



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

28 August 1997

**Thursday, 28 August 1997**

## Petitions:

Voluntary euthanasia .....	2573
Curtin shopping precinct.....	2574
Planning and Environment - standing committee.....	2574
Stamp Duties and Taxes (Amendment) Bill 1997.....	2578
Building (Amendment) Bill 1997 .....	2579
Roads and Public Places (Amendment) Bill 1997.....	2579
Board of Senior Secondary Studies Bill 1997 .....	2580
Estimates 1997-98 - select committee.....	2582
Planning and Environment - standing committee.....	2582
Administration and Procedure - standing committee .....	2584
Broadcasting of proceedings .....	2587
Administration and Procedure - standing committee .....	2590
Public Accounts - standing committee .....	2593
Planning and Environment - standing committee.....	2593
Planning and Environment - standing committee.....	2593
Planning and Environment - standing committee.....	2594
Public Accounts - standing committee .....	2596
Public Accounts - standing committee .....	2597
Planning and Environment - standing committee.....	2599
Scrutiny of Bills and Subordinate Legislation - standing committee.....	2601
Financial Management (Amendment) Bill (No. 3) 1997 .....	2601
Questions without notice:	
Federal Government's economic policies .....	2607
Political party preferences.....	2608
High speed train project.....	2610
Legal profession - discipline.....	2614
CanDeliver .....	2616
Police establishment.....	2618
Electricity supply contract.....	2620
Voluntary school fees .....	2621
Non-government schools - registration and re-registration .....	2622
Small business .....	2624
Taxation.....	2627
Acton Peninsula - demolition of buildings .....	2629
Bruce Stadium redevelopment .....	2629
ACTEW - electricity purchases.....	2629
Financial management report (Ministerial statement) .....	2631
Public Sector Management Act - contracts (Ministerial statement).....	2631
Subordinate legislation .....	2631
Land (Planning and Environment) Act - leases (Ministerial statement) .....	2632
Motor Traffic Act .....	2633
Deane's Buslines trial.....	2633
Ministerial meetings - Cairns - July and August 1997	
(Ministerial statement).....	2634
Territory-owned corporations (Matter of public importance).....	2641

Territory Owned Corporations (Amendment) Bill (No. 2) 1997.....	2656
Adjournment:	
Tidbinbilla Nature Reserve.....	2664
National Opera Festival .....	2665
One Nation party .....	2665
One Nation party .....	2666
Answers to questions:	
ANU lease variation - Turner (Question No. 427).....	2667
Residential development applications - Turner (Question No. 428) ....	2668
Administrative Appeals Tribunal hearings (Question No. 429) .....	2669
Local area planning advisory committees - resources (Question No. 430).....	2670
Tenancy Tribunal - retail tenancy applications (Question No. 431) .....	2671
TASA Executive Search - recruitment contracts (Question No. 432) .	2673
Argyle Executive Apartments - accommodation contracts (Question No. 433).....	2674
Housing Trust - evictions (Question No. 435).....	2675
Housing Trust - eviction notices (Question No. 436) .....	2676
Housing Trust - purchases (Question No. 437) .....	2678
Children's, Youth and Family Services Bureau - transport hire expenditure (Question No. 438).....	2681
Housing Trust - waiting lists (Question No. 439) .....	2682
Appendix 1: Financial Management (Amendment) Bill (No. 3) 1997.....	2687
Appendix 2: Bank Mergers Bill 1997.....	2689
Appendix 3: Public Accounts Committee report - Government response.....	2691
Appendix 4: Consent to medical treatment .....	2695
Appendix 5: Financial management report .....	2702
Appendix 6: Public Sector Management Act - contracts .....	2704

**Thursday, 28 August 1997**

---

**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.

### **PETITIONS**

**The Clerk:** The following petitions have been lodged for presentation:

By **Mr Moore**, from 22 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.

By **Ms Reilly**, from 1,331 residents, requesting that the Assembly immediately undertake a consultative process with the community and traders of the Curtin shopping precinct into concerns relating to the Curtin shopping precinct's public amenities and public spaces.

The terms of these petitions 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.

28 August 1997

## **Curtin Shopping Precinct**

*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 draws to the attention of the Assembly:

That the Curtin Shopping Precinct is in need of an upgrade of its public amenities and public spaces as they are in a condition that is of concern to public safety.

That the Curtin Shopping Precinct has missed out on any funding through the ACT Government's Precinct Management capital works program.

Your petitioners therefore request the Assembly to:

Immediately undertake a consultative process with the community and Traders of the Curtin Shopping Precinct into concerns relating to the Curtin Shopping Precinct's public amenities and public spaces.

Petitions received.

### **PLANNING AND ENVIRONMENT - STANDING COMMITTEE Reference - Curtin Shopping Precinct**

**MS REILLY** (10.32): Pursuant to standing order 99, I move:

That the petition on the Curtin Shopping Precinct be referred to the Standing Committee on Planning and Environment.

I am taking this action to refer this petition, which has over 1,300 signatures, to the Planning and Environment Committee to try to get some action to assist both users and customers of the Curtin shopping centre and also the traders at the centre. The Curtin traders approached me earlier this year about issues to do with upgrading the centre. The centre is now 30 years old. In fact, it was one of the early centres of this type built in the ACT. I can remember visiting it at the beginning of 1969, when it was opened; and it was seen as a great advance in shopping styles at that time.

For those of you who are not familiar with this shopping centre, it has a large supermarket and a number of other shops around a square. It has quite a variety of shops and, in most cases, has stayed fully tenanted throughout the years. If you visited the shopping centre in the morning or at any other time during the day, you would be amazed at how many people use it. It is a group centre in the terms that we use in the ACT. It is used by

a variety of people. As well as the retail shops, there are a number of professional offices that employ people. There are also other employment centres in Curtin. In some cases, people prefer to use Curtin because of its ease of access and because of certain types of stores that are there. You may recall that early in the year Robert Macklin suggested in the *Canberra Times* that the Curtin Milk Bar and Pizza had the best breakfast in the ACT. I think he gave it a score of about nine out of 10, which is a very high score from Mr Macklin.

The centre is well known throughout Canberra. It is also, because of its age, suffering from an amount of degradation to the fabric of the centre. This somehow relates to the present style of shopping centres, which in some cases is not seen as the best style. It is also a case of no, or very little, upgrading money being spent for quite a number of years, and this has concerned the traders. If you look at some of the actions of the traders, you will see that, in fact, they have continued to upgrade their stores. Recently the newsagent moved to the old post office and combined the newsagency and the post office into one shop. Quite extensive upgrading and renovation was carried out at that time, at much expense to the owner of the newsagency. For those of you who are not familiar with the centre, Coles moved into where the newsagency was and spent money on setting up a new liquor store there. Coles have extended their shopping area, with the loss of the liquor store from its previous position. Coles is a store that is also interested in keeping up with the times and is continuing to upgrade. You can look at some of the other stores in that precinct and see the same action from those retailers.

The retailers feel that they are not getting any assistance from the Government to look at the public areas. If you walk through the centre, there are a number of broken bricks; there is unevenness in the bricks; the public toilets at the back are horrific and are very difficult to access if you are older or if you have children in strollers or prams; and there have been some problems with the rubbish collection, which I understand have been addressed. But there is no money being spent, except for a certain amount that was spent in 1991. Understandably, some of the traders are quite concerned about the fact that a number of other group centres and other smaller shopping centres have appeared on the upgrade list for precinct management in the last two budgets; but the Curtin shopping precinct has failed to appear in any of the budgets, despite requests to the Minister for Urban Services on this matter.

There is also another serious part of this. As well as the traders being concerned about access to the shopping centre, a number of the users of the shopping centre have had accidents. If you look at Curtin and the major areas that draw on Curtin, you will note the age of the population. A number of people living in Curtin are still the original home owners. That goes for Hughes, Garran and other suburbs in that area. A number of these people, naturally, after this time, are ageing. There are also a number of aged care facilities in the immediate area. Brindabella Gardens has a hostel and a nursing home, and St Andrew's Village is nearby in Hughes. There are a number of older people who have moved into the area as well because of the types of facilities. They use Curtin because of its convenience and the variety of stores. But they are nervous about using it, because of the unevenness of the pavement.

28 August 1997

There have been some problems with people who have fallen. I have had a number of people ring my office. I have had a doctor's surgery report to me on the number of people who have fallen and hurt themselves. As you are quite well aware, it is much more difficult for older people. A fall creates many more problems for an older person than it does for a younger person because of the time it takes to heal and the lack of confidence that quite often results from the fall. I could further raise the issue of people trying to get compensation to pay medical bills. The process has been extremely slow at times. We have a well-used, well-set-up shopping precinct that needs some assistance from the Government to improve the public areas. They are not asking the Government to help them run their shops or save their businesses; they are working hard themselves to ensure that their shops are meeting the needs of the local area and the broader area of that part of the Woden Valley. But they need some assistance to get on the precinct management list to have the opportunity to set up a more modern area for Curtin. They are still waiting to hear from the department about this, after one approach.

The basis of this petition from the people using the centre and living in the area is that the Government should look at the Curtin shopping centre and give it the same opportunities as some of the other group centres in the ACT to have their public fabric improved and to have a shopping centre that the people can use without concern about their own safety in relation to falling or about the other problems in the area. The other interesting point in relation to the petition is that, if you look at the broad number of people who have signed it, you will see that they are not just people who live in Curtin; so it is a shopping centre that is used by a number of people in the Woden Valley for their shopping needs - something the Government probably should be extremely proud of. It is a successful group centre in the ACT. You have only to see the number of people who use the centre to realise that they consider it important. The proposition I am putting before you is that the petition be sent to the Standing Committee on Planning and Environment, by asking that this motion be agreed to.

**MR KAINE** (Minister for Urban Services) (10.40): Mr Speaker, the best that I could say about this little stunt is that it is nothing but a cheap political trick; but the worst I could say about it is that it is a deliberate attempt to mislead the public as to what is happening at Curtin. I use the words "deliberate" and "mislead" with deliberate intent. Curtin is on the list for upgrade and has been for at least three years. Curtin is the next cab off the rank.

**Mr Berry:** Mr Speaker, on a point of order: I think Mr Kaine, in his opening remarks, levelled a rather strong imputation at my colleague, Ms Reilly, in relation to this matter. The imputation was along the lines that there was a deliberate intent to mislead. I think that imputation ought to be withdrawn.

**MR SPEAKER:** I listened carefully to Mr Kaine. He said "a deliberate intent to mislead".

**MR KAINE:** Mr Speaker, I said that at worst it could be interpreted as being a case of being deliberately misleading. That was one of the two possible interpretations I put on it. The facts are that, obviously, the Labor Party does not want their cheap trick exposed.

**MR SPEAKER:** There is no point of order.

**Mr Berry:** Mr Speaker, on the point of order: Do I take it, then, that the other interpretation that could be drawn from it was spot on?

**MR SPEAKER:** No; you can interpret it as you wish. I am simply ruling that there is no point of order.

**MR KAINE:** It is clear, and has been for a long time, that Curtin is one of the suburban shopping centres to be upgraded; and it is the next cab off the rank. The precinct committee will be established before this year is out. Mr Keith Cramp, who was colluding with Ms Reilly on this cheap stunt, knows that I spent a lot of time in the shopping centre with him only a matter of weeks ago. I examined the site with him; we went from one end of it to the other. I agreed with him that it needed to be upgraded, and I informed him that it was the next cab off the rank. Approximately two weeks later he appeared on the front page of the *Valley View* or the *Chronicle* - I forget which - with Ms Reilly, complaining that he had had no response from the Government. I do not know what you call that. The least that you could say is that it is a misrepresentation. He had a response not only from the Government but also from the Minister personally. I told him what the program was. He knows it and, quite frankly, I believe Ms Reilly knows it, too.

To come in here and, first of all, to say that Curtin has been ignored is not the truth; and, secondly, to say that somehow it should take precedence and jump other shopping centres where upgrading is already taking place on some basis that it is worse off than any other, of course, is again untrue. There are other shopping centres that are worse off than Curtin, and that is why they took precedence in the upgrading program. But Curtin is being addressed, will be addressed and will be addressed within the next year. As I say, Mr Cramp knows it, and I am certain that Ms Reilly knows it. To put it to a committee is in no way going to convince the Government to jump Curtin over other shopping centres that require upgrading more urgently than Curtin does. This is not going to achieve anything. The committee can do what it likes and can come back to me with any recommendations it wants, but we cannot bring it forward in the program because it is imminent anyway. I do not know what Ms Reilly expects to achieve from this. I suppose she already has a media release out attacking the Government for taking no action, when she knows that the Government is taking action and that action is imminent.

Mr Speaker, I refute any assertion that the Government has ignored Curtin. That is not the case. I refute the assertion that Curtin is somehow not taking its proper priority in the scheme of things. That is untrue. Work will be undertaken in conjunction with a precinct committee, as has already happened in a number of other shopping centres around Canberra and will happen to a number of others in the future once we have Curtin under control. I repeat: I do not know quite what Ms Reilly expects to achieve, except perhaps another headline based on an untruth.

**MR MOORE (10.46):** Mr Speaker, I think our committee will need time to talk about this; so, I move:

That the debate be adjourned.

Question resolved in the affirmative.



28 August 1997

## STAMP DUTIES AND TAXES (AMENDMENT) BILL 1997

**MRS CARNELL** (Chief Minister and Treasurer) (10.46): I present the Stamp Duties and Taxes (Amendment) Bill 1997, together with its explanatory memorandum.

Title read by Clerk.

**MRS CARNELL:** Mr Speaker, this Bill amends the Stamp Duties and Taxes Act 1987 to provide for the imposition of duty at concessional rates for asset transfers in domestic relationship situations and where superannuation funds and pooled superannuation trusts are required to comply with Commonwealth legislation. Since the introduction of the Commonwealth Superannuation Industry (Supervision) Act 1993 in July 1994, it has been Commonwealth Government policy to require the trustees of superannuation funds to broaden the investment portfolios to reduce the funds' risk from inadequate diversification. The most financially viable means of complying with the Insurance and Superannuation Commission's requirements involves the transfer of assets to large pooled superannuation trusts in return for units in those trusts. The large trusts are designed to give diversification through the pooling of assets of groups of superannuation funds.

This Bill, Mr Speaker, will provide stamp duty relief for superannuation funds and pooled superannuation trusts that are transferring assets in order to comply with the Superannuation Industry (Supervision) Act 1993. The transfer of real property and marketable securities will be subject to concessional duty under these provisions. This initiative will enhance the Government's regulation of the superannuation industry and bring the ACT into line with New South Wales. Mr Speaker, the Act currently imposes concessional duty on property settlements in accordance with an order of a court under the Family Law Act 1975 or the Married Persons Act 1986. Stamp duty relief is also provided for the transfer of properties by former de facto couples under a court-ordered settlement. With the increasing number and community acceptance of other domestic arrangements, the Domestic Relationships Act 1994 now provides for property adjustment for those who have been living in a domestic relationship. A "domestic relationship" means a personal relationship, other than a legal marriage, between two adults in which one provides personal or financial commitment and support of a domestic nature for the material benefit of the other, and includes a de facto marriage. It may involve relatives, friends or same-sex couples. The Discrimination Act 1991 also prohibits discrimination on the grounds of marital relationship or sexual preference.

Mr Speaker, this Bill, therefore, will provide the same stamp duty relief for the transfer of property between parties in a domestic relationship as defined in the Domestic Relationships Act 1994 as is currently available to married and de facto parties under the Stamp Duties and Taxes Act 1987. Mr Speaker, the provision of these additional concessions by this Government is expected to have a minimal effect on revenues, while providing significant benefits to beneficiaries of these concessions. I move:

That this Bill be agreed to in principle.

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

### **BUILDING (AMENDMENT) BILL 1997**

**MR HUMPHRIES** (Attorney-General and Minister for the Environment, Land and Planning) (10.50): Mr Speaker, I present the Building (Amendment) Bill 1997, together with its explanatory memorandum.

Title read by Clerk.

**MR HUMPHRIES:** Mr Speaker, I move:

That this Bill be agreed to in principle.

This Bill amends the Building Act 1972 in relation to the granting of refunds for application fees. The Bill provides a solution to the cumbersome arrangements that presently exist for implementing changes to the refund policy for application fees. The current legislation requires the Building Regulations to be amended on a regular basis to facilitate changes in refund policy. The refund of application fees will now become an administrative process, in line with the approach followed under other legislation, and will provide a more flexible and timely method of implementing refund policy. Mr Speaker, the Bill will provide clients of Building, Electrical and Plumbing Control, BEPCon, with improved customer service in relation to changes in refund policy. I commend the Bill.

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

### **ROADS AND PUBLIC PLACES (AMENDMENT) BILL 1997**

**MR KAINE** (Minister for Urban Services) (10.52): Mr Speaker, I present the Roads and Public Places (Amendment) Bill 1997, together with its explanatory memorandum.

Title read by Clerk.

**MR KAINE:** Mr Speaker, I move:

That this Bill be agreed to in principle.

This Bill amends the Roads and Public Places Act 1937 in relation to the prescribing of fees. The Bill provides a solution to the cumbersome arrangements that presently exist to review fees for outdoor cafes. The current legislation requires the Roads and Public Places Regulations to be amended when fees are reviewed. The determination of the fees by the Minister will avoid the necessity for amendment to the regulations when fees are reviewed from time to time. Mr Speaker, the Bill will bring the process for review of fees into line with other legislation.

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

28 August 1997

## **BOARD OF SENIOR SECONDARY STUDIES BILL 1997**

**MR STEFANIAK** (Minister for Education and Training) (10.53): Mr Speaker, I present the Board of Senior Secondary Studies Bill 1997, together with its explanatory memorandum.

Title read by Clerk.

**MR STEFANIAK:** Mr Speaker, I move:

That this Bill be agreed to in principle.

This Bill proposes to alter the status of the ACT's Board of Senior Secondary Studies to that of a statutory body in order to maintain the Territory's reputation as an educational leader and innovator in the senior secondary sector. First, let me give a little historical perspective of the progress of the board so as to put this proposal into perspective. The ACT Schools Accrediting Agency was established in 1975 to administer the functions of accreditation, assessment and certification of ACT government and non-government senior colleges. In February 1991 the name of the agency was changed to the ACT Board of Senior Secondary Studies.

The current administrative arrangements for the board are based on the Schools Authority Act 1976. This legislation refers to neither a board nor the functions of accreditation, assessment or certification. The proposal for a change to the board's status, Mr Speaker, is clearly overdue. Interim arrangements for the formation of a statutory body have been documented in the document "Protocol about Accreditation, Assessment and Certification for year 11 and 12 students in the ACT", which was signed by the chief executive of the department, the board chair and me as Minister.

Mr Speaker, the driving rationale for placing the board on a statutory basis is to provide for the separation of the functions of accreditation, assessment and certification from both the Minister and the department. This separation will serve two important purposes. Firstly, it removes the possibility of the Minister being placed in the invidious position of being asked to intervene in decisions on the assessment and certification of individual students. The existing arrangements could see the assessment being raised and debated in the political arena. I am sure members would agree that this is entirely inappropriate and to be avoided. Secondly, giving the board statutory status bestows on it a significant degree of neutrality. The Department of Education and Training is only one provider of education in the Territory, and the non-government sector issues will be much better handled by a statutory Board of Senior Secondary Studies that is clearly separated from the Department of Education and Training.

A further, pressing reason to place the board on a statutory basis is the matter of national uniformity. Every other State and Territory jurisdiction in Australia has a statutory body to carry out the functions of accreditation, assessment and certification; and it is extremely important. It is most appropriate, not the least in terms of transparency, that the ACT follow suit. Since Cabinet approved the preparation of draft legislation, Mr Speaker, it has become clear that there is a need to rationalise the function of accreditation of, and approval to deliver, vocational courses in schools.

Currently, the accreditation of all board courses to national vocational standards is handled by the Accreditation and Registration Council of the Vocational and Education Training Authority. The council largely recognises board procedures, which has avoided a great deal of duplication. In order to remove duplication completely, the Government proposes that the board accredit all vocational education courses for schools in the Territory. In line with this additional accreditation function, and reflecting the need to include business in vocational education issues, membership of the board has been expanded to include the ACT and Region Chamber of Commerce and Industry.

