effect.

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It is true that the Government's position, so far as the Scrutiny of Bills Committee is concerned, was quite contrary to that provision. Mr Moore rightly points out that this is a matter that may or may never have been resolved in the courts; but that does not alter the need for this Assembly to put right a wrong or a possible wrong, if I can frame it in that way. That is why the advice of the Scrutiny of Bills Committee was taken by me in putting together legislation which validated the fees and charges which were in question.

Mr Speaker, at around the same time as I introduced that legislation I withdrew a notice of motion for disallowance in relation to the determination made by the Chief Minister and went down the legislative path. Subsequently, the legislation, though it is not terribly complex legislation, went to the Scrutiny of Bills Committee, as was appropriate in the circumstances and as is usually the case. It is quite straightforward legislation, and the Scrutiny of Bills Committee reported on the matter, stating plainly that this legislation would validate the fees and charges which it sets out to validate.

Last evening I was advised by Mr Humphries that the Government was going to move amendments, and I was provided with those amendments. I was further advised that I would be provided with an explanatory memorandum this morning, and I have one of those. I have not had time to read the explanatory memorandum this morning, though if you just take a glance at the amendments they seem to be more complex than the Bill. On the face of them, they go to a range of other fees and charges that the Government has discovered may be in question. My view in relation to the amendments is that, whilst the Bill itself has been subject to the scrutiny of the Scrutiny of Bills Committee, the amendments have not. I would rather err on the side of caution in relation to this matter, move on to deal with the Bill, pass the Bill and refer the amendments which have been circulated by the Attorney-General to the Scrutiny of Bills Committee. I will attempt to adopt that course when we get to the detail stage of discussion of the Bill. Members, I urge you to support the legislation that is put forward by the Labor Party in respect of this matter. I will speak further in relation to the amendments during the detail stage.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

MR SPEAKER: Mr Humphries, I notice that the amendments you have circulated do not come within the title of the Bill. Therefore, I am obliged, under standing order 181, to rule them out of order. Standing order 181, I would remind members, provides:

An amendment may be moved to any part of the bill, provided it is within the title or relevant to the subject matter of the bill, and otherwise conforms with the standing orders.

Bill, by leave, taken as a whole

MR HUMPHRIES (Attorney-General) (11.00): Mr Speaker, I ask for leave to move the amendments circulated in my name and to move them together.

Leave granted.

MR HUMPHRIES: I move:

Amendment -

Page 1, lines 4 and 5, clause 1, omit “*Health and Community Care Services (Validation of Fees and Charges)*”, substitute “*Fees and Charges (Validation)*”.

Proposed new clauses 4 to 9 -

Page 2, line 21, add the following new clauses to the Bill:

“Ambulance service fees determination - revival

4. (1) Notwithstanding its revocation, the instrument entitled Determination of Fees and Charges No. 28 of 1995 signed by the Minister for Health and Community Care and dated 4 April 1995, being the instrument notified in *Australian Capital Territory Gazette* No. S78 of 10 April 1995, shall, so far as it relates to fees for the provision of an ambulance service, be deemed by force of this section -

- (a) to have had effect during the period that commenced on 1 July 1995 and ended at the expiration of 30 June 1996 as if Item I in the Schedule to the instrument had been replaced by an item consisting of columns 1, 2 and 3 in the table at the foot of this section;
- (b) to have had effect, and to have effect, during the period that commenced on 1 July 1996 and ending when the first determination under section 11A of the *Ambulance Service Levy Act 1990* as amended by this Act takes effect as if Item I in the Schedule to the instrument had been replaced by an item consisting of columns 1, 2 and 4 in the table at the foot of this section; and

- (c) to have effect during any further period when the instrument may be revived by virtue of the operation of subsection 6(9) of the *Subordinate Laws Act 1989* as if Item I in the Schedule to the instrument had been replaced by an item consisting of columns 1, 2 and 4 in the table at the foot of this section.

(2) The instrument referred to in subsection (1) may, so far as it relates to fees for the provision of an ambulance service, be revoked by a determination under section 11A of the *Ambulance Service Levy Act 1990* as amended by this Act.

**TABLE
AMBULANCE SERVICE FEES AND CHARGES**

Ambulance Fees	1. Where on the provision of the ambulance service for a person -		
	(a) the distance necessarily travelled by the ambulance from its station and in returning to its station exceeds 16 kilometres	\$180.00 per service plus \$5.10 for every kilometre exceeding 16 kilometres	\$185.00 per service plus \$5.25 for every kilometre exceeding 16 kilometres
	(b) in any other case	\$180.00 per service	\$185.00 per service
	(c) transport of ambulant and wheel chair patients by the clinic transport service	\$139.00 per service plus \$3.60 for every kilometre exceeding 16 kilometres	\$143.00 per service plus \$3.70 for every kilometre exceeding 16 kilometres
	2. Where 3 or more persons are transported together in an ambulance	The amount payable by each person is equal to three quarters of the amount that would otherwise be payable under this determination	The amount payable by each person is equal to three quarters of the amount that would otherwise be payable under this determination

	<p>3. Where the ambulance vehicle is made available at the request of a person or organisation conducting a sporting event or other public function and -</p> <p>(a) the vehicle is so made available for 4 hours or less</p> <p>(b) the vehicle is made available for more than 4 hours</p>	<p>\$370.00 per service</p> <p>The aggregate of \$370.00 per service and an amount calculated at the rate of \$93.00 for each hour or part of an hour by which the period during which the vehicle is so made available exceeds 4 hours</p>	<p>\$382.00 per service</p> <p>The aggregate of \$382.00 per service and an amount calculated at the rate of \$96.00 for each hour or part of an hour by which the period during which the vehicle is so made available exceeds 4 hours</p>
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Ambulance Service Levy Act 1990 - amendment

5. After section 11 of the Ambulance Service Levy Act 1990 the following section is inserted:

Fees for the provision of services

‘11A. (1) The Minister may, by notice in writing, determine fees for the provision of services by the ACT Ambulance Service.

(2) A fee determined under subsection (1) is payable to the ACT Ambulance Service.’.

Driving licence etc. replacement fee determination - earlier effect

6. The instrument entitled Determination No. 151 of 1994, signed by the Minister for Urban Services and dated 26 October 1994, being the instrument notified in *Australian Capital Territory Gazette* No. S266 of 23 November 1994,

shall be deemed, by force of this section, to have had effect during the period that commenced on 1 July 1994 and ended at the expiration of 22 November 1994 as if it had taken effect on 1 July 1994.

Parking charges determination - validity

7. For the avoidance of doubt, it is hereby declared that the instrument entitled Determination No. 281 of 1996, signed by the Minister for Urban Services and dated 25 November 1996, being the instrument notified in *Australian Capital Territory Gazette* No. S318 of 3 December 1996, shall be deemed to have at all times been, and to be, as valid and effectual for all purposes as it would have been and would be if, when the instrument was made, section 217A of the *Motor Traffic Act 1936* had expressly empowered the Minister for Urban Services to determine, by notice in writing, fees or charges for the purposes of that Act with effect from the date specified in the instrument for that purpose.

Act No. 76 of 1996 - commencement

8. Notwithstanding subsection 2(2) of the *Motor Traffic (Amendment) Act (No. 2) 1996*, sections 4, 5 and 6 of that Act shall be deemed to have commenced on 1 January 1997.

Roads and public places fees - validation of collection

9. An amount collected by way of a fee in purported reliance on section 15E or 15K of the *Roads and Public Places Act 1937* during the period that commenced on 30 December 1976 and ended on 10 February 1997 shall be deemed to have been as lawfully collected as if, when the amount was collected -

- (a) that Act had contained a provision expressly empowering the determination of fees for the purposes of that section;
- (b) a determination pursuant to that provision of such a fee in that amount had effect; and
- (c) the reference in that section to the prescribed fee had been a reference to the fee so determined.”.

Amendment -

Page 1, long title, omit the title, substitute the following title:

“An Act relating to certain determinations of fees and charges and for related purposes”.

I took the liberty of circulating these amendments to members last night. I should explain their background. From time to time the Standing Committee on Scrutiny of Bills and Subordinate Legislation points out that a determination for fees it has examined may be deficient in one respect or another. For the most part, the committee's comments can be satisfied by relatively straightforward corrective action. As has already been pointed out by the Chief Minister, this is the approach the Government favours in relation to the determinations of fees which are the subject of Mr Berry's Bill today. I do not propose to say any more about that.

However, from time to time a government's consideration of the committee's comments indicates that a more formal action is required. Of course, it also happens that the need for this action can be revealed independently of the committee's comments. I recall that in the life of the previous Government there were occasions when action along the lines of the Government amendments was considered necessary. For example, the Financial Institutions Duty (Validation) Bill 1994 addressed a deficiency in a determination which is not unlike matters dealt with in the Government's amendments.

I will now briefly set out the background to the matters proposed to be included in the Bill by Government amendment No. 2. The Motor Traffic Act 1936 provides that lost and damaged drivers licences and registration certificates may be replaced on payment of a determined fee. In 1994 there was a period when this fee was not determined. This gap was noticed by the committee, but the solution implemented by the ALP Government did not completely address the matter. Proposed clause 6 does address this gap.

In 1995 responsibility for the ACT Ambulance Service was transferred from the Department of Health and Community Care to the Emergency Services Bureau. That was part of a program to make sure that all the emergency services of the Territory were under one single portfolio. Unfortunately, due to an administrative oversight, this resulted in fees for service provided by the Ambulance Service no longer being determined under the Health Act 1993. In the meantime, fees for ambulance services have been collected. The fees that have been collected by the Ambulance Service since 30 June 1995 are set out in the table in the proposed clause 4. Over that period the fees have been increased in line with increases in other government fees and charges.

In addition, a fee for transport by the clinic transport service has been introduced during the period. This service is provided to persons who are wheelchair bound or otherwise immobilised. It is available when a person requires non-urgent transport for medical reasons such as attendance at hospitals. As this service provides transport for patients who require minimal treatment, a lesser fee is charged. Proposed clause 5 will provide for the Ambulance Service Levy Act 1990 to be amended so that fees for the purposes of services by the Ambulance Service can be determined under that Act.

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The Motor Traffic Act provides for parking charges. These are determined by the Minister. The most recent determination includes a determination of retrospectivity of approximately one week. For the avoidance of doubt, proposed clause 7 will deem the Act to have allowed for the determination to have retrospective operation. It would therefore operate retrospectively for the period of one whole week.

The Assembly recently passed amendments to the Motor Traffic Act that provided for a road rescue fee. The amendments are contained in Motor Traffic (Amendment) Act (No. 2) 1996. The Bill for this Act was presented as the Motor Traffic (Amendment) Bill (No. 3) 1996. The operative provisions of the amendment were to be commenced on the day fixed by the Minister by notice in the *Gazette*. When the commencement notice was prepared, it inadvertently referred to the Motor Traffic (Amendment) Act (No. 3) 1996; that is, it commenced the wrong amendment. The notice fixed 1 January 1997 as the commencement date. When this error was discovered, a further notice of commencement was prepared and fixed 21 February 1997 as the commencement day. In the meantime the road rescue fee had been collected with effect from 1 January 1997 and was being collected. The proposed clause 8 addresses this by deeming the amendment to have commenced on 1 January 1997. As it happens, the Government has been advised that the inadvertent commencement of amendment Act No. 3 does not have any untoward consequences.

In 1976 the Roads and Public Places Act 1937 was amended to include provision for permits for placing things in public places. The amendment was particularly aimed at providing for outdoor seating associated with cafes. A permit and a renewal of a permit were to be granted once the fee fixed by regulations had been paid. The regulations to provide for these fees were not made until earlier this year. However, fees had been collected for some considerable time - indeed, probably during the period of the former Labor Government as well. The collection of fees for the permits and renewals has a number of unsatisfactory elements, and it is not possible to provide full details of the fees that have been collected. However, the Government has been advised that in total the fees are substantial. Proposed clause 9 addresses this by validating the collection of fees for permits and renewals. Government amendments 1 and 3 are consequential on amendment 2.

I would like to conclude by making some general comments. In common with every government since self-government, this Government has been very grateful for the assistance of the Standing Committee on Scrutiny of Bills and Subordinate Legislation and for the fact that it provides advice to the Assembly following examination of Bills and subordinate legislation.

Mr Whitecross: You have been happy to slag them off in the past.

MR HUMPHRIES: No, I do not believe that the Government has ever slagged off the Scrutiny of Bills Committee.

Mr Whitecross: You have been falling over yourself producing legal opinions to say that they did not know what they were talking about.

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MR HUMPHRIES: That has never been the Government's position. I think Mr Whitecross should go back and examine what was actually said on those previous occasions. I am a former member of the Standing Committee on Scrutiny of Bills and Subordinate Legislation and I value the work the committee does. I think it is important that we take that work seriously, but it is also important that we do not elevate the advice that comes from the committee to too high a level. In the course of the debate about the amendments put forward by Mr Berry in his Bill, the suggestion has been made that effectively advice by the legal adviser to the Standing Committee on Scrutiny of Bills is to be preferred to advice received from the ACT Government Solicitor. I, for one, think it would be most unfortunate if ever advice were to be contested in that way, if members were asked to prefer the advice of one individual or one government adviser to that of another. That would be an unfortunate state of affairs.

Mr Whitecross: You were just getting advice to cover Mrs Carnell's back because she made a fool of herself.

MR HUMPHRIES: I hope it is not appropriate to interpret that interjection as saying that the advice obtained by the Government has been advice obtained to serve a particular purpose, namely, to - - -

Mr Berry: No, no, no.

MR HUMPHRIES: The sarcasm inherent in Mr Berry's comments just then unfortunately leads me to believe that once again he is casting aspersions on the integrity of government officers. It is becoming a bit of a habit in this place, particularly by those opposite. That is very unfortunate. I would say without a shadow of a doubt that every government lawyer who has ever given any government advice in this Territory has done so impartially and in terms of the effect of the law, not in terms of what advice the government desired to achieve a certain result. It troubles me that those opposite should cast aspersions on those who offer advice to the Government. The very same people, no doubt, would offer them advice in the same terms, and they would expect them to offer that advice impartially as well. I would say to those opposite that it is not appropriate to cast those sorts of aspersions on government officers.

Mr Whitecross: You have cast them on the Scrutiny of Bills Committee.

MR HUMPHRIES: Not at all. The Government said - - -

Mr Whitecross: I think you have.

MR HUMPHRIES: No, that is not true. I should take up that interjection from Mr Whitecross. The Government was not saying that it believed Professor Whalan had given advice that was framed in such a way as to please the members or support the objectives of the members of the Scrutiny of Bills Committee. That is not what the Government is saying or was saying at that stage.

Mr Whitecross: That is not what I am saying either.

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MR HUMPHRIES: That is what Mr Berry is saying. I have no doubt that Professor Whalan has put forward his - - -

Mr Berry: What was I supposed to say?

Mr Whitecross: He enjoys putting words in other people's mouths.

MR HUMPHRIES: Mr Speaker, I did not interject at all on Mr Berry during his comments and I - - -

MR SPEAKER: Will you be quiet, Mr Whitecross. We had peace and quiet in the chamber until you arrived. I am not going to tolerate constant interjections today. If you do not want to be named, I suggest that you remain quiet.

MR HUMPHRIES: I have no doubt at all that Professor Whalan gave advice to the Scrutiny of Bills Committee, on the occasion these matters first arose, in exactly the same way as he has always given advice - fully and frankly, applying his very considerable knowledge and experience in this area to the benefit of the committee's work. I have no doubt that exactly the same can be said about the government lawyers who advised the Government on the same matters referred to in this place. To suggest that because those various lawyers differ in their views about the effectiveness of particular provisions is not to suggest that either of those sets of lawyers has in any way given advice in political terms or to serve some political goal. (*Extension of time granted*) I think it is most important that we emphasise that. I have never seen any officer serving a committee of this place or seen any government lawyer offer advice which I considered to be politically motivated. I hope that, only with the greatest of care and with the most satisfactory evidence to back up such claims, will members make the assertion in this place that lawyers employed by the ACT Government would ever give advice other than in those terms.

Mr Speaker, I emphasise that I believe that it is important to bear in mind the advice received but to consider it appropriately. There is obviously an element of doubt, at least in the minds of some members of this place, about elements of delegated legislation. We fix that with these amendments, inasmuch as we fix the matters originally raised by Mr Berry, and I would ask that members of the Assembly support the amendments on that basis. Mr Speaker, I present the explanatory memorandum to the Government's amendments.

MR BERRY (11.12): On the face of it, it appears that the Government has discovered some other problem with its revenue collection. On the face of it, there appears to be no reason for Labor to oppose the amendments that have been put forward; but I have to hark back to our experience over this entire issue and the way that the Government has behaved in relation to the matter in its entirety. Let us forget what was behind the various pieces of legal advice which were in contest here. The fact of the matter is that there is a responsibility to show proper respect for the Scrutiny of Bills Committee. Leave aside the advices that were in contest. I would have thought that it would have been the better part of discretion for the Government to have supported the Scrutiny of Bills Committee's approach to this issue, rather than dig itself into a position.

Mr Humphries: It had contrary advice from its own officers.

MR BERRY: Mr Humphries interjects that they had contrary advice. It is a matter of the Government deciding which advice it prefers, and it could quite - - -

Mr Humphries: It did decide.

MR BERRY: Indeed it did. It decided that it preferred its own position because it supported the Government's mistake. The Government could have saved all of this debate had it just noted the Scrutiny of Bills Committee position, prepared legislation, brought it to this chamber, had it debated and said, "Oops". It would have been fixed and over with a long time ago. I think the contributions by Mr Humphries and Mrs Carnell to the debate this morning have been humble contributions. It has been a humbling experience for them because they have been suitably sorted out in a debate over an issue which ought not to have been so controversial had they handled it properly in the first place.

Mr Speaker, at this point I would seek leave to move a motion that the amendments which have been tabled by the Attorney-General be referred to the Scrutiny of Bills Committee for further examination and report.

Mrs Carnell: We will have to adjourn debate on the Bill, do you mean?

MR BERRY: No, I do not intend to do that. I will explain.

Leave granted.

MR BERRY: I move:

That the Government's proposed amendments to the Health and Community Care Services (Validation of Fees and Charges) Bill 1997 (circulated in the name of Mr Humphries) be referred to the Standing Committee on Scrutiny of Bills and Subordinate Legislation for consideration and report.

As I said at the outset, these amendments, on the face of it, do not present much of a problem to the Opposition; but, given our experience with this entire matter, it seems to me that the matter would be better looked at by the Scrutiny of Bills Committee before it is brought back into this place in the form of a Bill at some later time. In the meantime, the Health and Community Care Services (Validation of Fees and Charges) Bill could be passed to deal with the matters which are dealt with therein, while the Scrutiny of Bills Committee looks at the amendments. On the face of it, the amendments appear to be more complex than the Bill itself. That on its own would cause one to express some caution about dealing with the matter at such short notice.

I remind the Assembly that I received a copy of the amendments last evening after we rose and I received the explanatory memorandum this morning. Given the circumstances, these amendments ought to be referred to the committee, but there is no reason why the Health and Community Care Services (Validation of Fees and Charges) Bill

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cannot be passed. I commend to members that they vote for the motion to send the amendments to the committee for examination and that we get on with dealing with the Health and Community Care Services (Validation of Fees and Charges) Bill. I am in the Assembly's hands.

MR HUMPHRIES (Attorney-General) (11.18): I can indicate that the Government would support that motion if Mr Berry indicated in further remarks that he will support the adjournment of debate on his Bill until such time as the Scrutiny of Bills Committee reports back. That is the normal course of events. If part of a Bill is referred to an Assembly committee, it is usual practice - in fact, it is invariably the practice - that debate on the Bill is adjourned until advice is received from the committee. That is the position Mr Berry would probably have argued for at some point in the past, and I would urge him to be consistent and to accept that on this occasion. If, however, he believes that we should press on and pass the Bill, it seems to me there is no reason why we should not also do the amendments. I think that is the appropriate and fair way of dealing with it.

MR WHITECROSS (Leader of the Opposition) (11.19): Mr Speaker, I would like to demur from Mr Humphries's approach on this. Mr Berry's motion sets out what I believe is the appropriate way of dealing with this. Mr Humphries suggested that when amendments are proposed to a Bill debate on the whole of the Bill is adjourned so that everything can be considered together. It needs to be understood that the amendments moved by Mr Humphries today actually have nothing to do with the Bill. The amendments that have been moved by the Attorney-General today actually bring up situations similar to the situation that is addressed in the Bill but they do not modify anything in Mr Berry's Bill. It is not as if we have to adjourn debate on the Bill because Mr Humphries is proposing to amend the terms of what Mr Berry has proposed. What Mr Humphries is proposing to do is to add onto the end of Mr Berry's Bill a whole series of other apparently problematic impositions of fees and charges and suggest that they ought to be dealt with as well. As Mr Berry has said, on the face of it, that seems okay; but they are really separate issues and I believe it is appropriate that they be dealt with separately.

The question then becomes: Why should we refer these to the Scrutiny of Bills Committee at all? Why should we not just pass them and take Mr Humphries's word for it? The reason why we should not adopt that approach, the reason why we should refer the amendments to the Scrutiny of Bills Committee for a report and the reason why if the Scrutiny of Bills Committee recommends in favour of them we should deal with them as a separate Bill in August is the principle that the imposition of fees and charges ought to go through a process of scrutiny by the Scrutiny of Bills Committee before it is dealt with in this place.

Mrs Carnell: But the fees and charges have been charged. They are not new fees and charges.

MR WHITECROSS: Mrs Carnell clearly does not understand her Attorney-General's amendments. What these amendments actually do is impose fees and charges in substitution for what they believe to be invalid determinations. Before we vote in this place on new fees and charges in substitution for ones which the Attorney-General now believes are invalid, they ought to be looked at by the Scrutiny of Bills Committee.

That is what happens when fees and charges are imposed by regulation. They go off to the Scrutiny of Bills and Subordinate Legislation Committee for consideration and report back so that this Assembly has advice on whether or not to disallow them. Bills are not passed in this place until the Scrutiny of Bills Committee has had an opportunity to consider them and advise the Assembly.

On this occasion we are being asked to pass several amendments, amendments which have been circulated only today and which Mr Berry saw only last night, without the Scrutiny of Bills Committee having the opportunity to deal with them. I do not think that is an appropriate process. I am sure that when the Scrutiny of Bills Committee looks at them, if what the Attorney-General has told us is all true, we will not have any trouble in dealing with these things in a timely way in the August sittings. I reiterate my basic point. It is a principle of good practice in this place that before we pass amendments of this kind, which are for the imposition of new fees in substitution for old ones, they be dealt with by the Scrutiny of Bills Committee. That is what Mr Berry's motion would achieve.

The amendments do not relate to the proposals in Mr Berry's Bill. They are actually a separate set of propositions, certainly of a similar type to Mr Berry's proposition but separate ones. I do not think it is inappropriate that they be dealt with separately. The propositions in Mr Berry's Bill have been before this house for the best part of six months. I think it is time we got on with validating those fees and charges. I think we can do that today. We have had the Bill before us for long enough to do it today.

The Attorney-General's amendments are obviously amendments that we should be concerned about and deal with in a timely way. The appropriate process for that is for them to go off to the Scrutiny of Bills Committee for their report back to us, then we can deal with them in a very timely way in the August sittings. I think that is a very appropriate process. It preserves the integrity of the procedures of this house. It ensures that we validate the fees and charges in Mr Berry's Bill at the earliest opportunity. We can get to Mr Humphries's amendments at the first opportunity after the Scrutiny of Bills Committee has had a chance to advise the house on them.

MR BERRY (11.24): My colleague Mr Whitecross has quite eloquently drawn attention to some further important issues that members ought to take into consideration when considering this matter. I heard an argument from Mr Humphries that the Bill itself ought to be delayed as well. I am in the Assembly's hands in respect of that matter, but our approach on the issue has been to get this validation of fees and charges Bill through as quickly as possible.

Mrs Carnell: Why?

MR BERRY: Mrs Carnell interjects, "Why?". I make the point that the reason for it is to validate fees and charges which you mucked up. Something needs to be done as quickly as possible to validate those fees and charges over the period they were in question. It is an important and sensible administrative move, Mrs Carnell. That is why.

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Mr Humphries: Why is it urgent?

MR BERRY: Mr Humphries says, “Why is it urgent?”. This is a question of bad administration which has been hanging for some time and needs to be resolved. Let me put a hypothetical: If the Assembly adjourns consideration of this Bill to a later day the matter will come up again and it will draw attention again to the fact that the Government has made an error of judgment. Today’s discussion of this issue will draw attention to the humbling of a stubborn government. So you should be humbled, because your stubbornness on this issue demonstrates how little you are committed to good administrative practice. The community needs to be reminded that this Government can be expected to take a political line to save their own skins before they will take on good administrative practice. That is what this is all about.

I urge members to send the amendments moved by the Attorney-General off to the Scrutiny of Bills Committee. I urge members to pass the Bill because there are quite significant administrative mistakes that need to be fixed. This validation of fees and charges Bill will, in fact, fix the mistakes of this Government and it should not be left hanging. When it emerges again in August, it will merely serve as a reminder of the Government’s blunder.

Question resolved in the affirmative.

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

That the debate be adjourned.

The Assembly voted -

AYES, 9

Mrs Carnell
Mr Cornwell
Ms Horodny
Mr Humphries
Mr Kaine
Mrs Littlewood
Mr Moore
Mr Stefaniak
Ms Tucker

NOES, 6

Mr Berry
Mr Corbell
Ms McRae
Mr Osborne
Ms Reilly
Mr Whitecross

Question so resolved in the affirmative.

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

Debate resumed from 18 June 1997, on motion by **Mr Moore**:

That this Bill be agreed to in principle.

MR HUMPHRIES (Attorney-General) (11.32): The Government is pleased to be able to support this quite significant piece of legislation which is before the house. Some could say that it is before the house much too late. In many ways the capacity of a parliament to be able to expose its workings fully to the community that it serves is a very important indicator of the parliament's maturity and place within the community. Some would say it is inappropriate; some would say perhaps it is appropriate that it has taken eight years from the granting of self-government for us to reach the level of maturity where we are able to let the community, as a whole, hear the workings of this place through the medium of electronic broadcasting.

Mr Speaker, it remains a sad truth that only a very small minority of citizens of the Territory do come to this place to sit in and listen to debates.

Mrs Carnell: That could be a good thing.

MR HUMPHRIES: Perhaps, as the Chief Minister suggests in her comment, it could even be a good thing that they do not, on occasions. That proposition will be put to the test by having this legislation passed today, because this legislation will provide a different medium for those who are interested in the workings of the ACT polity to see how that political process works. We obviously make such decisions and take such steps in the hope that what members of the community see when those workings are exposed pleases them or makes them feel that the parliament that they pay for through their rates and taxes is doing the job that it is entrusted with. Section 24 of the self-government Act enables the Assembly to make laws covering its privileges and immunities and was drafted on the basis that the Assembly would eventually do something of this kind to be able to deal with the privilege that attaches to the broadcasting of proceedings.

I am pleased that the Bill before us takes up the suggestions made in the Government response to the original Bill that was tabled some while ago and that it has come about through a cooperative effort by all members of this Assembly. I trust that when further consideration is given to other issues of the law relating to privileges we will be able to pursue the enactment of those privileges in a similarly cooperative way. I would like to mention that the Government is giving consideration to bringing forward during the next session of the Assembly legislation which deals with the powers and privileges of the Assembly generally. That is a matter which has not been dealt with in any significant way prior to now. Although we have had a regime of sorts to deal with privilege issues, on occasions relying simply on the privileges attaching to the House of Representatives as the default position that this Assembly relies on where there are not statements of the position, it is appropriate that we now move down the path of clarifying and stating those privileges and powers clearly in our own context.

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Mr Speaker, you do not have to spend very long in this place to realise that the ACT Legislative Assembly does things differently to other parliaments in Australia and perhaps around the world. We would like to think that we are proud of these differences of approach. Sometimes perhaps we are not. Whatever the case, we need to settle on the parameters of that operation and the exercise of powers and privileges that go with the operation of this parliament and the way that this parliament has evolved. In the longer term I think consideration will need to be given to extending privilege to publications along the lines presently available in respect of publications of the Federal Parliament. There is some doubt about how far the privileges that extend to the *Hansard* extend to other documents that are produced by the parliament or by parliamentary-type agencies. Perhaps that is a matter that can be dealt with not necessarily in the legislation that I have referred to in the next session dealing with powers and privileges generally but in legislation next year. It is a matter that we need to be clear about.

Mr Speaker, I will conclude by saying that the Assembly has been meeting for approximately eight years. It is appropriate that we finally start the process of codification of the powers and privileges of this place. It is also appropriate that we take the step of being able to bring electronic media into this place to record the proceedings in this place and to convey them to a range of sources that appropriately should be hearing the deliberations of this chamber at first-hand. One particular group of beneficiaries from this exercise, incidentally, will be public servants of the ACT who, in the past, have not legitimately been able to hear the workings of this place without there being a question of privilege raised.

The suggestion has been made - I thought initially it was a rather bizarre suggestion - that a public servant listening over some sort of closed-circuit system of sound reticulation or even, as has sometimes been the case, listening over the telephone to question time might actually be hearing things that were privileged; and, therefore, some transmission of the information in that way might constitute a breach of privilege. I do not think it has stopped a number of public servants listening in on question time over the telephone or in some other way. Nonetheless, that practice needs to be cleared up. Anybody who works for the Government ought to be able to see what is going on in important debates in this place or in question time; know what they should be doing as public servants of the Territory to comply with the wishes of the Government or of the Assembly, depending on the nature of the debate; and ensure that their work is done more efficiently as a result. Providing for the broadcasting of proceedings means that that can now occur in a legal way and that the interaction between the work of this place and the work of those advising us is smoother and better tailored to the task set.

Mr Speaker, I commend Mr Moore for this legislation. It has been important, from his point of view, I think, to put it on the table. I believe the legislation will receive the strong support of the house.

MR WHITECROSS (Leader of the Opposition) (11.39): The Labor Party and I will be enthusiastically supporting this legislation. I think it is a step forward for the Legislative Assembly. I say that without any great anticipation that this is something that the citizens of Canberra will be hanging out for or that they will be standing by their radios ready to tune into the Assembly. Nevertheless, I believe that electronic media are an important part of the process by which citizens of Canberra gain information about what goes on

in the world, what goes on in Canberra and what goes on in the Assembly; and that, therefore, the ability to hear first-hand what happens in the Assembly will aid them in their information process. Most particularly, it will aid journalists in reporting what goes on in this place, because they will have access to material directly from the proceedings of this house in order to inform their viewers or their listeners about what has happened in the Assembly. I think that is a good thing for this Assembly and a good thing for the community as a whole.