Mr Speaker, I want to assure members of this place that any financial considerations in turning the current board into a statutory body are negligible. The board will have no staffing or financial powers and will require no additional departmental funding. In order to achieve maximum opportunity for consultation, this Bill has been circulated to Assembly members and to key stakeholders prior to its presentation in this Assembly.

Mr Speaker, I am advised by my department and by the chair of the board of strong support within the educational community for the board to gain statutory status. This support has been demonstrated by key players within the education sector; namely, I am advised, parents, the non-government sector, the Australian National University, the University of Canberra, the Canberra Institute of Technology and teachers' industrial organisations. This proposal adopts a minimalist position, in that it recommends that the current administrative arrangements simply be translated into legislation. There has, however, been a slight increase in the membership of the board to reflect the opinions and views of as broad a range of interested groups as possible. To this end, parents, who are not members of the current board, will in future have two appointees on the board, from the government and non-government sectors. Similarly, employers will be represented by a member for the first time.

Following advice from the Legal Policy Division of the Attorney-General's Department, this draft Bill also sets out administrative procedures for the functions of accreditation and registration of courses and the issuing of certificates of attainment. Administrative procedures for the review of decisions to refuse accreditation and to review decisions to refuse a certificate have also been provided.

In conclusion, Mr Speaker: All of us in this place are aware that the ACT senior secondary system is unique among its Australian contemporaries. It is the only system that relies on school-based curriculum, and, along with Queensland, the only jurisdiction to rely solely on school-based assessment. I think it is extremely important to maintain this unique position. I believe, as I said previously, that amending the status of the Board of Senior Secondary Studies will strengthen and enhance our deserved reputation as an educational leader in the senior secondary sector and an able provider of the best possible outcomes for our senior students. I commend this Bill to the Assembly.

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

**ESTIMATES 1997-98 - SELECT COMMITTEE**  
**Annual and Financial Reports for 1996-97**

**MS McRAE** (11.00): Mr Speaker, I move:

That paragraph (3) of the resolution of the Assembly of 8 April 1997 which appointed the Select Committee on Estimates 1997-98 be amended by omitting "27 October 1997" and substituting "11 November 1997".

This motion alters the date on which the Select Committee on Estimates 1997-98 is to report on its consideration of the annual and financial reports for the 1996-97 financial year. It is a self-evident motion which I believe has the agreement of the house. It is simply to give us a little more time to complete our report more thoroughly. I believe it is something that will enhance the work of this Assembly.

Question resolved in the affirmative.

**PLANNING AND ENVIRONMENT - STANDING COMMITTEE**  
**Reference - Environment Protection Legislation**

**MR MOORE** (11.00): I move:

That:

- (1) the Environment Protection Bill 1997 and the Environment Protection (Consequential Provisions) Bill 1997 be referred to the Standing Committee on Planning and Environment for inquiry and report by 6 November 1997;
- (2) if the Assembly is not sitting when the Committee has completed its inquiry into the Bills, the Committee may send its Report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, circulation and publication;
- (3) on the Committee presenting its report on the Bills to the Assembly, resumption of debate on the question "That this Bill be agreed to in principle" for both the Environment Protection Bill 1997 and the Environment Protection (Consequential Provisions) Bill 1997 be set down as orders of the day for the next sitting;

- (4) Ms McRae be discharged from attending the Standing Committee on Planning and Environment for that Committee's consideration of the Environment Protection Bill 1997 and the Environment Protection (Consequential Provisions) Bill 1997 and that Mr Corbell be appointed in her place; and
- (5) the foregoing provisions of this resolution have effect notwithstanding anything contained in the Standing Orders.

The Standing Committee on Planning and Environment self-referred the Environment Protection Bill during the break, by informal general agreement with members of the Assembly. This formalises the process. We are seeking, Mr Speaker, to ensure that this Bill comes back to the Assembly at an appropriate time so that it can be dealt with this year. I have recently given to Mr Humphries a copy of the timetable to which the committee is working to ensure that that is possible. We have already begun our process, and this motion just seeks Assembly approval formally for that process and the way in which we wish to handle the legislation.

**MR HUMPHRIES** (Attorney-General and Minister for the Environment, Land and Planning) (11.02): Mr Speaker, I rise to support the motion that has been moved and indicate that I am pleased with the timetable the committee has set for itself and with the fact that they have decided to take on the two Bills that are referred to in the motion. The process of bringing forward this legislation has been a very long and difficult one - difficult in the sense that it has involved very extensive consultation with a large number of different organisations and groups. The result is a compromise, as is so often the case in these matters. It is obvious that the compromises made by the reference group and other bodies consulted in this process may not necessarily be the compromises that would be sought by members of this place. For that reason, it is important that the Assembly have the chance to be able to consider these matters in some detail.

However, Mr Speaker, I think the danger in having the very extensive provisions of this legislation debated in detail on the floor of this place is that much would be lost in terms of the direction and purpose of some of the provisions; misunderstanding could easily arise. I think many members would agree that, for a similar piece of legislation, namely, the Land Act, that process, as engineered on the floor of the Assembly, was not entirely successful. A process of having the details of proposed amendments dealt with on the floor of the Planning and Environment Committee, I believe, is a much sounder way of approaching this exercise.

I would urge, therefore, that members who are considering the Bill and who wish to suggest amendments to the Bill forward those amendments to the Planning and Environment Committee for its consideration. I think it would be better for the committee to have the benefit of those amendments at the earliest possible stage, at least in accordance with the timetable that Mr Moore and his committee have developed, in order that it is possible for the process to be smoothly handled at that stage.

28 August 1997

I appreciate this is a very significant piece of legislation which will require considerable effort by many members, leading up to its passage, hopefully, in November or December of this year. However, it is extremely important, because it has been some time in development. I think it would be a major achievement by this Third Assembly to have a comprehensive piece of environment protection legislation on the statute books. I urge members to involve themselves in this process as they see fit and to facilitate the timetable which has been set out by the committee.

**MR OSBORNE** (11.04): Just briefly: I wrote to Mr Moore a number of months ago about this issue and suggested to him that it would be sensible for the Planning and Environment Committee to take it on. As Mr Humphries said, this is a very significant piece of legislation; it has been planned for and on the table for a number of years. I see Mr Moore chuckling about his invitation to a launch by the Right to Life Association. We do not mind if you come, Mr Moore. Mr Speaker, I am very pleased that the Planning and Environment Committee agreed to take this on. As I said, this is a very significant piece of legislation. I see some problems with it, albeit minor ones. I do support the main thrust of it. I think this is the most sensible way to do it. I am hopeful that the Assembly will support it and endorse it.

Question resolved in the affirmative.

#### **ADMINISTRATION AND PROCEDURE - STANDING COMMITTEE** **Report on Broadcasting of Proceedings Legislation**

Debate resumed from 26 August 1997, on motion by **Mr Moore**:

That the report be noted.

**MR HUMPHRIES** (Attorney-General) (11.06): Mr Speaker, this report of the Administration and Procedure Committee was tabled in this place on Tuesday and we are considering it now, obviously fairly quickly, in order to facilitate in the shortest possible timeframe the broadcasting of proceedings of this place. Members have long desired for the proceedings of this place to be capable of being broadcast. We obviously feel - I hope we do not feel this without good cause - that the better exposure of what we do in this place will lead to a better understanding by the citizens of this community of what we do and better support for the processes used to resolve complex and contentious issues of public policy. The principles of broadcasting are most important and are supported by this Government and, I am sure, members of this place.

Mr Speaker, the principal objective of the report is to promulgate principles which will govern the way in which broadcasting will occur and facilitate guidance to those administering the system - principally you, Mr Speaker - in the way in which that should occur. I have obviously had only a short period of time to consider the recommendations of the committee; but I would indicate that, in the short time that I have had the chance to consider this, I have some reservations about some matters placed before the Assembly.

I appreciate that the principles that have been developed essentially reflect similar principles developed, and in practice, for the House of Representatives. They are, therefore, picked up and applied in that way; and that is a reasonable model to use. Of course, it is also worth observing that the ACT Assembly is a parliament unlike others and the principles worked on in other parliaments might not be the principles we need to work on here.

The first concern I have is with the first principle, which reads:

The Speaker, before authorising the broadcast of a landmark debate of the Assembly or one of its committees, shall give consideration to the possible interest in the debate within the community.

The question arose in my mind, when I read that principle, as to whether or not it was actually necessary for the Speaker to authorise any broadcasts at all. The possibilities given rise to by this principle are that some broadcaster may seek to broadcast a particular set of proceedings in this place, or in a committee of this place, which the Speaker, in his or her wisdom, may see as appropriate not to broadcast. I cannot quite conceive of what those circumstances would be, and it seems to me that it is axiomatic that, if someone wishes to broadcast particular proceedings, there will be a public interest in the debate, almost by definition.

**Ms McRae:** Maybe a no-confidence motion in the Speaker? He might not like that.

**MR HUMPHRIES:** The Deputy Speaker raises a very good example. There may be matters that the Speaker personally - of course, this would not apply to the present Speaker - either might be reluctant to see broadcast over the airwaves, or, cravenly reliant upon the government of the day, might feel would offend the government and therefore might refuse his or her permission. A matter like that, of course, is very hard to conceive of, but it could perhaps, at some future point, be the case.

I certainly believe that the Speaker ought to exercise the power to prevent a broadcast which might, for some reason, be against the public interest. Again, I find it hard to see what that circumstance would be; but I do suggest to the Assembly that perhaps the authorisation by the Speaker of broadcasts - I do not know on what basis - from day to day, from week to week, from sitting to sitting or perhaps from debate to debate, would be unnecessarily cumbersome and bureaucratic and would be open to some manipulation of the process which we would not necessarily wish to see or have suggestions of manipulation made about. I would suggest to the Assembly that we should reconsider whether it really is necessary for the Speaker to prospectively authorise each debate that is being considered for broadcast.

Mr Speaker, the second issue which I want to raise is the sort of restriction placed on the broadcasting in principle 3 as laid out here. These provisions, I understand, reflect again what is used in the House of Representatives. Members will see that they are fairly restrictive in the way in which they permit broadcasters to cover the events in the chamber. Generally speaking, the focus should be on the member with the call.



28 August 1997

That is fair enough. Reaction shots of a member are permitted only if the member is referred to in debate or if the member has sought information which is being supplied by a member having the call. Again, that is a fairly safe approach to take, but it might cause one to lose a little of the flavour of the place on occasions.

**Mr Moore:** It is a conservative approach.

**MR HUMPHRIES:** It is a conservative approach. Mr Moore has accurately summarised my view of it. Panning along the benches is not allowed. Coverage of the galleries is not permitted. Close-up shots of members' papers are not permitted. That is fair enough; I would not argue with that. Mr Speaker, I simply say that I wonder whether we are not going a little too far in restricting what might be possible. My assessment of the coverage of debates in the House of Representatives and the Senate is that they tend to be very wooden presentations, fairly unenlivening for the community that might be listening to or watching them.

**MR SPEAKER:** The Speaker cannot do anything about that, Mr Humphries.

**MR HUMPHRIES:** Well, no. You do your best, Mr Speaker, I am sure. As a person who has observed such debates live in the past, I wish to state that, on occasions, those broadcasts can be extremely tedious - not necessarily because what is being debated is tedious, but because some of the life and colour, which does manifest itself on the floor, sometimes to the chagrin of the speaker concerned, does not translate into the broadcast, partly because of the restrictions placed here. I personally do not see any reason why a camera should not pan over the benches, to get an impression of people's reactions, rather than the reaction of one particular member who might be angrily reacting to a reference to him or her or who might be listening intently for the answer to a question that he or she has asked. That kind of restriction can be, I think, a little overrestrictive.

Mr Speaker, I would simply say to the house that it is fair enough to pick up the restrictions of the House of Representatives, but we are not the House of Representatives. We have different criteria for lots of things that we do in this place. I think that, if anything, we should ensure that the broadcasts, particularly on the television, of proceedings in this place ought to be interesting enough to make people want to watch them. That, partly, is an exercise of how well we do our jobs in this place as imparters of information and persuaders to a particular point of view, but it is also partly a function of the way in which broadcasts can occur. Perhaps we should reconsider these restrictions - maybe not at this point in time. Maybe we should start from the premise of what the House of Representatives does, but certainly in the longer term we should ask ourselves whether some restrictions might not be against the interests of public relation to, and interest in, the work that is going on in this place.

**MR BERRY** (Leader of the Opposition) (11.15): Mr Speaker, I am no longer involved in the committee which dealt with this issue, but I was involved as these principles developed. I think the best way to describe them is: Putting one's toe in the water; working out what might be in the best interests of the community in respect of broadcasting; and doing it in a way in which the Assembly itself cannot be satirised and generally made a circus of but also in a way that relevant and interesting information finds its way out into the community.

Mr Humphries just spoke of the principles. I think the first principle is a very important one, because it recognises the role of the Speaker in this place and the authority of the Speaker in the management of the Assembly. In dealing with that issue, the Speaker, of course, is, in many ways, a product of the Assembly. One of the talents he has to develop is that of a barometer, which leads us to that understanding of what is or is not a landmark debate. Also, of course, it is a consideration of what might be of supreme public interest. I think the Speaker's authority permeates all of those principles which have been outlined in the motion that Mr Moore is about to move. I think the most important of those authorities given to the Speaker is in principle 2; that is:

The Speaker, in granting authorisation for the broadcasting of proceedings of the Assembly, shall make it conditional on the requirement that the broadcasting cease should the Speaker so direct or in relation to broadcasting of committee proceedings it should cease at the direction of the Presiding Member.

Those authorities, I suppose, give the weighty responsibility to the Speaker and the presiding member to keep their eye on proceedings; to ensure that they have an understanding of what might be broadcast to the community; and to be able to act if they identify an area of broadcast which is mischievous by somebody who is a member of a committee or the Assembly, by somebody appearing, say, before a committee, or so far as the media is concerned.

I think all of the authorities are most plainly set out in these principles. I think they give the Speaker and, in some cases, presiding members great authority; but at the same time they give them great responsibility. There are some decisions that have to be made without going through the Assembly's democratic processes; but, as I said earlier, it gives the Speaker responsibility to act as a barometer of opinion of the Assembly and also as a barometer of opinion out there in the community. It is always open, I suppose, for this Assembly to disagree; but the responsibility, I think, is properly bestowed by these principles on the Speaker and on presiding members in some cases.

Question resolved in the affirmative.

### **BROADCASTING OF PROCEEDINGS** **Principles for Authorisation of Public Broadcasts**

**MR MOORE** (11.19): Mr Speaker, I ask for leave to move a motion relating to the adoption of principles for the authorisation of public broadcasting.

Leave granted.

**MR MOORE:** I move:

That this Assembly adopts the following principles to be used by the Speaker in determining whether to authorise the broadcast to the public of proceedings of the Assembly or one of its committees and the conditions under which that broadcast can be made:

## Principles

1. The Speaker, before authorising the broadcast of a landmark debate of the Assembly or one of its committees, shall give consideration to the possible interest in the debate within the community.
2. The Speaker, in granting authorisation for the broadcasting of proceedings of the Assembly, shall make it conditional on the requirement that the broadcasting cease should the Speaker so direct or in relation to broadcasting of committee proceedings it should cease at the direction of the Presiding Member.
3. The Speaker, in granting authorisation for the filming of proceedings of the Assembly or one of its committees, shall require the following provisions be adhered to:
  - (a) as a general principle cameras should focus on the Member with the call;
  - (b) reaction shots of a Member are only permitted:
    - (i) if the Member is referred to in debate;
    - (ii) if the Member has sought information which is being supplied by a Member having the call;
  - (c) coverage of the Galleries is not permitted;
  - (d) panning along the Benches is not permitted;
  - (e) close-up shots of Members' papers are not permitted;
  - (f) camera positioning is not to be such as to interfere with the proceedings of the Assembly or, in the case of a committee, the committee;
  - (g) any instruction from the Speaker or in the case of a committee the Presiding Member or the Speaker's or Presiding Member's delegate is to be observed.

4. The Speaker, in granting authorisation for the broadcasting of proceedings of the Assembly or one of its committees, should stipulate the following conditions on the use of the broadcast material:
  - (a) the use by any television or radio station of any part of the recorded proceedings and excerpts in subsequent news, current affairs and documentary programs provided that the reporting is fair and accurate and not for the purpose of satire or ridicule or party political purposes or electioneering;
  - (b) points of order and remarks that are withdrawn may not be rebroadcast.

The motion is the follow-up to the committee's report, the debate on which we have just completed. This actually formalises the approach taken by the legislation. It deals with the issues that have been raised by Mr Humphries and Mr Berry. It seems to me, Mr Speaker, that if the Assembly adopts these principles today it will be a major step forward for this Assembly because it will be the final step taken to authorise the broadcasting of not only the proceedings of this Assembly but also the proceedings of committees when they are dealing with matters that are approved by the Speaker.

Mr Berry is quite right in drawing attention to the power of the Speaker and chairs of committees and the responsibilities that go with that. There is a significant increase in the number of members who are chairs of one committee or another. Members should be very conscious of the increase in responsibility in dealing with this issue. Of course, that would apply to the deputy chair of a committee when they are acting as chair. I think it is a very important step forward in opening up the Assembly to the public.

**MR HUMPHRIES** (Attorney-General) (11.21): I just indicate that I support the adoption of these principles. As I said in my earlier remarks, we might care to come back and reconsider them after they have been in operation for some period of time. For the time being, I think it is worth picking up the principles applied elsewhere and seeing how we go with them.

**MR BERRY** (Leader of the Opposition) (11.22): I have said enough in relation to the matter, but I omitted to say that the Labor Opposition would be supporting these principles.

Question resolved in the affirmative.

**ADMINISTRATION AND PROCEDURE - STANDING COMMITTEE**  
**Report on Standing Order 207**

Debate resumed from 19 June 1997, on motion by **Mr Humphries**:

That the report be noted.

**MS McRAE** (11.22): I would like to begin by thanking members for allowing this inquiry to proceed and by thanking members of the Administration and Procedure Committee for so thoroughly examining the issues. The matter arose because I asked some questions which were obviously quite legitimate and which have been asked in other places. The matters were explored more thoroughly in the body of the report that the Administration and Procedure Committee produced as a result of our initial concerns.

We see that in every parliament the issue arises, because in every parliament members of the public are invited to observe proceedings and in every parliament the Speaker's authority can be primarily directed only to its own members. There are, of course, varying sets of rules, depending on how a Speaker can or cannot deal with members of the general public. The last thing we want is for a Speaker to be worrying about the vast majority - the great numbers and hordes - of the general public that come flooding in to watch us all, as well as having to worry about the speakers in front of him. Our new legislation will greatly help the Speaker. I hope that is coming along speedily as a result of this report, because quite clearly the Speaker's responsibilities in relation to these crowds and us should be defined, separated and articulated by way of proper precinct law.

The building, as you know, was always designed with the intent of allowing the public to be here, and that is why I, more than anyone else, am sympathetic to the problems that then creates. Here we are sitting cheek by jowl with and very close to members of the general public. In one of the initial drafts of the plans for the building there was actually a second-storey gallery proposed. It was in the more traditional form of the public's access to a parliament. It is much more traditional that they are up on a different level from members, as you would witness in most contemporary parliaments. But we thought that was pretentious beyond belief and agreed, as members, that it was much more important to actually allow the public gallery to be on the same level.

In the incidents that the Speaker had to deal with, we saw the consequent problems that can be caused to a Speaker because members of the public are not only close by but readily audible. I am glad that no suggestion of a glass wall, any sort of sound barrier, some sort of grille or anything more ghastly has been made. It is quite clear that the vast majority of members of the Assembly think it is very important to be quite close to our constituents and to maintain this atmosphere of the ready access by the public to our day-to-day work. The incidents here were disruptive.

Similarly, the incidents the Estimates Committee encountered in, I think, 1995 were disruptive. I do not recall the year; I think it was one of the first Estimates Committee hearings that I chaired. There was a lot of public sector agitation at the time and we had quite noisy and intrusive demonstrations. My questions to the Speaker really had quite a level of sympathy for the type of situation that we can encounter when we do choose to share our proceedings so readily with members of the general public. I think the report that has come out has been sympathetic to those concerns and has quite sensitively dealt with the issues before us.

What I would like to do today, and I hope that it is picked up next year - next year will be the tenth year that this Assembly has been in existence - is propose that now we start thinking about beginning a project next year in which we could begin to write our own set of practices. I know we are inextricably linked to the Westminster system and I know I have said many a time that I think that is very important and that parliaments will always rely on *House of Representatives Practice* and the further sets of practices from, essentially, the House of Commons. Our link through the standing orders to the House of Commons is a very direct one. If one looks at the standing orders, they come directly from our oldest parliament.

But our practices are very different, our experience is very different; and we are one of the few parliaments throughout the world that are going to be, I believe, consistently minority government parliaments. As such, a lot of the things that happen are very different; a lot of the customs and practices that we have evolved already over the last nine years are profoundly different from the way other parliaments work. Of course, this is an example of how we have had to resolve our own issues - by referring back to other practices, looking at what other parliaments do, but coming up with our own solutions for our own building, our own Government, our own Assembly and our own workings.

I think this is the beginning of what should be a more thorough job. It will eventually be done, I suppose, in conjunction with the legislation on the precincts. We need to put that together. Perhaps we ought to start to consider getting the Secretariat busy on a special project and see whether we can start to develop our own set of customs and practices, beliefs, understandings and expectations from our own Assembly, so that we do not revert every time to something which is useful in terms of historical precedent and in terms of interpretation of the Westminster system but is not exactly always practical in an Assembly of 17 which deals with the public that is just there, which has very open committee work, which has a very open building, which has Assembly offices that are electorate offices, which has Assembly offices that are Executive offices as well.

This Assembly deals with all of that in a way that very few other parliaments in the Commonwealth or anywhere in the world do. I hope this is a springboard, and if I am lucky enough to be elected next year I will come back to the issue and perhaps start some sort of activity, perhaps through the Administration and Procedure Committee or through a special project, by which we start to draw on our own experiences and start to define our own interpretation of what an Assembly and a parliament means for the people of the ACT.

28 August 1997

I commend the report. I believe it is a good step forward to resolving a very difficult issue. It accepts the idea that the Speaker cannot have an absolute right to throw out anybody that annoys him or her slightly. It would be very tempting sometimes, with some of the people that walk through, to say, "Out"; you want to say that just through their mere presence in the chamber. On the other hand, the Speaker must have the right to deal appropriately with these people. This report has given us good guidance on that. I look forward to the legislation coming forward and perhaps next year a new project beginning out of this.

**MR HUMPHRIES** (Attorney-General) (11.29): Mr Speaker, I support the thrust of the recommendations put before the Assembly by this report. A Government response has been tabled, of course, but I will just make a couple of comments on the matter. The parliamentary precincts legislation is proceeding. I believe it is well advanced. I hope we are able to present it to the Assembly before the end of this year. I think it is on the program for this sitting. I believe that should be possible.

I also support the thrust of the proposed new standing order 209A. I might indicate, Mr Speaker, that the Government response indicated that there was some reservation about proposed new standing order 209A in so far as it related to the necessity for there to be disruption or disorder before it would operate. I have to say that I have reconsidered that particular position, and I might be urging on my colleagues that we actually take a different view about that. It has been the case, historically, that other parliaments have exercised the power to, as it were, meet in camera because of the sensitivity of some matters being discussed. In the case of, I think, both the British and Australian parliaments, that certainly occurred during the Second World War.

Although we do not envisage being at war with one of our neighbouring States, cities or whatever, we may find, on occasions, a need to consider the debating of issues in this place without the presence of members of the public. That would obviously be extremely rare, and there has not been an occasion until now when it has been obviously necessary here. Nonetheless, a mechanism to allow it to occur might have to be considered. Given the safety valve of members having to agree to do so, and presumably they would do so in the knowledge of why it was being done, it may be appropriate not to modify proposed new standing order 209A to restrict the operation of that provision to those circumstances where disruption was taking place or disorder was present in the gallery.

I also comment simply that the change from the traditional wording, from "stranger" to "visitor", is not something that I think is a good thing. I think it is perhaps better to be clearing the gallery by asking strangers to leave than by asking visitors to leave. By definition, a visitor is someone that you invite to come in and share the warmth of the hearth. Telling them to get out after inviting them to come in is perhaps a little impolite. Mr Speaker, with that very small reservation in mind, I would certainly support the recommendations contained in this report.

Question resolved in the affirmative.

**PUBLIC ACCOUNTS - STANDING COMMITTEE**  
**Report on Review of Auditor-General's Report No. 2 of 1996**

Debate resumed from 28 August 1996, on motion by **Mr Wood**:

That the report be noted.

Question resolved in the affirmative.

**PLANNING AND ENVIRONMENT - STANDING COMMITTEE**  
**Report on Draft Variation to the Territory Plan - Heritage Places Register**

Debate resumed from 3 September 1996, on motion by **Mr Moore**:

That the report be noted.

**MR HUMPHRIES** (Attorney-General and Minister for the Environment, Land and Planning) (11.33): Mr Speaker, this report endorses the draft variation which provides for the adding of a large number of significant places to the Heritage Places Register. Some very important parts of the ACT's heritage are included in this variation, including Calthorpes' House; the Mugga Mugga Homestead, which was the kind donation of Ms Sylvia Curley; the church and churchyard of St John the Baptist at Reid, a very beautiful building; Tuggeranong Schoolhouse; and the Goldenholm Dairy at Fyshwick. They are only a few of some very significant pieces of the ACT's heritage which are protected in this variation.

The committee has supported the variation. I commend them for that. A large number of other variations based on advice from the Heritage Council are coming down through the pipeline, and I look forward to being able to deal with those in this place in due course.

Question resolved in the affirmative.

**PLANNING AND ENVIRONMENT - STANDING COMMITTEE**  
**Report on Nudurr Drive Construction**

Debate resumed from 19 November 1996, on motion by **Mr Moore**:

That the report be noted.

**MR HUMPHRIES** (Attorney-General and Minister for the Environment, Land and Planning) (11.35): It is good to get some of these matters off the notice paper. I welcome the committee's support for the proposals of the Government to proceed with the construction of Nudurr Drive. There was comment by the committee on what it described as inadequate consultation processes used by government agencies.



28 August 1997

I simply draw to the attention of the Assembly something which may be forgotten by members at this point in time. The period during which the consultation that was criticised by the committee was taking place was a period when government agencies were considerably disrupted by industrial action surrounding a dispute with, as I recall it, the CPSU. There is no doubt that elements of that consultation were inadequate; but that is not a matter for which I feel greatly inclined to apologise, because of the many problems that the overall operations of government faced at that time.

The important point is that the proposals put forward by the Government did withstand the criticisms of some people, that the processes that were criticised in this place did lead to a decision which was sustained by the committee and that the importance of proceeding with Nudurr Drive has been underscored since then. I have not been out there recently, but I believe Nudurr Drive is well under way. I am glad that we are able to consider this report of the standing committee before the drive is actually completed.

**MR MOORE** (11.37), in reply: In closing the debate, Mr Speaker, I think it is very important to note that, even though the committee did support the Government's move, people were able to go through the process of saying that there were problems. We did identify problems, and I am pleased that the Government has responded positively to dealing with those in the future. Mr Humphries said that there was industrial strife at the time. A specific problem that a committee looks at may well be resolved in the way the Government originally intended, but there is often some other general issue that needs to be dealt with. That is what a committee tries to look for. I am very pleased to have been able to deal with this issue in a positive way.

Question resolved in the affirmative.

### **PLANNING AND ENVIRONMENT - STANDING COMMITTEE** **Report on Contaminated Sites - Government Response**

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

That the Assembly takes note of the paper.

**MR MOORE** (11.38): The whole process, together with the amount of paper generated over the issue of contaminated sites, particularly the sites contaminated with arsenic, is very interesting. I had a briefing from one of Mr Humphries's officers just the other day on where we are up to. It is an interesting time to draw attention to the fact that the contaminated sites issue came up in the sort of period that we are entering now, leading up to an election. It came up prior to the last election, when Bill Wood was the Minister. I think it was a credit to all members of the Assembly that it was never turned into a beat-up election issue, which could well have happened. Often when I am in public I hear very cynical attitudes expressed about politicians. Indeed, Stuart Littlemore last night, in a speech to Amnesty International, expressed some very cynical attitudes on what is likely to get through parliaments.

**Mr Humphries:** That is hard to imagine.

**MR MOORE:** Mr Humphries interjects, "That is hard to imagine". Of course, we all enjoy the wry smile, particularly when the comments are directed at somebody else rather than us.

This is a good example of an issue that has been scrutinised very carefully and watched carefully. Very difficult issues have been dealt with in a cooperative and sensible way, without being thrown into the hype of public debate that we sometimes get into. The reason behind that is that I think all members were very conscious of the pain that people were suffering, knowing that their homes were the subject of consideration as to whether they were contaminated and whether contamination had passed to themselves and their children. I think that the outcomes of the process will be very positive. I also do not expect to see this situation written up broadly in the media in the same way as when things are going wrong. I think it has been a particularly positive approach.

**MR HUMPHRIES** (Attorney-General and Minister for the Environment, Land and Planning) (11.41), in reply: I would concur with the comments made by Mr Moore. When we are dealing with issues like this, it is extremely easy to run away with the issue and to exploit perceived or sometimes fabricated deficiencies in the process, to assert that someone's rights are being denied or that there are some problems with the process. For my part, I think that this has been handled relatively sensitively both by my predecessor and the former Government and by us.

The issues on occasions have been very difficult and complex; but I think it is a matter that we play with and exploit for political purposes at our peril, given that we are dealing with matters of extreme sensitivity, both because of the risk to people's health by the presence of arsenic and other heavy metals and contaminants within the soil and because we are dealing with someone's home, what most people would regard as their principal and most important piece of property or asset.

I believe that we are now substantially over the hump of the contaminated sites issue in the ACT. We believe that the vast majority, if not all, of the sites in the ACT have been identified. Remedial action is being taken in respect of all the sites that are appropriately to be remediated. Almost all of that should be concluded in this financial year. Appropriate mechanisms have been adopted to deal with those who are affected by buyouts or other actions of that kind, and the community now has a process being put in train to allow information about such processes in the future to be adequately available to reassure people that the steps are being taken to protect their most fundamental interest, that is, their health.

I think the process is one that has been handled carefully and sensitively. This report demonstrates that. I hope that that is the way we handle other issues of a similar kind in the future, should there be any, which touch on public health in this very volatile way.

28 August 1997

**MS TUCKER:** I seek leave to make a couple of comments.

Leave granted.

**MS TUCKER:** I would just like to make a couple of comments because I was actually living in the suburb where the alleged contamination was. For that reason I did not take a very high profile on this issue in the Assembly. I thought it could look in some ways as if I was just concerned about my own experience. But it did give me the opportunity to experience first-hand how it feels when you do think that possibly the land that you live on is poisoned. It was, indeed, very personally distressing for me, even though I knew that the area I lived in was not in the very central area. Just the uncertainty of it meant that I felt uncomfortable about my garden, gardening and so on. I spoke a lot with my neighbours who had similar feelings. One woman, I remember, said, "I am putting all my plants in pots now". That might sound like no big deal; but, in fact, it is on a deep level very disturbing. I am pleased that the report has been as thorough as it has been and has looked at these issues. My personal experience and my neighbours' experiences regarding getting information and the fact that the community was not confident that the Government was on top of this issue meant that it was very concerning. Everyone felt very insecure. I hope that there will be lessons learnt from how this was managed. I hope that it never does arise again, but if similar sorts of concerns arise I hope that there will be processes in place which will deal with them better.

Question resolved in the affirmative.

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

**PUBLIC ACCOUNTS - STANDING COMMITTEE**  
**Report on ACT Government Draft Asset Management Strategy**

**MR WHITECROSS** (11.45): Mr Speaker, I present Report No. 27 of the Standing Committee on Public Accounts, entitled "Report on the ACT Government Draft Asset Management Strategy", together with extracts of the minutes of proceedings, and I move:

That the report be noted.

Audit report No. 11 of 1996 was presented to the Assembly on 12 December last year. The ACT draft asset management strategy was presented to the Assembly on 27 February and referred to the committee for inquiry and report. The draft asset management strategy provides a framework or blueprint intended to facilitate asset management by ACT government departments and agencies. It includes a philosophical framework, objectives and principles which are linked to key service delivery areas and asset groupings, and guidelines for managing major property and infrastructure assets. The committee sought community views on the draft strategy, consulted with the Office of Financial Management and took evidence in a public hearing. The committee values the responses from a range of organisations.

The committee welcomes the draft strategy as a first step towards a comprehensive and detailed plan for the management of ACT publicly-owned assets. The committee endorses the goals of disclosure and improved accountability leading to higher-quality decisions in relation to asset management. The committee also welcomes the attention to environmental and heritage issues and the recognition of non-financial factors in asset management. It is the committee's view that the strategy has the potential to be at the forefront of best practice in Australia, especially if it establishes a workable model for environmental accounting of assets.

There is scope for further work to ensure that the strategy is relevant to the prudent management of Territory assets. Most members of the committee consider that the strategy could give more emphasis to social equity issues and the positive opportunities which could be derived from public ownership. Accordingly, most members consider that there should be further consultation with the relevant community organisations on social equity and social indicators, with a view to incorporating greater emphasis on these matters into the final strategy, as has been done with environmental and heritage matters.

The committee feels that it should urge the ACT community to take a greater interest in the strategy, which is in essence an abstract document. Implementation of the strategy will have quite profound effects on specific areas of the community, and the committee's recommendations include a recommendation that the Government monitor the usefulness, practicality and effectiveness of the strategy over 12 months after implementation and that it report appropriately to the Assembly. I commend the committee's report to the Assembly.

**MRS LITTLEWOOD (11.48):** I want to draw the Assembly's attention to my dissenting comments related to public ownership. I did not believe that the assumptions made in the report were correct. They were really based on theory rather than on any hard research. Because land sales have been reduced, I felt that the land release component was not relevant. I thought the Government should be congratulated on the initiative of looking at an asset management strategy. We have not previously had such a strategy in place. I think committees are meant to be apolitical as much as they can possibly be. If we want to make negative comments we should also make positive comments. I just want to draw that to your attention.

Question resolved in the affirmative.

**PUBLIC ACCOUNTS - STANDING COMMITTEE**  
**Report on Review of Auditor-General's Report No. 3 of 1997**

**MR WHITECROSS (11.49):** I present Report No. 28 of the Standing Committee on Public Accounts, entitled "Review of Auditor-General's Report No. 3, 1997 - 1995-96 Territory Operating Loss", together with extracts of the minutes of proceedings, and I move:

That the report be noted.

28 August 1997

Auditor-General's Report No. 3 of 1997 was presented to the Assembly on 26 February this year. The audit presents the results of an analysis of the adequacy of government income to meet the full costs of programs based upon whole-of-government financial statements for the year 1995-96. The audit did not produce findings as such but rather addressed a range of matters and drew various conclusions. (*Quorum formed*) Although the audit covers accounts which are more than a year old at this stage, it gives rise to concern not only that the ACT incurred a significant loss from all its operations in 1995-96 - an amount of \$347m - but also that factors which contributed to that loss have been exacerbated by the decision in the 1997-98 budget to extract an extraordinary dividend from ACTEW, namely, \$100m.

In view of the lapse of time since the audit, it is important that the Assembly be fully informed on the current state of affairs. The committee noted that in the audit report comparisons are made between the ACT accounts and other State accounts and other municipal accounts, and in considering those matters it became apparent that the current budget papers no longer contain municipal accounts which would provide a basis for a comparison. Accordingly, the committee has recommended that the Government present a table of municipal account for the current budget year and that such a table be presented in all future budgets.

The committee notes that the ACT has not been fairly compensated through the Commonwealth Grants Commission for cross-border or national capital issues, and accepts that there has been insufficient recognition of the transitional funding needs of the ACT with the implementation of self-government. It is important, however, that these matters be kept in perspective as basically marginal issues, as the underlying operating loss is primarily a matter for the ACT Government.

The emerging and accruing costs of the unfunded ACT public sector superannuation liability are of major concern. The issue is discussed at length by the committee in the report. However, it should be noted that the growth in emerging costs to around the year 2030 in relation to existing staff with existing superannuation entitlements will need to be met out of ACT revenues and, without offsetting adjustments, will lead to a significant increase in the operating loss over coming years. The committee has recommended that the Government report to the Assembly on short- and long-term options for addressing the problem, taking account of the relevant recommendations of the 1996-97 and 1997-98 Estimates Committee reports.

The committee has also noted that, while the Government has accepted that lease-back arrangements as a source of funds permit a lower level of borrowing, it appeared reluctant to fully acknowledge the audit view that these arrangements should be treated the same as borrowing. Most members of the committee reaffirmed their support of the audit view. This report is worthy of close study and I commend it to the Assembly.

The only other comment that I would make is that I am unable to find any meaning in Mrs Littlewood's first dissenting comments and her second dissenting comments. The gist of her comments seems to be that the unfunded superannuation liability is the community's problem, not the Government's problem. I would submit that it is both the Government's problem and the community's problem, and it is the responsibility of the Government and the Assembly, on behalf of the community, to solve it.

**MRS LITTLEWOOD** (11.56): Mr Whitecross has drawn attention to my dissenting comments. That is fine. It was stated that the extraordinary dividend from ACTEW would exacerbate the PTE sector loss after payments to government. In fact, that is not correct, as the dividend payment would be made after a profit or loss was declared. The unfunded superannuation liability may be the Government's responsibility but it also impacts dramatically on the community and it is a problem for the community.

**MR MOORE** (11.56): I have had the opportunity of only a very short scan of the report, but I think the issues dealt with in this report are fundamental to where we are going in the Territory and whether we can get sustainable economic circumstances unless we wrestle with, and come to a conclusion about, how we deal with the operating loss. It is a matter being raised by a number of members. I know Mr Osborne raised the matter as his prime comment on the last budget. Unless we can deal with the operating loss in an effective way, we simply will not have a sustainable budget. That is the challenge for us all over the next short while. I hope that when I have the chance to read through the committee's report carefully I will find that it deals with those issues.

I hope that debate on this report will be adjourned. Perhaps we can also find a way for the Government to deal with Report No. 27 of the Standing Committee on Public Accounts as well. It seemed to slip through the Assembly a few moments ago without the debate being adjourned. I think that we should find a way to make sure that the Government considers it appropriately and responds to it.

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

**PLANNING AND ENVIRONMENT - STANDING COMMITTEE**  
**Report on 1997 National Conference of Parliamentary Public Works**  
**and Environment Committees**

**MR MOORE** (11.58): Mr Speaker, I present Report No. 32 of the Standing Committee on Planning and Environment, entitled "Attendance of the Standing Committee on Planning and Environment at the 1997 National Conference of Parliamentary Public Works and Environment Committees", together with a copy of extracts of the minutes of proceedings. I move:

That the report be noted.

The Standing Committee on Planning and Environment attended a meeting in Queensland. It was an opportunity for members of parliament from around Australia to meet and discuss matters of mutual interest. Delegates attended from the Commonwealth and all Australian States other than Western Australia. You may recall, Mr Speaker, that this is the same conference that the ACT Assembly, through your goodwill, hosted last year.

28 August 1997

I believe that the outcomes were as positive this year as they were in the year that we hosted it. The conferences of the public works and environment committees together are particularly useful for us, as our committee covers both of those areas. Certainly, this assists our understanding of the important interrelationship between ensuring that capital works get done and protecting the environment.

Of particular interest this year was a discussion paper circulated by the Queensland Public Works Committee called "The Changing of the Guard: Private Sector Ownership of Public Infrastructure". It really enhanced our understanding of some of the issues. We refer to it throughout this report. Anybody who is interested in the notion of private sector ownership of public infrastructure would do well to read this report and to get a copy of that discussion paper as well.

The discussion paper draws attention to three different methods of dealing with it - the build, transfer and operate method, where the private sector builds the infrastructure and then transfers the ownership to the public sector, which operates it; the build, own, operate and transfer method, with the private sector building, operating and then transferring to the public sector after some time; and the build, own and operate method, under which the public sector handles the whole thing. The paper deals with the advantages and disadvantages of each of those methods.