Mr Speaker, I am very much in favour of this. I am very much in favour of clarifying some of the matters of privilege which have apparently been obstacles to the wider use of recordings from this place in the past, where there have been concerns raised about how all the parties involved in the broadcast or rebroadcast of proceedings might be affected by matters of privilege, particularly in relation to material that may be defamatory. I think it is important to have a framework. As Mr Humphries said, there are probably other matters of privilege which also need some framework legislation, and it is something we ought to look to in the future.

Mr Speaker, it is a particular source of satisfaction to me that we are making progress on the whole issue of the broadcasting of proceedings because, as one of the people involved, in my time working for Roberta McRae when she was Speaker of the Assembly, in setting up the infrastructure in this building for the Assembly, we took a great deal of trouble to ensure that the infrastructure was there to allow for the broadcasting of proceedings in the future. It is, therefore, with some satisfaction that we see progress starting to be made in allowing that infrastructure to be put to use in order to facilitate the broadcasting of proceedings. To achieve the best results for the broadcasting of proceedings, we will, in time, have to make additional resources available for the broadcasting of proceedings if we want to get away from the cumbersome business of having freestanding cameras located at various points around the chamber; we are going to have to make provision for the installation of cameras and for people to operate cameras in locations remote from the chamber so that it can be done.

When the building was designed, it was designed with that in mind, and there are camera points that have been specified. The actual cameras and other infrastructure were not included in the initial building project because, at that time, the Assembly had not made a decision to go ahead with broadcasting and, therefore, it would have been an inappropriate investment of taxpayers' money. As we move down this path of opening up the Assembly to broadcasting, it is something that I think will have to be considered and will have to be considered by the Government because it is not within the resources of the Assembly to do it without input from the Government. I do believe that would further assist the electronic media in reporting the proceedings of the Assembly, particularly news broadcasts which will want to have vision as part of their broadcast. Without bringing freestanding cameras into this place, TV news will be stuck with using some sort of a photo or something with sound broadcast over the top; whereas the provision of cameras would allow them to use actual vision, as we see on television from the Federal Parliament.

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Mr Speaker, as I said, I do not know that it is something that the public will be hanging out for. Nevertheless, it does, I believe - and I believe quite sincerely, notwithstanding some of the, I am sure, light-hearted remarks by the Chief Minister - enhance the standing of the Assembly for the Assembly to be promoting itself in this way. I do not believe it diminishes this place; I think it enhances our reputation because it shows the work of the Assembly. The matters that get reported on by the electronic media are important matters. The ability to bring to life, if you like, the work of the Assembly, I think, is something which can only enhance the standing of the Assembly. Of course, the bringing to life of the proceedings of the Assembly also puts obligations on members of the Assembly to be conscious of that fact and the fact that what they do may be the subject of a rebroadcast. That is something which I think is not an inappropriate discipline for members of the Assembly.

I will just say, in conclusion, that I believe the process which has led to this Bill has been a good one; it has been a good model of how the Assembly works. This is an issue which has been debated in the corridors of the Assembly for some time. Mr Moore has brought the matter forward by introducing legislation into the parliament. It was then the subject of an Assembly committee process, which allowed the different groups in the Assembly to have input into the final structure of the Bill; addressed the matters of privilege which I think needed to be addressed in Mr Moore's original Bill; and led to a committee report and to Mr Moore introducing the revised version of the Bill which, I think, has picked up the recommendations of the committee. I am sure not all members would necessarily think that all the recommendations of the committee had gone far enough in relation to broadcasting. Nevertheless, they take us forward in relation to this matter. I think Mr Moore is to be commended for his role in this process. I also believe it is a model of how the Assembly committee process can work to improve legislation. I think the whole process is one of which we, as an Assembly, should be proud.

With those remarks, I do commend the legislation. I am pleased to be supporting it; I am pleased to be here to vote on it because I think it is good legislation. I look forward to seeing the determinations made under proposed sections 7 and 8 which will give effect to the legislation in due course.

MS TUCKER (11.47): The Greens also welcome this Bill. We are obviously supportive of what has been said here this morning. I believe it is a way of showing the community the work that occurs here. I think it will bring more accountability into our work, as Mr Whitecross pointed out. I think members would be aware of the repercussions, let us say, if unseemly behaviour is evident and seen by the community. I think that is an advantage, as well as the fact that quite often our work is very separate from the life of the community, although I must say that I think the local media do take a great deal of interest in what happens in this place, as they should. There is already a lot of coverage, if you like, of what happens here. But I think bringing it to life more is a really good thing, and I am very happy to support this legislation.

MRS CARNELL (Chief Minister) (11.48): Mr Speaker, as you have already heard, the Government supports the need for legislation to facilitate the broadcasting of proceedings of the Legislative Assembly. This move does resolve some very long, outstanding legal questions and is consistent with the Government's commitment to greater accountability and keeping the community informed of what is happening

in the Assembly. As Mr Moore has pointed out, this includes the operation of Assembly committees. The legislation also permits greater access by public servants to the Assembly's proceedings, as we have heard, and ensures, I think, a much more responsive service to the Assembly, although I have to say the service we get is very good. This Bill provides for the transmission of Assembly proceedings to government offices and for broadcast to the public, subject to guidelines prepared by the Standing Committee on Administration and Procedure.

The revised Bill has been developed following the recommendations of the Standing Committee on Administration and Procedure on Mr Moore's earlier Bill and the Government response to those recommendations. It really has been a very collaborative effort, but it certainly would not have continued, shall we say, if Mr Moore had not been there pushing it the whole way through. I am sure we all supported it, but it certainly has been Mr Moore's drive that has got the Bill to the Assembly now. Accordingly, the Government is pleased to support this Bill in its current form. The Government, in its response to the standing committee's report, had agreed to support legislation, and the Bill has now progressed in that manner and in a manner that the Government feels very comfortable about, having incorporated the views of both the standing committee and the Government.

The Bill permits the Speaker to authorise the broadcasting of proceedings of the Assembly or of a committee of the Assembly to specified government offices. The standing committee had recommended authorisation of the broadcasting to offices of Public Service employees directly involved in activities associated with the business of the Assembly. The wording of the Bill overcomes any difficulties in defining which classes of government employees have access to direct broadcasts. The ability of the Speaker to make authorisations subject to conditions permits an element of control where that is necessary.

In its response to the committee's report, the Government's view was that wider broadcasting to the public should be limited to significant and landmark events, at least in the first instance. The Bill accommodates this by developing a process by which the Standing Committee on Administration and Procedure will devise guidelines for public broadcasts. This may be varied or revoked, of course, by the Assembly. This is a satisfactory mechanism for all Assembly members to contribute to the development of appropriate guidelines for public broadcasting. The committee has recommended that the guidelines be gazetted. The process reflected in the Bill allows further refinement of this idea. The Bill provides for the standing committee to report to the Assembly on any guidelines developed. In many ways, discussion during debate in the Assembly provides a much greater public accessibility than, of course, any gazettal would, Mr Speaker.

The earlier Bill contained a penalties provision which has now been removed. Under the new Bill, this would be dealt with by the power of the Speaker to issue authorisations. If conditions are abused, the broadcaster could miss out next time.

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This is consistent with the standing committee's report. The committee pointed out that parliaments with the power to fine or imprison do not tend to use these penalties - surprise, surprise! - for broadcasting breaches; rather, access to broadcasting is withdrawn for a period. As members will be aware, the Legislative Assembly does not have the power to impose penalties on an unauthorised broadcaster or broadcasters. However, the approach pointed out by Mr Moore appears to be very appropriate. The Government's view is that broader legislation covering both broadcasting and publication issues should be developed. Mr Humphries has already indicated that would be the Government's view for next year.

Mr Speaker, this is an important piece of legislation and it does put very definite responsibilities on all members of the Assembly, I suppose, to conduct themselves in an appropriate fashion. When you look at, particularly, the Federal Parliament and what has happened to the general standing of the Federal Parliament since televising of question time has occurred, you would have to say that it probably has not actually improved the general public perception of parliaments and parliamentary procedure. I think it is incumbent on us to ensure that that does not happen to this Assembly. I believe, as this Bill obviously will be enacted and over time we will move to both radio and, in the end, television broadcasting of important events in the first instance and then possibly question time, it will be important not to fall into the same traps, shall we say, as other parliaments have when broadcasting has become part of their procedures as well. It is important that we use this opportunity to improve the standing of the Assembly, not the opposite, Mr Speaker.

MR MOORE (11.54), in reply: Mr Speaker, I appreciate the support of all members of the Assembly who have spoken. It is very interesting, considering the level of support, how long some things take. I remember going to the first Clerk of the Assembly, Mr Piper, and saying, "Why do we not let the television cameras and radio come in?". His response was, "No; we cannot do that because there is a series of problems". To me, they seemed at the time to be somewhat exaggerated. As it turned out, we were able to provide a situation where the media were able to come into the Assembly for the debate on euthanasia and the debate on the budget. At the same time, having been through the process, we all recognised that there were problems associated with that and that there were people along the line who were, perhaps, open to some kind of legal action. None of us would like to make that commonplace. Indeed, Mr Speaker, that is the reason for the legislation.

I was particularly interested in the comments by Mr Whitecross about access by the media to the Assembly proceedings, particularly for television. I think we should make it an important issue for the Government early in the next Assembly to consider funding the cameras for this Assembly so that we do not have the intrusive nature of the television camera as we have seen before; rather, we should constantly record the proceedings of the Assembly, controlled in the same way as it is controlled in the Federal Parliament and other parliaments in Australia. It is appropriate that we are in a building that is already fitted out for this sort of process. In fact, the expense to most parliaments is actually

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to put in the infrastructure, rather than the actual cameras themselves; whereas we are at the point where we need only to add the cameras. We have a control room at the back of the Assembly. I imagine many people who come here do not realise what is behind that black glass on the opposite side to the journalists gallery.

Mr Speaker, as is always the case when dealing with legislation in the Territory, I had a great deal of assistance from Parliamentary Counsel pointing out the pitfalls where I was proceeding at given times, making sure that I had met the Government's response to the report of the standing committee and ensuring that the legislation was drafted to take into account each and every one of those compromises that had been made. I would like to extend my thanks for the efforts that were put in there.

Mr Speaker, I think it is a very important day in terms of open government. I think it is a very important day in terms of the Assembly that we have unanimously agreed that we have reached the point at which we should now make sure that our proceedings are opened up even further. I hope that the decisions of the Speaker will be reasonably free when interpreting landmark or important debates. I think that many, if not most, of the debates that are held in this Assembly are particularly important, in that they affect so many lives and the way people go about their lives in this community. That, in itself, should mean that there should be a fairly open way of dealing with the guidelines.

Finally on the guidelines, I hope that the Standing Committee on Administration and Procedure, of which I am a member, can deal with this very rapidly because, in fact, we had prepared guidelines for the last two debates. I think that about 95 per cent of the work has been done there. What is more, it has been tested and found to work reasonably successfully till now. In my discussions with members of the media, they have all been interested in taking a responsible approach to dealing with this.

Mr Whitecross: Always.

MR MOORE: They always take a responsible approach on anything. I hear Mr Whitecross's interjection. I think the most important thing is that, if somebody decides not to act in a responsible way at some stage, the tools are there for a slap over the knuckles. As much as I hope that does not occur, I think this will provide for a very successful system. I thank members for their support.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

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**AUSTRALIAN BROADCASTING CORPORATION -
FUNDING AND LOCAL SERVICES
Motion**

MR CORBELL (12.00): Mr Speaker, I move:

That this Assembly:

- (1) on behalf of all Canberrans committed to the maintenance of an independent and national public broadcaster, condemns the Federal Liberal Government's decision to cut \$55 million from the Australian Broadcasting Commission budget. The ABC provides a vigorous and impartial broadcasting service to Canberra, a cut of \$55 million could have a potentially devastating impact on the level of service provided by the ABC to people in Canberra and the surrounding region, particularly in local radio news and current affairs.
- (2) as representatives of the people of Canberra, calls upon the Federal Liberal Government to restore funding to the ABC and to honour its pre-election commitment to maintain funding at February 1996 levels.

This is an important motion which the Assembly is dealing with this morning. The reason I put it forward is that I believe there are many people in Canberra who greatly value the significance and importance of the national broadcaster and the role it plays in our Territory. This has been demonstrated by a number of very important points. The first is that, until recently, the ABC was the only provider of a comprehensive radio news and current affairs service in Canberra. Even today it is still the only station that provides a comprehensive current affairs service on Canberra issues seven days a week. Secondly, the importance of the ABC to Canberra is also demonstrated by the fact that the ABC morning program in the 6.00 to 9.00 am timeslot is still one of the highest rating programs in that slot of any ABC service in Australia. Thirdly, the Friends of the ABC in Canberra has one of the largest memberships per capita of any Friends of the ABC in Australia. It is a very significant voice, not only here in our city but nationally, in the debate to stop cuts to the Australian Broadcasting Corporation. For all of these reasons, I believe it is important that we, as representatives of a city that has demonstrated concern for the future of the ABC, add our voice to this debate. That is why I have moved this motion today.

Mr Speaker, before the last election the Federal Liberals promised to maintain funding to the ACT at existing levels and to give certainty and security to the ABC in its funding by providing it on a triennial basis. After the election, as we all know, they broke this very explicit promise. Today, the ABC faces a cut of \$55m. We have already seen what previous cuts implemented by the Federal Liberal Government have done to the ABC here in Canberra. The reduction in the number of programs run by the local ABC radio station, 2CN, and the loss of one presenter in the morning are a very clear and direct result of a funding cut. That presenter was Mark Giffard and the morning program was

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in the 6.00 until 7.45 am slot. What the planned cut to the ABC this year means is unclear, but we are already aware of what it means for ABC services in our region. Whether or not we like it, Canberra is often treated as a regional area by the ABC, and the impact of this \$55m cut on regional services may very well foreshadow a further reduction of local radio services in Canberra.

Mr Speaker, the example I would like to draw to the attention of the Assembly is that of our neighbouring town of Bega. The \$55m cut appears to be presenting a very clear threat to the ongoing provision of their already very limited local radio news service. There is a very real possibility that, when the ABC works out how it will cope with this cut, Bega will lose its local news service altogether; it will have no local news service whatsoever. That is not just for the people in that town but also for the people in the surrounding area. They will rely on a feed from Sydney for their local news and current affairs service. In effect, they will have no local content at all. This point, I think, demonstrates very clearly why I am moving this motion today. When a national broadcaster is unable to provide news and current affairs services which let people know what is going on in their own community, the relevance of that broadcaster is greatly diminished. That means that the ABC, as a national broadcaster, loses its relevance to people and, in effect, provides, unfortunately, further justification for still wider cuts to its provision of services and to the variety of programs it provides.

If it is Bega one day, it may be Canberra the next. That is why we, as this Assembly, must support this motion, which provides support to the ABC against the very explicit and broken promises made by our friends, the Liberals, up on the hill. We must support this motion today to add our voice to defend the ABC and to oppose the cuts by the Liberals. People in Canberra also understand that there is a very important principle at stake in relation to the ABC, and that is another reason why this Assembly should debate and support this motion today. We should seek to uphold that very important principle, which is held in our community, of the need for an independent, impartial public broadcaster.

The concentration of media ownership in Australia is one of the highest in the world. Our national media is dominated by powerful individuals, and this limited diversity extends beyond national media even to the ownership of local suburban papers and radio stations.

Mrs Carnell: Who let that happen?

MR CORBELL: The Chief Minister interjects, "Who let that happen?". Unfortunately, my party let it happen. I am very prepared to admit that, because I disagree. I disagree with what my party did. The point remains, nevertheless, that the diversity is limited, and moves to lessen diversity still further should be opposed. That is the principle I am talking about today. In this environment, the ability for all in our community to have access to an impartial and independent news and current affairs service and a local Australian programming content is very important; but that is exactly what this \$55m cut now threatens.

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For all these reasons, we, as representatives of the people of Canberra, should add our voice to help defend our ABC, because it is not just yours; it is not just mine; it is everyone's; and everyone has an equal say in it and an equal share in it. Unlike other media operations which are owned by wealthy individuals or small groups of people who have the money and the willingness to invest, the ABC is owned by all. It contributes very importantly to our city.

In closing, I want to make one final point. The ABC in Canberra provides a vital service. As representatives, we rely very heavily on the national broadcaster, along with the other independent private broadcasters, to communicate what we believe should happen in our city and what we believe is the most important course for our city to take. When we have a cut of \$55m which could very well, in the end, threaten the ability of the national broadcaster to get that message out in an independent and vigorous way, then we ultimately lose as well. For all of these reasons, we should stake our claim here today to oppose the Federal Liberal Government's cuts to the ABC for what they mean to Canberra, for what they mean for our community and for what they mean by threatening the viability, integrity and independence of our national broadcaster.

MRS CARNELL (Chief Minister) (12.09): The Government strongly supports an independent national broadcaster, and we were certainly disappointed, as I think various press releases and other things that we put out indicate, with the Federal Government's cuts to the ABC. I do believe that Mr Corbell's motion today is politically motivated. The reality of it is that we did not see the same sort of reaction from that side of the house, which was then this side of the house, when the ABC cut their local television programming or television station out of Canberra. What we did hear was a deafening silence.

What we have seen over a quite long period of time now from the ABC under the Federal Liberal Government and the previous Federal Labor Government, when there was a Labor government here in the ACT as well, is significant centralisation of services from the ABC. This is not something new, Mr Speaker. We have seen regional services being depleted over quite a number of years now; we have seen services centralised in Sydney, Melbourne and other capital cities; we have seen an empty television studio over there at Dickson for quite a number of years now. Who was it who went to Sydney to see the hierarchy of the ABC when the ABC locally cut out the local evening program here in Canberra? It was Mr Humphries. Mr Humphries went to Sydney and had a meeting with, I think it was, Paddy Conroy at that stage. I am sure that Mr Humphries will speak about that later. We are certainly not happy to see cuts in any Federal or Commonwealth government service, especially one such as the ABC.

It is certainly true that regional radio and regional television are absolutely essential for a country as big and as diverse as Australia. But it is not just that regional services such as our local television service have suffered under a previous Labor government; it is also things such as Radio Australia. Recently - in fact, the press release says that it was 23 April - I put out a press release urging the Federal Government not to take the path they were taking with regard to Radio Australia. I suggested to them that cutting funds from \$23m to just \$7.2m would force the ABC to have some sort of half-baked service that probably would not be worth continuing.

I think the approach that the Federal Government has taken to Radio Australia is simply unacceptable. All of those who have spent any time whatsoever in the region would agree that Radio Australia really is the voice of Australia. The way lots of people in our region get all the information they get about Australia is out of Radio Australia. We must make sure that, if we are to have a service into our region, it must not be a half-baked service; it must be a service that adequately reflects who we are as Australians, what we are thinking as Australians and the sort of image, I suppose, and approach that we want our neighbours to have about us and to know about us. It is a significant opportunity for marketing and promoting Australia, our cities, our policies and the economic opportunities that exist here.

I think the Federal Government should significantly change Radio Australia. I think they should modernise it; I think they should broaden its focus; I think they should change its charter; and I think they should use it as a significant marketing opportunity and information opportunity, of course, into our region. For the interests of members, I will table that press release. Again, it was not something that we were trying to play politics on, as Mr Corbell is today. We were getting out there, as, by the way, did the last leaders forum. In fact, the approach to lobby the Federal Government with regard to Radio Australia was passed by, I think, all Premiers and Chief Ministers in Australia, all of whom, except one, of course, are Liberal or National Party leaders. Certainly, it was not a political approach but one where we, as Liberal-National Party coalition leaders, were out there lobbying our Federal colleagues and saying, "Hey; this is not good enough. Radio Australia is really important to this country; it is really important to trade and to our future".

Mr Speaker, I come back to the real issue here. The real issue here is that this motion has been brought forward by Mr Corbell today as a straight political issue. If he was not being political about it, he would have suggested that this Assembly condemn not just the current Federal Liberal Government's decision to cut funding to the ABC but also the previous Labor Government's decision to cut.

Ms McRae: For heaven's sake, what is the point of condemning a government that is not there? What a lot of nonsense!

Mr Berry: You made a very explicit promise.

Mr Corbell: John Howard broke a very explicit promise.

MR SPEAKER: Order! Settle down, everybody.

MRS CARNELL: Mr Speaker, it has just as much validity as condemning the current Federal Government. The reality is that successive Federal governments, Labor and Liberal, have cut regional services from the ABC. The ACT has been one of the greatest targets of that. It would be very hard to cut the ABC locally any further than it has already been cut.

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Mr Humphries: There is not much left.

MRS CARNELL: There is not terribly much left, as Mr Humphries says. I cannot really see them shooting *Order in the House* from Sydney; let us be fair. Mr Corbell indicated that we could see further relocation to Sydney. Relocation or centralisation of services has been happening over a number of years. But the fact is that centralisation, that movement of services out of Canberra, happened under the previous Labor Government; it has not happened under this Liberal Government. The motion should have been on the agenda when those opposite were sitting on this side of the house and there was a Federal Labor government. That is the reality of this situation.

We have been lobbying for a very long time, and will continue to do so, to maintain regional services for the ABC. Mr Humphries will be bringing forward an amendment to broaden this motion to make sure that all of those who have cut ABC services to the ACT are similarly condemned. I think when we make these points we have to be serious. The reality here, I say again, is that it was not this current coalition Government, as much as they have cut funds to the ABC, which we have lobbied against, that moved our television station and cut the 2CN night-time service; it was the previous Labor Government. The fact is they cannot cut the services at the Federal Parliament; they have to shoot *Order in the House* and all of those sorts of things from here in Canberra.

The reality here, Mr Speaker, is that those opposite are playing politics; that is all they are doing here. If they really believed what they were saying we would have seen a similar motion on the table when the Federal Labor Government did significantly worse damage to the ABC in the ACT. But did we hear one peep out of them then? It was Mr Humphries that went to Sydney to lobby on behalf of 2CN. It was the Opposition then that was saying, "This is not good enough. We do not believe ABC services out of Canberra should be cut. We do believe the national capital should have a local ABC news service" - and it should. It was we that did that - not those opposite, even when they were in government. What we are seeing here is absolutely straight political opportunism. They are wasting their own private members time.

Mr Corbell: Do you think it is a waste of time to defend the ABC, Chief Minister?

MRS CARNELL: I think it is a waste of time for this Assembly to pass a motion condemning the Federal Government, I have to say. I have to tell you that, much as I would like to think that a motion passed in this place condemning the Federal Government for a cut would make a difference, this is not going to make a huge difference to Senator Alston. I am sure he is up there shaking in his shoes right now! The reality is that it is not going to make a difference.

What does make a difference is bringing these issues up at leaders forums so that all of the Premiers in this country can be lobbying together. That is what we have already done. What makes a difference is going to Sydney and seeing the management of the ABC and putting Canberra's position, as Mr Humphries did. That is what makes a difference -

not passing a motion saying, "We condemn the Federal Government because they cut the ABC". Of course we think cuts to the ABC are not acceptable. We do not think cuts to public servants in the ACT are acceptable, and we have made that clear time and time again. But we do not just talk about it; we get out there and try to change it.

MS TUCKER (12.19): I will pick up first on what Mrs Carnell just said. I actually do think there is point to these sorts of motions. I think there is weight in having parliaments around Australia making these sorts of statements to the Federal Government. If a whole parliament supports a particular motion of this nature and the Federal government of the day is at all interested in what the States and Territories and the parliaments of the States and Territories in Australia think, it should take notice. If they are not interested, then be it on their heads and to their shame, I would say, because they have an obligation, in my view, in their capacity as the Federal Government and the person who is leading that Government, to be very interested in what State and Territory governments have to say about national issues. After all, we are part of this country. Why not let parliaments of particular regions make such statements? I would support this motion for that reason.

I would also, obviously, support this motion because I am very concerned about what is happening to the ABC. I would say also, though, that I would support what Mrs Carnell said. The ABC has faced budget cuts from both the Labor Party and the coalition, and Labor is certainly not at all squeaky clean on this issue. We have seen a number of actions over the last year. As a Friend of the ABC, I have been to meetings and rallies and listened to the concerns that have been expressed. I think they are very real concerns. I find it particularly alarming in the current situation, where we have media diversity laws being challenged, that we actually see this Federal Government changing cross-media ownership and a reduction of funding to the ABC. Therefore, there is a reduction in the ability of the ABC to present an independent picture of current affairs in Australia. It is a very worrying situation. When I look at polls and surveys that have been carried out, I see that the majority of people do value the ABC; it is one of those things that have meaning for Australian people. I find it really hard to understand how a Federal government fails to acknowledge that to the degree that this current Federal Government is not acknowledging it.

I think it is about a government that keeps talking about how the Australian identity is so important; how much it values it; being Australian and pushing that line. You can have philosophical discussions about that, too; but I will not go into that right now. The point is that this is the line that is coming from the Federal Government; yet, with these cuts, we are losing the ability to promote and explore our cultural identity. Local content is supported by the ABC much more than the commercial stations or media outlets support local content. Local content is who we are as Australians. We have shown, in film, for example, how we are really good at doing things; so much so that we can sell what we do, what we create, right around the world because we are creative people and we have a great deal of talent in Australia.

These artists already are struggling. These artists are involved in raising Australia's profile as a country that produces inventive, creative, clever and witty people and artistic products, particularly films, plays and whatever, that can be fostered through ABC radio and television. It is a real slap in the face for them. If many of us had to take on the conditions of their lives, we would be very, let us say, impressed by how they struggle

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to be artists. We do not, still in Australia, support artists to the degree that we should or value to the degree that we should their contribution to Australia, Australian culture and the Australian economy. As we are seeing more and more, as I said, it is a very saleable product right around the world. It is a very short-sighted initiative or policy of this Federal Government just on those grounds.

The independent news service, the current affairs service, the in-depth programs that they produce and the questioning that comes out of their programs are very valuable to the Australian community, to the future of Australia, to social change and to innovation. I believe it is a tragedy, in fact, and one of the more worrying aspects of this Government's policies today, although I will have to state again, I am sorry to say, that Labor also did not seem to really understand the value of the ABC in terms of its policy measures when it was in government federally.

I do support this motion by Mr Corbell. I think it is a really important matter that he has raised here today. I hope that this does have some impact on the Federal Government. If it does not, that is no reason that we still should not do this. As an environmentalist, if there is one thing you learn, it is that you do everything you can if something matters. If one thing does not work, then the next thing might. All these things can have an impact in small ways. You are not quite clear what they are at the time. I support this motion wholeheartedly.

MR CORBELL: Mr Speaker, I seek leave simply to make a small amendment to my motion.

Leave granted.

MR CORBELL: The amendment reads:

Paragraph (1), omit "Commission", substitute "Corporation".

MR HUMPHRIES (Attorney-General) (12.26): Mr Speaker, I was about to make the very point that if you move a motion in this place about the ABC it would help if you knew what "ABC" stood for. I was about to remind Mr Corbell about that.

Mr Corbell: It stands for an independent national broadcaster; that is what it stands for.

MR HUMPHRIES: It does not stand for exactly that. Mr Corbell has overlooked the fact that the Federal Labor Government corporatised the ABC 10 years ago; it must be that long ago now. It has taken Mr Corbell 10 years to catch up with this fact; but that is fair enough.

Mr Moore: It is just hankering after the good times, Gary.

MR HUMPHRIES: Hankering after the good times; perhaps he is.

Mr Moore: A perfectly reasonable Freudian slip.

MR HUMPHRIES: Well, it could well be. In fact, I know that Mr Berry has maintained in this place that the corporatisation of bodies such as ACTEW is effectively the privatisation of them. Presumably, Mr Corbell would argue, pursuant to Mr Berry's line, that the ABC has already been privatised. I do not know.

Mr Corbell: Why do you not just address the issue before you?

MR HUMPHRIES: Address the issue; of course, Mr Corbell, let us address the issue. Mr Speaker, the comments that I want to make are very clear. I, together with my colleagues, am quick to acknowledge the importance of the ABC as a player in many facets of the life of the ACT. My party is on record, repeatedly, as having stood up for the role that the ABC has played in the community of Canberra and will continue to speak up for that role, irrespective of what Federal government it may be that is engineering changes in the ABC and cuts to the quality or level of service of the ABC such as to impact on this Territory.

The ABC plays a whole range of important roles in the ACT community. It provides entertainment; it is a source of information; it has one of the few talk-back facilities based in the ACT. It is a matter of some regret that some of the other radio stations in this Territory at the moment tend to play talk-back from Sydney, with some fairly nauseating and opinionated commentators from Sydney. I think I would have agreement with that if I moved such an amendment to the motion.

Perhaps most importantly, the ABC is one of the relatively few decent mirrors on ACT society. It is a way of our knowing where we stand, what we are doing, what progress we are making, where we are falling down and what we as a community are achieving and doing. I think anybody who stays in this city for a period of time is able to look at ABC television, but more particularly to listen to ABC radio which has played an important role at that local level in the ACT, and get a good idea of what is happening in this Territory and get an idea of the depth of creativity, innovation and achievement that is taking place in the Territory. There are often relatively few sources of information about those things that are available elsewhere. For that reason, I am very quick to rise to defend the role of the ABC and to urge this community to act collectively to protect the ABC's role in this town.

Mr Speaker, I think the point needs to be made very forcefully, as it was made by the Chief Minister, that it is not just the Federal Liberal Government - the word "Liberal" is very deliberately used in the motion by Mr Corbell - which has played a role in reducing the quality of service to the people of the ACT over the last few years. Mr Corbell's speech - and no doubt this will apply to the media release he will put out subsequent to this debate - made no mention of the role that the Federal Labor Government played in downgrading the quality of ABC services in this town. It is, I think, quite wrong to talk about cuts to the ABC without making reference to that.

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The first of two significant reductions in quality of service to the ACT community by the ABC occurred in about 1988 or 1989 - I forget exactly when it was - when the ABC, as a result of cuts by the Federal Labor Government, decided to discontinue local television broadcasting of news to the ACT. That was a very serious blow to the quality of service enjoyed by people around this city. Darwin has a local television news service from the ABC; so does Hobart. They are cities of smaller or commensurate size. There is every reason, in my view, why Canberra should also have the value of that 8c a day, or whatever it might be at this stage, that is put in by taxpayers of this country and this city and receive local television news as well. I think we should see that.

I think we should make the very clear point that the position of the ABC should not be just holding the line. Mr Corbell would say, "Let us hold the line on this; let us make sure there are no further cuts to the ABC". I would go further than that. I would say the funding that has been cut from the ABC in the last few years in respect of at least the ACT should be restored, and we should get back some of the things that previous Federal government decisions have cost the ACT. That should be the focus of this sort of campaign.

The other significant cut that was made to the ACT was the decision in 1994 to discontinue evening radio broadcasts from the local station, 2CN. That was a particularly serious decision because it was part of a program then in place by the ABC nationally to reduce costs, again in the face of Federal - if we must use the word, to match Mr Corbell's motion - "Labor" Government cuts, to reduce the level of service provided in regional centres. At that stage members of this place joined in the steps that I took to send a strong signal to the ABC that we were not happy with the idea of being pooled with broadcasting from Sydney or somewhere else; we wanted and expected continuing local radio broadcasting at that stage.

To the credit of all members of the Assembly at that stage, when I drafted a letter to Mr Paddy Conroy, the then acting managing director of the ABC, I was pleased to be able to get the signature of every member of the Assembly to that letter to make that point. I subsequently went to Sydney and delivered that letter in person to Paddy Conroy and spoke to them about the quality of service that the ACT was not getting as a result of that decision. I am pleased to report that it was less than 12 months later that the ABC decided to reverse the effect of that decision - not, I might say, as a result of a reversal of a decision to reduce funding to the ABC by the Federal Government, but because they reorganised priorities within the ABC to achieve that outcome.

However, there is an important point to make here. We made that point about the ABC's cuts at the time. We did not talk about the Labor Government's role in all of that; we talked about the reduction in the quality of service by the ABC to the people of Canberra. You might expect that, when there was a change of government last year, the ACT Liberal Government might have been less willing to criticise the Federal Liberal Government's decisions on the ABC and to reduce funding to the ABC. Not so. I would like to table the letter which I wrote on 25 May last year to Senator Richard Alston, the Federal Minister for Communications and the Arts, where I expressed

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my concern about mooted cuts, as they then were, to the ABC and urged him to comply with the re-election commitment in the policy statement on the arts to maintain and, indeed, restore appropriate local broadcasting services out of regional centres, in particular out of the ACT. Mr Speaker, that was a clear commitment we made and a clear commitment we were holding the Federal Liberal Government to.

I think a comparison needs to be made here. Can those opposite, can these newly discovered Friends of the ABC in the Opposition ranks, show me or this place, if they care to listen - Mr Corbell, I am sure, will listen very soon if he is interested in hearing about the progress of his motion; I hope Mr Corbell is listening to this, because I am issuing him with a challenge here - any evidence that he and his colleagues took steps, like the ones which I have just pointed to and which we took both in government and in opposition, to defend the ABC while the Federal Labor Government was in power? It was my letter. What steps did you take? (*Extension of time granted*) What steps can you point to - - -

Mr Whitecross: What about Rosemary Follett's protest against the cuts to TV?

MR HUMPHRIES: You protested against the cuts to TV? How did you protest against the cuts to TV, Mr Whitecross?

Mr Whitecross: You know we did.

MR HUMPHRIES: "You know we did". I am sorry; I do not know that you did.

Mr Moore: Gary, wind up.

MR HUMPHRIES: Thank you, Mr Moore. Who is the Speaker here? I am a bit confused. My impression, Mr Speaker, is that those opposite were conspicuous by the biting of their tongues on those issues and were not prepared to defend the ABC if the Federal Labor Government was acting to cut funding. Mr Speaker, taking the lead from Mr Moore, I move:

(Paragraph 1), omit "the Federal Liberal Government's decision to cut \$55 million from the Australian Broadcasting Corporation budget", substitute "both the Federal Liberal Government's decision to cut \$55 million and the former Federal Labor Government's cuts from the Australian Broadcasting Corporation budget".

I am prepared to support the motion that has been moved today; but I think it is appropriate to record that the Federal Liberal Government, conspicuously mentioned in this motion, has not been the only source of trouble to the ABC in the ACT and the level of service we are now experiencing from the ABC in Canberra is directly related to previous cuts made to the ABC by the Labor Party federally. We should reflect that in this motion, to make it complete and a true record of what has occurred in this place.

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MS TUCKER (12.38): Just briefly, I will not be supporting this amendment by Mr Humphries. I made it clear in my speech that I was not happy with Labor's performance either, in terms of its acknowledgment of the value of the ABC and the funding cuts that they actually levied on the ABC. However, this is about now. This is a really critical situation, and I believe this amendment to Mr Corbell's motion actually is neutralising the motion to some degree. I really do not want that to happen, because right now we need to try to influence the Federal Government. This was a promise by the coalition. Mr Howard said quite clearly that he would not be touching the ABC. That was in March. In July, Senator Alston, the Minister for Communications and the Arts, announced the cuts and later announced the Mansfield review of the ABC. The fact that they have broken the promise is a scandal, and the way they are treating the ABC is an absolute scandal. We hear all the rhetoric about, "This obviously was not one of the core promises"; but it damn well should have been, because the ABC is core to accountability in Australia. We need to have a very strong force, especially right now, as I said before, with the challenges to media ownership in Australia.

MR MOORE (12.39): Ms Tucker's problem clearly is that she just does not understand the meaning of core promises. I will explain it for you, Ms Tucker, through you, Mr Speaker. It is quite clear that core promises are the ones that you are going to keep; they are the ones that advantage you. The ones that are non-core promises are the ones that are of no great advantage to you. I think that is an important point to understand about our Prime Minister and his Federal Liberal Party. The actions that they have taken on the media so far reflect such a great self-interest that they have to make sure that they very carefully distinguish between what is a core promise and what is not.

We have another excellent illustration of it in the way they are dealing with media ownership. The situation with media ownership ties in with this beautifully. You undermine the ABC, on the one hand; you look after your mates, on the other hand; and, before you know it, the media goes your way, and you have certainly improved your chances of winning the next election. I think the sorts of cuts that have been made to the ABC, by the Labor Government previously, but particularly by the Federal Liberal Government, are absolutely appalling. They are made so much more appalling and so much more galling by the fact that the Liberals promised people who were considering this as part of the issues in terms of voting - and it was an election issue that they were considering as they proceeded to vote - that there would be no cuts.

Mr Speaker, I do not think the ABC is perfect by any means. I have been a great supporter of the ABC and have stood up again and again to support the ABC; but, even in doing so, I have to tell you there are some things they do that drive me crazy. For example, they put on much too much sport, as far as I am concerned. They let cricket overrun the terrific programs - - -

Mr Stefaniak: I do not know about that, Mr Moore.

MR SPEAKER: Order!

MR MOORE: I understand why you need to call me to order, Mr Speaker. I assure you that I will not go down that path any further.

MR SPEAKER: I would not suggest you do, Mr Moore.

MR MOORE: Thank you, Mr Speaker. I realise that I am expressing some heresy there. Rather than be burnt at the stake, I will come to the core of the matter; that is, we should support this motion in its current form. I take Mr Humphries's point because he is right. Labor were not kind to the ABC, and in a sense they also should be held accountable as far as that goes. But the reality is that at the moment we have a Federal Liberal government, and we ought to send them a very clear message that they are promise breakers. This is not just an ordinary promise; it is about one of the fundamentals of democracy, and that is, ensuring that there is a reasonably free reporting of what goes on in our democratic processes. To me, that is why the ABC is most important. It also is important because of a whole range of other things in relation to entertainment and even sport; and I know that reaches a lot of people.

Mr Speaker, the reality is that this motion put by Mr Corbell is an important motion that is part of the chipping away process; it is part of saying to the Federal Government, "You have to understand that Australians all over the place do not like what you are doing here. We do not like the way you are governing us with respect to this issue" - and, for some of us, there are other issues as well - "As far as this issue goes, we do not like the way you are going about it; we do not like the fact that you lied to us; and we do not like the fact that you are undermining our democracy". That is why I am supporting the motion as it stands.

MR CORBELL (12.43): I want just quickly to address Mr Humphries's amendment. I am glad to hear that the Greens and Mr Moore are not willing to support that amendment. I think it is appropriate, and I thank them for that support. I thank them for that support because what this motion is intended to do is to say that there was a very explicit promise made by the Liberal Party before the last election. I quote the words of Senator Richard Alston in the Better Broadcasting document of the Liberal Party in 1996:

The Coalition will maintain existing levels of Commonwealth funding to the ABC.
We will continue to support triennial funding which has allowed the ABC to plan
for the future with a greater degree of financial certainty.

That promise was broken, full stop. Mr Humphries's amendment trivialises this motion, because it tries to ignore the fact that the Liberals tried to defuse the issue of funding to the ABC as an election issue by making that very explicit promise, but then they broke it. He tries to defuse that point. If Mr Humphries wants to go down this line of saying, "Let us include the Federal Labor Government", where do you stop? Do you want to put in the Fraser Government as well? I seem to recall they cut services not only to the ABC but also to the Public Service. For heaven's sake, where do we go? It is just a deliberate attempt by this Government to defend the actions of their colleagues on the hill and to defuse the motion. I am very glad that both Mr Moore and the Greens have indicated their support for the motion as it stands and not for Mr Humphries's amendment.

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The other point I want to make in closing the debate, Mr Speaker, is that there has been some suggestion that this side of the house has never been willing to support the ABC publicly. That is simply not true. Mr Humphries flashed before the Assembly earlier a public letter, signed by every member of this Assembly, opposing the reduction of TV services here in Canberra. That public letter was signed by every member of this Assembly, and that included all eight Labor Party members. All eight Labor Party members were willing to put their names publicly on that letter opposing the decision of the Federal Labor Government in terms of funding priorities for the ABC. If you want a demonstration of the Labor Party's commitment on this issue, you need only to look at your own document you have in front of you.

The ABC is important. The ABC is important for all in our community. Like Ms Tucker, I oppose the view put forward by the Chief Minister that this is all just words. It is not just words; it is about saying that we, as representatives of this community, reflect the sentiment in this community about the Liberals' deception over this issue and about the reduction of services provided by the ABC. I am grateful again for the support for the motion as it now stands. I commend it again to the Assembly.

Mr Moore: On a point of order, Mr Speaker: Under standing order 213, I ask that the document quoted from by Mr Corbell be tabled.

MR CORBELL: Yes; I am very happy to table the document.

Amendment negatived.

Question resolved in the affirmative.

Sitting suspended from 12.48 to 2.30 pm

QUESTIONS WITHOUT NOTICE

ACTEW Review

MR WHITECROSS: Mr Speaker, my question without notice is to Mrs Carnell in her capacity as Chief Minister and Treasurer. Chief Minister, what tender process, if any, was used to determine whether Fay Richwhite and Associates were the best consultancy to use in the study being undertaken of ACTEW for the Office of Financial Management?

MRS CARNELL: Mr Speaker, I will find out exactly what the tender process was, if Mr Whitecross would like me to. I understand that Fay Richwhite have done this sort of work for a number of other governments around Australia, both Liberal and Labor, and have very real expertise. I cannot spell out, line and verse, what the tender document looked like.

MR WHITECROSS: I have a supplementary question, Mr Speaker. Chief Minister, will you table the terms of reference or guidelines that Fay Richwhite and Associates operated under during their audit study of ACTEW? If not, why not?

MRS CARNELL: I am willing to provide the terms of reference that Fay Richwhite are operating under. As Mr Whitecross would be aware, they have not reported at this stage. There might be a timeframe until we have a report on the table.

Housing Trust - Maintenance Budget

MR HIRD: Mr Speaker, my question is addressed to the Minister for Housing, Mr Stefaniak. I noted in a recent report of the ALP's annual conference that the Leader of the Opposition, Mr Whitecross, has accused the Government of cutting \$7m from the housing maintenance budget. Is this correct? If not, what is the real situation?

MR STEFANIAK: I thank the member for the question. It is certainly not that, Mr Speaker. I noted a report in the *Canberra Times* on 15 June 1997 in which Mr Whitecross was reported as having said this:

While even more families are waiting for public housing, the Liberals can cut \$7 million from their Housing Trust maintenance budget.

I am rather amazed at that, Mr Hird. It is an interesting figure. I really do not know how Mr Whitecross managed to dream up that figure. Ms Reilly was at the recent Estimates Committee hearings and perhaps she should have told Mr Whitecross, or maybe he should have attended or at least read the transcript. I gave details of a number of figures in relation to maintenance, not only for the 1997-98 year but also for a number of other years. If he had bothered to turn up, or read the transcript or talked to his housing spokesperson, he would have seen that the housing budget plan this year rises by more than \$5m. In 1997-98, \$19.33m will be spent on maintenance. I will say that again - \$19.33m.

Ms Reilly: You have not managed to spend most of it yet. When are you actually going to get around to spending it?

MR STEFANIAK: And \$7.9m will be spent on capital works. Do not worry, Ms Reilly; we will. That capital works money will be spent on significant maintenance upgrades to dwellings, Mr Speaker - things like wet areas and kitchens. That makes a total of \$27.2m. Total expenditure, capital and maintenance, increases by \$8.7m over last year's. Mr Hird should be interested in this: It is \$7.3m more than was provided by Labor in its last full budget in 1994-95. I think that is pretty good. As members will be aware, I think the inflation rate has been only about 3 per cent for a couple of years and it is 1.75 per cent now. So, if you extrapolate it like that, Mr Hird, that is a huge increase over what that lot spent when they were in government.

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If Mr Whitecross had read the estimates documents or talked to his housing spokesman, he might have seen also that for 1997-98 the maintenance budget is the biggest it has been over the last four financial years. When the Labor Party was in government in 1994-95 the maintenance expenditure in the recurrent area was \$16.2m and capital expenditure was \$3.7m, a total of \$19.9m. In 1995-96 it was \$12.2m recurrent and \$9.3m capital, a total of \$21.5m. In 1996-97 it was \$13.8m recurrent and \$4.7m capital, a total of \$18.5m. In 1997-98 it is \$19.3m recurrent and \$7.9m capital, a total of \$27.2m. That is \$7.3m more than in the last Labor budget. Maybe he has his figures wrong, Mr Hird. Maybe he meant to say that we are spending \$7m more than they did in their last year of government.

MR HIRD: I have a supplementary question for the Minister, Mr Speaker. Is Mr Whitecross going to apologise for misleading people on this subject?

MR SPEAKER: I am sorry; I am ruling that question out of order.

ACTEW Review

MS McRAE: My question without notice is to Mrs Carnell in her capacity as Chief Minister. Chief Minister, I refer to the consultancy which you have employed Fay Richwhite and Associates to do in respect of a study of ACTEW. Are you aware that Fay Richwhite and Associates have been closely associated with the process of preparing Pacific Power in New South Wales for privatisation and were involved in the privatisation of the Bank of New Zealand and New Zealand Rail? Is it the case that you have engaged them to prepare ACTEW for sale?

MRS CARNELL: The answer to that is no.

MS McRAE: I have a supplementary question. Is it not the case that Fay Richwhite and Associates are privatisation specialists who are hired by governments to sell off public assets? Why should the community believe that the sale of ACTEW is not being prepared?

MRS CARNELL: When I think about what the community can believe, I think of some of those wonderful statements by Michael Egan, that well-known Treasurer from the Labor Party, about selling power authorities, saying, "Never, never, never, never, never will we ever sell". I think those opposite should be a tiny bit careful in this sort of area.

Ms McRae: So you are saying what Michael Egan is saying, are you? We are listening.

MR SPEAKER: Never, never, never interject.

MRS CARNELL: Never, never interject. One of the terms of reference, as I understand it, is certainly not to sell ACTEW. What we are doing is making sure that ACTEW does have a future and making sure that we know what will happen with ACTEW, its capital structure, its whole business entity, on the basis of deregulation; what will happen to ACTEW - one of the greatest and most important capital assets that this community has - once we go into a fully deregulated market.

Mr Speaker, I have to tell you that I think that is a very sensible thing for this Government to do. If we did not do it, if we were not protecting our assets, those opposite would have very good reason to say, "Government, what have you done to protect an asset worth over a billion dollars?". We have asked Fay Richwhite to look at those sorts of issues - issues that should have been looked at by the previous Government, because we knew about deregulation then. They were not looked at by the previous Government, but they are being looked after by us because we are protecting the community.

Mr Berry: Mr Speaker, this does not sound like an answer to the supplementary question.

MR SPEAKER: The supplementary question has been answered, Mr Berry.

Woolworths Ltd - Sale of Petrol

MR MOORE: Mr Speaker, my question is directed to Mr Humphries, the Minister for the Environment, Land and Planning. Mr Humphries, could you verify that the current leases occupied by Woolworths do not allow the sale of petrol? Secondly, will you assure the Assembly that, before any changes are made to leases that would allow Woolworths to sell petrol from a supermarket lease, you will inform the Assembly?

MR HUMPHRIES: Mr Speaker, to the best of my knowledge, the answer is yes, there is no capacity for existing lease conditions to permit the sale of petrol from those supermarkets. My understanding of what Woolworths have put to the ACT Government is that they are proposing not to sell petrol from their existing retail leases but to acquire land in a surrounding car parking lease, in most cases, and be able to sell petrol from there. Some of the sites that they have proposed require variations to the Territory Plan to achieve that effect. In other cases they require changes to the lease purposes, if there are leases in respect of that land, for the issuing of a right to be able to trade in petrol.

Mr Moore asked me whether I would come back to this place to consider - - -

Mr Moore: Before doing any of those changes.

MR HUMPHRIES: I have not asked - - -

Mr Berry: "I would have to find out what everybody else is doing first".

MR SPEAKER: Order! Mr Moore asked the question.

MR HUMPHRIES: I have not asked other members of this place what they think about the proposals. If the Assembly expresses a desire to be involved in that decision - it is not one that I would normally bring back to the Assembly - I am willing to do that, and members can collectively share in the responsibility of making that decision if they wish to.

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MR MOORE: I have a supplementary question. I do not know about other members of the Assembly, but I certainly would be pleased to have the Minister come back and discuss that issue with me. I would like to clarify, Minister, that this does not apply to other petrol stations that already have leases that Woolworths might use. You would be quite comfortable about allowing Woolworths to go into an existing petrol station, I presume?

MR HUMPHRIES: Yes, if Woolworths wish to acquire an existing lease, that is fine by me - assuming that what they are putting forward is acceptable to the ACT Government and, by implication, if Mr Moore's suggestion is taken up, to the Assembly as a whole. I understand that they are not proposing in any case to take on an existing lease. They are talking about acquiring land that is not presently being used for the retailing of petrol. I should make the point, to answer the derisory laugh from that side of the chamber, that I am perfectly prepared - - -

Ms McRae: It has been dead quiet.

MR HUMPHRIES: That would be a change. I am perfectly prepared to make a decision on this matter. In fact, I am proposing to make the decision as the government of the day. I am only responding to Mr Moore's suggestion that he wishes to have the Assembly involved as well. If the Assembly wishes to be involved in the decision, that is fine. I will do as I am told by the Assembly in that respect, but otherwise the Government proposes to make the decision.

ACTEW Review

MR WOOD: My question is to the Chief Minister. In respect of the Fay Richwhite and Associates contract, do you know now, or will you come back and tell me, the cost of that contract if you have it there? As part of that contract, would you tell me whether Fay Richwhite and Associates are to receive any commission on any subsequent sale or part sale of ACTEW or any part of ACTEW?

MRS CARNELL: Mr Speaker, when Mr Whitecross asked the first question I thought, "I am confident that we have answered these questions before, but I read an awful lot of briefs and maybe I am getting confused". In the Estimates Committee process we answered in full. Maybe I am just confused here, but I cannot believe that Mr Whitecross would have totally forgotten that he asked all of these questions - in fact, every one of them so far - in the Estimates Committee.

Mr Whitecross: I do not think so. Isn't that misleading?

Mr Humphries: She has them.

MRS CARNELL: No, I have it, and the day that we actually responded. We have given you that. Mr Whitecross asked, first of all, why there were six reviews undertaken. There were not six; there was one. He asked what the terms of reference were. It was all spelt out in the answer that he has got already, Mr Speaker. The question was asked on 26 May and - - -

Mr Berry: Where?

MRS CARNELL: In the Estimates Committee, and it was responded to in full. The next question, by the way, was: Who is conducting the review or completing the work, and are they Canberra-based firms and consultants? That was answered. The question whether competitive tendering was employed was answered. Questions as to when the reviews are due to be completed and the cost of the reviews were answered. Mr Wood, I will go to question No. 7, the cost of the review. I will quote it, because obviously Mr Whitecross has very large trouble reading the answers that he has already:

FRSL -

that is, Fay Richwhite Securities Ltd -

have been engaged for a fixed fee of \$195,000 plus costs associated with expert legal and accounting advice not available in house.

Just to answer Ms McRae's question, Fay Richwhite are merchant bankers. If you would like me to answer Mr Whitecross's question, I can read the terms of reference. The four companies asked to undertake the work were CSFB, Bankers Trust Corporate Finance, Troughton Swier and Associates Pty Ltd and Fay Richwhite. They were all asked for - - -

Mr Berry: That is just another bunch of questions.

MRS CARNELL: I am sorry; I was asked who was asked to tender. I am answering who was asked to tender. That was question No. 4. If you would like to keep going with this line of questioning, I am very happy.

MR SPEAKER: We could table that and then half of question time would be cut out, would it not?

MRS CARNELL: We could get rid of it.

Workers Compensation

MRS LITTLEWOOD: My question is to the Chief Minister. I refer to the recent announcement that the workers compensation premium for the ACT Public Service has been cut dramatically. Can the Chief Minister inform the Assembly as to how the ACT Government achieved this reduction and what effect it will have upon the 1997-98 budget?

MRS CARNELL: Thank you very much. It is good to have a question that is sensible and has not been answered already in full in writing, Mr Speaker. When this Government came to office we were faced with a massive increase in the workers compensation premium for the Public Service. The previous Labor Government had done nothing.

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I suspect that the Minister responsible was Mr Berry. I think it was Mr Berry. The previous Labor Government had done nothing - that probably means Mr Berry had done nothing - absolutely nothing, to tackle one of the biggest problems facing management of our public sector and our 20,000 employees. The fascinating thing is that this was from a party - and Mr Berry - that claims to care about workers.

Mr Berry: I was the chair of the committee that gave you all the ideas.

Mr Humphries: I raise a point of order, Mr Speaker. Mr Berry obviously does not like the fact that this question has been asked, but he cannot help that fact. I ask that he not interject during the Chief Minister's remarks, as is his wont during these occasions.

MR SPEAKER: I uphold that point of order.

MRS CARNELL: Thank you very much. To give you some idea of the problem, in 1995-96 the premium charged by Comcare amounted to a massive 5.2 per cent of the payroll, or a staggering \$34.2m. Not only were the premiums out of control; what was worse was that there were no plans or even a strategy in place to get people back to doing meaningful work or to resolve the hundreds of outstanding claims. With Mr Berry at the helm - you know, Mr Speaker, the worker's friend; we all know that, as Mr Berry says it a lot - Labor put this problem in the too-hard basket because he could not, or maybe would not, face up to the problem. Why, Mr Speaker? I think it was because Mr Berry had absolutely no idea what to do. Fortunately for the taxpayers and for all of those public servants, this was yet another problem that we inherited and that we tackled head-on.

One of the first steps that we undertook as a government was to establish a small task force based within the Chief Minister's Department and with responsibility for developing a service-wide strategy. We ensured that there was not only a more strategic focus on injury prevention in the workplace but also plans for managing injured employees. One example was the introduction of special lifting devices in our hospital wards to reduce the risk and frequency of back injuries - a purchase that we were happy to fund because we recognised the long-term benefits of this equipment for staff health and safety. We developed a closer relationship with Comcare, to ensure that many more outstanding claims, particularly those of more than 45 weeks' duration - yes, Mr Speaker, 45 weeks' duration, and Mr Berry did nothing - were managed to resolution or that appropriate return to work plans were implemented.

What has happened to the workers compensation premium under this Government, Mr Speaker? In 1996-97 we managed a small decrease in the premium rate from 5.2 to 4.96 per cent, which translated into a saving of about \$700,000 over the previous year. I am delighted now, though, to advise the Assembly that in 1997-98 the Safety, Rehabilitation and Compensation Commission has approved the ACT's premium rate at only 3 per cent. This amounts to a saving of over \$12m in the coming financial year. That is an enormous saving, Mr Speaker. The premium is a reflection of a continuing reduction in both the number of claims made and the duration of those claims. Put simply, it is a true indicator of this Government's excellent record in managing workers compensation.

Mr Speaker, I want to take this opportunity to congratulate the staff and the managers of all the agencies who have been responsible for this dramatic improvement, particularly the Workplace Injury Prevention and Management Group headed by Mr Stewart Ellis. I should add that this improvement does not mean that the ACT Public Service can afford to let up on its efforts to improve our performance in the area of workers compensation. We can always get better. All agencies will be required to improve health and safety in the workplace and injury management programs.

Mr Speaker, I have heard Mr Berry over there claim - I still find it really amazing, and he did it again just a few minutes ago - even on radio, that the reduction in the premium was due to him. Mr Berry, you have to be joking. This is the man who was actually the Minister and allowed the claims to blow out, Mr Speaker. He then claims that because he chaired a committee it was all to do with him that this situation happened. Mr Speaker, this same man presided over the massive increase in the premium and did nothing about it when in government.

Mr Berry: You cannot lie straight in bed and you cannot say that with a straight face.

MR SPEAKER: Order! Mr Berry, I warn you.

MRS CARNELL: Mr Speaker, the next thing you know, Mr Berry will be going on radio and taking a bow for the reduction in waiting lists at the hospital. He told me they were a bit long, and because he said that it must be his responsibility that they are now going down. In fact, they have gone down by some 700 or 17 per cent since we came to government. The bottom line, Mr Speaker, is that this Government, not those over there who claim to be the fount of all wisdom - unfortunately, they were the ones who let the whole situation blow out, Mr Speaker - has achieved the turnaround in our premium, and in a way that will actually help the people who are employed by the ACT Public Service. That means there will be fewer people injured in the workplace, and those who are injured will be managed better.

Motor Sports - Fairbairn Park

MS HORODNY: My question is directed to the Minister for Sport and Recreation, Mr Stefaniak. My question relates to the Fairbairn Park motor racing complex, and specifically block 515, which is the block next to Fairbairn Park on the corner of Pialligo Avenue and Sutton Road. I have in the past raised questions in this Assembly about the future of this block, as it was my understanding that the Fairbairn Park Control Council wanted to take over this currently vacant block and build a new speedway there. Mr Stefaniak, in response to my concerns you stated, on 7 May:

... there certainly has been no formal proposal to construct any additional tracks at Fairbairn Park.

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On 15 May you changed your tune and said that the Fairbairn Park Control Council may have to make an application to lease block 515 for works that might be undertaken at the whole complex "for beautification and noise abatement". The preliminary assessment for the granting of a permanent lease at Fairbairn Park for motor sports has now been fully released and - surprise, surprise! - it includes block 515, and it also states quite clearly that a new speedway will be built on this block. Mr Stefaniak, did you mislead the Assembly in May about what was planned for block 515, or do you just not have a clue about what motor sports activities are being planned at Fairbairn Park?

MR STEFANIAK: I thank the member for the question. I think you have largely answered that yourself, because I kept you up to date in terms of that matter, Ms Horodny. You will note that I said, I think, on 15 May that there was some indication that they might well need part of that. They have subsequently made, as you state, a preliminary assessment, which I understand was lodged at some time this month because it was advertised last Saturday, I think - - -

Mr Humphries: Last Friday.

MR STEFANIAK: Thank you, Mr Humphries. It was lodged last Friday. It was advertised in the paper last Saturday. Whilst I have not seen that - I do not know whether my colleague, Mr Humphries, has - it might well include, from what I can understand, something in relation to part of that particular block that you mention. I do not think any plans that I am aware of which have been lodged or proposed relate to the whole block; but they might, as I think I indicated on 15 May, necessitate them taking over the whole block, which I understand is a horse agistment paddock. That is now out for public comment, Ms Horodny, and no doubt members of the public who are interested will comment on that preliminary assessment.

It is this Government's intention, as I think I have said on a number of occasions, and other members of the Government have said, to have Fairbairn Park established as a permanent site for motor racing. It has been there for over 20 years. There are a number of tracks in that complex. That is what the preliminary assessment is for. They have to lodge certain documents in relation to any work that is done there, including that. That has occurred through the proper process. It is there for public comment. Ms Horodny, as is my duty, I try to keep the Assembly informed of any information that might come my way, as I did in this case. As soon as I had anything which was remotely definite in relation to what they might be doing there, I told the Assembly on 15 May, as you indicated.

MS HORODNY: That was as clear as mud, Mr Stefaniak. Do you actually have any clue about what is going on at Fairbairn Park? Could you answer that question?

MR STEFANIAK: I think it is fairly obvious what is going on there, or what is being attempted. There are a number of tracks, Ms Horodny. We would like to see improvements made there in terms of beautification and noise reduction mounds. I have not seen their preliminary assessment. It obviously means some work to the tracks there, and in terms of the speedway track there - - -

Ms Horodny: It is a whole new track, Mr Stefaniak.

MR STEFANIAK: I think you might find that immediately to the north of that there is the old track which has been declared unsafe. Perhaps you should go out and have a look at that on the ground, Ms Horodny. I think you will find that is all very much in the same area. If it is about the same size as the old track, it is not a particularly big area that we are talking about. I understand in relation to the other tracks that there is mound construction. There might be some additional work just in relation to those tracks. I have not seen the assessment. I do not know.

What we are trying to create there, Ms Horodny, or what they are trying to create, is a good site for a permanent venue which thousands of Canberra and Queanbeyan citizens enjoy regularly. Indeed, a lot of people come from interstate to participate in a lot of events there. This Government is very keen, too, to address some other longstanding issues such as the perennial problem of noise, the problems motor sports have had with that and the problems certain nearby residents have maintained they have had as well. That is something we are looking at addressing. The proposed mounds and the beautification will greatly improve that amenity, which is, I stress, an amenity used by many thousands of local people, ranging from children up to middle-aged and even elderly people who get a lot of pleasure from that.

ACTEW Review

MS REILLY: My question is to the Chief Minister.

Mrs Carnell: Are you going to ask me another one? Which number?

MS REILLY: Mr Speaker, I would really appreciate it if the Chief Minister actually listened to the question so that she can answer it. Chief Minister, I refer to the consultancy. You have employed Fay Richwhite and Associates to conduct a study of ACTEW. Can you inform the Assembly when this study of ACTEW by Fay Richwhite and Associates will be concluded, and will you table it, along with your Government's response, in the house?