The issues arising from the conference include a proper discussion of an increasing trend by governments to use the private sector. Examples in New South Wales include the Sydney Harbour tunnel, Port Macquarie Hospital and a whole series of others. Examples in South Australia are the bridge at Berri, the Flinders Medical Centre and a hospital at Port Augusta. I think that was particularly useful for us. A series of issues are mentioned in the report. Rather than take too long today when we have a busy schedule, I simply draw to members' attention the fact that the Brisbane City Council is developing its first State of the Environment report, which, to quote the report, can be "an incredibly powerful tool if used correctly in establishing the dynamics between pressure, state and response to our environment". The intention is to "bring together at the same stage the environmental aspects, the economic aspects and the social aspects" somewhere down the track. I hope that in the ACT we can do that even more effectively.

I think that it was a major advantage for members of the committee to attend this conference. I think that their knowledge and understanding will be enhanced and we will be able to deal more appropriately with issues that come before us in these two areas. For anybody who is interested, when you look at page 6 of the report you can see a photo of some of the members of the committee with a Labor member from Wollongong who was at the conference. I think it was a very worthwhile exercise and I think it has enhanced our understanding. I hope that we can, in turn, pass on some of that understanding through this report.

Question resolved in the affirmative.

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

**MR WOOD:** Mr Speaker, I present Report No. 10 of 1997 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation and I ask for leave to make a brief statement on the report.

Leave granted.

**MR WOOD:** Report No. 10 of 1997 contains the committee's comments on one Bill, the very important Financial Management (Amendment) Bill (No. 3) 1997, which the Assembly will be considering today. The committee offers no comment on the Bill.

**FINANCIAL MANAGEMENT (AMENDMENT) BILL (NO. 3) 1997**

Debate resumed from 26 August 1997, on motion by **Mrs Carnell:**

That this Bill be agreed to in principle.

**MR BERRY** (Leader of the Opposition) (12.04): This Bill arises from a difficult problem for the States and the Commonwealth to deal with. The Labor Opposition will be supporting this Bill. It is a response to the High Court's ruling which questioned the rights of the States and Territories to collect business franchise fees on petroleum, tobacco and liquor. As many will now know, the Commonwealth has agreed to collect the franchise fees on behalf of the States and Territories. As a result, the ACT has had to prove its legal ability to make the payment of moneys to reimburse taxpayers amounts formerly paid in franchise fees. The Bill enables the funds to be paid through a standing appropriation. It is a sort of hypothecation to some at the moment unknown person, which in itself is extremely unusual. It is the sort of provision that everybody would shrink away from in a parliament where the people's money has to be watched very closely.

We have taken the view that amending the Financial Management Act is preferable to a second Appropriation Bill and increasing the Treasurer's Advance. On a look at the legislation, the amendment to section 19 seems to be the only option available, other than perhaps to create a new section with a new heading something like "Transferring payments from the Commonwealth". This Bill would have tested the minds of many who have a strong commitment to tight management of the Territory's dollars. Because of the way the Bill is set out, if one were to see it floating around without any knowledge of the High Court's decision, one would regard it as very curious indeed.

One matter which is mentioned in the final draft of the Financial Management Bill is the reporting of the costs of running the distribution mechanism, if you like. I think that is a good move, because we need to know the expenditure that goes with the refund of the money to us by the Commonwealth. In considering this matter I did wonder who is going to make some money out of this. When money is moving around, somebody is making



28 August 1997

some money out of it. Those who stand to make money out of it want to hang onto it for a day or two longer. I rather suspect that that will be the Commonwealth. I think many millions of dollars is going to be collected in the stuff that is made round to go round. Mr Speaker, this is a pragmatic approach to a particular problem that came like a bolt out of the blue, and I trust that it will work.

One other matter which I have discussed with the Chief Minister and Treasurer is the issue of how we report whom these payments are made to. It raises another curious problem. How can we breach the privacy required under various tax and revenue-raising pieces of legislation? I suspect that we might have to discuss that more. I think it has to be reported in some way, so that it can be demonstrated in the books that the money has flowed to the Territory and it has flowed to the person entitled to receive it. It has to be quantified and set out somehow. They are comments that people may wish to take on board. I would be very interested in furthering that discussion to determine how we can do that in a way that would satisfy an auditor.

**MR MOORE** (12.10): I rise to support the legislation and the approach taken by the Leader of the Opposition. It seems to me that for a very difficult situation we have a rather pragmatic response. It is appropriate that it be dealt with quickly so that the people who are dealing with the Federal Government can proceed. It is a very unusual approach. It is for that reason that in discussions I asked that we put a sunset clause in this legislation. I am very pleased that a proposed amendment recognises that and that the legislation will cease to have effect on the expiration of 30 June 2000.

The main reason I was interested in that is that, if we do go through this very strange process of payment under certain agreements with the Commonwealth in any other form, then the Assembly really ought to know about it. I do not foresee it happening, but I was uncomfortable with the notion that this would sit in the Financial Management Act until somebody trying to work out a clever way to use money might look at it and say, "This might be a possible way". I think it would be cleaner to deal with a specific situation. That is what we are asking for. I think a period of a few years to allow this to settle down is a very good idea. It has a second benefit, a side benefit, as I see it, in that it puts pressure on to make sure the matter is resolved in a sensible way as quickly as possible. I will be supporting the legislation.

**MS TUCKER** (12.12): The Greens also will be supporting this amendment today. It is indeed a necessary pragmatic response. It has been made necessary by the High Court decision of 5 August. We do not anticipate any particular problem with this amendment. However, I do believe it would be unforgivable to let this moment in the development of the Australian taxation system pass without calling for this debate to be broadened and for participation in this debate to be broadened. The revenue base of the ACT is narrow and we struggle to provide our citizens with the services they need. A report in the *Chronicle* this week illustrates the severity of the problem. Teachers, parents and children are suffering increasing pressure, and in some cases discrimination, because of the need to provide money for basic schooling needs, even to the extent, quotes the report, that parents of an inner north primary school are being asked to fund from fundraising basic heating and wiring for the school.

The Greens stand out amongst Australian political parties as being the only ones prepared to fight for a tax system which facilitates greater social equity and environmental sustainability and which stimulates enterprise consistent with those two aims. The Federal coalition and the ALP are both fixated on the GST. We say, "Let us have everything on the table".

**Mr Berry:** Tired old rhetoric.

**MS TUCKER:** This is not rhetoric. This is a proposal and I would like an answer from Mr Berry. I have written to him with this proposal. Let us remember that our taxes pay for services that governments provide - education, health, looking after the environment, transport, social security. Most Australians are not aware that already the balance is weighted against average taxpayers so that for every dollar of company tax Australians pay \$4 in personal tax.

I am strongly opposed to the course the Prime Minister has mapped out for this debate and I am far from satisfied with the Chief Minister's willingness to comply with that course. The Prime Minister has made it clear that his agenda is to introduce a GST and lower income taxes. He has established a cosy task force of chosen advisers to advance that agenda. Meanwhile, Labor's creativity has been to oppose the GST - another example of the demise of the two-party system that we talked about yesterday. It is not surprising that both parties have been involved over many elections in bidding down the taxation system for short-term electoral gain.

I wrote to the Chief Minister, Mr Berry, Mr Moore and Mr Osborne on 7 August, seeking their support in calling for a national tax summit. I thank Mrs Carnell and Mr Moore for their replies. However, I believe the course of action Mrs Carnell proposed in her reply is not nearly strong enough. The Chief Minister should immediately call on the Prime Minister to ensure that there is wider community input and discussion. Instead, she has indicated that community participation would be limited to whatever input the ACT Government seeks to get from community organisations as an input to discussion with other State leaders and the Commonwealth after the Prime Minister's task force has been allowed to advise on the parameters of the debate.

I propose that this Assembly support the call for a national taxation summit. The summit was originally proposed by the Tasmanian Greens. It would be a golden opportunity for the people of Australia, through peak bodies, to make and contribute to the debate. A tax summit would also provide a forum in which to explore opportunities for cooperation between the States and Territories and eliminate the destructive process of State competition which obscures those opportunities. Australia's revenue base has fallen by \$8 billion to \$10 billion in the last 10 years. Australia is, contrary to many publicly held myths, a lowly taxed country. In fact, we raise about \$15 billion less, relative to our GDP, than New Zealand.

28 August 1997

An adequate tax base is essential, or social services will continue to be cut and disadvantaged groups and the environment in particular will continue to suffer. In this context, it is totally unacceptable that the Prime Minister is seeking to limit the outcomes of this debate, if indeed you can even call it a debate, when in reality he has already made it quite clear that his two key principles are that there should be no increase in overall tax and that there should be reductions in personal income tax.

The society that the Greens want will be equitable, environmentally sustainable and enterprising. We will fight hard for ecological tax reform to reap a double dividend by reducing taxes on labour and increasing taxes on resource use and pollution - reducing payroll tax with a carbon tax, for example. We reject Mr Howard's push for lower income tax and his - - -

**MR SPEAKER:** Order! You are testing my patience on the grounds of relevance, Ms Tucker.

**MS TUCKER:** Mr Speaker, I cannot accept that this is irrelevant to this discussion.

**MR SPEAKER:** The Bill before the house is the Financial Management (Amendment) Bill.

**MS TUCKER:** This is absolutely relevant. This is an example of the simplistic reactions that can happen in this place. I really believe that it is quite relevant to raise these broader issues of taxation. This is an issue about tax. Is this not an amendment about tax?

**MR SPEAKER:** You may raise it, but not necessarily in the context of this piece of legislation, Ms Tucker.

**MS TUCKER:** This legislation is about tax.

**Mrs Carnell:** It is not.

**MS TUCKER:** It is not about tax?

**Mrs Carnell:** It is about the Financial Management Act and how we are going to sort out the problems of the High Court decision.

**MS TUCKER:** Mrs Carnell says that it is not about tax; it is about the Financial Management Act and how we are going to deal with the High Court decision. I thought the High Court decision was about tax.

**Mr Kaine:** I raise a point of order, Mr Speaker. You properly drew the member's attention to the point of relevance. I hardly think it is a matter for entering into a debate upon. If you choose, of course, you can rule on the matter and simply rule her out of order.

**Mr Moore:** Mr Speaker, may I make a comment on the point of order?

**MR SPEAKER:** Yes.

**Mr Moore:** It seems to me that the whole issue is about taxation. The ramifications of this legislation are very clearly that it sets in place a temporary way of dealing with a taxation problem and the only way to resolve it in the long term is with taxation reform. I think it is perfectly in order to speak to that matter at the in-principle stage of a Bill that involves those issues.

**MR SPEAKER:** How much longer do you have, Ms Tucker?

**MS TUCKER:** I am almost finished.

**MR SPEAKER:** I will indulge you.

**MS TUCKER:** I thank Mr Moore for his support. I think it is very clear that it is quite relevant. We reject Mr Howard's push for lower income tax and his attempt to constrict and constrain the debate before it even starts. Let us use this opportunity for reform to turn around the growing gap between rich and poor in Australia and in the ACT, and let us use this opportunity to stimulate enterprise, jobs and environmental excellence. I find it surprising that Mrs Carnell does not welcome this debate. Ever since I have been in this Assembly I have heard her complain about and bemoan the fact that we have a real problem with revenue in this Territory.

I am calling on the Chief Minister to immediately call on the Prime Minister to ensure that there is wider community input and discussion of tax reform, and I believe a national tax summit involving peak community organisations would be the most effective way to facilitate a genuine, effective and visionary debate. I will take the necessary steps by way of a motion in this place if the Chief Minister decides not to make that call.

Question resolved in the affirmative.

Bill agreed to in principle.

### Detail Stage

Bill, by leave, taken as a whole.

**MRS CARNELL** (Chief Minister and Treasurer) (12.20): I move:

Page 2, line 3, clause 4, proposed section 19A, omit the proposed section, substitute the following section:

#### **“Payments under certain agreements with the Commonwealth**

‘19A. (1) Where an agreement between the Territory and the Commonwealth requires the Territory to pay an amount to a person in respect of tax or duty paid by the person to the Commonwealth -

- (a) the amount may be paid to the person; and
- (b) all expenses incurred by the Territory in making the payment (including money payable for salaries) may be paid.

‘(2) Money payable under subsection (1) is payable out of the public money of the Territory, which is appropriated accordingly.

‘(3) A payment made by a department under subsection (1) shall be reported in notes to the financial statements of the department that relate to the financial year during which the payment was made.

‘(4) Subsections (1) and (2) cease to have effect on the expiration of 30 June 2000.’”.

I present the supplementary explanatory memorandum. On Tuesday I introduced the Financial Management (Amendment) Bill (No. 3) 1997, which inserts into the Financial Management Act a section which will allow the Territory to provide subsidies to taxpayers and to make payments of amounts paid as excess taxes or duty to the Commonwealth as a result of measures introduced after the High Court decision on franchise fees.

I cannot see where the Financial Management (Amendment) Bill actually has anything to do with taxation reform or anything to do with the Prime Minister’s policies in this area. Mr Speaker, I agree with your view. I think that Ms Tucker’s speech was the most irrelevant speech I have ever heard - probably since yesterday. That is not the issue here today.

On Tuesday, in my tabling speech, I also foreshadowed the introduction of an amendment to the Bill which arose as a result of discussions with members of the Assembly. I would like to thank all those members of the Assembly who were part of those discussions. This issue is not an easy one. I agree totally with Mr Berry and Mr Moore on this. Given any other set of circumstances, you simply would not go down this path at all.

This amendment will provide for a standing appropriation to cover the costs of administering the schemes for paying subsidies to taxpayers. The amendment will require the Government to disclose any funding issued for this purpose in the notes to the financial statements of the departments, allowing the Assembly full scrutiny of the standing appropriation. It will allow for a sunset clause, which Mr Moore has already spoken about, which gives effect to the proposed amendments for a period of just under three years to the end of the 1999-2000 financial year. This will allow sufficient time for the proposed overhaul of the taxation system and will allow the ACT to put in place permanent arrangements dependent on the final agreement with the Commonwealth. I commend this amendment to the Assembly.

I again thank everybody who was part of the input into this amendment. The Government, and I am sure all members of this Assembly, would agree that this is a bit of a stopgap approach to allow a taxation debate in Australia. I am sure that that taxation debate will happen in every parliament in Australia, certainly in the Federal arena. There will be very different views, as Mr Tucker has already indicated. I believe that everybody is entitled to their views. At the end of the day I am hopeful and very confident that we will end up with a more equitable tax system in this country.

Amendment agreed to.

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

Bill, as amended, agreed to.

**Sitting suspended from 12.24 to 2.30 pm**

## **QUESTIONS WITHOUT NOTICE**

### **Federal Government's Economic Policies**

**MR BERRY:** My question is to the Chief Minister, Mr Speaker. In today's edition of the *Canberra Times*, Chief Minister, you are reported to have stated at last night's Liberal Party shindig that you and Mr Howard had different views on some social issues but you solidly supported his economic policy. Does this mean, Chief Minister, that you support John Howard's economic policies that have gutted the Public Service in Canberra, which has led to massive public sector job losses and, with your own negligent policies, contributed to an ACT economy in recession; contracted out public services to the private sector, interstate and off-shore; flooded the ACT's commercial office market

28 August 1997

with a fire sale of Federal office buildings, leading to what has been described by local real estate agents as the destruction of investor confidence in Canberra's market to a point of crisis; dismantled Australia's quality child-care system, increasing fees and charges for parents, forcing some women out of the work force and threatening the future of community child-care centres; proposed a regressive tax, the GST, which will see many low-income Canberrans paying an unfair proportion of tax; cut rent assistance; increased the Medicare levy; cut disability services funding and dental services funding; cut Australian Hearing Services for senior citizens; cut funding for the ABC; forced pensioners to pay more for their pharmaceuticals; and forced 200,000 low-income people to pay more in tax because of changes to the rebate scheme? Do you not feel ashamed about supporting those policies?

**MR SPEAKER:** Are these inferences, Mr Berry?

**Mr Whitecross:** No.

**MRS CARNELL:** I think there is an issue about relevance in this place. What I do support, very strongly, is a Federal Government that has done something about a \$10 billion black hole in the budget produced by the previous Labor Government, Mr Speaker. As I said last night, what I do not support in any government is continuing to spend money that you do not have and running up a public debt to be paid by our children and our grandchildren.

### **Political Party Preferences**

**MRS LITTLEWOOD:** Mr Speaker, my question is to the Attorney-General as the Minister responsible for electoral matters. I ask the Attorney-General whether he is aware of a comment by Federal Labor MP, Bob McMullan, that the Liberal Party should put Pauline Hanson's One Nation party last on its voting preference ticket at the next election. If he is aware of this comment, is putting Ms Hanson's party last on the ticket going to be effective in an ACT election?

**MR HUMPHRIES:** I thank Mrs Littlewood for this most important question. Yes, I did see the rather extraordinary comments by the member for Canberra.

Members interjected.

**MR SPEAKER:** Order! Settle down, everybody. You are not announcing Executive policy, I trust, Mr Humphries?

**MR HUMPHRIES:** I am not, Mr Speaker. I am debunking a stupid policy, actually. I saw the rather extraordinary comments of the member for Canberra in the newspaper this morning. Apparently, he had challenged the Chief Minister to ensure that the Liberal Party puts Pauline Hanson's One Nation party last on its how-to-vote card.

Mr Speaker, let me say categorically that the Liberal Party will not be placing Pauline Hanson's One Nation party last on our how-to-vote card. Of course, neither will the Australia Labor Party, because it will not have how-to-vote cards. Neither will anybody else in an ACT election, because, Mr Speaker, as members in this place well know, only a bit over two years ago, in one of the first Acts of the Third Assembly, we banned how-to-vote cards. There will not be how-to-vote cards for anybody to put anybody else last, much less their own candidates first. It was a particularly silly and, might I say, uninformed comment by that particular Labor frontbencher.

**Mrs Carnell:** Their campaign director?

**MR HUMPHRIES:** Yes. Mr Speaker, let me make something else clear. First of all, in indicating that they were going to put the One Nation party last, the Labor Party may have been promising more than it could deliver anyway. As far as I am aware, the Labor Party has never numbered any candidates outside its own list of candidates in any election, anywhere, that I have ever encountered. So, Mr Speaker - - -

**Ms McRae:** Why do you not worry about what your party does? You are a disgrace. Are you going to put them last on the Federal ticket?

**MR SPEAKER:** Order! Mr Humphries has the call. Ms McRae, be careful.

**MR HUMPHRIES:** Clearly, Mr McMullan was indicating what the Labor Party intended to do in this particular election, and he was obviously promising more than the Labor Party could deliver. Mr Speaker, an important point needs to be made as well. Even if the Australian Labor Party were somehow to issue a how-to-vote card or a voting intention ticket to its supporters, it is entirely illusory to suggest that recommending to voters for the Australian Labor Party that they should vote last for the Hanson One Nation party would have any effect whatsoever. Notwithstanding Mr Berry's assumption of leadership of the Labor Party, I think I will stick my neck out and say the Labor Party will win at least one seat in the coming ACT election. Perhaps I am going too far. This wild abandon sometimes creeps into my head and I make these wild predictions, but I think the Labor Party will win at least one seat in the coming election. If they do, of course, there will be no capacity to distribute preferences outside the Labor Party, since all the votes that will be cast for Labor candidates will stay within the Labor ticket; so, numbering Pauline Hanson last on the ticket will have no effect whatsoever.

Mr Speaker, if Mr McMullan wants to grandstand and beat his chest about how much he and his party detest Pauline Hanson, that is fair enough. My party would be quite happy to do the same thing and match the Labor Party rhetoric in that matter; but we certainly will not be promising things we cannot deliver, and that is to put information on how-to-vote cards that we all know will not exist at the next election in February next year.