MRS CARNELL: That is actually question No. 6 - "Will reports be written and, if so, can these please be tabled and circulated?". The answer to question No. 6 - just a second, I will get there - says this:

Yes, the reports will be written. The reports will contain commercial in confidence information and it is not appropriate that they be circulated beyond the shareholders and the Board of ACTEW and their advisers.

Mr Berry: The answer is no.

MRS CARNELL: You already know what the answer is because I have told you. As for when it will be finished, I think that we are talking about July or August. Here it is. That was question No. 5. The answer is:

It is now expected that the review will be completed by July 1997.

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MS REILLY: I have a supplementary question. So, from your answer, I understand that you do plan to keep this report secret and you will not be informing the electorate until after the election what you do plan to do about selling ACTEW.

MRS CARNELL: That was the same question as the first one that I answered.

MR SPEAKER: Yes.

Mr Berry: Well, answer the question.

MRS CARNELL: I just did.

MR SPEAKER: I am sorry, but that question has been answered.

ACTEW Review

MR BERRY: Here is another one you might be able to put on the public record.

Mrs Carnell: I already did. That is what the Estimates Committee - - -

MR BERRY: Well, here is another one. You can put this one on the public record. See whether you can dig this one out, too. I refer to the consultancy, Chief Minister. You have employed Fay Richwhite and Associates to conduct a study of ACTEW. Is it not the case that the \$100m debt that ACTEW is to incur as a result of borrowing on the Government's behalf was based on advice received from Fay Richwhite and Associates, and will you table this advice so that members can see the rationale behind the decision?

MRS CARNELL: We have not got the response from Fay Richwhite. The last question I just answered was about when I was getting it, and I said in July 1997. That is next month. We have asked Fay Richwhite to do a lot of things, all of which those opposite know about.

Ms Reilly: All will be secret.

MRS CARNELL: Secret? They are on the public record in the Estimates Committee - very secret! Mr Speaker, there is absolutely nothing secret about it. The reports have yet to be released. As for the sorts of things that we have asked Fay Richwhite to do, those opposite know because it was question No. 1. In answer to question No. 1 we said this:

As part of the review, a number of reports will be prepared.

Mr Berry: I just want the answer to my question. Mr Speaker, I raise a point of order.

MRS CARNELL: Yes, that is exactly what I am doing.

MR SPEAKER: Proceed, Chief Minister.

MRS CARNELL: A number of reports will be prepared. The reports will cover such things as the methodology to estimate the cost of capital to ACTEW, key factors influencing capital structure options and transaction advice on - - -

Mr Berry: I take a point of order. You have misheard the question I asked. I will read it again, Mr Speaker.

Mr Humphries: Mr Speaker, I rise on a point of order.

Mr Berry: I think she has misheard it, because she is not answering the question.

MR SPEAKER: Mr Berry, we have been through this before. The Chief Minister is answering the question.

Mr Berry: Well, the second question was, "Will you table the advice so that members can see the rationale behind the decision?".

MRS CARNELL: Mr Speaker, the answer to that question was the answer to question No. 6, and I read that one into the record.

Mr Berry: No; you have misled us there.

MR SPEAKER: I call Mr Osborne.

MR BERRY: I have not finished yet, Mr Speaker. I have a supplementary question.

Mr Humphries: I rise on a point of order. Mr Berry just said, "You have just misled us".

MR BERRY: No; I said, "You may have misled us".

Mr Humphries: You did not say that. You said, "You have just misled us", and I ask that it be withdrawn. Either way, it is outside standing orders. You should withdraw whatever you have said.

MR BERRY: Well, you may have. I will read the question again.

MR SPEAKER: No, you will not read the question again.

MR BERRY: Well, my supplementary question is this: Is it not the case - - -

Mrs Carnell: You have already asked the second question. You get upset. The second question is - - -

MR BERRY: No, no. I have not asked my supplementary question yet.

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Mrs Carnell: Excuse me; you did. You said, "The second question is, 'Will you table it?' ", and I answered it.

MR BERRY: There were two answers required of my main question. This is the supplementary question. You gave - - -

Mrs Carnell: That is not the second question; it is the supplementary question.

MR BERRY: You gave no answers at all to the first question. Is it not the case that what you are really doing is employing Fay Richwhite and Associates to give you advice on how to asset strip ACTEW before you sell it?

MR SPEAKER: That has been answered.

MRS CARNELL: Mr Speaker, that is not in the terms of reference that those opposite have. Mr Speaker, the terms of reference are in the answer to question No. 2. We actually have outlined the terms of reference totally. There is no term of reference about asset stripping or selling. There is no commission to Fay Richwhite on the sale because it is not in their terms of reference, as those opposite would know if they had read the answer to question No. 2.

Tuggeranong Arts Centre

MR OSBORNE: My question is to Mr Humphries as the Minister for the Arts. This is my fifth question on the arts, Minister. I might remind you of that.

Mr Humphries: Five. Well! Is that spelt y-a-r-t-z?

MR OSBORNE: They tell me it is spelt a-r-t-s. Since your public statement a few months ago that the Tuggeranong Arts Centre would not get one more cent from you, now that you have had time to reconsider the Arts Centre's position, have you changed your mind and agreed to some of the items on their shopping list?

MR HUMPHRIES: Did I say they would not get one more cent?

Mr Osborne: Yes, you did.

MR HUMPHRIES: Obviously, Mr Speaker, in my advanced age - I am nearly 40 now - I must be getting soft. Yes, you will be that one day too, Ms Horodny. It will not be a pretty sight, I can tell you - not that it is a pretty sight for me either. Mr Speaker, I can advise the Assembly that, yes, I have had a meeting with the Tuggeranong Community Arts Association and I have agreed to find - I am not sure where it has been found - an additional \$16,000 to provide for flooring as requested by the Community Arts Centre.

MR SPEAKER: Mr Berry, just towards the end of your question, there was a remark made about the Chief Minister misleading, which you have not withdrawn.

Mr Berry: Mr Speaker, I said that she may have. I do not think I said - - -

Mr Humphries: It is still outside the standing orders.

Mr Berry: I will withdraw that.

MR SPEAKER: Thank you.

ACTEW Review

MR CORBELL: My question is to the Chief Minister and it relates to the Fay Richwhite and Associates investigation of ACTEW. Chief Minister, are you aware that Fay Richwhite and Associates are part of the Business Roundtable in New Zealand - an economic rationalist, flat earth society, far right organisation which seeks to privatise public assets, and an organisation which advocates a minimalist state with almost no social security protection and total deregulation of the labour market? Do you believe it is appropriate to employ an organisation with this type of political philosophy?

MRS CARNELL: Mr Speaker, the first question - - -

MR SPEAKER: How many more questions have you got there, Chief Minister?

MRS CARNELL: Actually, I have quite a few. In the first question Mr Whitecross indicated that the New South Wales Labor Government had actually employed Fay Richwhite. Do they employ people from the flat earth society?

MR CORBELL: I take that as a yes. Chief Minister, is it not the case that the reason why you are comfortable with employing Fay Richwhite and Associates is that their ideological philosophy about private ownership is close to your own view, which you have stated publicly, that it is not the role of government to provide services?

MRS CARNELL: I am happy to employ Fay Richwhite because I think most other governments in this country, Liberal and Labor, have employed them. They are merchant bankers. They are of very good standing. We asked for expressions of interest from four organisations that we believed to be qualified. Fay Richwhite were the successful tenderers.

Privacy Legislation

MS TUCKER: My question is to the Attorney-General. In the Estimates Committee report it was recommended that the ACT Government inform the Assembly of what action is proposed for the private sector in the ACT in the absence of Commonwealth privacy laws in the private sector. The response from the Government appears to contain the totality of the advice we have requested. To summarise briefly, you said it would be impractical and counterproductive for the business sector in the ACT for the ACT Government to introduce its own legislation. What is your view of the interest of consumers in this question and the issue of privacy covering the private sector?

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Is the Government's response to the Estimates Committee an indication to this Assembly that you are basically kowtowing to Mr Howard, who requested Premiers and Chief Ministers not to introduce privacy legislation within their own jurisdictions?

MR HUMPHRIES: I think in many ways the question that Ms Tucker has asked has been answered by the Government's response to the Estimates Committee report. I have indicated already in this place, quite clearly, that I would have preferred there to be a regime in place, either nationally or locally, whereby we could have proceeded to introduce elements of privacy legislation into the private sector. I made it clear before that that is what I would prefer to have seen, but I also - - -

Ms Tucker: We would all prefer that.

MR HUMPHRIES: Indeed, yes.

Ms Tucker: But we do not have it, so what are you going to do?

MR HUMPHRIES: I realise that. If I can get onto the other part of the answer you will hear what I am saying about that. I think it would be desirable to have that kind of regime, but bear in mind that the Territory does not have any privacy legislation whatsoever. We have none.

Ms Tucker: You are introducing medical records now.

MR SPEAKER: Order, Ms Tucker! You asked your question.

MR HUMPHRIES: We have no privacy legislation. We have a Federal Privacy Act which applies in the ACT and that is the basis on which we have implemented privacy provisions and enforced them in the ACT. I have not explored this in detail, but my advice at this point is that it is very difficult for us to build on Federal legislation to create a regime for the private sector if the Federal legislation does not already do that. There would be a need for us to go back, presumably, and completely restructure the privacy regime, both public and private, to be able to achieve the kind of extension into the private sector that Ms Tucker is calling for.

Mr Speaker, the decision was made at the Federal level that the creation of major privacy legislation for the private sector would be a large impost on business. We can debate whether that is the case or it is not. I am not kowtowing to the Federal Liberal Government by saying that I see that it is difficult for us to operate differently in the ACT when we have no privacy legislation of our own, but rely upon the Federal legislation to provide for privacy principles in the ACT. Indeed, I am not sure, Mr Speaker, whether there is the capacity for the ACT to legislate in this area, in respect of privacy. I do not know what the situation is as far as reservation of powers to the Commonwealth might be. Certainly, my advice has been that it would be difficult to take on the issue of privacy legislation for the private sector if the ACT were acting effectively alone in that respect.

MS TUCKER: I have a supplementary question. The second part of my question was: What about the interest of consumers? I would appreciate an answer to that. Also, is the Minister aware that the Privacy Commissioner is developing a privacy code which could be used as a blueprint for States and Territories legislation? She has said herself that it could be.

MR HUMPHRIES: I am not aware of that, but I take Ms Tucker's advice on that subject. I am pleased to know that. I would be interested in looking at that when it is available, in order to form a view about whether it is useful in the ACT. Mr Speaker, I think it flows already from what I have said, given my own preference for what we should be doing, that the interests of consumers, obviously, are not served by not having privacy provisions, because consumers are the beneficiaries of such provisions.

We also have to recognise that there are burdens in this arrangement as well, and there are burdens on government agencies by having to provide for privacy protection arrangements. They can be onerous on occasions, even costly. The decision by the Federal Government not to impose that on the private sector of this country does mean that we have to consider the issue of the burden placed on the private sector that would have been the case had there been such a decision. If you look only at the interests of consumers, then clearly there is a deficiency in this decision; but we cannot. We are not in a position to look only at the interests of consumers.

Mrs Carnell: I request that any further questions be placed on the notice paper.

Waste Building Materials

MRS CARNELL: Mr Speaker, I would like to give some further information in response to a question yesterday from Ms Horodny on the recycling estate at Hume. I understand that a key action to the waste management strategy for Canberra is the preparation of an action plan to rationalise the solid waste management system in Canberra, including the establishment of infrastructure for resource recovery. ACT Waste is currently finalising a study of the infrastructure required to meet the objectives of the no waste by 2010 strategy, and this will be submitted for consideration by the Government in July. The action plan being developed incorporates resource recovery facilities at both Mitchell and Hume and a recycling estate in association with the operation of the Mugga Lane landfill. With regard to the Purdon and Associates study - that was the \$20,000 that I mentioned yesterday - that study will be completed in late August.

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PERSONAL EXPLANATIONS

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

MR SPEAKER: Proceed.

MR BERRY: Thank you, Mr Speaker. During question time, Mrs Carnell said that I did nothing in relation to workers compensation provisions. I remind the Assembly that Mr Moore, Mr Hird and I were involved in a committee which made wide-ranging recommendations in relation to workers compensation in the Territory. That was tabled in October 1994.

Mrs Carnell: Mr Speaker, on a point of order: He is debating the topic. He is debating the issue, Mr Speaker.

MR BERRY: No, I am not.

MR SPEAKER: I am watching this very carefully.

MR BERRY: I am glad that the Government has been able to reduce workers compensation costs, with the assistance of those recommendations.

MR SPEAKER: Now you are beginning to debate it. That is enough.

MR WHITECROSS (Leader of the Opposition): Mr Speaker, I want to make a personal explanation under standing order 46.

MR SPEAKER: Yes.

MR WHITECROSS: I claim to have been misrepresented, in that Mrs Carnell, in answer to some questions, indicated that my office had received answers to questions that I had asked in the course of the Estimates Committee process and, on the basis of that, wondered why I was asking questions. Mr Speaker, I did receive an answer to the questions I asked in relation to the Fay Richwhite consultancy. The answer I received was:

A response was provided to the above question on 30 May 1997. The following information is provided as clarification in relation to that response.

The response indicated that there is only one review of ACTEW being undertaken but that a number of reports will be prepared. These reports are working papers and may not be limited to those listed in the response of the 30th of May. The consultants will prepare a single final report incorporating the results of the working papers.

That calls into question some of the answers the Chief Minister gave; but that is another matter.

Mr Speaker, my office consulted with the secretariat of the Estimates Committee as to the earlier question and was told that the reference to 30 May was a reference to the hearings of the Estimates Committee. At no stage was my office ever supplied with the answer which Mrs Carnell read from in the course of question time. While Mrs Carnell may or may not have provided it to the secretary of the Estimates Committee, my office was never provided with it. So, it was never the case that the information was at my disposal.

Mr Speaker, I might say that this answer - I am happy to table it - was given at the same time as I was given another fob-off answer by the Chief Minister, to the extent that they were not going to provide the Troughton Swier report on ACT superannuation - - -

Mr Humphries: On a point of order, Mr Speaker - - -

MR SPEAKER: There is a point of order being taken. You are now beginning to debate this matter.

Mr Humphries: Mr Speaker, this is an abuse of standing order 46 and ought not to be allowed to be put on the record.

MR WHITECROSS: Because they thought that they had answered it adequately in question time.

MR SPEAKER: Order! Sit down, or I will name you.

MR WHITECROSS: I seek leave to table the answer.

Leave granted.

MRS CARNELL (Chief Minister and Treasurer): Mr Speaker, because Mr Whitecross obviously does not have a copy of the questions, I seek leave to table that, with the accompanying letter to Ms McRae, giving her all of the information involved. For the interest of members, I thought I might also table the quote I referred to from Michael Egan, which is:

Right from the start, right from the start, right from the start I made it absolutely clear that privatisation was not on our agenda. I made that clear. Bob Carr made that clear. Not once, not twice, but time and time again.

Mr Whitecross: Mr Speaker, I thank the Chief Minister for clarifying that we cannot believe what Treasurers say about not privatising electricity authorities.

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**STUDY TRIP
Paper**

MR SPEAKER: For the information of members, I present a report of a trip undertaken by Mr Michael Moore, MLA, to Perth on 8 and 9 June this year.

**AUDITOR-GENERAL - REPORT NO. 5 OF 1997
Management of Leave Liabilities**

MR SPEAKER: For the information of members, I present Auditor-General's Report No. 5 of 1997, entitled "Management of Leave Liabilities".

MR HUMPHRIES (Attorney-General) (3.18): I seek leave to move a motion authorising the publication of the Auditor-General's report.

Leave granted.

MR HUMPHRIES: I thank members. I move:

That the Assembly authorises the publication of the Auditor-General's Report No. 5 of 1997.

Question resolved in the affirmative.

**LEGAL AFFAIRS - STANDING COMMITTEE
Report on Inquiry into Legal Assistance to Members -
Government Response**

MRS CARNELL (Chief Minister) (3.18): Mr Speaker, for the information of members, I present the Government's response to Report No. 3 of the Standing Committee on Legal Affairs, entitled "Report on Inquiry into Guidelines for Assistance to Members for Legal Proceedings", which was presented to the Assembly on 10 April 1997. I move:

That the Assembly takes note of the paper.

Mr Speaker, the Government endorses the standing committee's recommendation for a statutory scheme, but believes that the Attorney-General should issue drafting instructions. The step to a legislative scheme is important for two reasons. One issue discussed in the standing committee's report is the operation of section 14 of the Australian Capital Territory (Self-Government) Act 1988. In effect, this means that there is a risk of disqualification if a member accepts remuneration or allowances other than as provided by the Remuneration Tribunal or under an enactment. As the report notes, the Remuneration Tribunal considers that assessment of legal assistance does not fall within the ambit of the Remuneration Tribunal Act 1995.

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The second issue is the importance of transparency and accountability. Approval of legal assistance for politicians is an important issue of public policy. It is proper that both the Assembly and the public have access to reasonable information about expenditure of public money. In the Government's view, a single legislative scheme applying to all members, in their roles as members and as Ministers, is preferable. This gives legal authority to any assistance provided. It puts the question of the possible disqualification of members under section 14 of the self-government Act beyond doubt. It also removes any question of whether a Minister's application for legal assistance relates to his or her official duties as a Minister or as a member.

The Government also supports the standing committee's recommendation that the legislative scheme should be supported by guidelines setting out the detailed steps for application for legal assistance. In this context, I am pleased to table, as an attachment to the Government's response, "Guidelines on the Provision of Legal Assistance to Ministers and Members", to meet the first recommendation of the standing committee's report. The general policy reflected in the Government guidelines is that assistance for legal proceedings will be considered for the defence of proceedings arising out of performance of official duties. I believe that these guidelines are an appropriate interim measure and, overall, they reflect the policy objectives of the standing committee's recommendations, although they do depart from the recommendations in respect of some details. Under the guidelines, assistance would be considered where the Territory is vicariously liable or, if the Territory is not vicariously liable, where the proceedings arose out of performance of official duties and in circumstances where the Minister or member was not acting in bad faith or unreasonably.

The Government agrees with the committee's view that it is necessary to have assessment criteria that exclude circumstances where legal proceedings arise from misconduct or impropriety. However, the Government would like the committee and the Assembly to consider the approach taken in the Government guidelines, which requires assessment of whether the applicant acted in bad faith or unreasonably. In the Government's view, this provides a more workable framework than the factors of "private and personal considerations" recommended by the standing committee.

The Government agrees with the standing committee that the legislation should identify an "approving authority". The Government has suggested the Speaker as the appropriate decision-maker to consider applications from members. Applications from Ministers would be decided by members of the Executive. This is necessary to reflect the separation of the Executive from the legislature. Under the Government guidelines, it is proposed that the Attorney-General make the decision, in consultation with the Chief Minister and the Treasurer. Where the Attorney-General is the applicant, the decision for legal assistance would be made by the Chief Minister.

These decisions will invariably be sensitive. The Government has provided guidelines that set out a framework with sufficient certainty to identify the general circumstances where legal assistance will be considered. The guidelines also provide an element of discretion to include worthy cases. I believe that they represent a balanced contribution to the work already carried out by the standing committee.

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

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PUBLIC ACCOUNTS - STANDING COMMITTEE
Report on Review of Auditor-General's Report No. 6 of 1996 -
Collection of Court Fines - Government Response

MR HUMPHRIES (Attorney-General) (3.24): Mr Speaker, for the information of members, I present the Government's response to Report No. 24 of the Standing Committee on Public Accounts, entitled "Review of Auditor-General's Report No. 6, 1996 - Collection of Court Fines", which was presented to the Assembly on 10 April 1997. I move:

That the Assembly takes note of the paper.

Mr Speaker, I have not circulated this in advance, but it is not a particularly controversial Government response. I seek leave to incorporate my presentation speech in *Hansard*.

Leave granted.

Speech incorporated at Appendix 3.

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

SUBORDINATE LEGISLATION
Paper

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning): Mr Speaker, for the information of members and pursuant to section 6 of the Subordinate Laws Act 1989, I present regulation No. 16 of 1997, Land (Planning and Environment) Regulations (Amendment) made under the Land (Planning and Environment) Act 1991, which was gazetted in *Gazette* No. S172, dated 23 June 1997. I seek leave to have my statement incorporated in *Hansard*. This has been circulated.

Leave granted.

Statement incorporated at Appendix 4.

EXECUTIVE BUSINESS - PRECEDENCE

MR HUMPHRIES (Attorney-General) (3.26): Mr Speaker, pursuant to standing order 77(d), I move:

That Executive business be called on.

MR SPEAKER: The question now is: That Executive business be called on. Those of that opinion say - - -

Mr Berry: Mr Speaker - - -

Mr Humphries: You do not have a right to speak, Wayne.

Mr Berry: Yes, I have.

MR SPEAKER: No. I am sorry; the question must be put without amendment or debate.

Mr Humphries: It is in the standing orders.

Mr Berry: I understand that.

Question put:

That Executive business be called on.

The Assembly voted.

MR SPEAKER: Members, there are 17 members present, but only 16 voted. It is my intention to call the vote again.

Question put:

That Executive business be called on.

The Assembly voted -

AYES, 11

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

NOES, 6

Mr Berry
Mr Corbell
Ms McRae
Ms Reilly
Mr Whitecross
Mr Wood

Question so resolved in the affirmative.

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CONSIDERATION OF ASSEMBLY BUSINESS
Suspension of Standing Orders

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

That so much of the standing orders be suspended as would prevent orders of the day Nos 32 and 35, Assembly business, relating to the Report of the Select Committee on Estimates 1997-98 on the Appropriation Bill 1997-98 and the Government's response, being called on in sequence immediately after the resolution of any question relating to the conclusion of consideration of order of the day No. 1, Executive business, relating to the Appropriation Bill 1997-98.

APPROPRIATION BILL 1997-98

[COGNATE PAPERS:

ESTIMATES 1997-98 - SELECT COMMITTEE -
REPORT ON THE APPROPRIATION BILL 1997-98

ESTIMATES 1997-98 - SELECT COMMITTEE -
REPORT ON THE APPROPRIATION BILL 1997-98 -
GOVERNMENT RESPONSE]

Detail Stage

Debate resumed from 24 June 1997.

MR SPEAKER: I remind members that we have previously resolved to debate this order of the day concurrently with the report of the Select Committee on Estimates 1997-98 on the Appropriation Bill 1997-98 and the Government's response. In debating order of the day No. 1, Executive business, members may also address their remarks to orders of the day Nos 32 and 35, Assembly business.

Standing order 180 sets down the order in which this Bill will be considered; that is, in the detail stage, any Schedule expressing the services for which the appropriation is to be made must be considered before the clauses and, unless the Assembly otherwise orders, the Schedules will be considered by proposed expenditure in the order shown. I remind members that we have previously resolved to consider Schedule 1 by part and appropriation unit for Parts 11 to 14, 16 and 18 and by part, appropriation unit and departmental total for Parts 9, 10, 15 and 17, then the clauses prior to Schedule 2 and the title.

Schedule 1 - Appropriations

Part 9 - Department of Business, the Arts, Sport and Tourism

Proposed expenditure - Regulatory Reform, Industrial Relations and Tourism, \$9,878,700 (comprising net cost of outputs, \$9,878,700)

MR BERRY (3.35): Mr Speaker, this represents the final year in Mrs Carnell's much vaunted three-year budget, which was issued with much fanfare in 1995. I want to talk about some industrial relations issues. We should start at the beginning. Nobody in this house will forget the confrontation with the trade union movement in the ACT which was generated by the Carnell-led Liberal Government. It was an ideological battle with the unions, and it was one that cost the Territory - depending on whose estimate you listen to - somewhere between \$3m and \$5m. But the cost was high. Mr Speaker, during the course of the dispute, I think Mrs Carnell was saying that the cost of the dispute was \$5m. When Mrs Carnell was arguing her claim that it was an outrageous dispute, she argued that it was about \$5m. After the dispute was over, I think the figure came back to about \$3m. So, it seems that the figures that are used in these public relations exercises are fairly flexible. I raise that issue because it shows the lengths that this Chief Minister will go to to put a spin on a particular issue. She will say anything that comes into her head.

Mr Speaker, with the levels that the dispute developed to, that approach was demonstrated to be totally devoid of any commonsense. This place was picketed, as a result of the Government's antagonistic approach to unions. Public servants, teachers and other ACT Government Service workers were threatened with lockouts. The threats were transmitted regularly to each workplace so that Mrs Carnell could have her way in her dispute with the unions. In effect, it turned into Mrs Carnell's gain - a monstrous public relations exercise which did a great deal of damage to the possibility of good relationships between unions, union members and this Assembly. It could not be regarded in any other way.

Mr Speaker, that dispute went on and on, incessantly. As I have already mentioned, it resulted in some cost to the Territory. But the costs to industrial relations from those sorts of disputes can be ongoing. So far as this Assembly is concerned, I am sure that they will have an effect the next time a government which is born of this Assembly attempts to negotiate with unions. Labor's relationship with the union movement is a good one, for good and natural reasons; but it still comes down to the question that the government which is born of this Assembly is the government which will, in future, have to negotiate with unions. I think a great deal of damage was done to the possible future industrial relations between workers, industrial organisations and this Assembly.

I want to say also that Mrs Carnell's preferred Prime Minister, who has done so much damage here in the Australian Capital Territory, has embarked on an ideological war with working-class people with the implementation of the Federal industrial relations legislation. That is about weakening workers and ensuring that their wages and working conditions overall are driven down. Of course, in these circumstances, the strong survive; but it is the not so industrially strong, particularly women and young people, that are affected badly by this sort of approach. But that is the ideology of those opposite.

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We understand it, and more and more the community in the Australian Capital Territory understand it. They have been deceived when it comes to industrial relations. They were told that they were going to get much better, and they got much worse.

Mr Speaker, other areas which demonstrate the inability of this Government to cope with the management of industrial issues emerged in the course of the Estimates Committee process. I have mentioned this before, Mr Speaker. At the risk of repeating everything I said, I will say a few more words on the matter of the Acton Peninsula dispute. In terms of industrial disputes, it is not one that will occupy much space in the history books; but, when you have a look at the timing of it, it demonstrates all that is wrong with this Government. The dispute on Acton Peninsula was over jobs. Interestingly, the dispute commenced on the day that the Government announced a budget which was alleged to have a focus on jobs. This was demonstrably untrue, because that major job on the ACT's most controversial site was arranged in such a way as to leave out of the picture workers, truck drivers and transport operators in the Australian Capital Territory.

Mrs Carnell did not have the courage to tell this Assembly exactly what was going on down on that site. Instead, as has become her custom, she said the first thing that came into her head, to put a different spin on it. Mr Speaker, Mrs Carnell said that it was a fight between two unions. I imagine that she thought to herself, "That will throw them". The fact of the matter is that the workers on the site, in effect, won the day, and further questioning of Mrs Carnell in relation to the matter in the committee resulted in her flick-passing it to Totalcare.

Officers of Mrs Carnell's department denied that they had any idea of the outcome of the dispute. I find that strange. I find it strange that a department which has the responsibility to manage industrial relations and government relations on such a sensitive issue would not know the outcome. In any event, the matter was then further raised when the Estimates Committee was talking to Totalcare, and we were advised in due course that this issue was about jobs. It was reported in the local media that it was about jobs. So, Mr Speaker, there was an attempt to mislead the community over that industrial dispute because it detracted from the Government's budget. The budget allegedly was about jobs, and we could not have a situation breaking out there where the community would find out that this Government was, in fact, about exporting jobs. Mr Speaker, that issue was one of concern.

There is another matter which I have found of concern. Not so long ago, there was some dispute in this place and outside about tobacco consumption in the Australian Capital Territory. Much has been said about what occurs in licensed premises of various sorts in relation to tobacco consumption; but when the question was asked of officers involved in Worksafe - or is it WorkCare?

Mr Kaine: I do not know. You tell me.

MR BERRY: You are the Minister. I thought you might be able to give us a hand there. *(Extension of time granted)* In relation to occupational health and safety and the code of practice for a smoke-free workplace, when the question was asked whether the officers had any idea of how many businesses in the ACT had in place the recommended code of

practice, nobody seemed to know. That shows the community that the Government has no interest in occupational health and safety matters. It is about the bottom line driving everything. It is not about looking after the interests of working people.

That was in relation to tobacco. You would think that, because we have a Health Minister in charge as Chief Minister, there would be some interest in these issues. I think the Government's performance generally on the issue of tobacco consumption has demonstrated that the community can forget any real response from the Government in relation to tobacco. It is certainly not interested in the code of practice for a smoke-free workplace out there in the small business community. Mr Speaker, this Government has an appalling performance on industrial relations. In particular, its leader, Mrs Carnell, has an appalling performance on the issue of industrial relations. Her performance on industrial relations, Mr Speaker, would be better suited to the stage.

MR CORBELL (3.47): Mr Speaker, I would like to speak on the tourism area of this part of the budget. The first criticism I want to make of the Government's approach to tourism is this: This Government has said a lot about tourism. It has tried to demonstrate that it is doing a lot about tourism. But, when you come down to it, a lot of it is smoke and mirrors. A lot of it is smoke and mirrors when you look at the development of the Canberra Tourism and Events Corporation. The development of the Canberra Tourism and Events Corporation shows that this Government thinks that, if it changes the name of an organisation and makes it look more like a business, then it must be doing something positive for tourism. In the end, the Labor Party supported the development of the corporation because, to the extent to which it gave confidence to the tourism industry in this city, that was to be welcomed. We certainly did not want to get in the way of something that would give greater confidence to an industry which is suffering.

The tourism industry in Canberra is suffering; there is no doubt about that. Since the 1996 Federal election, with John Howard's decision not to live here in Canberra, we have seen a dramatic drop in the number of people coming to Canberra, particularly for business. So, I guess, in that sector of the tourism market - visitors coming to our city for business - there has been a dramatic drop. David Marshall, the head of Canberra Tourism, will tell you exactly the same thing. It has done enormous damage to our city. So, to the extent to which the Canberra Tourism and Events Corporation has provided confidence to an industry which has taken a battering, we welcome it. But we welcome it with a degree of cynicism, because the Government seems to be suggesting that, with the creation of this new organisation, all of a sudden, all of the problems with tourism in Canberra are going to be effectively and fundamentally addressed; that this organisation is going to be able to do new things which Canberra Tourism could not do.

The reality is something quite different. The reality is that the Canberra Tourism and Events Corporation will do all of the things that the old Canberra Tourism used to do. It will not have any new functions. What it will have that is new is the putting in place of a board of management. But, with this board of management, you would think that this is a corporation that is going to operate as a business, that is going to be responsible for its own decisions, and so on and so forth. Again, the reality is quite different.

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Under the Canberra Tourism and Events Corporation Act, the Minister still has to approve every decision that that corporation makes. He - or she in the future, maybe - is still the person responsible for the operation of the organisation. He still has to approve all of the decisions of the organisation, as he did under the old regime of Canberra Tourism. So, on that front at least, there is not much difference.

There is not much difference either in the so-called ability of the new Canberra Tourism and Events Corporation to raise funds and to enter into joint arrangements with private sector operators. As this Government has acknowledged, that could have been done also under the existing framework, with Canberra Tourism. So, the development of the Canberra Tourism and Events Corporation has not created any new ability in that respect either. Mr Speaker, on these two points alone, we can see that the Government seems to think that, if you can put in a new name for an organisation, it looks like you are doing something; but the reality is quite different.

There are some other aspects of the tourism budget this year which I would like to comment on. The first is the development of the Visitor Information Centre. We have seen the building go up on Northbourne Avenue. Again, to the extent to which it provides a new and modern face to Canberra Tourism, that is to be welcomed, and we welcome that. But we would again question the priorities of this Government when it says that it is better to put the money into building that centre - which, I understand, is around \$1m - than to put it into getting the people here. A lot of tourism operators have said to me, "What is the point of having a brand new Visitor Information Centre if there are no visitors to use it?". Clearly, it is not as black and white as that; but the point remains: In an era when we see declining visitor numbers coming into Canberra and declining occupancy levels and takings, should the priority not be better promotion? On this side of the chamber, we would say, "Yes, that should be the priority".

Mr Speaker, the Government has also said a lot about its new events prospecting scheme - \$350,000 to attract events to Canberra. All I can say about this proposal is that I think the money would have been far better spent on the promotion and marketing side of it. What this Government is really trying to do is a Jeff Kennett.

Mrs Carnell: That is right.

MR CORBELL: The Chief Minister says, "Yes, that is right". I am glad that you are admitting that you are trying to do a Jeff Kennett. I think what we would all say about Jeff Kennett, even though we may not agree with his politics - and I certainly do not - is that, when Jeff Kennett does it, he actually commits to doing it properly. But this Government cannot even do that. Look at the \$350,000 that it has put into the events prospecting fund. That is not going to attract very many events. It is not a serious attempt at attracting events to Canberra. It is a token attempt, just as changing the name to the Canberra Tourism and Events Corporation was a token attempt. So, again, on that, the Labor Party would criticise - I think, quite reasonably - the approach of the Government.

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Mr Speaker, on yet another point - the promotional strategy - the Government has set aside half a million dollars to promote Canberra. They have said that they are promoting Canberra in terms of its interest not only for visitors but also for business, for sporting groups, for people interested in its arts and heritage, and so on and so forth. But you would think that, if this was about promoting Canberra, if the Government was so serious about promoting Canberra, it would be giving this money to the organisation that is here to promote Canberra - the Canberra Tourism and Events Corporation. But, again, this is not the case, Mr Speaker.

Instead of providing the half a million dollars to Canberra Tourism - which, I would have thought, is there as the expert organisation with the knowledge, the ability and the contacts to effectively promote Canberra interstate and overseas - they kept it in the major part of the Department of Business. They kept it in the department, after they had made a big "show and tell" about dividing up Canberra Tourism, splitting it away from the Department of Business and making it a separate entity. It just does not make sense. It is a muddle-headed approach. I think that is a very legitimate concern that the Labor Party has also.

Mr Speaker, I now want to take a broader overview of tourism in the ACT, and I want to make one very important point about strategy. This Government does not appear to have an overall, coherent tourism strategy as part of its economic development plan. The reason for this is that it does not have an economic development plan. It has not developed any sort of strategy itself. What this Government has done is put in place, or claim as its own, the Australian Capital Region Development Council's strategic plan, and it has said, "This is our economic development plan".

Mrs Carnell: No; it is an economic development plan.

MR CORBELL: No; you claimed it as your own, Chief Minister. You claimed it as the ACT's development plan. But it is not. It was not developed by this Government. It was developed by the Australian Capital Region Development Council, which is funded partly by this Government and partly by the New South Wales Government and which has the involvement of the various shires in the Australian capital region. But to stand up in this chamber and suggest that this is the Territory's development plan, I think, shows a lot of gall an abhorrent amount of gall. To claim someone else's work as your own when you have failed to do it in government, I think, shows an appalling amount of gall. This is just another point that we want to make in terms of tourism, the strategy for tourism and the muddle-headed approach of this Government on tourism, like its muddle-headed approach on economic development overall. (*Extension of time granted*)

Mr Speaker, I would like to make one last point on promotion and marketing. Over my time in this place and for a longer period of time, the Labor Party's position consistently has been that we have to get really serious about our promotion. Improving tourism infrastructure in the town is important. But at a time when occupancy rates are falling, when takings are falling, when visitor numbers are falling, when business visitor numbers are falling because the Prime Minister does not live here anymore - at a time when all those things are occurring - surely our major effort must be in terms of attracting visitors to our town. Yet, when you compare our marketing and promotion budget with the marketing and promotion budgets of States with

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comparable populations - Tasmania and the Northern Territory are two examples of States with reasonably comparable populations - you find that they spend a hell of a lot more on marketing and promotion than we do. The Northern Territory spends \$24m, on my understanding, and Tasmania spends \$17m. Even when you take away administration and other costs, you still find that it is far more than the \$1m to \$2m that this Government spends each year on promotion and marketing. I think this is what it comes down to: This Government is not serious about promotion and marketing. We have to be serious about promoting our town and attracting visitors to our town. It is about priorities. It is about where you spend your money. It is about where you believe it is most important to spend the limited resources you have.

Earlier, I outlined a number of points which deal with this very matter - half a million dollars on the promotional strategy which is not available to Canberra Tourism, \$1m on the Visitor Information Centre, and \$350,000 for the events prospecting fund. Again, the focus on that expenditure has been wrong. You could utilise that existing expenditure far more effectively if you did not have a muddle-headed approach. That is our criticism of this Government's tourism strategy. We believe that it is a matter of priority. We believe that it is a matter of where you spend the money and where you direct your resources so that they can be used in the most valuable manner. That is what this Government has failed to do, and that is our most important criticism of the Government's approach on tourism.

MR KAINÉ (Minister for Urban Services, Minister for Industrial Relations and Minister for Tourism) (4.00): I must say that I was hopeful that in this debate we would have got something productive from the Opposition. As I might have expected, I was exceedingly disappointed. Mr Berry, sadly - but more specifically Mr Corbell - really has not faced up to any issue that is implicit in the budget. I do not know what he was talking about, but it bore no relationship to what the Government is doing and it bore no relationship to the budget.

I will deal first with the questions of industrial relations that Mr Berry spoke of. His approach seemed to be that, no matter what happens in any situation involving the Government and the unions, the Government is always wrong. Mr Speaker, there are always at least two parties to any situation of conflict or confrontation. Mostly, of course, it is the Government as the employer and a union or unions representing, they claim, the employees. I do not think that even Mr Berry could go so far as to say that, in any situation of confrontation or conflict, one party is always right and the other is always wrong. He sees the world in very simplistic, black-and-white terms, if that is the way he really sees industrial relations. It says a great deal about why there was so much industrial unrest when we had a Labor government, if that is the way they see it.

I think that this Government has handled this relationship with the trade unions quite successfully, and it has done so because it recognises the fact that the trade unions are not always wrong. I think that there is a recognition on the part of at least the more responsible trade unions that the Government is not always wrong either; that there is room for negotiation; that, by and large, we sit down and deal with things by negotiation; and that, if we come to a situation where our views are irreconcilable, then we go to the Industrial Relations Commission.

Mr Berry talked about union relationships with this Assembly. Unions have no relationships with this Assembly, Mr Speaker. Unions have relationships with the Government, which is the employer. This Assembly is not a party to any negotiations that go on between the Government and the trade unions. If it attempted to do so, it would more often than not confuse the issue, muddy it, and make the situation more difficult - exacerbate the situation - than if it kept out of it. There is no place for this Assembly in negotiations between a trade union and the Government as the employer. So, I do not quite know what Mr Berry meant when he spoke about union relationships with this Assembly. There are none. The Assembly has no place, and no role to play, in these negotiations.

I think Mr Berry really gave himself away when he made some reference to the ideological war with the working-class people. Mr Speaker, it has been said by a person probably closer to the situation and more knowledgeable of it than I that this Labor Party is the only Marxist-Leninist socialist party remaining in the world, other than in Cuba. When Mr Berry uses that sort of terminology, you have to say that whoever said that was dead right. He is still thinking in the terms of the 1950s. All I can suggest to Mr Berry and to the Labor Party, if it subscribes to Mr Berry's view, is: "Come into the twenty-first century with the rest of us. Get out of the nineteenth century and get into the twenty-first century. If you do not, you are going to be left behind. I suspect that you already are. It may say something about your own relationships with your own trade unions, that you claim support you, if that is the attitude you take, because the trade unions do not take that view any longer". They are at least a little more enlightened than Mr Berry, I suspect.

In connection with the Acton Peninsula situation, Mr Berry seemed to imply that somehow the Government was a party to the relationship between the contractor and his subcontractors. He said that somehow the Government was responsible for leaving ACT truck drivers and contractors out of the contract. The ACT Government was not party to that contract, Mr Speaker. I would not pretend to tell a government contractor whom it should and should not hire. I find it objectionable, in a sense, that ACT facilities and resources were not used; but we were not party to the contract. Does Mr Berry suggest that the Government should interpose itself into all of the contractual arrangements that all its contractors make, to see what arrangements they enter into with their subcontractors? What a nonsense! You would not get far. The first time somebody went into court, you would be the meat in the sandwich. The fact is that, when the unions took exception to the situation, the situation was resolved by negotiation between the parties. That did not involve the Government, and nor should it have done. We keep coming back to this strange notion that Mr Berry has that this is a socialist country and that the Government is involved in everything. It is not, and it will not be.

Mr Speaker, I do not know what either of those subjects had to do with the budget. They had nothing to do with it. He made some reference to tobacco consumption. I submit that the Government has done a great deal to address the question of tobacco consumption. It has not done it easily, either. If Mr Berry suggests that the Government has done nothing, either he does not know or he does not want to know what the Government has done. In any case, in my view, it again is not a matter that affects the budget.

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I come now to Mr Corbell on tourism. Mr Speaker, I do not know in what world Mr Corbell lives. He has a lot to say; but he does not convey any sense in what he says. The Government is doing a great deal about tourism. If he did not like the corporation that we are just about to set up, if he did not like the fact that some decisions that the corporation might want to take require the Minister's approval because there is public money involved still, why did he not say so during the debate on the floor of the house? Why did he not put forward an amendment? If he believes that it can be improved, why did he not put forward some amendments to make it work better? He talks about muddle-headedness. The point is, Mr Speaker, that, when he was debating the Bill, either he did not understand what he was debating and he has now had some second thoughts about it or he did agree with the Government's approach and now, with an election approaching, he is taking a different view because he thinks that it might get him a vote or two somewhere along the line.

Anybody that listens to what Mr Corbell says would not vote for him for dog keeper, let alone Tourism Minister. Mr Speaker, he says, "Why have an information centre if there are not any tourists to use it?". Over a million tourists a year come to Canberra. Does he not know? Does he not know that the number of people that drive down Northbourne Avenue in their cars coming into this place as tourists every year approaches 300,000? Does he not know that those people, when they drive into town, want to have a reference point where they can go and find what they can do to get the best out of their visit to this town? To suggest that we are building an information centre and there are no tourists to use it, either - - -

Mr Corbell: I did not say that, Minister, as you know very well.

MR KAINE: Mr Speaker, Mr Corbell said that he had been approached by people who wanted to know why we were spending money on an information centre when there were no visitors to use it. Those were his words. I wrote them down at the time. Either he supports the contention that there are no tourists to use it or he should support the Government in saying that it is being built for a useful and constructive purpose. He cannot have his cake and eat it too. If he did not think that it was going to serve a useful purpose, why did he not say something in connection with the budget about why we should not be spending the money? I wonder whether anybody has heard Mr Corbell say in this place, "We should not be spending the money on the information centre". He has never said such a thing, Mr Speaker. He wants his cake and he wants to eat it too. He wants to see us build an information centre; but he wants to be able to whinge and complain at the same time, when there is no substance to his whingeing and complaining.

Mr Speaker, I have to come to the conclusion that Mr Corbell has his own uninformed views about priorities. He does not quite know what they are, but he knows that they are not the same as mine. That is the point. His views are superior, he purports, to mine. (*Extension of time granted*) Mr Speaker, there is a difference between Mr Corbell and me. I have to fund my priorities and I have to account to this place for the funding that I put into them. Mr Corbell does not. So, he can have all the views about priorities

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that he wants; but he must put up something substantive that says that the determinations that this Government has made about his priorities can be improved upon. I did not hear him say that they could be improved upon. He just said that they were wrong. He made no substantive proposals whatsoever for improving our approach to tourism.

He did say, Mr Speaker, that in his short time in this place - those were his words - he had learnt a few things. I do not think he has learnt anything. He certainly seems to believe that in his own short time in this place, which he acknowledges, he has become an expert on marketing. I submit that, if he thinks his views on marketing are all that hot, then he should go and talk to David Marshall about them. I am sure that David would love to have some constructive criticism as to how our marketing could be improved. David Marshall spends his entire life figuring out how best to use the dollars that he has. I am sure that he would love some constructive input from marketing expert Corbell from the other side of the house, if he has any. But the fact is, Mr Speaker - - -

Mr Corbell: On a point of order, Mr Speaker: I understand that it is against standing orders not to refer to members by their proper title.

MR SPEAKER: Mr Corbell, I do uphold the point of order.

MR KAINE: Mr Speaker, Mr Corbell spent a lot of time attacking our strategies, our priorities and our policies. If anyone needs any further proof of the lack of thought of the Labor Party on these issues - although they have lots to say, but nothing constructive - I suggest that they go to the Labor Party's home page. If you want to find out what the Labor Party's policies are, it tells you, "We are still working on them, and we will tell you before the next election". That is the Labor Party's policy. And Mr Corbell has the effrontery to lecture us about policies. Mr Speaker, I ask you!

MR CORBELL (4.13): I would like to respond to some of the points that the Minister made in his speech. First of all, I must have touched some nerve for the Minister to be so edgy about this issue. I must have touched some frayed nerve about tourism in the ACT. I would like to inform the Minister of one thing. I am not here to please him. If I were, I would not be doing my job. I would like to place that on the record very clearly.

I would like to address some of the other misrepresentations that the Minister made in his speech. As he was willing to make some comment about my capacity as spokesperson on tourism, I would like to make some comment about his capacity as Minister for Tourism. My first comment is in relation to his comments on the Labor Party's position on the establishment of the Canberra Tourism and Events Corporation. If the Minister had had time to read *Hansard* or indeed used his extensive staff to check *Hansard* for him, he would have found that the Labor Party supported the establishment of the Canberra Tourism and Events Corporation conditionally. The condition was that, to the extent to which it provided confidence to the business of the tourism industry in Canberra, we welcomed it. That is true. You will find it in *Hansard*. We made the comment also that we felt it was not much more than a change in name only. If you read *Hansard*, Minister, you would discover that. Indeed, if you had listened to my speech properly the first time around, I would not be needing to stand again here to clarify it for you.

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The second point, Minister, is in relation to the Visitor Information Centre. Again, you misrepresented me. I said to the Minister that I had heard anecdotally from people and from talking directly to people in the tourism industry that there was some cynicism about the amount of money the Government was spending on the Visitor Information Centre. People were asking what the point of building a centre was if people were not coming to Canberra. I then went on to say - and if you check *Hansard* when it comes out I am sure you will find I am correct - that clearly it is not as black and white as that, and it is not. I am not saying that no visitors are coming to Canberra. I never said such a thing. Again, the Minister chose to misrepresent my comments earlier because he is obviously trying to defend a somewhat frayed nerve over the issue of tourism.

The point I was trying to make was that it is a matter of priority. The Visitor Information Centre that was on Northbourne Avenue did serve a purpose. It is not as if we never had a visitor information centre before. There was always one there. Of course, visitors who come to Canberra need a point which serves their purposes in getting information about our city - what they can visit, what they can see, where they can stay, where they can eat and all those sorts of things. The point that I was making and the point that was being made to me by operators in the tourism industry was: What is the point of spending all that money there when perhaps it could be better spent on promotion? That is what the Labor Party has been saying consistently since the beginning of the year. What is the point?

I want to make some very specific comments about the capacity of the Minister, as the Minister was prepared to make some comments about mine. The first is in relation to what the Minister has done in responding to the crisis in the tourism industry in this town. Month after month we have seen occupancy levels and takings in this town fall and we have seen the Minister's incapacity to act on this issue. The first point I want to make is in relation to a letter that Mr David Marshall, the chief executive of Canberra Tourism, sent to Mr Denis Page, the head of the Canberra Business Council. He wrote to Mr Page saying how dismayed he was and how downright offensive he found some comments made by the Federal Minister for Tourism, Mr John Moore, about what Mr Moore thought of Canberra. According to Mr Marshall, Mr Moore said that he wished more meetings of the Federal Cabinet took place in Sydney, away from Canberra; that he detested Parliament House; and that the taxi industry in Canberra was an absolute disgrace. Mr Moore said this not in some private conversation but in front of a delegation of visiting people from Japan and in front of the meeting of Tourism Ministers and chief executives from all around Australia.

I ask this Assembly why the chief executive of Canberra Tourism would have more confidence in the head of the Canberra Business Council to represent his view than he would in his own Minister. The reason is that the Minister did not even know. The Minister had no idea, despite the fact that Mr Marshall sent him a copy. When this Opposition raised the question with the Minister in the Assembly, he feigned ignorance.

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He had absolutely no idea. When we raised it with him, the Minister seemed completely dismissive of it. I think this is a ringing indictment of this Minister for the failure to address the concerns of his own chief executive, and it is a ringing indictment of the chief executive for the lack of confidence in his Minister that he would rather write to the head of the Canberra Business Council than to his Minister. What an absolute farce that was!

The last point I want to make is about the continuing fall in tourism takings and occupancy levels in this town. Month after month we have seen occupancy levels fall and we have seen takings rise by only the most marginal of levels, between \$3 and \$6. That is not much at all when you are a struggling operator in the tourism industry. This Minister seems to think that changing the name of Canberra Tourism to the Canberra Tourism and Events Corporation addresses the problem. It clearly does not.

The Minister made a point about me not making any positive contribution. In my speech I identified three areas where the Government could look at its priorities again. Is it worth spending \$350,000 on an events marketing unit? Would it not be better putting that into a general pool for promotion of Canberra generally? That is one contribution.

Mrs Carnell: It was Rosemary Follett's policy to have an events corporation.

MR CORBELL: You do not have to agree with it, Chief Minister, but I am addressing the Minister's point about making suggestions. That was one. Another was that half a million dollars was allocated for promoting Canberra but not given to Canberra Tourism. Why not give it to Canberra Tourism?

Mrs Carnell: They can have it, or some of it.

MR CORBELL: The Chief Minister says that they can have it. Okay, put it in there, Chief Minister. I do not think you will. You will keep it in the Department of Business. I can see you doing that now. Again, that suggests to me that there is some lack of confidence in Canberra Tourism's ability to promote. Otherwise, you would give it to them. It is about priorities. It is about where you spend the money. It is about how you spend the money to get the best result. All I can say about this Government's approach is that it is muddle-headed. They cannot criticise this Opposition for not putting forward some alternatives.

MS TUCKER (4.21): I will make a few comments about tourism. I have already spoken on the topic, so I will not go on for very long. I am still concerned that there has had to be pressure from us to bring the environment into the discussion on tourism. I think it is absolutely critical that it be an underlying issue, because tourism will not be sustainable if we do not look at the environmental implications of whatever activities we have in our community in the ACT. We have the concept of nature-based tourism and we have the concept of ecotourism. Sometimes there is some confusion about what those terms mean. When we look at places such as Namadgi and Tidbinbilla we have a fairly clear idea of how to keep them sustainable, but I am also interested to see the Government take a more proactive approach to addressing the ecological impact of all activities relating to tourism in the ACT.

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That means looking at the impact that hotels have, for example, on energy use, water use and waste. I was not happy with the response in the Estimates Committee about how the Government was addressing these concerns. They referred to *Green Globe*, which I had not heard of and have asked for more information on. I am still to see anything very real in answer to that request. I have been told that it is a broad concept being looked at as a system of trying to integrate environmental concerns. That is not a really highly developed procedure, obviously.

They also referred to some hotel scheme to bring in more energy efficiency. That is great; but I would remind members that we did put environmental sustainability into the objectives of the tourism group, so we will be continuing to monitor and to pressure the Government to bring this in as a fundamental aspect of the work so that we can indeed produce a tourism industry which is sustainable. I remember asking this question in the Estimates Committee in the first year, when Mr De Domenico was Minister. He was not able to answer the question satisfactorily.

We need to look at relative numbers, the impact of numbers and at what point, depending on resource use, it is actually not in the interests of the ACT to increase tourist numbers. We really need to be monitoring this as we go, or we can end up having a situation which is out of control. As I am sure members know, when Mr De Domenico said in that first year of the Estimates Committee process that the market would sort it out it was a totally inappropriate response. The market destroys the environment. It does not sort it out. There are many places in the world to which you can go and see the tragic results of that. I believe that we have a good opportunity to put together a group such as the tourism group to forward plan and consider the ecological sustainability of tourism in this city.

MR KAINE (Minister for Urban Services and Minister for Tourism) (4.25): I would like to briefly address the matters raised by Ms Tucker. I share her concern that, in the interests of the people who live here, in attracting tourists to Canberra we should not damage the city. Certainly, members will be well aware of my concern that some of our natural areas should not be opened up to nature-based tourism until proper control infrastructure is in place to make sure that tourists going to look at these natural features do not destroy them.

I appreciate the constructive input Ms Tucker has made to this debate. She will know, I am sure, that one of the things with which the new board of the Tourism Corporation will be charged is to take account of the potential damage that tourism can do. They will be specifically charged with the responsibility for that. It will require, in essence, that the sort of evaluation and assessment that Ms Tucker speaks of be in fact undertaken. Bear in mind, of course, that a lot of work has already been done in the parks and conservation area, which Mr Humphries runs, to make sure that we do maintain an ecologically sustainable tourism industry. I appreciate the comments. I am as concerned about these matters as Ms Tucker is.

MR WHITECROSS (Leader of the Opposition) (4.27): I rise to respond to the deep interest shown by the Minister for Tourism in Labor's policies on tourism, an interest that I know mirrors the interest shown earlier in the week by the Chief Minister in relation to the same matter and the avid way that the Government have been hitting our home page at least once or twice a day in order to discover what our policies are. I have noted their disappointment when they have hit on our home page and have not actually discovered our policies there. They seem to be reading something amazing into this, so I thought I should clarify for the Minister's benefit that only 10 days ago we had a conference where we completely rewrote our platform. Amendments were moved and the whole new platform has to be collated.

The Government, like other avid users of the Internet, will have to wait until the finalised version of the policy is collated after taking account of amendments moved at the conference, in order to discover what Labor's platform is for the next election. Of course, the platform will form the basis on which we will formulate policy in relation to tourism and other areas at the next election. I can only encourage the Minister in his spare time to keep hitting on the Labor Party home page, because he might learn something there in due course. He will eventually be thrilled, I am sure, to see Labor's new platform loaded onto the home page.

Proposed expenditure agreed to.

Proposed expenditure - Arts and Heritage, \$14,244,600 (comprising net cost of outputs, \$6,942,100; and payments on behalf of Territory, \$7,302,500) - agreed to.

Proposed expenditure - Sport, Recreation and Racing, \$16,355,900 (comprising net cost of outputs, \$8,967,900; and payments on behalf of Territory, \$7,388,000)

MS McRAE (4.30): This is a curious line of the budget because when you add it all up there is very little to do with sport and recreation and an awful lot to do with administration and management of facilities and quite a lot of capital works and general public works. It is really a quite curious mixture of responsibilities that fall in the sporting area. By and large, the way it has fallen out with the four different areas - the ministerial advisory and policy area; the maintenance and delivery of sporting facilities, including the conduct of programs; the administration of grants; and the regulatory activity - is pretty well a continuation over the past couple of years of everything that Labor put in train. It continues the grants program, Sports House and facilities. Project 2000 has now been moved, and the 10-year plan for facilities is pretty much a continuation of things as we would have liked to see them.

We then have to look at the detail to find out what this is really all for. What do we really want out of the Bureau of Sport, Recreation and Racing? What is the good of it to the ACT? What is this Government doing that is worthy of praise or worthy of criticism? On closer examination, it becomes a quite interesting area. For me, it epitomises one of the problems that we have with the budget papers. I guess it is partly because we are dealing with them in the vacuum of not having the annual reports. This is something

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that I would like to give more thought to and have the Estimates Committee have a more thorough look at in the years to come - for me hopefully this year and for other estimates committees perhaps in the future - to see whether even in this form of budgeting, which does provide for a very clear level of detail as to where the actual money is spent, we can come better to the heart of where the actual policy directions are going.

It seems to me that this is a major absence which is epitomised very well in the sport, recreation and racing budget papers. We have before us the goals and the outlook of the program areas. We have within each of the program areas some quite detailed information about the activity that is going on. It is like a map of what is actually happening and is very accurate, saying that X does this job and Y does that, this is what they are trying to do, and over a year this is how they do it with their money. But it seems to me not to link in to any greater Government objective. Maybe this particular part of the budget papers is not the place. Maybe it is something that needs to be addressed in a different part of the budget papers. I am exploring ideas here, rather than making a definitive and final criticism.

I would like to point out, by way of criticism, what is troubling me. We talk here about improving participation. The national Active Australia program has introduced more Australians to the benefits of an active lifestyle, and the effective relationship that has been established between the Bureau of Sport, Recreation and Racing programs will maximise the impact of this initiative in Canberra. What does it mean to get a list that says, "This year 1,000 people were active and next year we hope to get 1,500 more active; therefore, we have succeeded."? When you add it all up, it does not mean very much at all. What is it that we are actually trying to do? What is this Government there for? What is this budget here for, Mrs Carnell? I realise that this is a bit above your head, so do not worry about it; just leave it alone. I am positing something a little deeper and more philosophical than the usual trite nonsense that we indulge in. If it is all too much, please just leave the room.

Mrs Carnell: Normally, budgets are about figures and how you are spending the money.

MS McRAE: We hear Mrs Carnell explaining to me that budgets are about figures and how we are spending the money. What I am suggesting to Mrs Carnell is that the bottom line question that any government has to answer is what you are spending the money for. What are you attempting to achieve? Why are you in government? What is government doing for anyone in Canberra? I think this is what budget papers should be about. I think budget papers should explain this.

Mr Kaine: You deliver things like health standards and education. You run bus services. You provide police services.

MS McRAE: Mr Kaine is helpfully pointing out to Mrs Carnell that you provide bus services, schools and hospitals; but even within that what I am positing here is that we can run as many sporting programs as we like forever, but it will not make one iota of difference to the health of an individual if we do not have a clear policy objective of

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aiming to change something. This is what I am pointing out. In this particular program we see an absence. We do not see it in every regard, and this makes it even more interesting that it is sort of there but not really there.

The expansion of the number of sporting organisations within the sports skilling program from six to 17 is a very definitive goal. Here they are able to grasp the nettle and say, "What are we trying to do? We are trying to expand the number of sports skilling goals". The expansion of the Aussie Sports leaders program to train another 1,000 leaders is a very clear objective. There are very specific capital works programs. There are very specific changes being made. But the overall objective of the outlook of the program is to introduce an increasing number of ACT residents to an active lifestyle through a comprehensive recreation program. This is what I think is at the heart of what is wrong and an example of what seems to me to be one of the omissions throughout the entire budget papers.

Whom are we trying to help? Why are we trying to help them? Do they need help? How do we know? Do we know who does not need help? Do we know who does need help? Do we know who falls through the net? Do we know who already has an excess of these services? This is what we just do not see at all with this particular point within the outlook program of the Bureau of Sport, Recreation and Racing. Within this program there are clear objectives. They want to improve particular sportsgrounds; they want to do this; they want to do that. They want to improve particular skills programs; they want to improve participation in particular events; they want to get better participation in the Olympics. That has all been transferred to the Business Bureau now, to make that happen.

At the very heart of it still lies the question: Whom is this program for? It seems to me that it is an absolute waste of time to introduce someone to a new recreation program if they are already fit. If someone is already involved in tae kwon do and they enter a new program called line dancing, then you have achieved this objective but you have made absolutely no difference to anyone. We do not know who the target group is. We do not know what the problem is that we are trying to solve. We do not know whether we are going to solve it by this. We simply create something that is eminently manageable because you can always say that we have 10,000 people in tae kwon do, we have 10,000 people in line dancing and we have 10,000 new people doing abseiling; but we have absolutely no idea whether we have introduced more people to an active lifestyle. We do not know, other than by guesswork, who is missing out. We know very well that people with chronic illnesses are perhaps unable to participate in any of the active lifestyle programs that the bureau does run. Do we have specific programs for these people? No. I think it is a simple problem and it is easily solved by a new outlook and objective, but I am suggesting that it epitomises what is wrong with the whole approach of the budget. We do not know what we are trying to do and for whom. We do not know who is missing out, and we do not know what we are doing to try to capture them.

I suggest that it is quite clear that people with disabilities have a very limited capacity to participate in sport and recreation activities. All the sportsgrounds changes, all the facilities changes and all the capital works programs do not, in one instance, address improving facilities for people with disabilities. We also have no measure of the people who would be classified as needing greater health activities through the health services.

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We do not have a comprehensive linking programs other than through the community activity programs. There are quite a number of those community activity programs that try more pointedly to address the very problem that this Government claims its sport, recreation and racing program is trying to address. I think what we need from our budget papers, and specifically what we need from this Bureau of Sport, Recreation and Racing program, is a more comprehensive process of trying to come at just what it is that this Government will do in terms of real change to people's lives. I do not see it in these budget papers.