## High Speed Train Project

**MR CORBELL:** Mr Speaker, my question is to the Chief Minister. Chief Minister, following comments made by Mr Howard last night about the Sydney-Canberra high speed rail link and his enthusiasm for speeding up progress on the project, have you corrected the Prime Minister's apparent misperception that the New South Wales Government is delaying the project by pointing out, firstly, in relation to Mr Howard's claims this morning about the two meetings that have been allegedly cancelled, that one meeting was postponed due to the illness of a senior State transport official and the other because the New South Wales Government's senior representative was needed to address an international company setting up a possible operation in Newcastle; and, secondly, that Mr Carr is actually leading the process through financial support and significant resources, including the Premier's Department serving as a base and home operation for the project management team for the very high speed train, providing resources and support staff, including two people working full time on the project, while the Commonwealth has none, and repeatedly calling on Mr Howard to back this as a project of national importance? Chief Minister, did you receive - - -

**Mr Kaine:** I take a point of order, Mr Speaker. Is this a political statement or a question?

**MR SPEAKER:** There is no point of order, but I must say I am puzzled about the relevance of all this.

**Ms McRae:** Mr Speaker, under what standing order are you calling for relevance of a question, may I ask?

**MR SPEAKER:** I am wondering about the relevance of it in relation to the ACT, Ms McRae. Proceed, Mr Corbell.

**MR CORBELL:** Mr Speaker, I asked whether or not the Chief Minister had corrected the Prime Minister on these points, and I am outlining them for her. Chief Minister, did you receive an undertaking from Mr Howard that the Commonwealth will back this project in a more direct way than they have so far, certainly more than their lukewarm statements up until now have indicated; and when do you expect the Prime Minister to announce the financial and other support to back up his comments that he wants to see the whole process accelerated? When do you expect the Prime Minister to get serious about this matter?

**MRS CARNELL:** Mr Speaker, taking into account the very important things happening in the ACT that actually affect the people here at the moment, it is an amazing approach. The thing that I thought was most exciting about the statements of the Prime Minister last night was that he is now on the record as being 100 per cent behind the fast train. From an ACT perspective, both the Commonwealth and New South Wales have been frustrating - - -

**Mr Corbell:** And what has the Commonwealth contributed so far?

**MR SPEAKER:** Mr Corbell, you asked your question at considerable length. Stop interjecting.

**MRS CARNELL:** Regularly, with regard to this project, both the Commonwealth and New South Wales have been less than forthcoming, I have to say. Regularly, the ACT has had to get the project back on track and get some commitment from both New South Wales and the Commonwealth. New South Wales had a large amount of trouble moving away from their initial Tilt-train only approach that we saw for a very long time.

The Commonwealth, New South Wales and the ACT Government have established a joint project control group, Mr Speaker. As those opposite should have known, the ACT Government made available in this budget, and last year as well, significant dollars for the fast train project and we have had our people working on it for quite a long time. Mr Speaker, for the interest of those opposite, I would like to table the letter that the Prime Minister sent to Bob Carr. He also sent one to me, looking for a meeting. It is also good to have heard, and to see in writing, comments about the Commonwealth's strong commitment to this project. It was also good to hear the Prime Minister last night speak about ensuring that - - -

**Mr Corbell:** Now, not six months ago.

**Mr Wood:** Belatedly.

**MR SPEAKER:** Order!

**MRS CARNELL:** It was good to hear the Prime Minister ensuring that we had some tight timeframes now. I believe that the Commonwealth - - -

**Mr Corbell:** There must be an election coming on.

**MR SPEAKER:** I warn you, Mr Corbell.

**MRS CARNELL:** Mr Speaker, I believe that the Commonwealth has not been as forthcoming as they should have been. I have made that point clear lots of times. I think New South Wales has not been, Mr Speaker. Here is that letter. I am now very pleased to have heard the Commonwealth come out with very strong statements, not just about support for the project but about bringing the timeframe forward.

**Mr Berry:** Rubbish! Playing political games.

**Mr Whitecross:** What about providing some resources?

**Mr Humphries:** Mr Speaker, I rise on a point of order. This is really quite intolerable.

**MR SPEAKER:** Yes, and I will be warning other members very shortly.

28 August 1997

**Mr Humphries:** We have had a barrage of interjections on a question asked by the Opposition. It really is too much.

**MR SPEAKER:** Yes. I have to uphold the point of order. I caution the Opposition that Mr Corbell will not be the only person warned if this type of thing continues. Questions are asked by the Opposition. The least they can do is to listen to the answers.

**MRS CARNELL:** Mr Speaker, I think in this particular circumstance it is very interesting, because I have not bagged anybody here, let alone those opposite. What I have said is that I think it is exciting. I think it is a step in the right direction to have heard the Commonwealth come out for the first time - - -

**Mr Corbell:** I raise a point of order, Mr Speaker. I asked in my question whether or not the Chief Minister had corrected the Prime Minister's misperceptions about this matter and she has not yet answered that part of the question. I would ask you to direct her to do so.

**MR SPEAKER:** The Chief Minister is answering the question as she sees fit. There is no point of order.

**MRS CARNELL:** Mr Speaker, I do not believe the Commonwealth has any misperceptions at all on this issue. I have tabled the letter that the Prime Minister has sent to Mr Carr. I have made it clear from an ACT perspective that we have been, and will continue to be, an active participant in the project; we have offered, and will continue to offer, a high level of support to the task force. I am very pleased, on the basis of Mr - - -

**Mr Corbell:** I take a point of order, Mr Speaker. Mr Speaker, we did not ask what the ACT was doing. We asked whether or not the Chief Minister had pointed out to the Prime Minister the mistakes he made last night. Yes or no?

**MR SPEAKER:** There is no point of order.

**Mr Humphries:** I take a point of order, Mr Speaker. These points of order border on being an abuse of standing orders. They amount to Mr Corbell continually restating some point he wants to make about these matters, rather than seeking information. None of the points of order have been relevant to the standing orders, and he should be called into line.

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

**MRS CARNELL:** Mr Speaker, I made it clear that I do not believe that the Prime Minister has any wrong perceptions on this; but I am sure that, if that is the case, Bob Carr will set the Prime Minister straight. In this house what those opposite are supposed to ask questions on is the ACT's perspective, what the ACT is doing, and what I am doing to make sure that they understand our level of commitment. The fact is that the Prime Minister now has made clear to us that he has an unqualified commitment to the project and also, for the first time, is looking at bringing the timeframe forward.

I would have thought everybody in this place, and everyone in the ACT, would be very pleased and would possibly be throwing their hands up in joy on this one. This is one of the most important projects likely to happen in the ACT over the next 10 years.

**MR CORBELL:** I have a supplementary question. Chief Minister, from your statements, does this mean that Canberrans can look forward to a train set led election campaign from the Liberals next February, a bit like the one that the people of South Australia and the Northern Territory are currently enjoying? Can you also clarify what Mr John Sharp, the Minister for Transport and Regional Development, meant about the Commonwealth's involvement when he said in a letter to you in April that the Commonwealth has not indicated a preparedness to fund the process for the development of a very high speed train and, "As I consider current processes are proceeding at a sensible pace given the complexity of the issue and the involvement of three governments, I suggest there is little to be gained from a meeting at this stage."? Chief Minister, can you explain the contrary attitudes of the Federal Minister for Transport and the Prime Minister, and can you explain whether or not we are going to have a train set led election campaign?

**MRS CARNELL:** Mr Speaker, I think Mr Corbell brought to this Assembly so many frivolous points of order that he did not listen to my answer. I believe it is important, if Mr Corbell is so interested, to run through the cancelled meetings. Mr Speaker, my understanding is that the release of a detailed call document has been delayed while New South Wales agencies attempt to resolve and prescribe a number of project issues. The intergovernmental project control group meets at a minimum each month to resolve any issues between governments. The meetings of 23 July and 20 August were cancelled by New South Wales, for whatever reason - - -

**Mr Corbell:** I take a point of order, Mr Speaker.

**MRS CARNELL:** This is the question you asked.

**MR SPEAKER:** What is your point of order this time?

**Mr Corbell:** Mr Speaker, I think you should suggest to the Chief Minister that she be cautious about suggesting that those meetings were cancelled. If she checks on - - -

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

**Mr Corbell:** They were postponed, not cancelled.

**MR SPEAKER:** Mr Corbell, if you wish to make a statement you can do so in the adjournment debate. I will not tolerate frivolous points of order.

**Mr Humphries:** Mr Speaker, I suggest to you, with all seriousness, that that point of order could not in any way have been another mistake by Mr Corbell. He deliberately purported to take a point of order when, in fact, he was making a debating point, and he should be called into line.

28 August 1997

**Mr Hird:** Mr Speaker, speaking to the point of order, I would like to draw your attention, sir, to standing order 202(a) - "persistently and wilfully obstructed the business of the Assembly", and (b), "been guilty of disorderly conduct". That member should be dealt with by the presiding officer accordingly.

**MR SPEAKER:** Mr Hird, I will pay attention to standing order 202(a) - "persistently and wilfully obstructed the business of the Assembly". I caution members.

**MRS CARNELL:** Mr Speaker, I find it very difficult to understand Mr Corbell's position on this when I was outlining the dates of meetings that were cancelled. I am very happy to go on and explain why they were cancelled, Mr Speaker. They were cancelled by New South Wales while they established their own position on a number of issues and because their officials were not available on the agreed dates. The issues that New South Wales had not established their position on include access charges, joint use of track, capacity on existing lines, ownership of the alignment, land acquisition and project finance. Many of these issues will be hard to resolve - there is no doubt about that - until the details of the proposal are available; but what the Prime Minister said last night was that he intended to get Bob Carr and me together to make sure that we could resolve these outstanding issues and do it quickly. Mr Speaker, Mr Corbell made some very trite comment about a train led recovery. I would be very happy to have a very fast train led recovery in the ACT.

### **Legal Profession - Discipline**

**MR OSBORNE:** My question is to the Attorney-General, Mr Humphries. Minister, in this morning's *Canberra Times* there is an article about a Canberra lawyer who basically swindled a person - there is no other way to describe it - out of a parcel of shares worth \$20,000 on behalf of his or her client. The resulting complaint that was made to the ACT Law Society was referred to the society's Professional Conduct Board and four charges were subsequently proven against the lawyer. So far so good. How is it possible, then, Mr Humphries, that while the charges were proven by the board - they were very serious charges, I might add - the Law Society has decided to impose no penalty? Even worse, the guilty lawyer has been left unnamed. Do you consider that this is the best way for complaints against lawyers to be handled and that it is one that appropriately serves and protects the public interest?

**MR HUMPHRIES:** Mr Speaker, I thank Mr Osborne for that question. Let me say, first of all, that the processes that govern the work of the Professional Conduct Board of the Law Society are processes that are laid out in legislation - the Legal Practitioners Act - and reflect a longstanding arrangement whereby the Law Society exercises discipline over its own members. It is perhaps anomalous that that should occur in that way. It is a system of discipline which is not quite like any other used in any other profession in the ACT. The Medical Board does not operate in quite the same way, nor do other bodies of a similar kind, and it may be, Mr Speaker, that the system is susceptible to some reform.

The process of reform of this area is a matter that has not been left unaddressed by governments, not just here but around Australia, for some time. Mr Osborne might be aware that the Council of Australian Governments, COAG, has had in place now for some time a legal profession reform working group which has been developing a series of reforms of the legal profession, including reform of complaints and disciplinary processes. That working group has already produced a quite large number of changes in the area of reform of the legal profession. In fact, some of those reforms have come before this house and been enacted. The decision that we made in 1995, for example, to abolish the position or to discontinue the appointment of queen's counsel was a product of the work of that working group.

As far as the disciplinary processes in use in the ACT are concerned, I would accept the argument that they need to be reviewed and perhaps reformed. Work is going on within my department at the moment to consider what is the best model to do that with, and, in turn, that is feeding up to the COAG working group process. That is a slow process, but the ACT Government has committed itself to being part of the working group exercise. That group was set up, in fact, by the former Government, not by us, and we have remained part of that train as we work towards changes in the law.

Let me make two points clear. One is that it is better to have uniform processes in this respect and for us to have common rules for lawyers around the country, the reason being that we now have mutual recognition in force for lawyers practising across State boundaries. Therefore, it is important for the same rules of discipline to apply to a lawyer who might work part of the time in the ACT and part of the time in New South Wales, for example. That is why working with other States is important.

The second point is that I do not think you should be misled into believing that the penalty imposed on this particular lawyer was the only penalty that he or she might face as a result of the actions that have been criticised. He or she, of course, is not immune from the normal processes of prosecution under the criminal law. If there has been a defalcation, that lawyer will be subject, presumably, at least to consideration by the Director of Public Prosecutions for charges to be brought against him or her.

**MR OSBORNE:** I have a supplementary question. I am pleased to hear that, Mr Humphries. Will you agree, then, to write to the Law Society and insist that they forward this brief on to the police? Will you also contact the Law Society to insist on the publication of this lawyer's name and request the reasons for their imposing no penalty?

**MR HUMPHRIES:** As for forwarding the brief to the Director of Public Prosecutions, if it is properly a matter for the Law Society to do that I will urge them to do so; but I suspect that the facts that gave rise to this matter have already come to the attention of the DPP. It is very hard to imagine that a client who was aggrieved in circumstances where money was defrauded or misused would not first have gone to the police or otherwise brought the matter to the attention of the authorities rather than to the Law Society. I will find out whether the matters have been referred. I would be very surprised if they had not already come to the attention of the DPP.

28 August 1997

As for urging the Law Society to publish the name, the question of publication of the name is a matter for the Professional Conduct Board. That board has representatives of both lawyers and lay people on it. In fact, a former member of this place is a member of the Professional - - -

**Mr Osborne:** Five lawyers and two lay people.

**MR HUMPHRIES:** That is true. That body has representation, but by no means a majority, of lay people on it; that is true. I do not have the power to intervene to force them to name the person concerned. I do not know who the person concerned is. I tried to find out for my own interest today, and I do not know.

**Mr Osborne:** We are trying, too. Do not worry.

**MR HUMPHRIES:** I have a feeling that if you find out we will all know, Mr Osborne. Mr Speaker, for my part, I do not have the power to go behind the law and say the power vested by legislation in the Professional Conduct Board to deal with these matters as it sees fit, subject to the law, should be overridden by an Attorney-General who comes in and says, "I know better than you do, although I have not heard the facts of the case, and I will make a decision which is different from yours". Maybe those bodies should not have the power not to name people.

**Mr Osborne:** Guilty or not guilty. It is pretty simple, is it not?

**MR HUMPHRIES:** Perhaps it is simple. I do not know. I do not know the facts of this matter. Maybe they are simple; maybe they are not simple. Mr Speaker, I think we need to know; but, as I say, this does need to be progressed through a proper process, rather than me coming in and deciding that I know better than these people. I am prepared to convey to the Law Society the concern which is being expressed by you, and perhaps other members in this place, about the processes concerned, and to ask for justification of a system which does not publish the names of lawyers in those circumstances.

### CanDeliver

**MR WHITECROSS:** Mr Speaker, my question without notice is to Mrs Carnell in her capacity as Chief Minister. Chief Minister, I refer to an article which appeared in the *Canberra Times* yesterday.

**Mrs Carnell:** I did not read that either.

**MR WHITECROSS:** You have not had a chance to read today's *Canberra Times*. Maybe you have had a chance to read yesterday's.

**Mrs Carnell:** No.

**MR WHITECROSS:** The article was in relation to the failure of CanDeliver to be short-listed as a service provider to the Department of Finance. Chief Minister, can you inform the Assembly what criteria CanDeliver failed to meet, which led the Department of Finance to exclude CanDeliver from the short list of preferred service providers?

**MRS CARNELL:** I cannot give you the actual criteria on which CanDeliver failed. My understanding is that in the debrief it was indicated in very basic sorts of terms that CanDeliver, for whatever reason, had not met the criteria that Finance wanted at the time; but, Mr Speaker, we are not giving up. We are very disappointed, I have to say, because we went ahead with CanDeliver on the basis of making sure - - -

**Mr Wood:** Mr Howard's economic policies in operation. That is it. His economic policies in operation.

**MR SPEAKER:** Silence! You are not answering the question, Mr Wood.

**MRS CARNELL:** We went ahead with CanDeliver to try to do as much as possible, or to do everything we could, to ensure that many small businesses in the ACT and region had an opportunity to be part of Commonwealth Government outsourcing. The Finance outsource that we hoped would be the first opportunity for CanDeliver and the smaller ACT and region businesses to have a go, shall we say, has not been successful; but already, Mr Speaker, we have been part of another tender. I think it is the Administrative Services tender. Again, all I can say is that we are disappointed. There are some Canberra firms on the short list for the Finance outsource. We will be in there and we will continue to try.

**MR WHITECROSS:** I have a supplementary question. I do not know where to begin, Mr Speaker. Chief Minister, how can you continue to try and hope to do better if you do not even know why you were not included on the short list for the Department of Finance? Can you inform the Assembly what action you propose to take to address the obvious problem facing CanDeliver's ability to competitively tender and win work with Commonwealth departments? Can you give us anything to hang onto to lead us to believe that this is a serious attempt to win work for ACT companies and not just an opportunity to manufacture press releases for you?

**MRS CARNELL:** The CanDeliver bid, we believe, was very good. Obviously, we are looking at that bid. We are disappointed that we were not short-listed. End of deal, Mr Speaker. I have to say as well that many Canberra companies and other companies were not successful either. I understand that a large number of firms did tender. Obviously, a large number were not successful. We will certainly ensure - - -

**Mr Berry:** What a great policy to support then - John Howard's policies! Isn't that a good set of policies to support?

**MR SPEAKER:** Silence!

**MRS CARNELL:** Mr Speaker, I wonder whether those opposite are trying to tell us that we should not be in there trying to get more work for ACT small business, or are those opposite - - -



28 August 1997

**Mr Berry:** You should not be supporting John Howard's policy solidly.

**Mr Humphries:** Mr Speaker, I can barely hear what the Chief Minister is saying and I am sitting right next to her. It is appropriate that the standing orders in this place provide protection for members when they are addressing the Assembly. The Chief Minister has been seeking that protection all afternoon. I think she deserves it.

**MR SPEAKER:** The next person to interject will be warned. I am warning all members.

**MRS CARNELL:** That includes points of order, Mr Speaker. I have not finished the answer yet, Mr Speaker. The Government is very disappointed that the officials of the Department of Finance saw fit not to short-list the proposal from CanDeliver. Those opposite think it is funny. They would have done nothing, Mr Speaker. CanDeliver, without doubt, is one of the most innovative approaches, I think, ever taken by government anywhere to get in there and use our risk profile, our credit rating, to help small businesses.

Mr Speaker, I am also concerned about the total insensitivity and very discourteous manner in which the notification of the decision was managed. The parties involved were actually informed before the Government was, Mr Speaker. That is the level of the problem we had here. We will be doing everything in our power to ensure that in the future CanDeliver is successful. We believe that ours was a good proposal. We believe that we have very positive potential outcomes for the ACT community in the future. It is frustrating to see that the staff of the Department of Finance do not recognise the merit of the CanDeliver concept. I wonder, Mr Speaker, whether those opposite believe that somehow the CanDeliver document or the CanDeliver bid was not up to scratch. Is that what they are saying? I think that is what they are saying.

**Mr Whitecross:** That is what the Department of Finance is saying.

**Mr Wood:** It was not us.

**MR SPEAKER:** Order! There will be no rhetorical questions.

**MRS CARNELL:** Mr Speaker, possibly they could ask the chair of CanDeliver what he thinks. The chair, Mr Speaker, is David Lamont.

### **Police Establishment**

**MR WOOD:** My question is to Mr Humphries, the Minister for Police, who seems to me to be the one up and down all the time creating a disturbance. Mr Humphries, given your apparent uncertainty, evidenced in your answers to questions over the past couple of days, as to whether the Australian Federal Police is providing the number of police required by its contract with the ACT Government, can you inform the Assembly what processes are included in that contract to ensure that the Territory actually gets what it pays for? Does the ACT Government have any idea on any one day of how many of the police it contracts from the AFP are actually available for duty?

**MR HUMPHRIES:** Mr Speaker, obviously we do have an idea, otherwise we would not know that we have not been receiving the number of police that we have contracted for. Obviously that is the case, otherwise I would not have been in the position yesterday of saying to the Assembly that the number of police we have contracted for have not been delivered. It is a rather silly question. As for mechanisms within the contract, the contract is a contract. It says that we will be provided with a certain number of police. That is all, essentially, that the contract refers to in that regard. However - - -

**Mr Wood:** Is that a weak contract that you have?

**MR HUMPHRIES:** Your Government administered the contract for four years and, obviously, it was satisfactory as far as you were concerned.

**Mr Wood:** Is that the same contract? Have you renewed it?

**MR HUMPHRIES:** I think you might even have renewed it in that time. Obviously, it was satisfactory as far as you were concerned. I am meeting with the Commissioner of the Australian Federal Police this afternoon and I will be raising these issues further with him.