MR STEFANIAK (Minister for Education and Training and Minister for Sport and Recreation) (4.41): I am not quite sure whether all of what Ms McRae wants is really a matter for the budget papers. Some of the points she raised were dealt with in the Estimates Committee. As she conceded, on page 274 there are a number of dot points about the strategic plan. They deal with implementation of More Than a Game, implementation of Active Australia, expansion of the Aussie Sports leaders program and a number of other things. In a way, I am heartened by what she says. She makes some criticisms but seems basically happy with what is a very good program. It is aimed at maximising our advantages as a Territory.

Anyone who goes overseas or to other parts of Australia and looks at facilities there is impressed with our range of sporting and recreational facilities. Visitors constantly say to me how impressed they are with what we have, as opposed to what other parts of Australia and certainly other parts of the world have. We have the highest participation rate in Australia - currently over 40 per cent, although the bureau suspects that it is something more like 50 per cent. I suspect that that is probably right. I had a chance to look through that amazing opinion poll which was published recently and which showed that Mr Whitecross probably needs to be a little bit more active in upping his profile. I was delighted to see that in September 1996 some 84 per cent of Canberra residents surveyed were very satisfied with our sporting and recreational facilities and the service provided by that part of government. In the more recent one, which I think was in early June or late May of this year, the satisfaction rate had increased to 85 per cent. I think that is a terribly significant satisfaction rating. That is very pleasing, and I compliment the staff at the Bureau of Sport, Recreation and Racing on the splendid job they do. That amount of customer satisfaction just endorses the excellent job that they are doing on behalf of the Territory.

As I said, we have the best participation rate in Australia. Ms McRae mentioned a couple of points about recreation programs. I think it would be very difficult to say to someone who did tae kwon do but wanted to go along to line dancing, "I am sorry. You look fit. Out you go". We do have and we aim to have, as Ms McRae would recall from the Estimates Committee process, a more comprehensive recreation program. In the past when we ran them, we would often get perhaps only 400 or 500 people along per year. What we are aiming at is increasing that number, and I am told by the bureau that they hope to increase it tenfold in the new programs that they are to be running. There were some questions in relation to that at the Estimates Committee hearings.

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Of course, things like the Aussie Sports leaders program, which will train another 1,000 leaders to work with 15,000 schoolchildren, has gone exceptionally well so far. That will further help the Government's moves to improve physical education and health in the schools. Again, that leads to areas where it really is needed - young teenage girls especially and people who might not necessarily be active and who need to be encouraged to become more active. Our policies in that part of the education area, along with the expansion of the Aussie Sports leaders program, will certainly target a number of people who I think could be more active. I think that is a very positive initiative.

Ms McRae mentioned facilities for the disabled. In any major facilities that are built now regard has to be had for the disabled. One only needs to look at the pool at the Tuggeranong indoor leisure centre. It has access for the disabled. Such access will be included in the aquatic centre that will be built on the northern side by 1999. Those things are taken into account. Certainly, the success of our disabled athletes in the Paralympics is a source of great pride to us all. In summary, whilst there might be a couple of things in what Ms McRae mentions, I think a lot of what she says is taken up on page 274. I am not too sure whether what she says is really something for the budget papers or perhaps for something else. I am glad that she seems to be happy with what is a good program that is keeping the Territory in the forefront in sport and recreation in Australia. I thank her for her comments.

Proposed expenditure agreed to.

Proposed expenditure - Department of Business, the Arts, Sport and Tourism, \$70,525,900 (comprising net cost of outputs, \$35,099,700; capital injection, \$20,735,700; and payments on behalf of Territory, \$14,690,500) - agreed to.

Part 10 - Urban Services

Proposed expenditure - Urban Services, \$136,604,000 (comprising net cost of outputs, \$130,095,000; and payments on behalf of Territory, \$6,509,000)

MR WHITECROSS (Leader of the Opposition) (4.47): There are just a couple of things about the Urban Services portfolio that I wanted to touch on. It should be noted that most of the things which used to get done by Urban Services are now being done by Totalcare. It is a much diminished range of services being provided, although there are still some quite significant services being provided and purchased by Urban Services - such basic services as garbage collection, road maintenance, streetlighting until the Government sells it to ACTEW, stormwater drain maintenance and a whole range of other very important functions.

A few issues that came out of the Estimates Committee, I thought, reflected on the way this Minister manages his portfolio. Some issues that came out in the course of debate in the community also deserve some comment. In the course of the Estimates Committee process the question of whether the department was looking at converting bus lanes on Adelaide Avenue into transit lanes came up. It was revealed by the department that yes, indeed, they were looking at this. The Minister was asked what he thought of it.

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The Minister seemed to have no opinion on such a major issue as whether the Government should allow lots of motor vehicles to drive up and down in the bus lanes, slowing down the buses.

His explanation for why his department was looking at it when he had not asked them to look at it and did not have an opinion on whether they should or not was that someone had asked the department to look at it so they were looking at it. Never mind whether he thought it was prima facie a good idea or not. He had no opinion on the subject. He had not thought about it at all. He did not really even know about it, but his department were doing it anyway because someone had asked the question.

You have to wonder about a Minister who allows his department to operate on the basis that if somebody asks a question he devotes the resources of his department to looking into the matter regardless of the prima facie merits of it. It would not take much examination to realise that running a lot of other vehicles up and down transit lanes in peak hour would slow down public transport and make the buses less attractive. We know that this Government has a policy of trying to reduce the quality of the transport system in the ACT. They have been doing it for 2½ years. Now we discover that this Minister has a policy that says, "If someone asks my department a question, then I can devote departmental resources to looking at it even if it is a dumb idea".

In a similar vein earlier in the year the question of contracting out the management of cemeteries came up. At the time the question was asked: Why is the Government considering contracting out the management of cemeteries? The answer was that someone had made them an offer. That was meant to be a good enough reason for looking into something. Someone came to them and said, "We would like to manage your cemeteries". They said, "No worries. We will get right into that. We will commission some studies by our department into that. That would be a really good idea. If you want to do it, then we will be in it". All you have to do to get lots of taxpayers' resources devoted to investigating your pet project is to make an offer to the Government. Ask the department and, sure enough, they will go off and look at it. I am not sure that I would consider that to be too good a way of running a department. No wonder the head of ACT Tourism goes around the Minister when he wants to get something really important done. The Minister thinks his department is there just to answer hypothetical questions asked by various people in the community.

I notice, too, in the budget papers that once again the Government is treading water on libraries. This is the Government that took \$1m out of libraries two years ago, reduced the quality of library services and reduced opening hours. They are not willing to provide services. As we know, the Chief Minister's policy is that it is not the role of government to provide services. They have been winding back library services, just as they have been winding back public transport and other services in the Territory. Over the life of this Government we have seen a considerable winding back of the basic community services provided by the Government.

I do not know about other members in this place, but I know that my office constantly receives complaints about neglect of maintenance of roads and lack of line marking on roads. It was explained to us in the Estimates Committee hearings that the reason why there was not more line marking on roads was that it had not rained enough;

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that because it had not rained enough and there had not been enough off days they had been too busy to put the lines on the roads. I have yet to work through the logic of this explanation by the Minister, but apparently when you have more time to do the work it takes longer to do it. That is the explanation the Opposition was given in the Estimates Committee hearings. If it had rained on more days, we would have more lines on the roads. I guess all the community can do is pray for some rain. If we get more rain, then perhaps the Government will get around to putting lines on the roads.

We also get complaints about a range of other things to do with the maintenance of the city. Litter on the verges is a City Services matter, and we know that this Government has reduced the number of people dedicated to keeping our city clean and tidy. The evidence is out there. It has been seen by the community. This Government think they have slipped that one past the community; but the community knows that the roads and verges are not being as well maintained as they used to be, and they are not happy about it - not to mention Mr Humphries's policy of leaving all the animal carcasses on the side of the road as an example to other kangaroos of what happens if they go on the road. I am venturing into Mr Corbell's portfolio area, so I will leave that to him.

The Opposition has not been happy with the performance of the Liberals over three years in the Urban Services portfolio. We have seen again and again a diminution of the quality of the service provided, whether it is libraries, general city services like keeping the city clean and well maintained, or public transport, which I can address later. We are not satisfied with the Government's performance in this area. Their attempt to cut costs has only resulted in a lower level of service to the community, and the Canberra community are not happy about it. I know because they tell me all the time.

MS HORODNY (4.55): I want to focus first on the environment part of the Department of Urban Services. Once again, I cannot talk about the environment budget, because there is no such thing. The Greens have regularly asked during previous budget processes for a separate statement within the budget of the Government's expenditure on environment protection.

Mr Wood: As there used to be.

MS HORODNY: That is right. There used to be. The Government does have a Minister for the Environment, yet the budget does not give a clear indication of the appropriation allocated to that Minister for his own portfolio, even though every other ministerial portfolio has a separate budget allocation. This is unacceptable. With a little digging around in the various outputs in the budget, it is possible to work out the appropriation for output classes under the control of the Environment Minister, but the result is disappointing.

There has been a cut of around \$1m in output classes 4, 5 and 6 from \$19.5m to \$18.5m. The Government explains this by saying that the expenditure on remediation of contaminated sites has been reduced, but the fact is that environment spending under this Government has been reducing every year since they came to power. In the 1995-96 budget, the expenditure on the equivalent environment programs was over \$20m.

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This reduction is made even worse by the increase in costs from inflation over the last few years. Staff in the environment part of the department are under increased pressure but have fewer resources. The Government's recent announcement that it has created a new agency, Environment ACT, will do nothing to alleviate this. It is just a rearrangement of sections within the department, with little change to reporting arrangements or responsibilities.

The Government's attempts to gloss over the continuing decline in environment spending are easy to see through. The Minister made a grand claim when the budget was announced that \$1m was going to be spent on six major conservation and Landcare projects. Let us have a look at where the \$1m is actually going. Of that \$1m, \$185,000 is going into refurbishing the roads in the Tidbinbilla Nature Reserve. You can hardly call that a conservation project, Mr Humphries. Although \$215,000 is going into weed control programs, in last year's budget the Minister said that \$728,000 was being spent on weed control. Either there is a huge reduction in weed control work in this budget or the Minister last year was hugely exaggerating what was really being spent on weed control. There might be some very creative accounting going on in this area. I believe that our Minister for the Environment does not have very much idea about weeds. I believe that, when he talks about weeds officers, he is talking about the people who are spraying the pink stuff in the crevices in our pavements around the city. I do not think he is talking about people who are working on environmental weeds, which are a great threat to our nature conservation areas. They are also a threat to agricultural areas around the ACT.

In this budget \$134,000 is being spent on the Decade of Landcare program, yet in the fine print we read that only \$30,000 of this will be spent in this financial year. I know there is often some slippage in capital works spending, but why can the Government not spend more than a quarter of this allocation in this financial year? In fact, we found out from answers to questions in the Estimates Committee hearings that spending of the yearly allocation of Decade of Landcare money is running about a year behind. A whole year's allocation for 1995-96 of \$125,000 has not been spent to date - not a cent of it. You are running a full year behind on that line. We also found out that \$30,000, or in fact a quarter of this year's allocation, was being spent on erosion control at Grevillea Park, which happens to be the site of one of the stages of the FAI car rally. I know that Mr Humphries has denied that that car rally has anything to do - - -

Debate interrupted.

ADJOURNMENT

MR TEMPORARY DEPUTY SPEAKER (Mr Hird): Order! It being 5.00 pm, I propose the question:

That the Assembly do now adjourn.

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

Question resolved in the negative.

APPROPRIATION BILL 1997-98

[COGNATE PAPERS:

ESTIMATES 1997-98 - SELECT COMMITTEE -
REPORT ON THE APPROPRIATION BILL 1997-98

ESTIMATES 1997-98 - SELECT COMMITTEE -
REPORT ON THE APPROPRIATION BILL 1997-98 -
GOVERNMENT RESPONSE]

Detail Stage

Schedule 1 - Appropriations

Part 10 - Urban Services

Proposed expenditure - Urban Services, \$136,604,000 (comprising net cost of outputs, \$130,095,000; and payments on behalf of Territory, \$6,509,000)

Debate resumed.

MS HORODNY: Mr Humphries has said in the past that he does not believe that the FAI rally has contributed to the degradation at Grevillea Park, but the circumstantial evidence is pretty strong. The scale and location of this particular project distinguish it quite clearly from other projects undertaken under the Decade of Landcare, which tend to be smaller projects on weed and erosion control in non-urban parts of the ACT. The Government tells us that no damage was caused by the car rally, but who assessed this? During the Estimates Committee hearing we were told that the car rally executives had assessed the impacts and decided that there was no damage.

Mr Humphries: Who told you that?

MS HORODNY: Why would they not say that, Mr Humphries? That is what we were told in the Estimates Committee hearings.

Mr Humphries: By whom?

MS HORODNY: You might have to go back to *Hansard* to check that.

Mr Humphries: I did not say that; nor did my officers.

MS HORODNY: That was clearly stated in the Estimates Committee hearing.

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Mr Humphries: By whom?

MS HORODNY: I believe that was in Mrs Carnell's area. She was asked by Ms Tucker. You have to take responsibility for what you each say. The fact that you are uncoordinated is no excuse, I am afraid. The Minister also told us that the development of management plans for nature reserves in the ACT will be a priority. However, the development of the nature conservation strategy which should provide the overall framework for these management plans is running two years late.

The Environment Minister has also declared grassy woodland as an endangered ecological community, but at the same time the Chief Minister is promoting the development of a major vineyard at Pialligo that will destroy the remnant woodland there. You have to come to terms with that, Mr Humphries. On the one hand, you are saying that woodlands are an important ecological community in the ACT. On the other hand, you plan to devastate that area completely. We are still waiting for the action plans to be prepared for the endangered species that have already been declared. When will they be ready?

I turn now to other parts of Urban Services. We are also very concerned about the insufficient effort that is being put into achieving the Government's target of eliminating waste going to landfill by 2010. The ACT is still sending 270,000 tonnes of waste to landfill, not including the waste going over the border or to places like Fairbairn Park. We recognise that there is already a good kerbside recycling scheme in place for some household waste; but we need much more effort put into recycling other household waste, such as the range of plastics that are currently not being collected in the ACT and also the vast amount of organic commercial and building waste, of which only a small proportion is currently being recycled. Mrs Carnell, just a few days ago, said that she is spending \$20,000 on a study into recycling for the building industry. Yet we already have a very good facility at Pialligo that still does not get any business from this Government. When will you be putting your words into action?

We also have concerns with the work of the Planning and Land Management Group of Urban Services. The Government has claimed that its key planning consultation process, the local area advisory planning committees, are to be expanded by an extra three committees; but this has come at the expense of a reduction in the number of LAPACs in North Canberra from three to two. We believe that a reduction in the number of these LAPACs is a quite retrograde step, given that this is the part of Canberra that is experiencing the most redevelopment pressure.

Mr Humphries: I raise a point of order, Mr Temporary Deputy Speaker. I think Ms Horodny is debating the second arm of Part 10, Planning and Land Management. We are talking about the Urban Services budget other than Planning and Land Management at this point in time.

MR TEMPORARY DEPUTY SPEAKER: I uphold the point of order.

MR WOOD (5.05): There is one matter to which I want to draw Mr Kaine's attention. I received very prompt consideration from his predecessor nearly a year ago when I went to him with my anxiety about the number of road signs that had been severely damaged. They were not doing anything more than creating an eyesore and in some circumstances quite a road hazard, given the distorted, mangled remains. Mr De Domenico acted very promptly and attended to the list that I gave him and had them pulled out; but, as a measure of the department's efficiency in saving money rather than in signposting, it seems to me that a number of those, perhaps not all of them, were not replaced. The answer, in part, to the problem was simply to take them down and leave it at that. I do not think that that is a satisfactory response. I believe that they should have been replaced because they do serve an important purpose in the ACT.

I am sure Mr Kaine would be rather more careful in seeing that any request I bring to him will see a replacement. I sometimes wonder whether there is someone driving around this town in an old truck with a bullbar on it knocking down the signs. It seems to me that more signs have been damaged in the last year or two than I can ever recall before. It may be that I am just now paying attention to it and that it has always happened. I recognise that having to replace signs is a serious imposition on the finance of the Department of Urban Services. Anywhere I drive in town today there are signs down. That is not the fault of the Government. They have not done it. It is the fault of some pretty careless motorists. I hope they have damaged their cars considerably in the process - except, of course, that I suppose I pay greater insurance if they do, just as I pay greater insurance for every kangaroo that is hit and left on the roads.

Mr Humphries: No, they are not. They are taken away.

MR WOOD: Not very rapidly. I thought it was the process of decomposition that was taking them away. Mr Humphries, I will bring you a list of damaged road signs again in the near future. I hope that with the new administration they will all be replaced.

MS REILLY (5.08): One of the issues that I raised during the Estimates Committee process was the slow rate at which the white lines were being put back on the roads after the new surface had been put down. We had a fascinating discussion about the weather. I was extremely interested last week to note that neither the Minister nor any of the public servants who were there seemed to know that in fact the white paint marker machine was out of service for a time. There was a picture of the reconstructed machine, which is able to spit down special white paint, in the *Canberra Times* last week. It appears that the *Canberra Times* is more aware of what is going on in the lines and signs area than the Minister. The reconstruction appears to be the reason why there were some delays in putting down the white lines after the resurfacing that was done so expeditiously because the weather was so great last summer. It is quite amazing that no-one mentioned the breakdown of the machine or the reconstruction that was going on. The Minister and his senior advisers from the bureaucracy appeared not to know that this machine was broken. That surely is an obvious answer as to why there was a delay in putting down the white lines that are so important for road safety. You do wonder, following on from previous statements, whether the Minister knows what is going on in any part of his bureaucracy. It was interesting that they were quite happy to burble along about why it might happen and talk about the weather and whatever, without finding out what was going on from the people who do the work.

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I have had some discussions with the people who work in the lines and signs area and they were very interesting. We should pay some attention to these people because they are important public servants in the ACT. Of course, they did not rate a mention when we talked about it in the Estimates Committee hearing, even though this Government is so keen always to tell us about how wonderful public servants are. These are very important employees of this Public Service in the ACT because they are the face of government. They are out in the community every day where people can see them at work. They are not lucky enough to be able to hide away in offices where people cannot find them or cannot get through to them on the Department of Urban Services telephone system. You get a prize if you get a person to answer the phone.

Mr Humphries: Or get through the Assembly security system.

MS REILLY: I am not interested in that. That is your problem, Mr Humphries.

It was interesting to talk to the people who work there. This is a dedicated group of people who are skilled and have expertise that has not been recognised. Instead of finding out what was going on, you just blamed the weather. These people are concerned about the reduction in dollars being allocated to this area of government expenditure. It has continued to reduce. They are professional in the work they do and they are upset to find that they cannot do it to the standard they would like because there is not enough money. They have contracts that tell them what they can do, but this is not sufficient to do a job that reflects well on their work or reflects well on the Government and whether the Government is also concerned about issues of safety.

If there are no lines on new roads it is difficult for people to know where to drive, and any road safety officer will tell you how dangerous that is. As we saw in a recent case in America, if signs are not up, that can be extremely dangerous. It is dangerous, anyway. Any of us, walking or driving around in the ACT, would know that. Mr Wood just raised that issue as well. Because of the squeezing of dollars in this area, these people are not able to do the job to the standard to which they want to do it, and they find this very concerning and of great distress to them. They do not have sufficient money to do what they want to do and to the standard to which they want to do it.

Mr Kaine, I think you should go out and talk to them and find out what their concerns are, instead of using some airy-fairy thing or the weather and leaving God to worry about what is happening within the roads area. You should have found out what was really going on, looked to the workers there and listened to what they can tell you about the system. The other thing I am sure we all notice is that if you drive around anywhere in Canberra there are still squiggles all over the road. We still have a situation where one of the important Territory assets is deteriorating and we seem to be spending little money on maintaining it. These are grave concerns and I think the Minister should investigate further.

MR KAINE (Minister for Urban Services) (5.13): As I indicated during the Estimates Committee hearings, Mr Temporary Deputy Speaker, although, as noted by Mr Whitecross, some functions have been transferred to Totalcare, the Urban Services Department still carries out a wide range of activities, all of which provide services directly to the residents of Canberra. I mentioned some of the statistics, and I will read them into the *Hansard* again today. Road Use Management, for example, issues 29,750 new registrations and registers 174,000 vehicles every year. It issues 100,000 parking infringement notices each year, and it collects - if it is of interest to the Opposition - over \$69m in revenue every year.

Infrastructure Management maintains 2,500 kilometres of road, 2,700 kilometres of stormwater pipe and 174 sets of traffic lights. The only response from the Opposition to that is to whinge when a metre or two of the road is not white line-marked after it has been resurfaced. They maintain 2,500 kilometres of road every year.

Ms Reilly: And do a great job under trying circumstances.

MR KAINE: Yes, whinge; you have nothing to do but whinge about the trivial. CityScape Services, Mr Temporary Deputy Speaker, cleans 54 public toilet blocks daily - that will be of interest to the Opposition - maintains 380,000 street trees - Ms Horodny will like that bit - and maintains 350 hectares of sportsgrounds and 6,000 hectares of parkland and open space. That is no mean feat in maintenance. The Leader of the Opposition can only whinge because, when he drives down the road and some hoon has thrown a malted milk container out onto the street, we have not picked up the litter over all of those areas and all of those kilometres of road.

The department processes permits for 112 outdoor cafes each year. The ACT Library Service has 151,000 registered borrowers, makes around 2.3 million loans every year, and provides a home library service for 600 housebound people. The ACT Government Shopfront services 436,000 clients a year and collects around \$100m in revenue on behalf of ACT government agencies. ACT Waste collects around 2,400 tonnes of household waste a month. Ms Horodny is concerned about the fact that we have a strategy that she thinks we are not putting into place quickly enough to reduce that to zero. It takes a long time to get a program up to speed. We have a strategy, at least, which is more than a lot of people around Australia have, that sets some objectives, and we are moving towards those objectives.

There is a register of 26,000 dogs out of an estimated dog population of 50,000 - we have a little way to go yet to pick up the rest of them - and we impound about 1,500 dogs a year. These are just examples of the kinds of services and the range of services that the Urban Services Department provides. Mr Whitecross made some reference to library services. We have not forgotten the library services. In fact, we changed the opening hours of libraries in January, and that was in response to a survey on users' preferences. Sunday opening hours are being trialled at the Woden library. If you listen to Mr Whitecross, we do not even know whether we have libraries. That is not the truth. We are constantly looking at these issues to make sure that the interests of the community and not the whinges of the Opposition are being taken care of.

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I want to refer to a couple of specific issues that Mr Whitecross mentioned. He raised the question of transit lanes on Adelaide Avenue and he raised the question of the cemeteries. He seemed to think that some crime was being committed because some public servants, doing their job as they see it, are looking at recommendations or proposals that have been put to them by citizens of this Territory. If he thinks that our public servants ought not to respond to proposals put forward by citizens, why does he not come out and say so? He claims that public servants were looking at the question - I am still not certain whether they were or not - of turning the bus lanes on Adelaide Avenue into transit lanes. If they were, they would have been doing it because somebody had suggested to them that it might be worth looking at. These are conscientious public servants who take their jobs very seriously, and much of what they do does not require them to come and ask the Minister every time before they undertake it. That is not the way the Public Service works. I would not expect public servants to do other than look into proposals that are made to them, whether it has to do with changing the nature of a transit lane or whether it has to do with changing the management arrangements for cemeteries.

If somebody puts forward what appears to be a reasonable idea for change, I would expect our public servants to look at that, not necessarily with the specific approval of the Minister or sometimes without the Minister even knowing. If they think there is merit in a suggestion, the matter will come up to the Minister for consideration. Does Mr Whitecross really assert that management arrangements that are in place anywhere, whether they have to do with running cemeteries or anything else, should never be reviewed by the managers out there who are responsible for them? We would certainly have a stultified ACT Public Service and ACT Public Service delivery system if that were the case. These management arrangements are being constantly reviewed.

Mr Whitecross picked out cemeteries and he picked out the transit lanes on Adelaide Avenue. He probably could have produced 20 or 30 different examples if he had done a little bit more study, and in every case I would say it is a legitimate thing and it is a worthwhile thing that public servants take the propositions put to them to determine whether or not they have any merit and respond to the initiatives that come from the community. Rather than criticising them for it, Mr Speaker, I can only commend them for it.

Mr Wood raised the question of the damaged road signs. I must admit that when I drive around Canberra I see the same evidence that Mr Wood sees. I am astounded at how many cars run into road signs, streetlights, buttresses and roundabouts. It seems to me that somebody will run into anything that is within 20 metres of the road surface. But I also suspect what Mr Wood suggested, namely, that in some cases those signs and things have been knocked over deliberately. In some cases there is no evidence of any skid marks or anything else some distance off the road. One has to ask whether somebody is not going around and deliberately pushing them over, because they seem to be in such a position that a car, under any reasonable circumstances, could not possibly run into them accidentally.

Mr Wood: Would you ask your officers whether this is more common these days than it used to be?

MR KAINÉ: Mr Wood - through you, Mr Speaker - I agree that a lot of these signs need to be replaced, and they need to be replaced quickly; but Mr Corbell was talking earlier about priorities. Within the budget that is available, I presume that our public servants are addressing the question of replacing these signs. They would have a system of priorities. They replace them in accordance with some priority. Obviously, road safety signs will be replaced before information signs, and I imagine that they will all be replaced in time.

Ms Reilly: Don't you know whether they have a priority way of doing it?

MR KAINÉ: Another little whinge, Mr Speaker; another uninformed little screech from the Opposition.

Ms Reilly: No; in fact, it was an informed comment, Minister.

MR SPEAKER: No interjection is informed, Ms Reilly.

MR KAINÉ: I do not think any of the other comment coming from the Opposition deserves any mention. I noted Ms Horodny's concern about our waste management strategy. It is clearly in the interests of the community that our waste strategy of achieving virtually no waste within a reasonable period of time is a sensible strategy, and we are moving towards that. On the evidence, we have not moved as fast and as far as we would like to have done in the time that has elapsed already, but I would hope that there would be some increase in the momentum of this implementation strategy over the next few years and that we will be in a position of more likely fulfilling the strategy in the timescale than we appear to be at the moment. I do not think that the Government is unmindful of the situation. We did not develop the strategy for nothing. We developed that strategy because we intended to put it into place, and we will be moving to make sure that we go close.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (5.24): I want to respond to a few issues raised in the debate which touch on my area of responsibility. I will make a couple of comments about the general debate first. I think this year's budget has attracted less criticism, less informed criticism, than previous years', and, if you sat and listened to what some of the members in this place have been saying about it, it is not hard to see why. I nearly fell off my chair when I heard Ms Reilly a moment ago get stuck into my colleague Mr Kaine on the charge that he wilfully and knowingly went to the Estimates Committee of this Assembly without knowing that the white line marker was out of operation. Mr Speaker, Mr Kaine can join the lines of those Ministers who had to resign from their offices in disgrace and be sent to a sinecure in the Bahamas or somewhere because he did not know that the white line marker was not working on 24 June this year.

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Mr Kaine: The question is: When did it go unserviceable?

MR HUMPHRIES: That is the other vitally important issue. When did it go unserviceable? I am rocked, I am rocked to the core, Mr Speaker, and I think all the other people listening to this debate tonight would be in the same boat.

I pricked up my ears at another comment by Mr Whitecross. Mr Whitecross was very critical of the fact that the Government appeared to have been responsive to a suggestion made from a private firm concerning the future of Canberra cemeteries. Mr Whitecross complained that we were sitting there and someone came to the door and made an offer and we responded to it. "What do they think they are doing, just responding to people's offers?", he complained. "That is no way to make Government policy", he said. Mr Speaker, I think he might have a point. As I recall, that is exactly what happened when the former Labor Government embarked on the VITAB arrangement. Someone came through the door with a really good offer, and those opposite thought it was a really good idea and decided to take it up. The rest is history. So, Mr Speaker, perhaps he has a point; perhaps we should not just wait for people to come to the door and make offers.

The main comments I want to make relate to Ms Horodny's remarks about the environment budget, Mr Speaker. If what she said was the best that she can say about the ACT Government's environment record, then I think we are in pretty good shape as far as management of the environment is concerned. Very little of what she had to say constituted hard, solid evidence of a lack of vision or a lack of good management of the environment. Certainly, we can debate the accounting, including whether roads being created in natural reserve areas really is spending on the environment; but I really cannot see her going to the next election and saying, "Do not vote Liberal, because they will build roads in national parks and they will call it spending on the environment". That is not exactly the sort of theme on which I would seek to get nine seats.

Mr Speaker, there were some issues raised that I want to respond to briefly. Ms Horodny has criticised the lack of a single environment budget document. We have indicated in the response to the Estimates Committee report that we intend to provide information in Budget Paper No. 2, as recommended by this Estimates Committee; so that issue is not really a concern from this point on.

Ms Horodny said there was creative accounting when it came to the way in which budget expenditure was described. I have to ask whether the reality is that Ms Horodny has not fully followed the way in which the accounts have been laid out. I acknowledge that they are complex and I acknowledge that they are not easy to follow; but any suggestion that, for example, we are not spending money as appropriate on these areas is stoutly resisted. Any suggestion that money has been salted away or has been disguised in some way is not true. The fact of the matter is that the ACT today has the most transparent method of accounting that this Territory has ever seen, and, indeed, that any other budget of any other government in this country has experienced before. If Ms Horodny cannot see where the money is going, it is because she either has not asked the right questions or has not read the documents appropriately.

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That is particularly evident in the comments she made and which she did not repeat tonight, which I take as some retraction of sorts. I have to take my benefits when I get them, whichever way I get them, I suppose; but the allegation she made before was that there had been a cut of, I think, \$700,000 in the environment budget for 1997-98. She trumpeted that in press releases, some of which were reported in the media - that the Government has cut environment spending by \$700,000. When we got down to taintacks in the Estimates Committee, what that claim rested upon was the assertion that an amount which had been spent in the 1996-97 financial year to remedy contaminated sites was not being spent again in the 1997-98 financial year and therefore was being cut, and therefore environment spending in the 1997-98 financial year was being cut.

Ms Horodny: That was compensation. That was buying out people's houses. It should not have been in the environment budget in the first place.

MR HUMPHRIES: Mr Speaker, if that is the case, I can warn Ms Horodny about a few other impending cuts coming up. The ACT Government, using Ms Horodny's logic - whichever government it might be - is going to cut the budget of the ACT Electoral Commission by over \$1m in 1998-99. I think \$1.2m is the exact figure. There will be a cut of that much in the Electoral Commission's budget. Is that not shocking? The reason, of course, is that in 1997-98 there is going to be an election and we increased the spending in that year by \$1.2m to pay for the election; but in 1998-99 we do not have an election, touch wood, and - - -

Mr Wood: You cannot be sure of that.

MR HUMPHRIES: I will come and touch you, Mr Wood. Therefore, we will have less in the budget that year for that kind of spending. That is the same logic. We had a specific task on contaminated sites. It was to remedy a number of identified sites in the Territory and put them back in the right condition. We have done that. We have spent that money and we do not have to spend it again in the next financial year. To claim that that is a cut in spending on the environment is irresponsible.

Mr Kaine: It is also untrue.

MR HUMPHRIES: It is also quite untrue and, Ms Horodny, you really ought to correct the record.

Ms Horodny: It was irresponsible of you to put compensation buyouts into the environment budget in the first place.

MR HUMPHRIES: She says we should not have put compensation buyouts in the budget in the first place. Okay, Mr Speaker, I will rise to the bait. Let us suppose we made a mistake, for argument's sake, by putting compensation buyouts in the environment budget in the first place. Contaminated sites are part of the environment, I would have thought, and that is the logical place to put them; but, putting that to one side for one minute, okay, we put them wrongly in the first place. If you knew that, Ms Horodny, and you knew that it was from that source that we were finding that \$700,000 in this financial year, why did you claim that it was being cut when it was being taken out in the next financial year?

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Ms Horodny: I argued this same thing all along. Do not pretend you do not know what we have been saying. We have been consistent on this.

MR HUMPHRIES: Ms Horodny, I know exactly what you have been saying. You have been saying tripe. That is what you have been saying. Mr Speaker, there were a couple of other points raised by Ms Horodny. She says she believes that the circumstantial evidence is that we have been fixing damage in Grevillea Park caused by a car rally by using Decade of Landcare moneys. Ms Horodny, I say it to you again: You might be on the crossbenches and you might feel that gives you less responsibility to back up the things that you say; but, if you have any hard evidence that there is any use of that money for that purpose, produce it. I can produce some evidence - - -

Ms Horodny: Did you have a look at the site before and after the car rally? No, you did not.

MR SPEAKER: Order! Mr Humphries has the floor.

MR HUMPHRIES: I can produce some evidence that the money was dedicated or was in the process of - - -

Ms Horodny: You did not look at the site before the rally and you did not look at the site after it.

MR SPEAKER: Order! Did you not hear me, Ms Horodny! I said that Mr Humphries has the floor.

MR HUMPHRIES: I can produce evidence that there was preparation for repair work at Grevillea Park before the car rally was even held. (*Extension of time granted*) I thank members. If I can prove to you that work was in train to spend money from Landcare on Grevillea Park before the car rally was held, will you withdraw the statements you have made?

Ms Horodny: How much money were you planning to spend before the rally?

MR HUMPHRIES: I cannot tell you that at the moment.

MR SPEAKER: This is not question time, Ms Horodny.

MR HUMPHRIES: I can produce evidence that money was going to be spent before the car rally. Will you apologise and withdraw?

Ms Horodny: I do not think so, Mr Humphries, because you knew the rally would be held there and you knew that it would create damage.

MR HUMPHRIES: No, I did not think so, Mr Speaker.

MR SPEAKER: Do not provoke her, Mr Humphries. Do not provoke her, or we will never shut her up.

MR HUMPHRIES: Yes. My last point, Mr Speaker, is about the claim that the vineyard at Pialligo will destroy the native woodland area out there. The other day I had a meeting with members of the Conservation Council and with other people associated with that project. We had some matters to go away and settle, Mr Speaker, but I think it is a gross exaggeration to say that the natural values of that area are going to be destroyed by the creation of a vineyard there.

Ms Horodny: You are not cutting down hundreds of trees?

MR HUMPHRIES: Yes, some trees are being cut down. That is true. Some trees will be cut down. But, Mr Speaker, if Ms Horodny maintains - - -

Ms Horodny: Two hundred woodland trees.

MR HUMPHRIES: Mr Speaker, it really is hard - - -

MR SPEAKER: Ms Horodny, I warn you. The next step is naming. I warn you.

Mr Wood: The quietest person in the Assembly.

MR HUMPHRIES: She is, but she is making up for it tonight. If you claim that cutting down some trees equals destroying the natural values of those areas, if you maintain that that is the case, then we are destroying vast amounts all over the Territory and, indeed, all over Australia. It is wrong to claim - - -

Mr Wood: I am here to defend Lucy Horodny.

MR SPEAKER: You will not be here at all very shortly, Mr Wood.

MR HUMPHRIES: You and your friend, Lucy. If you maintain a line as hard as that, you are never going to be able to do anything without destroying the environment in those terms. That is setting the bar so incredibly high that you have a self-serving answer for every claim the Greens make - - -

Mr Wood: Are you knocking down the orange trees there?

MR SPEAKER: Careful. Come on; let us get on with it.

MR HUMPHRIES: What is it? I think someone is releasing gas into this place, Mr Speaker. Everything that anybody does is going to be destroying the environment. We know that that is the kind of standard which it is impossible not to breach. Mr Speaker, I think those who are seriously concerned about protecting the environment will ignore the scaremongering that they hear from some of the people on the crossbenches.

Proposed expenditure agreed to.

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Proposed expenditure - Planning and Land Management, \$26,264,000 (comprising net cost of outputs, \$26,264,000)

MS McRAE (5.37): To follow my curious theme about budget papers and the meaning of life - - -

Mr Humphries: It is a curious theme, yes.

MS McRAE: Just bear with me. Budget papers are not just about adding up the numbers in columns. They are major policy statements of government. They are a pulling together of policy initiatives and they often announce new ones. As a consequence, I think it is very important that somewhere along the line with these papers we get a grasp of what the Government are trying to do, whom they are trying to do it for, and why they are doing it.

In the sport area we found out that what they were trying to do was to get more people to be active. Okay. It does not matter who; just more people to be active. It was a bit vague and I was worried about it. In the planning area we find it is almost the reverse. We get some very clear statements about what the Government are doing and, by implication, whom they are not concerned about and what they are not concerned about. My basic theme is that I think that we need the Government, the Estimates Committee, all of us, to think collectively about whether we want these budget papers to have a much clearer focus in terms of the overall policy direction of this Government, so that the Estimates Committee process can judge whether it has happened or not. I realise that the end of year reports, the annual reports, do provide us with some information. As I pointed out, in most cases there are a lot of outcomes and little measurement processes along the way that try to do that, but they do it in detail. They do not give the big picture, only part of it.

When we come to planning and land management, we did discuss this in the Estimates Committee. The discussion was very much along the lines of, "How come we are having an urban renewal plan, an urban development program, when the strategic plan is not ready?". It seems odd to have one major policy direction of government that says we are going to develop the strategic plan and then to find a department within the Government with its own little direction off in another area. It seemed to me that it is that sort of thing that highlights what I am trying to come to grips with. If we have a government that is there for the people, that is there to deliver certain things, somewhere along the line we should be able to see that. Here we do not.

When we look at the detail of Planning and Land Management, they have had a lot of changes in the last year, and it is gradually all coming together. There are, in many instances, things that are the end of a long cycle. Really, a lot of the questions that were being asked about planning and land management under the last Government, a lot of the reviews, and a lot of the developments within the department, have come to fruition.

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We had the Stein inquiry, which was like the circuit-breaker in all of that. We have a whole new set of legislation and reorganisation. But the Government seems to have minimised everything to the needs of the business environment. To a certain extent, that underlies my very argument - that the whole budget seems to be about business creation. So, to that extent, we have the Planning and Land Management Group worrying about the business environment. Budget Paper No. 4 says:

This will be achieved by delivering planning and land management which enhances Canberra's unique environment, providing a dynamic and supportive business environment in working with the private sector and delivering an integrated approval system which responds to its customers' needs.

I think anybody reading that with a whole-of-government look at what on earth this Government is here for might get a little concerned. What about the community's needs? What about our social needs? What about our physical needs - the physical needs of older people, of young people, of children, of people with disabilities? Do their needs not matter anymore? Where has that objective of government gone? If government is not there to take care of the needs of people who cannot, for whatever reason, do it themselves, then who is?

It seems to me that, in these sorts of outlooks that do not somehow marry to a bigger philosophy, you find major gaps in thinking about just what these services are for. In planning, in particular, where they are focused on the detail, it seems to me almost to come bottom up: What does the officer do? Where is the contract? Where is the outcome? How do we measure it? It is quite practical in focus, because this is what accrual accounting does offer us. We build it up. So what we have in the outlook is more or less a summary of what it is that people do, but we do not have then the bigger building back into what it is that the Government is trying to achieve in totality. So we have these ad hoc bits and pieces which are a bit of a worry.

I find the preparation of a five-year urban plan a bit of a worry because, when you do get to the detail of it, it seems to be entirely focused on Civic. Yes, there are definitely physical needs that drive the redevelopment of Civic; but when we are looking at a budget, when we are looking at a plan for the ACT, one cannot help but say, "Hang on a minute. Has anybody ever looked at Belconnen? What about some urban revitalisation in that town centre? Has anybody ever looked at the problems that are in Woden? What has happened to those? Where are those things? Why is this priority there?". I think they are legitimate questions to ask, and I think the budget papers should show in some way what the priorities are, perhaps some sort of longer-term overview of what the Government is trying to achieve, and then how the detail feeds back into that.

Mr Humphries pointed out that criticism has been minimal this year by comparison. There are two reasons for that. One is that a \$100m injection was found from ACTEW, which meant that a lot of the pressure was taken off a lot of the budget lines in that priorities did not have to be reorganised and cuts did not have to be made. People seem to me to have just gone on with things as they were. That did take a lot of pressure off.

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It does make for much easier budgeting if you do not have to worry about reorganising your resources. The other reason is that as yet we do not have the outcomes for the end of the financial year to measure against the budget. Of course, it makes it a lot easier to take at face value what is given to you, because you do not know whether what was done last year has been achieved, you do not know whether it came in on budget, you do not know whether it came within the priority areas that were done, and you have no way of measuring how it matches the overall objectives of government. So, I give you a warning, Mr Humphries: Enjoy this slight bit of pleasantness in regard to the budget now. When the annual reports are out and we do marry the two, a lot of the concerns which were perhaps hinted at or which we tried to tease out will either be verifiable or perhaps be just storms in a teacup.

It is very strange to be running an estimates process with one hand tied behind our back. The criticisms of this particular area relate to the overall thinking about the future of Canberra and the management of land and planning for the better good of all of Canberra, not just for commercial activity. It was very deliberately written into the Territory Plan that it was there for the good of all people in a whole range of activities; for people to live, work, and have their recreation in Canberra. It would be a very sad day if planning and land management was focused solely on business needs in the ACT.

The criticisms are that in the rush to tidy up Civic - surprise, surprise; two very important members of the Government happen to have their seats in Molonglo - we seem to have forgotten the needs of other town centres, and that the focus of the Planning and Land Management Group is very much on the practicalities of their day-to-day work, which, of course, is understandable because they have been through such major changes. I think for next year's budget some better thought might be given to the bigger picture. Give us some faith that perhaps this Government has a bit more interest in the whole of Canberra, not just a few pet projects that happened to be worked on at a particular time.

MR WOOD (5.46): Mr Speaker, I want to raise the question of petrol prices. Mr Humphries might jump to his feet rapidly, as he is wont to do, and say that this is not the time to discuss it; but, of course, it is, because this also relates to planning and where you put things. I want to agree with Mr Humphries that Woolworths, if they come in here, should go through the whole process. They simply cannot assume, because there is a spot next to a supermarket somewhere, that that automatically is going to be a site on which to sell petrol. I think there is a long path yet ahead for that. I had thought, when we heard that Woolworths may come to town, that they might pick up some of the unused petrol stations around the town. Perhaps their links with some of the companies are sufficiently good for them to do that. On the other hand, it may be that competition is strong and that the companies that have those unused leases would not let what they see as a competitor come in.

I particularly want to complain about the slow pace that the Minister has adopted. In fact, he stopped altogether on the former Government's proposals to make more sites available to independent operators. I can recall, two or three years ago, probably, Mr Humphries sitting on this side of the chamber and being very critical of the then Labor Government for bringing Burmah into Wentworth Avenue and for releasing other sites in

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this town because we saw that as the most appropriate means and the most practical means, in difficult circumstances, of reducing petrol prices. Notwithstanding the criticism of the then Opposition, we went ahead with that. Unfortunately, it has taken at least two years, or probably a little more, for the new Government to recognise the sense of that policy, and now there are a couple of sites - I expect that they would be the same ones that we put up for tender - where stations are now being developed. I think Gull is going to come in and give some competition to Burmah, which has gone off the boil a little, and to other retailers in this town.

It has long been a disgrace - we have all agreed with this - that ACT petrol prices are as high as we see them. I expect that in the next fortnight or so, as holidays come on, the price will again shoot up to about the 80c a litre mark. That will be unfortunate. That high level will be due directly to the lethargy and the reluctance of this Government to accept the sensible policy that the ALP put in place some time ago. I think the ACT motorists should resent the extra money that has gone out of their pockets because of this delay. It may be that Woolworths will come in, and I was interested to hear Mr Humphries indicating support for that in principle. That, of course, is exactly the type of arrangement, although not specifically with Woolworths, that the former Government was all about. We can have cheaper petrol in this town. Belatedly, this Government is moving to carry on the policy. I hope that the ACT motorists start to pay at the bowser what they should be paying, and that is a good deal less than they do at the moment.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (5.50): Mr Speaker, I will comment on a couple of things in that segment of the debate. Ms McRae suggested that there has been a focus on Civic to the exclusion of other areas of the ACT. I suppose, Mr Speaker, that the Government in this area of planning has two responsibilities. One is to react to community proposals for development, whether they are individual leaseholders seeking to extend their house, put on a pergola, or something like that, or whether they are major national or international companies seeking major developments that will alter the landscape in a significant way. That is one job that the Government has in the planning sense. The other is to engage in a process of trying to pre-plan areas of the Territory which have sensitivity about them in such a way as to provide for the management of problems in the future, arising from development proposals, in a better way.

In the latter category, the Government has had a major agenda with respect to Civic. Civic has been a very important focus of our work in the last couple of years. In particular, the area out here, Civic Square, has been a very major focus for the Government. We see it as the Civic heart - the heart, in a sense, of the ACT community as a whole - yet it is looking very tired and run down. It is very old, even tatty. It is our determination that we give it some considerable new direction and life. That is why we have been very keen to focus a lot of effort on making Civic Square, the buildings around Civic Square, the entrances to Civic Square, and the whole structure of Civic work better than at the moment.

Other areas, though, have not been neglected in that process. Gungahlin has been an important focus for debate on planning issues. A lot of work has gone on in Gungahlin, Mr Speaker, and members will be aware of that. There also have been attempts to plan other areas of the city that have been subject to some sensitivity. Area B1, obviously,

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is an area of particular concern, and there was the exercise at Ainslie, Mr Speaker, in which we attempted to create a vision for what Ainslie would look like in the coming decades, with varying degrees of success. Those have been indicators of other areas of Government focus in a proactive way rather than a reactive way. I have to concede that most of the work of the Government, of any government, in the area of planning will have to be reactive because that is where the bulk of the work comes through the door. That is a pretty significant kind of work of government.

Turning to progress on petrol sites, Mr Speaker, I would argue that the Government has been entirely consistent about its handling of these matters. We made it clear that we were not going to embrace the previous Government's policy - which Mr Wood rather unwisely, I thought, described as a sensible policy - of bringing in a particular trader, a particular so-called independent, on highly preferential terms.

Mr Wood: Numbers of them, actually.

MR HUMPHRIES: The previous Labor Government succeeded in bringing only one independent into town, just one.

Mr Wood: Then the government changed hands in the middle of the arrangements.

MR HUMPHRIES: No, that is not true. It brought in Burmah, I think, in 1994, and then in 1995 tried to auction a number of other sites around the Territory and failed to get any interest in any of those sites.

Mr Wood: No, that is not the case.

MR HUMPHRIES: When we came to office there were about four sites there and only now have any of the people that you lined up to build petrol station sites actually started to do so.

Mr Wood: There were tenders coming in when I was leaving government.

MR HUMPHRIES: Mr Speaker, I have never seen these - - -

Mr Wood: I paid very careful attention to the process.

MR HUMPHRIES: I have never seen these so-called tenders, so I do not know what you are imagining, Mr Wood. They certainly were not there when I looked for them.

Mr Speaker, we take a different approach, and we make no secret about the difference in the approach that we take. Our view is that there ought to be a policy which reflects the impact of such players on the rest of the retail market in the ACT. The arrival of an offer from Woolworths late last year was a trigger for the Government to consider that policy. I know that the policy of Mr Berry and Mr Wood would be to say, "Sure, come on in. We do not care what happens to the rest of the ACT retail market". They have shown pretty well total disregard for the impact on other players in the retail market, Mr Speaker. We have been prepared to make a much more careful approach to that kind of issue, and that is why - - -

Mr Wood: It is just the same approach.

MR HUMPHRIES: No, it is a very different approach. You put in Burmah on highly preferential terms, such as payment of minimal land rent, and I think you waived their rates and their land tax. That is not the way to create real competition in the market. Give somebody a tax holiday, and of course they will produce lower priced petrol. That is not the way to make a permanent difference in the petrol market in the ACT, as we saw from Burmah.

Burmah, as Mr Wood himself rightly said, has become a dud. It is not producing what the former Government aimed it to produce. Even while they were still in office it did not produce that. When we wrote to them and said, "What are you doing about providing leadership in petrol prices?", they said, "It is not our role to provide leadership. We only follow the market trends". Mr Speaker, I have to say that, if that is the legacy we got from the former Government, I think people will be glad to see a change of direction, and that is what we are now engineering.

Mr Speaker, the difference between us and the mob opposite is that we will be prepared to make sure that any policy which sees the creation of new players in the ACT marketplace is a fair policy, a realistic policy and a sustainable policy. You cannot say that of anything done by the former Government in the area of petrol. It was all about quick fixes and worry about the headache the next morning. Of course, the whole of Canberra has had to deal with the headache that came around from the next morning in that particular case.

MR WOOD (5.57): Mr Speaker, I must put the record straight. Mr Humphries tries to rewrite history. It was certainly the case that after Burmah came in the then Government advertised and called for tenders on a number of other sites - I think four sites - around this city. It was very clearly the case - it is vivid in my memory, because I was paying attention to it most carefully at the time - that numbers of proposals came in. However, the election intervened. The government changed and this new Government did not proceed until some considerable time later. Mr Humphries is now carrying out, despite his denials, exactly the same policy, belatedly, that the former Government put in place some time ago.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (5.58): Mr Speaker, I do have to respond to that. I can categorically assure this place that when we came to office there was only one player with a continuing interest in those sites in the ACT, and that was Gull Petroleum, which I met soon after coming to office. We said to them - - -

Mr Wood: Who is coming in now.

MR HUMPHRIES: They have been there all the time. They have not just come in; they have been there all the time. We said to them, "If you wish to continue to build a petrol station site as provided by the previous Government, we will honour that agreement; so go right ahead". They said to us, "We have to consider whether it is worth while

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doing so because the margins in the ACT are so low". Indeed, Mr Speaker, for two years Gull considered their position and only now have decided, apparently with some change in the marketplace, to proceed. That was the only player interested, when we came to office, in continuing to take up any of the sites that had been released by the Labor Party.

Proposed expenditure agreed to.

Proposed expenditure - Department of Urban Services, \$195,362,000 (comprising net cost of outputs, \$156,359,000; capital injection, \$32,494,000; and payments on behalf of Territory, \$6,509,000) - agreed to.

Part 11 - InTACT

Proposed expenditure - InTACT, \$617,000 (comprising net cost of outputs, \$617,000) - agreed to.

Part 12 - ACT Housing

Proposed expenditure - ACT Housing, \$30,764,000 (comprising net cost of outputs, \$30,764,000)

MS REILLY (6.00): There are just a few issues that I would like to raise in relation to housing and the housing budget. Some of these were canvassed in the Estimates Committee in interesting ways. It is important that we remember some of the things that have happened in the housing budget in the last year and this year and what is proposed for the future. One of the most amazing things that have happened in public housing, since I have been in this place at least, is last year's generous hand-back of \$10.4m out of the housing budget to Costello's black hole - usually called the ACT's State financial contribution. We gave away \$10.4m last year. Unfortunately, the Chief Minister failed to consult her Housing Minister when she gave back the \$10.4m, but he probably knows about it now. Then we have the recognition that this year we have clawed back \$5.4m. That still means a loss of \$5m out of the budget for housing.

So, over the last two years we have carefully given away to the Commonwealth \$15.4m. At this point, the Commonwealth gives us back only \$19m in grants. So, we are actually only about \$4m up. Then in the Federal budget, which came out after the State budget, we find that we have lost a further \$780,000. So, in fact, in its generosity, Mr Speaker, I would suggest that the Commonwealth has given us about \$3m. We have lost a lot of money out of the housing budget.

The question that you have to ask is: Why has this Government decided that public tenants should take the whole burden of the ACT's State financial contribution? It is slightly unfair to make them pay it in one year. They are the ones who have to suffer the loss of money out of their budget in 1996-97. The Government does little this year to rectify it, because it still says that it should give another \$5m this year. Why did you not look at other parts of the budget? What sorts of priorities do you have? Maybe the Government could look at the health budget, except that it is in a rather sick condition.

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We know that they have taken money out of the roads budget, because we have just discussed that. I think it is unfair that public tenants have to take the full brunt. It is unfair for the 4,000 families and individuals on the housing waiting list to be asked to bear this. It is also unfair for those people who work in the construction industry to have to wear the loss of jobs in construction programs.

Let us discuss the \$5m for this year. We can talk about the \$5.4m later. The ACT Housing tenants' contribution to the State financial contribution - that \$5m - could be converted into 50 more houses. That means that 50 individuals or families on the housing list could be offered housing that is affordable and appropriate to their needs. That would be great. I am sure that 50 families and individuals would be really thrilled to have that possibility. Of course, that is working it out on \$100,000 a house; but, if you are buying some of the bargains that public housing is selling off, you could probably get a house for a lot less. So, there would be more than 50 people involved. If you look at it over the last two years - we are talking about \$15.4m - using the same basis of calculation, 150 or possibly 160 people could have been housed if the Chief Minister had not generously given that money away. The other question you have to ask is: Why did she not think to consult the public tenants about whether they were happy to give up that much of their budget? I am sure that a number of them would have had considerable opinions on that matter.

One of the other interesting areas in this year's budget is maintenance. There has been much discussion about the additional moneys that are being spent on maintenance; but, if you look at the financial statements, you will see that ACT Housing has had trouble spending its maintenance budget. In fact, in the last two statements that we have had, which are for February and March, there has been considerable underexpenditure. You could almost go as far as to suggest that by the end of March they had spent only about half of their maintenance budget for 1996-97. Even though I was assured at the Estimates Committee hearing that the money would be spent in this financial year - and I was very pleased to be assured by the Minister about that - you have a situation where you have public housing tenants with a landlord who, I am sure, is following world's best practice in these matters, who fails to do maintenance in any sort of speedy way, because he underspends by that amount of money. You can only consider that to be the case.

I, along with a lot of the other MLAs, I am sure, receive many complaints from people about maintenance - maintenance that is not done, maintenance that people have to wait for. Quite often, quite serious issues need to be addressed. If people who want their houses painted ask, they are told, "No. There is no money". I am sure that it was a shock to them to find out how much money was actually sitting around, unspent, at this time of the year. I am sure that the Minister is now going to assure me that all the contracts were let and that, in fact, this maintenance has all been done. But Ms Tucker raised it in the estimates process, and we discovered how much maintenance in the whole process has not been done but needs to be done, recognising the age of the stock. It is quite outrageous that the Minister is not able to manage that part of his budget to the extent that there is expenditure going on during the whole year - or will we find that it is the weather that has created the problems?

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The other part of the financial statements that is interesting is the amount of money that is allocated to loss through sales. In the March financial statements, it was \$3.7m. The March statement said that there was a deterioration of the housing budget of up to \$14m - these will be the losses in this year at that point - mainly due to assets write-down. One of the extraordinary parts of the 1996-97 budget was the fact that there was going to be a quite considerable number of housing sales. In fact, they were going to sell 180 to 200 housing units to replace the money that was lost through the Chief Minister's generosity in giving the money back to Costello. They have continued to sell off houses in this year. We have a buyer's market; but what does the ACT Housing Minister do in this buyer's market, at a time when people are picking up bargains, when there is a waiting list of more than 5,000? He continues to sell houses. At the beginning of June, he had sold 203 houses - more than he was going to sell, according to the budget.

I would have thought that, in any sort of estate management, at a time when you can pick up bargains in housing - this is just from looking through the real estate pages on any Saturday or Wednesday - with the Housing Trust thinking, "We need houses for our tenants and people on the list", they would be out there buying houses. But, no; they are actually selling. I am sure that the Minister is going to tell us how many he bought. You still wonder about the sense in selling so many houses in this year. They are going to rectify the problems they have with the losses they have made in the house sales.

I think this is one of the most fascinating parts of the budget papers. At the end of 1996, they had assets worth \$1.4 billion, but they had problems with the sales of the houses. In Budget Paper No. 4, volume 2, at page 425, it says:

Other Expenses - no losses are anticipated on the sale of government dwellings in 1997-98, following a revaluation of stock. Losses in 1996-97 reflect current property values in comparison to book values. All sales are settled at reserve price or above.

So, they are doing a revaluation, which I have asked for but which is not completed yet, I understand. (*Extension of time granted*) I am happy to wait for that revaluation to be done. We have to look at the book value of the houses, because that is the ACT asset. I am sure that the Minister is going to jump up and say, "No valuations. It is all going to be all right". But, if you look at the book value, you see losses on these sales of between \$7,000 and \$37,000 in some cases. Some houses were sold with a loss of only about \$6,000 or \$7,000, but quite a number were sold with book losses of \$37,000. So, you have the Housing Minister almost giving away houses. Of course, this affects the prices in some areas. In Kambah, there were complaints about the houses that were being sold, some of which went for prices as low as \$73,000 - which I think the Minister did not know about. You have a situation where they are selling houses at a considerable loss on their book value.

It is important, because this was listed as a Territory asset at \$1.4 billion last year; but we are going to revalue it because we have made such heavy losses on our sales program. This may be a new process that they are going to introduce in 1997-98. On page 425, it says that all sales are settled at reserve price or above. If you look at some of the prices here, you will find, in fact, that they were not. I have a list of the houses that were sold this year, and I have one listed here for which the book value is \$195,000. They had it

valued just before, just in hope, and it was \$155,000. The sale price was actually \$151,000. Maybe the revalued price is different from the reserve price, or above it, because this is less than even the revalued price. There is another one here, in a less classy market, where the book price was \$105,000. That is what the Territory thinks is an asset. They revalued it to \$100,000, and then they sold it for \$83,000. So, there was a total overall loss of \$21,000.

What they have been doing this year is selling houses that people want. We have a waiting list of 4,000-plus people, which has grown in this year. It has actually got higher since January. It is interesting to note that in Tuggeranong, if you are waiting for a three-bedroom house, the waiting list has actually gone up quite considerably in a number of months. So, you are waiting five to six years, and this has increased in this year. But you will also notice that, in Kambah, which is one of the suburbs within the Tuggeranong area, they sold 23 houses - and not only that; they sold some of those houses at below the valuation. One was \$100,000, and it was sold at under valuation. The valuation was \$90,000 to \$95,000, and it was sold for \$82,000, making a loss of \$18,000.

Mr Osborne: It is a great market at the moment, Marion; I can tell you.

MS REILLY: It is a really great market. So, you would think they would be buying, would you not? But they are selling. They have made losses of up to \$29,000 out in Kambah, where people are waiting for years to get a house.

Let me talk quickly about the capital works budget. I think it was unfortunate that it was not given greater scrutiny. This year, we have \$34m in capital works, \$22m of which is new works. Very little is known about what it is going to be spent on. Maybe they will be out buying houses with their money.

I think it is unfortunate that housing has had to wear so many of the problems that have been experienced with balancing the budget in the ACT. It is extremely unfortunate that it has had to wear the majority of the money, in relation to paying the State financial contribution. It is even more unfortunate that we have a situation where it is a buyer's market for housing and Housing is out there selling frantically at great loss. I will look with great interest to see what the revaluation is going to be, because I find that, just looking at some of the revaluations made to allow houses to be sold, we have lost, and are losing, a very big Territory asset.

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

MS TUCKER (6.15): I would also like to make a couple of comments on housing. I support a lot of the comments that Ms Reilly has just made. Despite getting back \$5.4m, there have still been large cuts to the housing budget over the past two years. In fact, the housing budget still had to bear the entire burden of the Commonwealth black hole contribution, for the second year running. The end of the rent relief scheme is very concerning for accessibility to housing by lower-income earners, particularly at a time when access to public housing is being reduced. There is, as Ms Reilly said, a very long waiting list for public housing, and I cannot see how that is going to improve, unless we see a change of approach from this Government.

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I want to stress once again that housing is a fundamental part of the community's rights. It is the right of the community to have access to appropriate housing. It is very concerning for the community as a whole to see this given a lower priority than we have seen in the past. Answers to questions on notice confirm that we do not have definite information from which to draw an accurate and comprehensive picture of homelessness in the ACT. I would like to see more attention devoted to this issue. The anecdotal reports about a growing demand for crisis accommodation certainly concern me greatly. I am still concerned that the Government has not explained why Kick Start is not about assisting government housing tenants to purchase homes.

I am very concerned about maintenance. Despite the small amount of extra money going into maintenance, there is an enormous backlog in ACT public housing. I was not happy with the answers I got on that issue in the Estimates Committee. I am pleased that the Government has agreed with a recommendation of the Estimates Committee to provide more detail on the housing capital works budget. I think this is going to be an area that we will need to pay very close attention to. I am glad to see Ms Reilly continuing to object to what is occurring in this area. I also will be watching closely what is happening, because I believe that government has a responsibility to ensure that people are appropriately housed. It is like public education, really. It has been one of those things that Australians expect. They do not expect it to be user pays. They do not expect it to be not available when it is needed. There are very worrying signs in Australia now - not just in the ACT - that these things are being eroded. I hope that we will see an electoral backlash at the next elections, federally and locally, if we do not see a greater priority given to this very critical area of responsibility for government.