**MR WOOD:** I have a supplementary question, Mr Speaker. Minister, to clear up the confusion that has arisen from your answers to questions in relation to police numbers in Canberra, will you come back tomorrow, so you have time to do this - - -

**Mr Humphries:** If you like.

**MR WOOD:** Next Tuesday that is, the next sitting day.

**Mrs Carnell:** We are happy to come back tomorrow if you want to.

**MR WOOD:** Next sitting day. Will you come back and tell the Assembly how many police are rostered for operational duties out in patrol cars or on foot on the streets around Canberra at this moment, at this time of day? Would you tell us that next Tuesday? Would you do that research?

**MR HUMPHRIES:** Mr Speaker, if the information is available, yes, I will. But, with great respect to Mr Wood, telling him how many people are rostered at that particular moment is not the same question that he was asking before about the number of police the ACT is contracted for. Obviously, only a small proportion of those who are on the ACT's payroll will actually be out in squad cars or on duty at that particular time - maybe only a third or a quarter of the total number. I can probably get the information about those rosters, but it is a separate issue from the one he has already raised.

**Mr Wood:** How many are on the streets now? That is what I want to know.

**MR HUMPHRIES:** I can tell you that if you want.

### Electricity Supply Contract

**MS HORODNY:** Mr Speaker, my question is to the Minister for Urban Services, Mr Kaine. Mr Kaine, yesterday in question time you said that the contract between ACTEW and Yallourn Energy had no environmental implications because it did not increase the amount of electricity that Yallourn generates, and that in no way adds to any degradation of the environment whatsoever. Minister, does this mean that you do not believe that there is such a thing as the greenhouse effect and that the continuing emission of greenhouse gases from electricity production is degrading the environment through global warming, and that you disagree with the objectives of the United Nations climate change convention that greenhouse gas emissions should be reduced - not just stay the same but be reduced? Minister, do you also not believe that ACTEW, with its corporate objective to conduct its operations in compliance with the principles of ecologically sustainable development, should be trying to reduce its impact on the environment through promoting suppliers of electricity that produce less greenhouse gas emissions rather than merely maintaining its current impacts on the environment?

**MR SPEAKER:** Mr Kaine, you may attempt to answer that omnibus question, but - - -

**MR KAINE:** I am sure I can answer it quite well. As to the first part, no, the answer that I gave yesterday does not mean any of the things that Ms Horodny just spelt out. All it means is what I said; that the contract does not increase the amount of electrical energy, whether it degrades the environment or not, coming out of Yallourn. I make a simple statement and it does not entail or imply any of the things that Ms Horodny just asked me about.

In terms of ACTEW's corporate obligation to preserve and improve our environment, I believe that they do have regard for that obligation in what they do. That is why they have been looking at things like a gas powered generator which would be less destructive of the environment. That is why they have got right behind the conversion of methane gas at our garbage dumps to electrical energy - because it is environmentally productive. That is why they have taken up the question of green power and are moving to the point of offering to people in Canberra the opportunity of buying green power if they are prepared to pay the extra premium that that is going to cost. I do not think ACTEW has anything to apologise for in terms of its approach to the environment, and I think if Ms Horodny were honest she would concede that.

**MS HORODNY:** I ask a supplementary question: Mr Kaine, do you not believe that the ACTEW deal with Yallourn will improve Yallourn's ability to compete in the national electricity market and thus maintain and potentially increase the amount of brown coal generated electricity that will be fed into the national grid?

**MR KAINE:** Mr Speaker, no, I do not believe that that is a necessary consequence of the contract at all.

## Voluntary School Fees

**MS McRAE:** My question, Mr Speaker, is to the Minister for Education, Mr Stefaniak. Could the Minister explain what he has done following the front-page story in the *Chronicle* entitled "Fee Furore"? Is the Minister aware of which schools are coercing parents to pay voluntary fees, and what instructions have been issued to these schools?

**MR STEFANIAK:** I thank the member for the question, Mr Speaker. I trust the member has had a good look at the whole article, because I think that is important in terms of this question. Mr Speaker, the Government's position is quite clear on this. This Government has said that it will not introduce compulsory fees in schools and colleges. Our policy, which we took to the last election, was voluntary school contributions. As you are well aware, I think, Ms McRae, in 1996 school principals were directed to review publications and any correspondence, to ensure consistency with Government policy.

I would expect school boards to consult with their communities on voluntary contributions to achieve a consensus. They should inform families of prospective students, too, of their approach to fundraising prior to enrolment. They must, however, have a consistent approach with Government policy, and when it is drawn to our attention that schools are not doing so the schools are contacted by the department and reminded of their obligations. I would refer you, Ms McRae, to the continuation of the article on page 7 of the *Chronicle*. You might find one of the comments by the P and C interesting. The article reads:

Parents and Citizens Association Council secretary Trevor Cobbold said there had been a long history in the ACT of discrimination by teachers against students whose parents had not paid voluntary contributions.

"Since the new Education Department's policy has been in place there has been less complaints ...

He goes on to say that there is still continued coercion and intervention and misinformation. I think it is important to see his comment that since the new policy has been in place there have been fewer complaints. That is very significant, Ms McRae - very significant indeed. Whenever these matters are brought to my attention or the attention of the department, through whatever means, the schools concerned are contacted, and I am pleased to see that there are fewer complaints. I understand, too, from my information, that the *Chronicle* has been monitoring this for some time. It is not exactly like having a hell of a lot of schools there.

Voluntary contributions have been a traditional part of the school system. I have said on a number of occasions that they have been there for decades. They were there when I was in our public school system in the 1960s. The Government certainly encourages families to support their children's education and to make these financial contributions where possible, but we have a policy in this Government that they are voluntary contributions, and that has been made clear. We have had an Assembly inquiry and some very helpful comments in relation to that, which led to the 1996 policy which the department enforces. When it is brought to its attention that schools are not complying -

28 August 1997

I am pleased to see the P and C say that there are fewer complaints now - action is taken by the department. I am also pleased to see that, where information is given out to parents and parents know exactly what the contributions are for, we have had, and we continue to have, a very good success rate in terms of those schools raising contributions from the parents.

**MS McRAE:** I have a supplementary question. Mr Speaker, you will have observed that I waited very quietly and patiently in regard to your orders, but the Minister has not answered my question. Is the Minister aware of which schools? Has he contacted those schools? He said that the department contacts schools when they are brought to his attention. I am well aware of that. I asked a very specific question. Is he aware of which schools? Have they been contacted? By way of a supplementary question, is it not a fact that these schools are putting more pressure on parents because they are not able to manage their budget allocation under the new enhanced school-based management program?

**MR STEFANIAK:** I would be rather surprised if that is the situation, Ms McRae. In terms of which schools they are, no, no-one has told me which schools they are yet. I note that the P and C is writing a letter - I assume the *Chronicle* article is correct - to several schools about that. I do not know whether at this stage it has told the department which schools. I suspect that is not the case. It certainly has not told me. But when things like that are brought to our attention, and we are told what the problem is and which school it is, we certainly take action. That has happened on occasions, Ms McRae, in the past. I refer you again to Mr Cobbold's comment that there have been fewer complaints since the policy was put out last year.

### **Non-government Schools - Registration and Re-registration**

**MR MOORE:** Mr Speaker, my question is also to the Minister for Education, Mr Stefaniak. With reference to the previous question, if it was Mr Fahey answering the question he would say, "You do not have any school fees in Canberra anyway". But it was not; it was Mr Stefaniak. Minister, you recently published guidelines for the registration and re-registration of non-government schools. I refer to your statement in this Assembly on 18 February this year that these guidelines will place increased emphasis on education planning and the viability of schools. You emphasised the objectives of orderly planning and efficient utilisation of educational resources. You indicated that there would be an assessment of the impact of planned enrolment growth of new schools on the educational and financial viability of existing schools in both the government and non-government sectors. Minister, could you now explain to the Assembly why these objectives have not been given effect in the guidelines? Would you agree that the absence of a clearly specified process and criteria for assessing the impact of new school proposals represents a planning failure which will detract from the orderly planning of new schools and may result in detrimental effects on existing government and non-government schools? Will you assure the Assembly, Minister, that your Government remains committed to the objective of orderly planning of new schools which you so ably

enunciated last February to this Assembly, and that the final draft of the guidelines or the final guidelines will incorporate a clearly enunciated planning objective, a requirement to assess impact according to the specified criteria and transparent procedures for the assessment of impact, and that the process will include public consultation on new school proposals?

**MR STEFANIAK:** Mr Moore, I think public consultation is absolutely essential in terms of this right across the sectors. In terms of further guidelines, I indicate to Mr Moore that this is in fact a first draft.

**Mr Moore:** Yes, indeed. I think I emphasised that. I appreciate that.

**MR STEFANIAK:** You did, Michael. It is a first draft. In fact, quite a few comments have come in to the department and they are in the process of incorporating those comments in a revised draft. I intend to get further comments from all the key players in relation to that. By the way, you mentioned financial viability and a few other things. If you look at the guidelines for registration and re-registration of non-government schools you will see on page 6 heading No. 2, "Criteria for Registration of Proposed Schools and Registration of Existing Schools". It says:

The following criteria which are consistent with the Education Act contain the essential elements that schools must have if they are to receive or maintain registration -

financial viability - - -

**Mr Moore:** No, no; I am talking about the financial viability of existing schools, not the financial viability of the new ones.

**MR STEFANIAK:** Mr Moore, you raised a couple of points on which I would like to correct you. I had a good look through this recently. I think there might be one thing in it which may have caused you some concern and that is the use of the word "may" in education and planning. This might seem a little bit at odds with or perhaps a bit different from what I said in relation to assessment of impact of planned enrolment growth of new schools on existing enrolment distribution. At the risk of getting into semantics I would say that that may be something that causes you concern. It is certainly something the P and C raised with me, but they have put in fairly lengthy submissions in relation to this. The independent schools, through, I think, the chief executive officer, Joyce Hill, have also put in comments in relation to that and other areas, too.

Interestingly enough, from talking as I have in relation to this matter with a number of people in both sectors, I think you could say that there is certainly room for a sensible consensus in terms of planning new schools, be they government or non-government, to look at any significant implication for existing schools. I think that is something we have not necessarily done in Canberra in the past, not necessarily just in terms of non-government schools but perhaps also in terms of the planning needs for government schools. I think we are now learning from the errors of the past because there is nothing more traumatic for a small dedicated school community, be it a government school or

28 August 1997

a non-government school, than for that school to fall over. We have seen that in the government sector and we have seen that in the non-government sector when schools do not remain viable. We saw it last year, I think, with the AME School at Weston. We have seen it in some instances in terms of government schools, too.

I think sensible planning by both sectors is terribly important. I think they accept that. That is why I think this first cut, which has been criticised in various respects, and rightly so by a number of sectors, has to be redrafted. It has to go out again for further consultation. I think it is important. I think we are dealing fundamentally with pretty sensible people in both sectors. I think what we can come up with here in the ACT is some very sensible guidelines, ultimately, in terms of the final draft, which will quite clearly benefit both the government and non-government school sectors in the ACT in the years to come.

**MR MOORE:** I have a supplementary question. Indeed, that is what a draft is about, Minister. But are you embarrassed, Minister, that you told this Assembly one thing and then a draft - I accept that it was just a draft - appeared that was inconsistent with what you told the Assembly? What are you going to do about that in terms of the way your department responds to what you tell this Assembly?

**MR STEFANIAK:** Mr Moore, this is a fairly significant and lengthy document. Perhaps one particular paragraph could have been done a little bit better to mirror exactly what I said here. Apart from that, though, I think the other points are covered reasonably well, but it is a first draft. What am I going to do about it? I am going to ensure, when the next draft comes to me incorporating all the comments made by the sectors, that that draft does incorporate those comments for further consultation with the relevant sectors, Mr Moore. It is probably a little harsh to criticise the people who did this paper if they made what you say is an error in relation to only one particular area. Maybe that is a bit unfortunate, but this is a first cut. This can be rectified along with the various comments we get from the sector which have been picked up by both the P and C and the Independent Schools Association and currently are being taken into account by the department.

### **Small Business**

**MR HIRD:** My question is to Mrs Carnell in her capacity as Minister for Business and Employment. Mr Speaker, this Government is trying to do something about business. Those opposite had five years and did nothing.

**Mr Berry:** I thought you were going to say, "What are you doing here?"

**MR SPEAKER:** I warn you, Mr Berry.

**MR HIRD:** Those people opposite did absolutely nothing during their five years to help small business prosper within this Territory. I direct this question to the Minister responsible for business. Is the Minister aware of the results of the latest *Small Business Index* released by Yellow Pages this week? If so, can the Minister outline what the survey results have shown about small business confidence in the Territory?

**MRS CARNELL:** I thank the member for the question. Mr Speaker, the Government, unlike those opposite, regards small business as the backbone of the ACT's economy. It continues to diversify. I have to say, in view of the attitude of those opposite to such things as CanDeliver, Olympic soccer, Bruce Stadium, the Kingston foreshore and business incentive schemes, that I think small business will be certainly hoping we are here for a while, Mr Speaker. There is no doubt that those same businesses that are the backbone of the ACT's economy have been through some very tough times over recent months in the wake of the massive employment cutbacks by the Commonwealth Government - which this side of the house do not support, Mr Speaker, just to clarify it. This Government has been doing all that it can to help small business in Canberra weather this tough economic situation. Our policies and our 1997-98 budget have been all about jobs and business growth.

The release this week of the latest *Small Business Index* was timely because it helped to paint a picture of how Canberra businesses were faring during recent times. Importantly, the Yellow Pages index not only surveys expectations by Canberra businesses for the next three months, but also looks back at what happened for the past quarter. What did the survey find, Mr Speaker, and what do those results say about the efforts of the Government? Even without looking at the results, they must have been pretty good because we have not heard a word about them from Mr Corbell or Mr Berry. They are very good at reading the *Canberra Times* - this was actually in the *Canberra Times*, Mr Speaker - so it is hard to understand why they did not ask a question about it, taking into account that they like to do those things. Or could it be, Mr Speaker, that they only ever ask questions about things that are negative, not things that are good for business? It is very hard to believe that that could be the case.

Mr Speaker, I will start by quoting directly from the statement put out in the *Small Business Index*. It says:

Confidence, sales and profits among Australian Capital Territory small business proprietors rebounded during the past quarter ...

The Index found that during the past quarter a net 15 per cent of small business operators reported an increase in the value of their sales. This was a net 36 percentage point turnaround from the previous quarter.

The other major small business indicator to show dramatic improvement was profitability. In the February to April quarter, 54 per cent of proprietors reported lower profits while just 22 per cent said their profits rose. However, in the quarter just ended, 33 per cent reported increased profits and 27 per cent said theirs were lower.

Looking to the year ahead, a net 31 per cent of proprietors are confident about their business prospects, compared with a net 6 per cent reported in the previous quarter.



28 August 1997

Mr Speaker, by any measure, that is encouraging news for Canberra's small business community and for our economy as a whole. Put simply, the survey finds that there has been a strong rebound in sales growth and profitability compared with early 1997, and business operators expect that this will continue to improve in coming months. Employment and investment growth also remain reasonably positive indicators, and that is another good sign for the ACT. The results of this Yellow Pages survey are backed up by other indicators which show that the Territory appears to be slowly but surely gaining ground once again. Mr Speaker, perhaps the most telling indicator to emerge from these figures is the expectation from 38 per cent of the small businesses surveyed in Canberra that the economy will improve during the next 12 months. No-one is suggesting that the Territory is out of the woods yet, but the signs of a sustained recovery are starting to show through.

Mr Speaker, the Labor Party has consistently argued that this Government is responsible for the downturn in the economy; so, using their argument, the reverse must also be true, one would assume, and now that there is an improvement in the economy this Government must also be responsible for it. But I do not know that we will hear Mr Corbell or Mr Berry telling this Assembly that there have been 7,300 new jobs created in Canberra since last November. I do not think you will hear Mr Corbell or Mr Berry telling us that there are now - - -

**Mr Berry:** Yes, but that many were lost in the previous 12 months.

**MR SPEAKER:** Order!

**MRS CARNELL:** Mr Berry, I am very happy to tell you about this. There are now 1,800 fewer unemployed people in Canberra compared with nine months ago. Mr Speaker, that is an incredible turnaround - 7,300 new jobs, most of them full-time jobs, since last November, and 1,800 fewer people unemployed over that same nine months. But we hear nothing from those opposite, Mr Speaker. What you will be hearing about this Government is our determination to keep this city moving, to continue to create jobs, to help small businesses grow and to expand those firms.

I would have assumed that everyone in this Assembly, obviously with the notable exception of the Labor Party, knows that the No. 1 issue in this city is jobs. To achieve those jobs we have to have plans for the future. We have to be right behind such things as Olympic soccer, Kingston foreshore developments, and business incentive schemes - all of those sorts of issues that those opposite have been negative about. Mr Speaker, I wonder how long it is going to take the Opposition to work it out. They have not been able to do it for the last 2½ years. Without plans for the future, without positive moves in this Assembly to create jobs and to give business confidence, it is no wonder they are on that side.

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

**MR HIRD:** Yes, Mr Speaker. Is this another good news story from the Government in respect of small business and the development of jobs not only in the Territory but throughout the region?

**MRS CARNELL:** Mr Speaker, it is a very good sign for the ACT. I think the thing that is most important about these figures is the business confidence. They certainly show that more businesses are profitable now than was the case in the past; but they also show that businesses in the ACT, small businesses, have confidence in the future of the ACT. That must mean, using the logic of those opposite, that they also have confidence in this Government.

### Taxation

**MS TUCKER:** My question is to the Chief Minister. Chief Minister, as you know, the level of taxation in Australia is amongst the lowest of OECD nations. You may also be aware that Australia underspends on education by \$2 billion annually compared with the average of OECD nations. Invaluable research centres at the ANU are being cut. University education is now a privilege fewer and fewer can afford. There is no dole for unemployed people under 17 years of age and no extra funding is planned for schools to cope with their retention. According to a *Chronicle* report - we have heard debate about this in question time already - this week parents at an inner north primary school are being asked to use fundraising proceeds to get basic heating and wiring. Kids are not being allowed to take home their craft work if their parents have not paid the voluntary contributions. This is just the education sector. Mrs Carnell, do you support the Prime Minister's view that there should be no increase in overall tax and that there should be reductions in personal income tax, and how do you justify that view?

**MRS CARNELL:** Mr Speaker, in this place I am responsible, and so are people on this side of the house, for the ACT's economy and the ACT's budget. I am actually very proud that we have managed to maintain education funding in real terms - - -

**Ms Tucker:** Do you support the Prime Minister's view?

**MRS CARNELL:** I am sorry; that is what I am responsible for. That is actually the only question you can ask me. Mr Speaker, I am very proud that we have managed to maintain education funding in real terms during some very difficult times. I am also very proud that our retention rates in ACT schools - Ms Tucker did mention retention rates - are the highest in Australia by a very long way. I am also very pleased that our students have a better record of entry into universities than any other State or Territory in Australia. All in all, I believe that education - something that Ms Tucker raised - is being handled very well in comparison to other places.

28 August 1997

In terms of ACT taxation, something for which we on this side of the house are responsible, we have given an undertaking to make sure that, wherever possible, our fees and charges are not more than those in New South Wales, our nearest neighbour. We believe that is appropriate. It is the only way we can ensure that our businesses and people who live in the ACT are not disadvantaged in comparison to those people who live over the border.

With regard to taxation generally - and now I get into the points of view area, which I suspect could be out of order - I totally support taxation reform in this country. I believe very strongly that the only way the ACT will be able to compete in the Asia-Pacific region, particularly in the areas that I believe we can lead Australia in, and that is IT research and R and D advanced technology, is to make sure that our companies, our businesses here, have a similar sort of taxation base to their competitors in the USA, New Zealand and Europe. To achieve that, Mr Speaker, we need a broader taxation base. We need to ensure that our taxation base, at least for our businesses, is more in line with our competitors'.

**MS TUCKER:** I have a supplementary question. I find it extraordinary that it might be out of order that Mrs Carnell, the Chief Minister of this Territory, would have a view on taxation. My supplementary question - - -

**MR SPEAKER:** I would remind Ms Tucker of standing order 114, which says:

Questions may be put to a Minister relating to public affairs with which that Minister is officially connected, to proceedings pending in the Assembly or to any matter of administration for which that Minister is responsible.

The Chief Minister has answered the question within the context of standing order 114. You may ask your supplementary question, Ms Tucker.

**MS TUCKER:** Is there no responsibility for the Chief Minister to actually express a view on behalf of the Territory, as Chief Minister, to the Federal Government on a matter which will have an impact on the Territory, and that is tax? If Mrs Carnell is prepared to see the need for tax reform, will she call on the Prime Minister to abandon the narrow parameters and processes he has established for the current tax debate and instead allow the debate to be framed and discussed by the national summit that has already been discussed in this place?

**MRS CARNELL:** Mr Speaker, if Kerrie Tucker is asking me whether I will support the Greens' tax summit, the answer is no. If Ms Tucker is asking me whether I personally will support a broader tax base for Australia, the answer is yes. If Ms Tucker is interested in whether I will support a talkfest on taxation with no outcomes, the answer is no. What I want, and I am sure what the Liberal Party on this side of the house want, is real taxation reform, not just a lot of talk about it.

### **Acton Peninsula - Demolition of Buildings**

**MS REILLY:** My question is to the Chief Minister. Will the Chief Minister table, by close of business today, all correspondence received by the Government Solicitor and/or the Chief Minister's office from legal representatives concerned with matters arising from the demolition of the old Royal Canberra Hospital, in particular concerns raised about the Smethurst inquiry?

**MRS CARNELL:** Absolutely not.

I ask that all further questions be placed on the notice paper, Mr Speaker.

### **Bruce Stadium Redevelopment**

**MRS CARNELL:** Mr Speaker, it was drawn to my attention during the lunch break that I may have inadvertently misled the Assembly over the matter of Bruce Stadium. We always check past *Hansards* and it seems that on 26 June I told the Assembly, "The Bruce Stadium proposal has a full exposure for the ACT Government of \$12.3m". Mr Speaker, the full funding arrangements for Bruce Stadium have not yet been finalised, as the Assembly has also been told. The total amount appropriated for the redevelopment is \$12.3m. This figure has been published in the budget. Of the remaining \$15m to make up the full estimated cost of the redevelopment, it is proposed that \$7m be financed by a loan taken out by Bruce Stadium management. I stress that the Government will not borrow that amount. It will be borrowed by the Bruce Stadium management. I understand that that information was given to the P and E Committee when they looked at capital works.

The Government may end up guaranteeing that loan. However, that has not yet been decided or the information has not been finalised, as has been explained to the P and E Committee. In other words, based on current decisions, the total funding from the taxpayer for Bruce Stadium redevelopment will be \$12.3m. However, given that there may be additional exposure of \$7m to guarantee a loan by Bruce Stadium management, my answer to the question on 26 June may prove to be incorrect at some future time. Mr Speaker, on the basis of us always wanting to ensure that the Assembly understands definitely, I think that is important information.

### **ACTEW - Electricity Purchases**

**MR HUMPHRIES:** Mr Speaker, yesterday I took on notice a question from Ms Horodny about the greenhouse targets being set by the ACT and the proposed announcement date for the ACT Government's greenhouse gas target strategy. She asked me specifically what the ACT was doing to develop greenhouse gas emission records or totals.

28 August 1997

As Ms Horodny would be aware, electricity supply to the ACT comes from a pool comprising generators in New South Wales, Victoria and South Australia. While the total quantity and price of electricity purchased by ACTEW is available in its annual report, it is not possible to determine the source of the electricity supplied to the ACT at any point in time. This is the reality for any interconnected electricity system, given the nature of electricity. The way to address the monitoring issue is through analysis of national information. The information disclosure requirements of the proposed National Electricity Law and Code will provide the framework for such analysis. The Government will be bringing forward legislation in relation to the National Electricity Law and Code very shortly.

One of the objectives for ACTEW Corporation in the Territory Owned Corporations Act 1990 - and this touches on the question of how we are ensuring that ACTEW is complying with its corporate objectives to conduct its operations in compliance with the principles of ecologically sustainable development - is that, where its activities affect the environment, ACTEW will conduct its operations in compliance with the principles of ecologically sustainable development.

Under the legislation, ACTEW is required to produce an annual statement of corporate intent, which is tabled here. That is to place on the public record the way in which the corporation will pursue its commercial activities over the next three-year period. It is also required by legislation to provide an annual report to the Territory and to the Australian Securities Commission. That report to the Territory must fulfil statutory requirements, including an assessment of its performance in relation to its objectives. This accountability framework means that the Government should not, and does not, get involved in the day-to-day business decisions of the corporation. It assesses, or monitors - in the language of Ms Horodny's question - the extent of compliance with those principles through those reports, and that, I submit, is the appropriate way to do that.

The other issue which was raised was the announcement of the Government's greenhouse gas target strategy. There are a number of documents which the Government is awaiting for development of that strategy - the final draft of the national greenhouse strategy, which will confirm the viable measures in which the ACT can participate; the national greenhouse gas inventory of 1995, which is still being compiled; and amendments to the ACT greenhouse gas inventory, which, in turn, is derived from the national inventory and estimated from data to reflect the Assembly's requirements for non-ACT emissions. Those matters will be looked at when they are available, and a target for the reduction of greenhouse gases emitted within the ACT will be developed this year, with those documents being taken on board. Revision of the inventory data is very important in the context of the responsible development of targets. I will inform the Assembly of the 1995 inventory figures as soon as they are released.

**FINANCIAL MANAGEMENT REPORT  
Paper and Ministerial Statement**

**MRS CARNELL** (Chief Minister and Treasurer): Mr Speaker, for the information of members, I present, pursuant to section 26 of the Financial Management Act 1996, the consolidated financial management report for the period ending 30 June 1997. I ask for leave to incorporate the tabling statement in *Hansard*.

Leave granted.

*Statement incorporated at Appendix 5.*

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

**MRS CARNELL** (Chief Minister): I present, pursuant to sections 31A and 79 of the Public Sector Management Act 1994, copies of contracts with George Tomlins; Robyn Sheen (temporary contract); Michael Ockwell (reassignment); Phil Sadler (transfer); Ann Thomas (temporary contract and extension); Sandra Lambert (extension); Rodney Gilmour; and Ken Horsham (reassignment). I ask for leave to incorporate in *Hansard* a brief statement.

Leave granted.

*Statement incorporated at Appendix 6.*

**SUBORDINATE LEGISLATION  
Papers**

**MR HUMPHRIES** (Attorney-General): Mr Speaker, pursuant to section 6 of the Subordinate Laws Act 1989, I present subordinate legislation in accordance with the schedule of gazettal notices circulated in the chamber.

*The schedule read as follows:*

Dangerous Goods Act - Dangerous Goods (Exemption) Regulations (Amendment)  
- No. 14 of 1997 (S144, dated 23 May 1997).

Energy and Water Act - Energy and Water (Regulation of Charges) Regulations  
(Amendment) - No. 11 of 1997 (S115, dated 1 May 1997).

Firearms Act - Firearms Regulations - No. 13 of 1997 (S137, dated 19 May 1997).

28 August 1997

Liquor Act - Liquor Regulations (Amendment) - No. 19 of 1997 (S200, dated 30 June 1997).

Motor Traffic Act -

Motor Traffic Regulations (Amendment) - No. 15 of 1997 (S160, dated 6 June 1997).

Motor Traffic Regulations (Amendment) - No. 17 of 1997 (S190, dated 30 June 1997).

Motor Vehicle (Third Party Insurance) Regulations (Amendment) - No. 18 of 1997 (S191, dated 30 June 1997).

Prohibited Weapons Act - Prohibited Weapons Regulations - No. 12 of 1997 (S137, dated 19 May 1997).

Supreme Court Act - Supreme Court Rules (Amendment) - No. 20 of 1997 (S218, dated 14 July 1997).

### **LAND (PLANNING AND ENVIRONMENT) ACT - LEASES Papers and Ministerial Statement**

**MR HUMPHRIES** (Attorney-General and Minister for the Environment, Land and Planning): For the information of members, I present the schedule of lease variations and change of use charges - formerly betterment - for the period 1 April 1997 to 30 June 1997 and the schedule of leases granted for the same period pursuant to the Land (Planning and Environment) Act 1991. I ask for leave to make a short statement.

Leave granted.

**MR HUMPHRIES:** Thank you, members. Section 216A of the Land (Planning and Environment) Act specifies that a statement be tabled in the Assembly each quarter outlining details of leases granted by direct grant, leases granted to community organisations, leases granted for less than market value and leases granted over public land. The schedule I have just tabled covers leases granted for the period 1 April to 30 June this year. I am also tabling two other schedules in relation to variations approved and change of use charges for the same period. A record of all leases and applications to vary crown leases is available for public inspection at Dame Pattie Menzies House in Challis Street, Dickson.

## MOTOR TRAFFIC ACT Papers

**MR KAINE** (Minister for Urban Services) (3.45): Mr Speaker, for the information of members and pursuant to section 6 of the Subordinate Laws Act 1989, I present instrument No. 194 of 1997, being the notification of the code of practice for parking heavy vehicles in residential areas made under the Motor Traffic Act 1936, which was gazetted in *Gazette* S255, dated 28 August 1997, together with the instrument of approval, the explanatory statement and the draft code of practice. I move:

That the Assembly takes note of the papers.

Mr Speaker, on 11 December 1996, the Assembly passed the Motor Traffic (Amendment) Act (No. 3) 1997, dealing with the parking of heavy vehicles in residential areas. This legislation commenced on 1 January 1997. At that time, a draft code of practice covering the parking of heavy vehicles on residential leases was available to the Assembly and to the public. The code of practice that I am tabling today has no changes of significance from that earlier draft and is a disallowable instrument for the purposes of section 10 of the Subordinate Laws Act 1989.

My predecessor made a commitment that the new legislation and the code of practice would not be brought into effect until alternative parking facilities were available. Good progress has been made in the development of these facilities, with sites in Mitchell and Hume already available. The tender process for the use of the former Woden bus depot as an interim facility has also been completed, and a lease will be offered shortly to the successful tenderer.

In tabling this code of practice now, I hope to ensure that affected groups are fully advised prior to the implementation of the heavy vehicle parking legislation. Given the requirement for such instruments to be tabled for 15 sitting days, the completion of this period will coincide with the statutory requirement for registration of existing operators by 31 December 1997. This will provide adequate time for affected operators to put in place alternative arrangements for the parking of their vehicles and for my department to register requests for exemptions from the code. I expect that alternative parking facilities will be fully operational in the near future, and at that time I will formally commence the code of practice by notification in the *Gazette*.

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

## DEANE'S BUSLINES TRIAL Report

**MR KAINE** (Minister for Urban Services): For the information of members, I present the report on the Deane's Buslines trial of set-down and pick-up arrangements in the ACT. Mr Speaker, when the trial was undertaken, I undertook to provide this report to the Assembly. By tabling it now, I have satisfied that obligation.



28 August 1997

**MINISTERIAL MEETINGS - CAIRNS - JULY AND AUGUST 1997**  
**Ministerial Statement**

**MRS CARNELL** (Chief Minister and Minister for Health and Community Care): I seek leave of the Assembly to make a ministerial statement on ministerial meetings held in Cairns from 31 July to 1 August 1997.

Leave granted.

**MRS CARNELL:** Mr Speaker, I am pleased to report on the outcomes - or some of the outcomes - of the ministerial meetings in Cairns on 31 July and 1 August 1997. The meetings that took place in Cairns included the Australian Health Ministers Conference, the Health and Community Services Ministerial Council, the Ministerial Council on Drug Strategy and the Disability Services Ministers meeting. The councils provide important opportunities for State, Territory and Commonwealth Ministers to meet and discuss the issues that are affecting the health and wellbeing of Australians and to adopt measures to improve the overall framework by which health and community care services are provided. The issues covered in these meetings are complex and challenging. The ACT is an active participant in proceedings and welcomes the opportunity to shape and drive reforms at the national level.

Mr Speaker, at the Health and Community Services Ministerial Council a range of measures aimed principally at addressing the needs of the aged was considered. In this context, the following key matters were considered. The ACT agreed to participate in a review of a discussion paper titled, "Bridging the Gap - Towards More Integrated Aged Care", which will lead to opportunities to negotiate specific reforms with the Commonwealth.

Aged care is a large and diverse system managed by both the Commonwealth and the States and Territories, with complex linkages to other parts of the broader health and community care services system. Improving the continuity of care is a priority for the ACT. This concept is becoming increasingly important for the ACT's aged residents as they move between the different programs, including the disability, health, housing and aged care programs. The challenge for the ACT is to develop approaches that provide a seamless network of services focused on meeting the individual needs of the aged population. As part of the review of this discussion paper, Health and Community Services Ministerial Council members have supported that the discussion paper be released for public comment in October this year.

In relation to aged care, the ACT also joined with other States and Territories to express concerns regarding the Commonwealth's Aged Care Bill 1997, which is due to commence on 1 October 1997. This Act will impose significant changes on the aged care system, and there is concern that these changes will not have reference to the impact on related parts of the system, including community care, hospitals, housing and guardianship. Council members have resolved that States and Territories will be involved in a proposed Commonwealth review of the Act. It was agreed that this review should, in addition to Commonwealth requirements, monitor and review the impact of this Act on all States' and Territories' services.

Council members also considered a report of the healthy ageing task force, established in October 1996 to develop a national healthy ageing strategy, develop a coordinated approach to the celebration of the International Year of Older Persons in 1999 and oversee the activities of the Australian seniors tourism scheme. The national healthy ageing strategy seeks to emphasise the positive aspects of ageing for individuals and the community and identify a range of strategies for improving community attitudes, health, wellbeing and community participation, sustainable resourcing, inclusive communities, appropriate care and support, and research and information. The ACT will be looking to identify opportunities arising from the healthy ageing strategy for adoption here.

The ACT is also active in its support for the planning framework of a coordinated approach to the celebration of the International Year of Older Persons to be held in 1999. The ACT firmly supports the principles that underpin this event, these being independence, participation, care, self-fulfilment and dignity. Council members noted the progress of a proposal to develop a national tourist seniors card that could provide access to discounted public transport, travel and also tourism products. Council will further consider this proposal as feasibility issues are addressed by the healthy ageing task force.

Mr Speaker, the Australian Health Ministers Conference was held on the next day and discussed a number of specific issues of direct relevance to the ACT. Council continued its consideration of the framework for the renegotiation of the new Australian health care agreement to replace the Medicare agreements when they expire in mid-1998. Ministers have previously reaffirmed their commitment that any new agreement should include the Medicare principles of universal coverage and access to services on the basis of health need.

Additionally, they have endorsed that the following five principles will apply to progressing the agreements: Firstly, the health needs of individuals, particularly those who frequently use the system, are to be met by an integrated and coordinated system of care. Secondly, funding will be focused on identified outputs and outcomes, and will support evidence-based best practice. Thirdly, there will be focus on continuous improvement across the health system, encouraging best practice, innovative models of health care provision, and transformational change in infrastructure. Fourthly, there will be cost-effective management, for the benefit of consumers and governments, with improved management of risks by those in the best position to do so. Fifthly, information will be collected across the health system to support improved policy analysis, management, service delivery and individual care planning.

Ministers have now further agreed to a set of "building blocks" necessary to achieve better integrated and coordinated care through the health care agreements. These building blocks include protocols to support "measure and share" arrangements, integrated information systems, an output and outcome focus and appropriate sharing of risk arrangements. I believe that the new agreements will open up opportunities for the ACT in terms of a more integrated and coordinated approach to health care. Ministers will consider a draft framework agreement in November 1997.

28 August 1997

Previously, I have reported to the Assembly on the development of a national public health partnership aimed at developing a national approach to public health and a national policy and action plan for public health in Australia. Ministers have agreed to a bilateral approach between individual States and Territories and the Commonwealth committing to this partnership. The ACT has signed an MOU with the Commonwealth committing to a collaborative work program aimed at strengthening national public health infrastructure and developing major best practice initiatives.

The ACT is supportive of the establishment of a national diabetes strategy, and Health Ministers noted the progress of the drafting of a comprehensive national diabetes strategy and implementation plan. This plan will take a balanced approach to prevention, early detection, treatment and research, and will identify strategies for addressing the key intervention points. The Immunise Australia program is a fundamental health program endorsed by Health Ministers. It provides a national focus for strategies aimed at reducing the incidence of vaccine-preventable diseases. Some of these strategies are already operational in the ACT, such as school entry legislation. Others that we are looking to progress involve immunisation incentives, hepatitis B vaccinations, education programs and further research. An ACT immunisation strategy will be launched in Children's Week, from 21 to 24 October. The ACT has been supportive of the development of a national framework of stakeholders involved in organ donation and tissue transplantation. This new body, to be termed "Accord", will be publicly accountable and will work to increase the rate of organ donation, retrieval and allocation.

The Ministerial Council on Drug Strategy considered a number of items at its meeting. Council noted and endorsed the general direction of the Evaluation of the National Drug Strategy 1993-97 that was conducted by Professor Timothy Rohl of the Australian Graduate School of Police Management and Professor Eric Single of the University of Toronto. Council also endorsed the development of a national drug strategy framework document for the period from 1998 to the year 2002. Council agreed that the preparation of guidelines on the use of discretion by police and the management of offences when attending an overdose or self-administration incident should be considered by States and Territories. The ACT will give serious consideration to the development of such strategies. Council also endorsed a targeted national strategy for reducing inappropriate demand for, and greater controls over, the supply of prescription drugs as part of a national drug strategic framework.

Council deferred consideration of a strategic approach to illicit drugs to its November meeting. This issue takes on even greater importance, given the Commonwealth's decision to rescind its previous support for the heroin trial. I have expressed elsewhere my deep concerns about the Commonwealth's commitment to the Ministerial Council on Drug Strategy. I am obviously extremely disappointed that the Commonwealth has withdrawn its support for the heroin trial just two weeks after supporting it at the meeting of the Ministerial Council on Drug Strategy. One must question the Commonwealth's commitment to this and other ministerial councils.

However, council did endorse a concerted national effort to develop a broad range of effective and evidence-based treatment options for people who are opioid dependent. To this end, the ACT Government has announced that it will work collaboratively with the Victorian Government in trialling buprenorphine for withdrawal and naltrexone for relapse prevention. The Government remains committed to ensuring that there is a range of treatment options available to heroin-dependent people, and recently announced that it will be expanding its methadone program by 30 places. This is consistent with the national methadone policy.

There is enormous community concern about illicit drugs, and it is vital that the Ministerial Council on Drug Strategy takes a leadership role in the development of appropriate national policies. It is also vital that all jurisdictions are consulted in the development of such policies, and it is vital that council agreements are implemented by jurisdictions. I therefore call on the Commonwealth to show its commitment to the national drug strategy and to the Ministerial Council on Drug Strategy by taking a cooperative and collaborative approach to the development of a strategic approach to illicit drugs.

Mr Speaker, I also attended a meeting of Ministers with responsibility for disability services. As many members will be aware, negotiations have been continuing over the past 12 months on a new agreement to replace the Commonwealth Disability Agreement that expired on 30 June 1997. One of the major issues for these negotiations has been the legitimate expectation of States and Territories that the Commonwealth should share equitably in the cost of meeting the demand for adequate levels of high-quality service for people with disabilities and their families. The ACT has borne the majority of the cost of increasing services in this area.

Since 1993, Commonwealth funding to the ACT under the Commonwealth-State Disability Agreement has increased from \$2.8m to \$3.8m, while ACT expenditure under the agreement has increased from \$11.6m to \$16.2m. This means that, while total funding for disability support services in the ACT has grown by \$5.6m during the life of the agreement, the ACT has provided 82 per cent of these funds, while the Commonwealth contribution has been only 18 per cent. From a Territory perspective, this situation is unsustainable, and we require the Commonwealth to accept a greater share of the cost of meeting the need for services in this area.

Prior to the Cairns meeting, State and Territory Ministers had agreed to consider a one-year agreement to allow further negotiations on funding for disability services. However, at the meeting, the Commonwealth indicated that it would sign only a three-year agreement and was not prepared to offer any commitment to increase funding to the States and Territories over and above the level that had previously been offered. This offer was unacceptable to all State and Territory Ministers, and, accordingly, the proposal for a three-year agreement was also unacceptable.