MR STEFANIAK (Minister for Education and Training and Minister for Housing and Family Services) (6.18): Mr Speaker, I note that Ms Reilly actually commented on the Government's response to recommendation 10, in relation to the capital works budget for housing going to the Planning and Environment Committee in the same format as the capital works budgets for all other agencies. We agreed with that recommendation. We see sense in that. So, I am glad that you mentioned that, Ms Reilly. More so perhaps than others, this Government, along with its coalition colleagues in the States and the Northern Territory, has reaffirmed its commitment to public housing.

Ms Tucker, I think, if you had read anything coming out of the recent Housing Ministers meeting, you would have noted that this Government is certainly not prepared to sign up to any agreement that might disenfranchise about 30 per cent of people on our waiting list. That might be okay for a couple of the other States, who were prepared to go along that track, but not for us. So, a lot more work needs to be done in terms of that agreement. I think all the steps we have taken, certainly since we have been in government, in relation to the big-picture stuff - model B seems to be pretty well dead in the water now - and in relation to getting a new Commonwealth-State Housing Agreement have been taken with the very best interests of our tenants at heart.

We have made our position on that quite clear. There is no way that I am, as Minister, or this Government is, going to sign up to anything that has the potential to disenfranchise a significant number of people who are on our waiting list and who have a justifiable expectation to get into public housing. I make that point. So, I do not think you should

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have too many fears there, in terms of moves Australia-wide. We are monitoring that, and we are not likely to jump into anything that is going to be detrimental to the ACT. I simply point you to statements I made in relation to that after the last Commonwealth-State Housing Ministers meeting in early June this year.

You talked about a lower priority for maintenance. Earlier today I went through, as I did at the Estimates Committee, the maintenance budgets for the last four years. This is the biggest one in four years. We have increased it significantly, to \$27.2m all-up - \$7.9m in capital works, with some big items of maintenance in houses such as wet areas, kitchens, et cetera, and \$19.33m, up about \$5.5m from last year, in terms of recurrent maintenance. That is over \$7m more than in the last Labor budget. Ms Tucker, \$27.2m is not a small amount of money by any stretch of the imagination.

Both you and Ms Reilly talked about the black hole and the fact that we, like every other State and Territory, had to make our contribution to the Beazley black hole. I commend the Chief Minister for clawing back \$5.4m this year. Yes, \$5.4m did come out of public housing, and \$10.8m came out of it last year. Where would you take it from? Ms Reilly started to say "health", but then thought, "No. Maybe that is not such a good idea". Where would you take it from?

Mr Kaine: Have a look at their policy statement.

MR STEFANIAK: I do not think it is on the Internet yet, Mr Kaine. Mr Whitecross said that we will have to wait.

However, we have sold stock. Last financial year, the one we are just about to get out of, we sold more stock than we normally would have sold in the couple of years before that. This coming financial year, we aim to sell less stock. But we do have old stock. In many cases, it is inappropriate. Over 50 per cent of our stock is over 30 years old. A considerable proportion of it is 40 or 50 years old. Thirty per cent of our tenants are over 55 years of age. We are constantly trying to move them into more appropriate accommodation.

We inherited from the Commonwealth old stock, in many cases not very well maintained at all. That has cost ACT Housing more than it has cost its State counterparts and its counterpart in the Northern Territory. We are not comparable to the rest of Australia. That is a constant burden to us. That is one of the main reasons why the maintenance budget this year is at an all-time high over the four-year period which I mentioned and, I suspect, although I do not have the figures, considerably higher than for five or six years before that, too. That is not something to be sneezed at. I think that is a very commendable highlight of the budget, which shows not only our dedication to our public housing and our tenants but also our very real desire to do something about improving general maintenance.

Mr Speaker, Ms Reilly talked about complaints in relation to maintenance. She said that she gets them. Of course, we all do. I suppose, if anything, I am pleased to say that I have noticed a slight decrease in terms of complaints on maintenance coming into my office, which is pleasing, because I probably get the bulk of complaints.

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Ms Reilly: They have given up.

MR STEFANIAK: Hardly, Ms Reilly. I do tend to respond pretty well to them, as you well know. I probably tend to get the bulk of the complaints. I am sure that Ms Tucker gets some; I know that you get some; but I reckon that I get considerably more than you do. I am pleased to say that ACT Housing does pretty well in terms of the national customer satisfaction survey. This is done for every Australian State and Territory.

Ms Reilly: You must read it differently.

MR STEFANIAK: Ninety per cent of people, Ms Reilly, are satisfied or more than satisfied with urgent maintenance - something we do particularly well. Seventy-one per cent are satisfied with the location of stock. Those are the two biggest features in terms of public housing in the ACT. For non-emergency maintenance, the figure is only about 50 per cent, and that is why we are putting more money into maintenance this year. That is why we are also looking at having things like the cyclical program. Because of a number of efficiencies and improvements we have made, we are able, in this current financial year, 1996-97, to churn more money into some cyclical maintenance, which addresses some of the non-emergency maintenance areas and lets us be proactive rather than just reactive.

But, again, with the non-emergency maintenance, one of the biggest problems, of course, is the old stock we have. That is a perennial problem, and that is also why it is important to sell houses - so that we can build new houses. Under the current Commonwealth-State Housing Agreement, when you sell a property, you have to build a new one. That is terribly important. So, we get rid of older stock and we build new stock, and that has to be a good thing. Ms Reilly, I know that at present the market is a bit dead, but we are hardly flooding the market. I do not think anyone who knows anything about it would really suggest that. Property markets, as you should know, are like swings and roundabouts. At some times values are less; at other times values are at a premium. Over a period of time, what you lose on the swings you pick up on the roundabouts. Generally, I think, in terms of our sales program, we have managed pretty well to maintain a very strong capital works budget, even in this current financial year. Next year, \$34m is to be spent - \$22m on new projects - which has been outlined in the papers there.

To get back to that survey, it is interesting, Mr Speaker, that tenants in the ACT who have rented privately considered public housing to be better in all aspects of service and product except for the quality and security of property - again, getting back to the ageing stock there - but, in all other aspects, they considered it to be far better than private housing. Even the Leader of the Opposition, as I mentioned in the Estimates Committee, said late last year, in a debate on public housing, that it is almost impossible to compare public housing with private housing. Renting public housing, with the service and the maintenance you get there, is so much better than renting privately, according to the Leader of the Opposition. I think that is a very fulsome endorsement of the Housing Trust and the service it provides to its clients.

Mr Speaker, Ms Reilly also talked about the waiting lists. She knows that there are two types of waiting lists. There is the emergency waiting list, where people who desperately need public housing are accommodated as quickly as possible, and there is the general waiting list. Ms Reilly, have a look at when you lot were in government and see how long some of those general waiting lists were, in terms of getting a certain type of house. You talk about 4,500 people being on the waiting list now, and that is a few hundred up from what it was in January. But, Ms Reilly, it is a hell of a lot better than the 7,000 people who were on the waiting list in 1994, when the Labor Party was in government. That is a considerable improvement on that situation. I think that particular fact needs to be put in perspective.

There are a number of initiatives in the budget in relation to public housing, Mr Speaker. I do not want to read them out at any great length. They are there for members to see. There is the continued emphasis on trying to get a better mix of housing, especially APUs and unit-type accommodation, and also, as I think even Ms Reilly would concede, there are the innovative COOOL project units, which she has now had a look at, which provide some excellent housing for the disabled in our community. With our public works, they are spread throughout Canberra. Mr Speaker, we have finally, in this last year, completed a 10-year refurbishment of Ainslie Village. The Condamine Court project, with the success that has had and the satisfaction level of the tenants there, simply speaks for itself. (*Extension of time granted*) We live in very difficult financial times. Despite that, when you have a budget of some \$34m for your capital works, when you have some \$27.2m to spend on maintenance - the highest it has been for some four years - I think that is pretty good.

Finally, Mr Speaker, Ms Reilly made some comments in relation to the current budget being underspent in terms of maintenance. I can tell Ms Reilly that the budget for repairs and maintenance is not low or underspent. Contracts for the vast majority of the projects have been let, and most will be completed by the end of this financial year. Some of the larger contracts will not be completed until early in the new financial year. As Ms Reilly might appreciate, the 1996-97 budget was late last year. It was in September, and the Commonwealth funding was not certain for some time. Also, there are lengthy lead times for some of the maintenance. Also - surprising as it might seem to Ms Reilly - there was less tenant demand for repairs work. The number of work orders was down by between 13 and 20 per cent - - -

Ms Reilly: Discouraged.

MR STEFANIAK: No. Just shut up and listen, and you might learn something. It was down 13 to 20 per cent on last year's figures - that is, for 1995-96 - depending on the repair type. You might appreciate, Ms Reilly, that we have better control of repair expenditure as a result of new arrangements we introduced at Belconnen and Tuggeranong. Would you believe that that has actually resulted in a significant saving on repairs because of those arrangements? Those arrangements include a housing manager being responsible for a certain number of properties.

Indeed, in some instances people have been doing some small things themselves, and there has been better targeting. That has led to some savings. Guess what happens with those savings. They are going to be ploughed back into more maintenance, Ms Reilly.

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That should be good news for you. So, there is hardly any cut-back on that, or any underspend; but, as a result of those factors, Mr Speaker, we now have some more money to spend on maintenance, even from this year. That is a good thing. Combined with the \$27.2m for this coming financial year, I think it is good news for our tenants and for improving the quality of our stock.

I will just finish with a couple of examples of maintenance, if you think it is so funny, Ms Reilly. Since February of this year, we have upgraded security lighting in a number of areas; 1,000 properties are being insulated; and 253 exhaust fans have also been ordered. That is just since February 1997, as a result of improvements that have occurred there. So, when you take all that into account, plus the fairly extensive capital works program we have, Mr Speaker, and especially the very significant amount of money - \$27.2m - for maintenance and waiting lists that are still much lower than when the previous mob were in, I think it is a pretty good housing budget, in the circumstances.

MS REILLY (6.32): Mr Speaker, the Minister has raised so many interesting issues that it is hard to know where to start. Maybe one of the things to start with is the fact that he pointed out - this was pointed out in the Estimates Committee and has been raised at other times - that ACT housing stock is not typical. It is different from everywhere else. Age is given as one of the reasons for it. If the ACT housing stock is not typical, if it is different from and older than all other public housing stock in Australia, the question you must ask is: Why have they given \$15.4m out of the housing budget back to the Commonwealth? You would think the Commonwealth would say, "No, you cannot take it out of housing, because your housing stock is older than, and not typical of, housing stock in the rest of Australia. You should keep it and reinvest it in decent housing stock in the ACT". You would almost think they would refuse to take our contribution to Costello's black hole just so that the housing budget could be saved. You do wonder about the logic of taking more than \$15m out of the budget where you have a non-typical situation. It is amazing.

Maintenance is an interesting issue. I think the Minister is quite interesting on the subject. You must admire the entrepreneurial activities of the maintenance area. Somebody might ask for something in their bathroom to be fixed. I think there was one case where, although I cannot remember all the details, they got a whole lot of things fixed in their bathroom, and Housing billed them for the whole lot. So, you ask for a new tap, and you end up with a whole new shower system. Then you are expected to pay for it - and all you wanted in the first place was a new tap. I am just using that as an example.

It has been interesting to watch them claw back, or attempt to claw back, from a number of tenants costs of maintenance, some of which was not done or requested. This is going to be an interesting issue that will continue. I was pleased to hear that you are spending so much on security lighting. Some of the tenants in APUs for whom I asked for assistance in this matter had to ask for an awfully long time - like several years - to get any security lighting. We also raised the matter with the police; but they were even less interested, telling older women in our community that they should go out and confront people who are hanging around and intruding into their properties. It is an interesting way of managing policing, as well.

It is interesting to notice that there are continuing negotiations on the Commonwealth-State Housing Agreement. Minister, you should be congratulated for taking a stand against the Commonwealth Minister at the last meeting. But I hope that they will continue to fund the CSHA, because the way in which housing can be delivered to people who need assistance with housing in the most equitable and fair way is by continuing the Commonwealth grants, through to the States, for the provision of public housing. This is going to be important, to ensure that in the future we continue to have a strong public housing sector in the ACT and in the rest of Australia. This is the only way a lot of people will be able to afford housing that is well designed, well planned and well located, as most of the housing stock in the ACT is.

The Minister should be proud of his housing stock, rather than trying to sell so much of it and rather than saying, "It is all too old" or "It is too difficult to look after". I think you should have pride in it. This is the largest public housing sector in Australia. You should be proud of that, Minister, instead of selling it off all the time. Why do you not take care of it? Be proud, Minister.

Mr Stefaniak: We are spending more on maintenance than you lot did.

MS REILLY: Shout the initiatives from the rooftops, instead of just crawling into those meetings and saying, "I have old housing stock. I have too much here. I have too much in some areas. I have too much in well-located inner suburbs". That brings us to the waiting list.

Mr Stefaniak: It is a one-for-one replacement thing. You sell one, and you have to get another one, Marion.

MR SPEAKER: If you two want to have a debate, you can go outside and do it, but not across the table.

MS REILLY: Mr Speaker, I cannot help it if he keeps calling out. I am continuing to present the information I want to present.

The Minister raised the issue of the housing waiting list. It is growing quite considerably at a time when Canberra's population is not growing at all. As well as there being absolutely discouraged maintenance requesters, a number of people are probably discouraged from trying to stay here and discouraged from getting jobs, and they have probably gone elsewhere. I knew that you would raise the fact that the housing list was a lot bigger when Labor was in government. I think you should be congratulated for your initiative in doing a proper culling of that list. It is not as though the list actually changed that radically. It is still an extremely large list, and it is growing every year. You are close to that magic 7,000 figure that you keep quoting. But you did an excellent job, and it is always very effective to do a good culling of any waiting list on a regular basis.

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The other part about it is that the time people are waiting for a certain type of house in a certain regional area is longer. It is now considerably longer if you are waiting for a family house in Tuggeranong. I think that is a criterion you might look at. Waiting lists are an interesting way of measuring government activity, but they do not always show what the outcomes are.

Let me quickly mention the capital works budget. I was glad that it was pointed out by OFM officials that you agreed to changes to the reporting of capital works and the scrutiny of that budget. This year, even though it is counted as \$22.78m of new works, if you take out the extra \$5.4m that has been added, is there actually only \$16m of new works or not? I think that is something that it would be interesting to have clarified. Is that \$5.4m that was clawed back from Costello - I am surprised that he gave up anything - additional to that \$22m?

The figure for ongoing works is \$11.884m, but we notice that old perennial, the building better cities money, still sitting there - \$9m for Condamine Court. There is very little for continuing capital works in this budget. I hope that means that all of it was finished last year and that more people have housing. We also have the \$0.539m to spend on the COOL project, which was put down as six houses, whereas, in fact, it was six units in two houses - an unfortunate mistake in recording. Of course, if you had got on with those houses last year, as was expected, that money would have already been spent. We would not have it still sitting in the budget in 1997-98. Those houses should have been finished, and people should be living in them.

Before I finish, I could not let the chance go by to talk about the Kick Start program.

Mr Stefaniak: Marion, I thought you were going to. I thought that this would be a record.

MS REILLY: I do not like to disappoint, Mr Stefaniak.

Mr Stefaniak: It is like going to hear the Beatles and they do not sing *Help*, is it not? You really want them to sing it, and then they finally do. So, go for your life.

MS REILLY: I think it is a pity that you treat so lightly a program - - -

MR SPEAKER: Order! I repeat: If you two want to have a debate, go outside and do it.

MS REILLY: You speak to him.

There is a program of \$2.5m listed in this year, in 1996-97. I notice that they are going to support a further 500 buyers next year - another use of language that is a bit loose. So, there is another \$2.5m that has been allocated. We know about late starts of budgets and all of those things. After an extensive advertising campaign, fewer than 100 people have taken this up. We will see where the figures go. My figures have always been pretty accurate by the time you have produced them for me. I still raise this issue:

Is there going to be a rollover of this money? We have a considerable underexpenditure in this area. Is it going to roll over, so that we can have it sitting there, in case things suddenly change and people can actually access these grants?

Under the old HomeBuyer scheme, every year about 300-plus people used to have the opportunity to get into home ownership - and, not only that; they were people on low incomes who had no other way of accessing home ownership. So, they got assistance from the Government to get into home ownership. This year we are not sure who is getting the Kick Start grants, because you suggest that all that information is under privacy provisions. We cannot even find out whether they are real people. We cannot find out anything about the people that have so far received the Kick Start grants. That is a pity. How can you look at a program, or even look at any sort of success, when you have no idea of who is a recipient? We do not know whether the only people who can get those grants, who are eligible through the very restrictive criteria used by the banks and their insurers, are the people who are on a family income of \$45,000 a year. We have no idea who is getting them. Is this a program that is in any way looking at people on low incomes getting into home ownership?

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

MS REILLY: May I have an extension?

MR SPEAKER: It is entirely up to the Assembly. You are getting the record at the moment. You will have had 30 minutes by the time we have finished. But go on.

(Extension of time granted)

MS REILLY: Thank you, Mr Speaker. We have no idea whether the people who are getting these Kick Start grants are people who have quite good family incomes of \$45,000 or people who have incomes of much less. When you consider that the average weekly earnings annual rate is still at about \$27,000 to \$28,000, \$45,000 is considerably above it. You would wonder whether \$45,000 is low income at all. So, if we are going to offer these grants to people who are quite well able to go to another bank and get a loan, you wonder what is the purpose of this program.

If it is a jobs program - and we never found out how many jobs are created - let us have a jobs program. If we are going to offer deposit gap grants to middle-income earners, why do we not say that? We already have the situation where we are talking about these people as first home owners - where, in fact, if you have not owned a home for two years you can access this system. It is not even a first home owners scheme. It is a real mishmash of bits and pieces that have not come together. The take-up has been so low that you cannot consider this program a success. I will look with interest to see how you are going to pull this program out of a hole and get it to work.

The financial institutions, for which there can be no competitive tender, if you remember rightly, Minister, do not seem to be able to encourage people - they discourage people - to take up these grants, even though, as you point out, there are many benefits to these grants on top of the \$5,000 generously given by ACT Housing to these people. These people who have the opportunity to have these grants are not low-income earners.

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They are not people on the waiting list for housing. These are people who have jobs, who have the opportunity to go and purchase elsewhere. But you are taking money from people with low incomes to supplement those people, with no benefits that one can see in the way of jobs. You are just supplementing other people, to the disadvantage of people on low incomes, to the disadvantage of the 4,000-plus people on the waiting list.

When are you going to look at this program, Minister, and look at the flaws and try to work it out so that you can get a program that benefits someone other than the financial institution that was given this gift? You need to look at that program. You need to look at the people who are missing out on home ownership. You need to look at all the people who have been refused by this financial institution. How much business has this financial institution got out of this program? These are questions that should have answers. This program, plus the money that has gone out of the housing budget, makes us wonder how good this housing budget is.

MR STEFANIAK (Minister for Education and Training and Minister for Housing and Family Services) (6.45): Apart from Kick Start, Mr Speaker, I think I have canvassed all the other points Ms Reilly mentioned. In relation to Kick Start, she still seems to have a complete inability to grasp the difference between applications that are approved and cheques issued. As at 6 June 1997, 170 applications have been approved and 100 cheques issued. Cheques issued are effectively issued on settlement. That is the end of the process. What is important, when you do your weekly or monthly figures, is how many applications have been approved and are going ahead.

I think I might have mentioned in the Estimates Committee, Ms Reilly, that the good point was that in recent times about nine or 10 applications have been approved each week, which would indicate that, certainly in the coming financial year, 500 people could well take this up. They are not all people on \$45,000. She might be interested to know that some figures I have seen from Housing indicate that, in the last year of the old home loans scheme, the average weekly earnings of people taking that up were \$685 a week. The average weekly earnings of people taking up the Kick Start scheme are \$645 a week. So, that would indicate that people on lower incomes are actually accessing this scheme.

You seem to knock this scheme; but I think it is a very sensible scheme. It is a scheme where people get money. Sure, they need to satisfy criteria that they are able to pay; but, quite clearly, all the figures indicate that it is hitting the spot. It is being targeted at people who can access it but who do really benefit from that assistance. The fact that they are people with an average income of \$645 a week, as opposed to \$685 a week, speaks for itself, as does the fact that now there seems to be a steady flow of people getting their applications approved. I think the scheme was responsible for about a third of all new applications for new homes.

It is also having a very real effect in terms of the housing industry, keeping people in employment and assisting people in employment, at a time in Canberra's history and in the Canberra market when that is needed very much indeed. It is certainly a scheme that is overwhelmingly popular in the building area. Certainly, bodies like the HIA and the MBA are, overall, pretty satisfied with it. So, you keep making all the negatives you like about it, Ms Reilly; but I think those figures indicate that it is a scheme that is working.

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It is a scheme that is now going into its second year, with every indication that it is going to assist people who need this assistance into what is still very much, I suppose, that great Australian dream of all of us - ultimately to own our own home.

Proposed expenditure agreed to.

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

ADJOURNMENT

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

That the Assembly do now adjourn.

Rock Eisteddfod

MRS LITTLEWOOD (6.48): I rise to alert the house to the considerable talent of Canberra high school and college students, in particular those in the Tuggeranong Valley. I had the honour to attend the Rock Eisteddfod last evening. Of the 25 prizes that were won, nine went to the Tuggeranong Valley. I congratulate the young people who were involved. The grand winner was Lake Tuggeranong College, which also won four other prizes - for best costume design, best drama skills, best lighting design and most entertaining. Erindale College won fifth prize, plus two other awards - for best student choreography and best audio and visual effects. Wanniasa High School won the special performers' choice award.

Members of our community who like to continually denigrate our young people may care to go to this event next year and just look at the energy, talent, motivation and sheer ability of these young people. They were outstanding. I would like to congratulate all of those who were involved - the students, the parents, the teachers, the schools and the sponsors. It was a brilliant night, and I congratulate these young people for their efforts.

Uranium Mining

MS REILLY (6.49): I want to bring to the attention of members a very serious issue. It is not happening in the ACT, but it is something that affects all of us. For some reason that absolutely defies understanding, the Federal Liberal Government is considering again mining uranium at the Jabiluka site in the Kakadu National Park in the Northern Territory. I do not know how many members here have been to that area; but, having lived in the Northern Territory, I have visited the Kakadu National Park on quite a number of occasions. In fact, I was privileged enough to visit it before it was a national park and to camp in various areas, even near the site of this mine.

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This is an area of great beauty. The flood plains there are extremely important as wetlands and as a nursery for a number of species that are important in Australia. If we mine these flood plains, we will lose these species. Maybe some of the species are minor species that no-one would worry about, but it is also an area that is important for the development of barramundi - an important industry for all of us. If we allow the mining to go ahead, we can lose a lot. We can lose the flood plains.

Although there is no known way of looking after uranium in the long term, we allow it to be used in ways that are not always acceptable. When uranium is sold overseas, we have no control to ensure that it goes only into power generation. We cannot stop it being used in bombs in various places. It is foolish to say that our uranium goes overseas with little flags on it to suggest, "This is Australian uranium. It will not be used in bombs or other armaments". We have the opportunity at this time to stop further uranium mining in Australia and not start the Jabiluka mine. We have to realise the fact that it is in a national park that has World Heritage listing. What other country would consider mining in an area that has that type of listing?

We know that there are mines in other national parks. There is already a mine in that national park at Ranger, but why do we have to perpetuate this stupidity by having another mine at Jabiluka? Apart from the Jabiluka site being on a flood plain, there are great difficulties in extracting uranium ore from that area. Rather than opening up something that will be extremely difficult, I think Australia as a nation should say no to further mines. They could take it even further and close down the mines that have already opened.

Hong Kong

MR STEFANIAK (Minister for Education and Training) (6.53): On 1 July a rather historic event occurs. It is historic for a number of reasons. Hong Kong reverts to Chinese rule. I went to a reception at the High Court yesterday which the Chinese Embassy hosted, and they are all naturally very excited about it. It is very important for them. I will do this from two perspectives - from a Hong Kong perspective and then from the perspective of another very significant event which it reflects. Hong Kong, of course, was ceded to Great Britain after the first opium wars, which were initially about the right to trade but, as much as anything else, the British wanted to ensure that their opium continued to go into China. China at the time was governed by a weak Manchu dynasty. The British were ceded Hong Kong as a result of being victorious in that war.

That war marked the start of a steady decline which China suffered for over 100 years under Western domination and, towards the end of the nineteenth century, domination by an aggressive Japan. The Chinese, of course, see that as a great humiliation and they see the return of Hong Kong as being the final return of all the territory that was taken from them and the final expunging of that humiliation that goes back to the 1839-42 war. Macau, of course, reverts to Chinese rule at the end of 1999, but that in a way is a different kettle of fish.

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In Hong Kong the Chinese inherit a very vibrant economy which I am sure, being very pragmatic people, they will continue to allow to be vibrant. They also inherit a colony which has some very strong British institutions that have really benefited the people there, especially since World War II. The colony in World War II, in the words of Winston Churchill, put up a valiant fight against a superior Japanese aggressor, unlike what happened in the disastrous British campaign in Malaya at about the same time. After World War II the colony, with its influx of Chinese escaping communist repression at various stages on the mainland, developed significantly into the vibrant community it is today. History will show in the future just how well the Chinese adjust to Hong Kong reverting to them. I hope it all works very well for the people of Hong Kong and that the Chinese Government does not engage in repressive activities against the people there. I hope pragmatism and commonsense prevail.

The return of Hong Kong to China also signifies the last really large British colony reverting to native rule. There are very few British protectorates or colonies left in the world. Hong Kong is the last big one. It has some six million people. It effectively draws down the curtain on the British Empire. The other night I was reading an interesting book called *The Rise and Fall of the British Empire*. It finished with a quote from Nelson Mandela extolling the virtues of the British Empire and saying that it was a force for moral good. That was at the time of apartheid and when he was trying to gain support for his movement. Because I think it is significant, I just want to quote the last sentence or so of that particular book. In a way, it sums up the very great legacy, the very positive legacy, the British Empire has left to the world. Yes, as with any empire, there was exploitation, there was cruelty and there was subjugation of people against their will. There were also significant benefits to civilisation. The reversion of Hong Kong to the Chinese is an appropriate time to reflect on that. The book concludes by stating:

Few empires have given their subjects the intellectual wherewithal to overthrow their rulers. None have been remembered with such affection and moral respect.

In a way, that is a very fitting tribute to the best of the British Empire. Fundamentally, it was a force for a lot of good in the world, and the passing of Hong Kong back to the Chinese Government is a time to reflect on that.

Uranium Mining

MS HORODNY (6.58): I want to speak very briefly about the costs of the uranium mining industry. I would like to start this talk by drawing members' attention to recent comments made by the director of the Wilderness Society, Kevin Parker. Since early March he has been travelling around Australia to inform Australians about the Federal Government's plans for the expansion of uranium mining. He has said:

Everywhere we stop, people from across the political spectrum are disturbed to hear that some 18 new uranium mines are being considered, including Jabiluka in the midst of the precious Kakadu World Heritage Area, and another at Kintyre in an area excised from Rudall River National Park [in Western Australia].

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It is important to note that a new uranium mine in Kakadu would be against the wishes of the traditional owners of that area. A total economic evaluation of uranium mining would reveal that it is a loss-making operation. It is worth remembering Rum Jungle, the uranium mine south of Darwin, which operated in the 1950s and 1960s. The clean-up of radioactive contamination cost the Australian Government far more than it ever earned from the mine. Mining techniques have improved since then, but community expectations of environmental protection have increased and action is demanded to maintain the integrity of national parks, World Heritage areas and the wider Australian environment.

Too often government looks only at the export revenue from the mining operation. There are many costs which would cancel out the benefits of this revenue. These costs include the health costs to uranium miners and the environment, the health and environmental costs of power plant operation and accidents, the health and environmental costs of radioactive waste disposal and the costs of proliferation of nuclear weapons. There is no doubt that nuclear power programs encourage the spread of nuclear weapons. We have only to remember the controversy regarding France's nuclear weapons testing in the Pacific. I believe that as representatives of the community we should all be writing letters to the Prime Minister, John Howard, telling him that, if the uranium mining industry were forced to take into account the costs listed, then it would close down due to unprofitability. The only sensible decision is to halt the expansion of uranium mining in Australia and phase out existing uranium mines.

Uranium Mining

MS TUCKER (7.01): I also would like to speak on the topic of uranium mining. We are in the period now where the Federal Government is considering a proposal for a new mine in a national park. I want to state once again my absolute disgust at the policy of the Federal Government on uranium mines. I would also express disgust at the policy of the Labor Party when it proposed a three-mine policy. I commend Ms Reilly, however, for speaking on this issue. If more people do not have the courage to stand and speak on this issue, future generations will condemn us. I have said that before and I will say it again. I will say it tomorrow night in the adjournment debate, in fact.

Basically, the Liberal Government proposes that Australia should further exploit its uranium deposits to cater for "new markets", especially in Asia, which produce a window of opportunity, they say. If they actually looked through that window, they would see that it was not an opportunity; it was a nightmare. Uranium is a problem substance.

Ms McRae: Go on!

MS TUCKER: It has a relatively short useful life in weapons.

Ms McRae: Tell us something we do not know.

MS TUCKER: Mr Speaker, I am very offended by Ms McRae's interjections.

MR SPEAKER: I did not hear them.

MS TUCKER: I think she could leave if she does not want to hear this. She does not have to interject.

MR SPEAKER: You are using up your time, Ms Tucker. Keep going.

MS TUCKER: Basically, uranium has a very short useful life, whether it is for weapons or nuclear power plants. It has a very long life as radioactive waste. Waste or tailings left by processes along the way remain dangerous for tens of thousands of years. Just to give you a little bit more information on tailings, they are a particular problem due to the volumes produced, their radioactivity and their long life. Large quantities of tailings are produced by uranium mining. For example, in the lifetime of Roxby about 180 million tonnes, or 400 hectares, of tailings, equal to about 150 football fields each 30 metres high, will be produced. The tailings contain over 80 per cent of the radioactivity of the original ore in a form that can be easily dispersed into the environment. The longest lasting element in uranium tailings is thorium 230, which has a half-life of 80,000 years. Over time it decays into radium 226, which in turn decays to produce radon gas. The time taken for the radon output to dwindle to insignificant quantities could be 100,000 years or more. It is an inescapable fact that the tailings will in fact remain hazardous for extremely long periods of time, hundreds of thousands of years, and that no assurances could be given that they would remain completely isolated. Thus they also represent an enormous risk of contamination to local communities and ecosystems via land, rivers, air and groundwater. Shame on the Federal Government!

Question resolved in the affirmative.

Assembly adjourned at 7.04 pm