Mr Speaker, to ensure that services to people with disabilities were not disrupted, all governments agreed to an extension of the current agreement for six months while options for longer-term agreements are explored. From the ACT's perspective, these options must include a firm commitment by the Commonwealth to accept a reasonable share of the cost of meeting demand for disability services.

28 August 1997

If this commitment is not obtained, then the ACT will have to consider handing services that were transferred under the Commonwealth-State Disability Agreement back to the Commonwealth for it to fund and administer. This position, while not ideal, Mr Speaker, reflects the reality of the respective governments' ability to fund the necessary increase in services to meet current and future demands.

Mr Speaker, in conclusion, I believe that these ministerial meetings have produced a useful way forward on a number of challenging health and community care issues. Clearly, however, on some matters there are differences between State and Territory views and the position adopted by the Commonwealth Government. I continue to be concerned to draw both views together so that we can act in the best interests of all Australians. Mr Speaker, I present the following paper:

Ministerial meetings - Cairns, 31 July to 1 August 1997 - ministerial statement, 28 August 1997.

I move:

That the Assembly takes note of the paper.

**MR BERRY** (Leader of the Opposition) (4.05): Mr Speaker, these councils have performed an important function since they began many years ago; but it is now evident that the mood is changing somewhat. Indeed, we see almost daily criticism of the Federal Government by even the State Premiers, and I see that the Prime Minister has threatened to launch a counterattack if they keep it up. That tells me that the conservative Commonwealth policies are starting to impact on State communities and even the conservative State Premiers are becoming concerned about their impact.

The first issue mentioned in Mrs Carnell's statement to the Assembly today was aged care. Today in the Assembly I asked a question of the Chief Minister in relation to her solid support for the economic policies of John Howard. In that question I mentioned cuts to dental service funding, cuts to Australian Hearing Services for senior citizens, cuts to the ABC, a GST, forcing pensioners to pay more for their pharmaceuticals, and so on. Mr Speaker, how could Commonwealth Ministers even turn up to meetings of State and Territory Ministers and show their faces, when they have taken those sorts of actions which impact so heavily on aged people?

Mr Speaker, I think the report on these meetings to this Assembly by the Chief Minister leaves out an important strategy; that is, how we deal with this Liberal Prime Minister - or does Mrs Carnell wholeheartedly support the Prime Minister's attack on aged members of the community? I will bet that she says no. But, at the next Liberal Party shindig that is on, I will bet that she says yes. Mr Speaker, the ageing community deserve to be wary of John Howard. They deserve to be wary of Ministers around this country who support his policies. Mrs Carnell has said that she solidly supports John Howard's policies. Aged people around the country, and particularly here in the ACT, ought to be wary.

**Mrs Carnell:** I said “not on social issues”. That is the quote.

**MR BERRY:** You cannot always separate social issues from economic issues, Mrs Carnell, because they impact on each other.

**Mrs Carnell:** There is no doubt that they do; but I have to say that they are not the same thing.

**MR BERRY:** One impacts on the other, in case you have not noticed.

So far as health is concerned, I note the five principles endorsed by Health Ministers. They relate to the health needs of individuals, particularly those who frequently use the system. On the face of it, they look pretty good. Funding will be focused on identified outputs and outcomes, and will support evidence-based best practice. There will be a focus on continuous improvement across the health system, encouraging best practice, innovative models of health care provision and transformational change in infrastructure - all warm-sounding words. There will be cost-effective management, for the benefit of consumers and governments, with improved management of risks by those in the best position to do so. Information will be collected across the health system, and so on. Mr Speaker, they seem pretty good on the surface. But what really impacts on the community is what Ministers, in their respective States and Territories, do to address the system. Mrs Carnell's answer is a secret deal with a major multinational company to build a private hospital and force more people into private health care. That is Mrs Carnell's answer to these sorts of things.

I heard Mrs Carnell talk about the national diabetes strategy. I trust and I hope that that will lead to a better deal for people living with diabetes. It is especially important for the Aboriginal community, who increasingly need specialised care in that area. I note that general practitioners in the ACT are developing a better strategy for dealing with diabetes than was once the case, and I welcome that. The Immunise Australia program is, as mentioned in Mrs Carnell's speech, a fundamental health program endorsed by Health Ministers - all good news - but still it appears that immunisation rates are in peril. The ACT has the highest rate in Australia, undoubtedly, and there are many good reasons for that. The principal one is that this is a compact city-state - or city-territory, to properly describe it. It is, nevertheless, a difficulty if the same immunisation rates are not being achieved in surrounding areas because of their location and so on.

Mr Speaker, I suppose that the high-profile issue that emerged during the course of the council meeting in Cairns was the heroin trial. Time will tell how the rest of the decisions taken in relation to illicit drugs will work, but I certainly support those moves. They are moves that might not have been taken a couple of years ago; but it is good to see that there have been improvements in the area of trials and experiments on new therapies. The point that I raise again in respect of the ACT is the apparent fixation that we have had with the heroin trial in the Territory. It is true that the ACT spends quite a lot of its funds on drug rehabilitation programs. There are national education programs and so on. It is also true that the ACT has a very special problem. It has had almost three years of heroin trial debate, advertising the Government's acquiescence, if you like, in the legal prescription of injecting drugs. Mr Speaker, it has reached a pinnacle during the course of this Chief Minister's reign.

28 August 1997

The real problem, I think, is that there has not been a proportionally similar effort to deal with the problems that it has created. We know, at least on anecdotal evidence, that there has been an increase in injecting drug use out there in the community; but there is no sign that there has been an increased effort from the Government to deal with the drug problem in the community.

**Mrs Carnell:** Heaps more money, and heaps more places in the methadone program.

**MR BERRY:** Mrs Carnell says that there is heaps more money.

**Mrs Carnell:** We have gone from 150 to 430 positions.

**MR BERRY:** It does not seem to be working. There must, therefore, need to be a revision of the way it is targeted. I put a motion on notice calling for increased places in residential rehabilitation programs - - -

**Mrs Carnell:** Do they work? Or does it not matter?

**MR BERRY:** Mrs Carnell interjects, "Do they work?". Not for everybody.

**Mrs Carnell:** For about 10 per cent of people.

**MR BERRY:** Mrs Carnell says, "Only for 10 per cent". Should we discard the opportunity to get 10 per cent of the people who use the programs off drugs? Should we discard them?

**Mrs Carnell:** Do you think that is cost effective?

**MR BERRY:** It works for some. You can go through the whole range of arguments in relation to drug use. Some people say that prohibition does not work. I happen to say that prohibition works for most people, but it does not work for everybody. Governments have a responsibility to provide safety nets for people for whom it does not work. It is as simple as that. For example, the heroin trial might work for some people, but will not work for others. Rehabilitation programs work for some people, but they do not work for others.

Mr Speaker, the issue of drug use in the ACT is a complex one; but this Government, in my view, has fallen down on the job over the past three years. There has been a special need for a changed approach in the ACT, and it has not been taken up. There is some lost ground that needs to be dealt with in the ACT. For my part, I am prepared to support the Government in a bipartisan way if it is prepared to address the problem. But, if the Government is intent on digging its heels in and behaving doggedly on this issue, then I will continue to criticise it, because I do not think that that is the answer.

Sometimes governments have to accept that they have taken their eye off the ball for a little while and that some problems need to be sorted out. I am happy to support the Chief Minister. I do not expect her to go out into the community wearing sackcloth and ashes over the issue; but what I expect of her is some sort of a reaction.

It is a serious problem for a sizeable chunk of the community, and it needs to be addressed. The community want to see something happening, and they cannot see it. That is the problem.

Mr Speaker, I agree with Mrs Carnell that these ministerial councils perform an important function. I expect that she probably agrees with me that the travel and the work involved in them can be quite tedious. Nevertheless, it is a responsibility that governments, like the ACT's and others, have to put a lot of effort into if we are going to get the best results for us and for others across the country.

It is important to have a Commonwealth government that has a range of policies which provide the services required by people affected by the various jurisdictions, rather than a Commonwealth government that is prepared to go along to the ministerial councils and mouth the words but not respond with actions. I go back to the issues that I raised in question time. When we see a Prime Minister who has got stuck into a place such as the ACT with the most savage economic policies, it is hard to believe that Federal Ministers who go to these ministerial councils really go there with any good intent.

Question resolved in the affirmative.

### **TERRITORY-OWNED CORPORATIONS** **Discussion of Matter of Public Importance**

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

The right of Members of the Legislative Assembly to scrutinise the economic, social and environmental performance of Territory Owned Corporations and to freely make reasonable public statements on matters of Assembly and public interest without fear of litigation.

**MS TUCKER (4.19):** I raise this matter of public importance today because I believe that free debate by elected representatives must not be able to be gagged and that we must be able to scrutinise the performance of Territory-owned corporations. This matter of public importance can be broken down into two areas of grave and increasing concern. Firstly, I am currently threatened with defamation proceedings by the former chief executive officer of the Territory-owned corporation ACTEW for making public comments on an issue arising from ACTEW activities which I believed to have an impact on the environment and which I know to be of interest to the Assembly and to the community. The first issue in the debate is therefore the defence of my right as an elected member of the Legislative Assembly, indeed the right of all elected members of this Assembly, to scrutinise the activities of Territory-owned corporations and indeed other businesses and to make reasonable public comments about them without fear of defamation proceedings. The second issue is the accountability of public corporations.



28 August 1997

First, on the matter of the right of free debate on matters of public importance, the threat of an action against me arose in response to press statements I made on 27 June and 10 July 1997 about a deal entered into between ACTEW and Yallourn Energy. The announcement was made the day after we finished a sitting period before the longest break in the year. I had no alternative but to voice my concerns immediately in the media. Among other things, my press release said that the carbon dioxide emissions from Victorian generators, burning brown coal, are on average about 40 per cent higher than New South Wales generators using black coal and that the move makes the ACT complicit in Australia's reprehensible stand internationally against uniform binding greenhouse targets. I also expressed a view that the agreement contravened the legislation which established ACTEW as a corporation. The legislation sets out four principal objectives, one of which relates to ecologically sustainable development, and puts all the objectives on an equal footing.

On 10 July I received a letter from Dr Sargent, in his capacity as chief executive of ACTEW Corporation, referring to these comments in the media. Dr Sargent said that my comments were incorrect because the operation of the national electricity market does not permit distributors or retailers to define the source of the electricity which they purchase. He said that, because I had claimed that ACTEW had breached their legal responsibilities and in his opinion this could not be substantiated, my statements constituted a defamation against the directors of ACTEW. In a later letter Dr Sargent also showed that he was wanting to sue me for other statements I made about the cost to the community of green power options. Dr Sargent demanded an apology, and in a later letter from his lawyers a form of wording for that apology was suggested.

The threat of action against me is, I believe, an attempt to gag debate on an issue of great public importance. What is particularly interesting is the fact that the threat was made only personally to me and not to any media outlet. That only confirms my belief that this was an attempt at personal intimidation or a SLAP suit, as it is known in the United States. SLAP stands for "strategic litigation against protesters". It is a very common tool used by big business to gag protesters of all kinds in the United States. In Australia it is called a stop writ. According to *House of Representatives Practice*, the purpose of a stop writ is not to bring the matter to trial but to limit discussion of the issue. It is an alarming trend and has huge ramifications for democracy. I can let members know that it was successful for a while.

The work of members of this Assembly is public and confronting in many ways. However, threats of legal action such as this mean that you suddenly realise that your whole personal family situation is put at risk. I do not have the income or assets to fight such a case. I doubt whether many members here would. There is, of course, the partly paid off family home, but that is about all there is. My family have said that they support my standing up against this type of attempted intimidation, so I am making it very clear to Dr Sargent that I will not be intimidated. If he does choose to follow this threat up and issue a writ and I have to defend myself, I will.

I have spoken to Mr Humphries about this. He was at one point suggesting that I was raising this matter of public importance because I wanted to get my legal fees paid by taxpayers. That is not the case. I did speak to Mr Humphries about this point earlier on, because naturally I was interested to know whether I was covered. I did have discussions, but Mr Humphries made it quite clear that, according to his advice, I would not be covered and I would not be able to have my legal expenses paid, because I would not be seen to have been working in an official capacity. It seems that the advice was that only Ministers or members in special positions, perhaps chairs of committees and so on, might come within that definition. Basically, I am on my own in this matter. I have accepted that as his view.

This matter of public importance is definitely about the broader implications for democracy and also about the implications of outsourcing government responsibilities, whether through privatisation or corporatisation. Where are the ministerial responsibility and accountability generally? I have been assured by Mr Humphries that in this debate he will not be pursuing the line that I am raising this matter to get my legal expenses paid. That is great. We will be able to address broader issues. This could be happening to any of us and I think it deserves serious debate.

I have chosen not to apologise publicly for my statements, because I believe that this was an attempt at intimidation. I consider that public debate on this issue is not only appropriate but also an obligation of elected Assembly members. I also consider it to be inappropriate for a Territory-owned corporation like ACTEW or the chief executive of such a corporation to seek to stifle public debate on such an important issue through the threat of a defamation action. Dr Sargent sought and received coverage of the ACTEW perspective in the public discussion at the time. This is surely the appropriate forum for robust debate on such important issues in a democracy such as ours.

I did notice from reading the transcripts of radio interviews which took place regarding this matter that when Dr Sargent was interviewed he was not afraid to cast aspersions on my abilities, but I am not going to sue him about that, am I? I expect that. That is part of the debate. While I do regret any personal offence taken by Dr Sargent, I find it extraordinary that he has taken my comments in any way personally. I noticed in the *Chronicle* last week that Dr Sargent has said this about me:

The problem is that, at the moment, she doesn't seem to think that she has to respect the law of the land ...

Dr Sargent is threatening to sue me for saying less than that, for saying that I thought ACTEW, a Territory-owned corporation, has failed in its statutory obligations. There was no mention in my statement of his name or the law of the land. For heaven's sake, Mr Speaker, what are we coming to? In the debate yesterday several members supported the value of vigorous debate, and I made it clear also that, while I want to see greater inclusion of all members of this place in decision-making processes, and perhaps sometimes less of an adversarial approach, I am a supporter of strong and passionate debate. I think it comes with the work. It is really quite disturbing and inappropriate that my comments should have been taken in the way they were.

28 August 1997

There are a number of very important public policy issues that this threat has raised for me. Obviously, the right of free speech is one issue. In the course of my research on this issue over the past six weeks, I have also studied the ACT's defamation laws much more closely and can see that indeed work is needed there. The Community Law Reform Committee report on this matter needs to be acted upon. Despite the diversity of opinions, there was not one which favoured the retention of the existing ACT law. The report concluded:

The existing defamation laws are obscure, contradictory and fragmented. These laws were inherited from New South Wales early this century but have since been repealed by that State.

However, this threat has raised more issues than just the right of free speech, as I have said already. There are very important environmental issues at stake. This issue has also reinforced my concerns about the social and environmental accountability of publicly-owned corporations.

Mr Speaker, the electricity market is extremely complex. I wish to raise the substantive environmental issues associated with the operation of the national electricity grid at another time. I think it is a matter of great public importance to determine how the statutory requirement of ACTEW to conduct its operations in compliance with the principles of ecologically sustainable development is to be judged. We live in a world of ever-increasing corporatisation, privatisation, outsourcing and contracting out. What is being left behind in the rush for greater efficiency is too often little concern about accountability and the public interest.

One of the central features of the commercialisation of services previously delivered by core government agencies is the need to define community service obligations. The long-promised community service obligations have barely been delivered. One of the recommendations of the Assembly Select Committee on Competition Policy was that explicit community service obligations for ACTEW be developed. Opening up everything to the market is unfortunately too often not in the best interests of either social or environmental outcomes. These are all matters worthy of lengthy debate and consideration by members of this place.

One of the really interesting issues is the definition of commercial-in-confidence and how it is used. I noted in the Government's spring legislative timetable a Bill which appears to be about weakening the freedom of information instrument as a means of getting information of public importance when a company has chosen to describe it as commercially sensitive. I look forward to seeing the detail of that Bill. I think privacy issues will be the sleeping issues in the next couple of years in Australian politics. We have to recognise that experts believe that 95 per cent of information which companies and departments choose to claim as commercial-in-confidence, by which it is taken to mean commercially secret, is in fact merely sensitive and that there should be ways that responsible legislatures can more easily access that information or a summary of that information in the interest of accountability. I am disappointed that in this case the Minister was not aware of the contract that was signed until after it was signed and that we can get no real information about the process of deciding on that contract.

Mr Speaker, this has been an issue of policy disagreement and not in any way a personal issue. If I cannot stand up in the media and make comment on how the operations of a government-owned agency impact on one of the biggest global environmental issues facing this planet without the threat of a law suit being slapped on me, then what is the point of being here? I would like to say again that I am not raising this issue for my own personal protection. In the event that Dr Sargent does proceed with a suit against me, any prospective changes to the ACT's legislation will not provide me with protection. However, in my discussion with other members on this issue over the past few weeks, it has become clear that there is real concern about the implications of this threat for free and rigorous public debate on all manner of topics that we believe to be in the public interest and on serious and important questions raised about what indeed the move to a businesslike public sector actually means.

**MR KAINE** (Minister for Urban Services) (4.33): Ms Tucker raises a very important question. I think it is one deserving of some debate here. At the crux of it is the degree to which we can hold people accountable, how we go about that, what we can say, given that we have some measure of privilege, and how far we can go without expecting some sort of response from people for going too far.

Taking the matter of public importance as it is expressed on the daily program, I would have to say that I agree totally with it. There is nothing in it that I could disagree with. It has three elements to it. I would like to comment on each of those three elements. The first is the right of members to scrutinise the performance of Territory-owned corporations. The second is that in that scrutiny we in the Assembly should have the ability to freely make reasonable public statements. The third is that we should be able to do that without fear of litigation.

Ms Tucker asserted that in outsourcing, corporatising and the like at times accountability questions are left behind. I do not believe that that is the case in the ACT at all. Each Territory-owned corporation is responsible to the Government shareholders and, through those Ministers, must at all times be ready and able to account to the Assembly for its actions. This is a fundamental requirement of responsible government, accountability for which rests with the Assembly and ultimately, of course, with the community. Corporatisation such as has been carried into effect with ACTEW entails putting a government body under intense scrutiny and asking the questions: Why and in what ways does that corporation fall short of the way in which a comparable commercial company would operate? To do that, we can look at their accounts and accounting practices. We can look at their objectives and try to define what their bottom line is. We can look at their pricing policies, their asset structure, their rate of return. We can look at their debt structure. We can also look at their regulatory regimes, including environmental safeguards. We can look at government subsidies paid to the body, what they are paid for and what they are used for. We can look at their relationships with customers and customers' rights, obligations and means of redress.

My point is that this level of scrutiny actually delivers an enormous amount of information to government. It forces Territory-owned corporations to justify practices that in the past and under different organisational arrangements may have simply developed in an ad hoc and unsystematic way and without any questioning whatsoever. Let me emphasise that

28 August 1997

corporatisation is a process that requires scrutiny and assessment of a government business enterprise, its internal systems, its efficiency, its objectives, its operating environment, its future business plans, how it is regulated in terms of price, and so on.

Whilst Territory-owned corporations are required as far as possible to be subject to the same accountability requirements as their private sector counterparts, there are important differences which arise from their government ownership. The accountability of Territory-owned corporations to Government Ministers and, through them, to the Assembly is expressed in many different ways. For example, we can assess the performance of their functions with due regard to economic, social and environmental impacts and decide whether they are doing what we wanted them to do.

Accountability is reflected in the use of powers prescribed in their legislation, in the maintenance of high standards of propriety and probity, in the provision of ongoing information to shareholder Ministers and to the public, in the acceptance of scrutiny by Assembly Ministers and others, in the answering of parliamentary questions, in the submission of an annual statement of corporate intent, which is required to be tabled in this Assembly, through the auditing of accounts by the Auditor-General, through releasing their annual reports, through the requirement for the Minister to answer to the Assembly for the overall performance of the corporation, and by their review through Assembly committees, including the Estimates Committee and the Public Accounts Committee. These are additional requirements imposed on government-owned corporations which, by and large, public sector corporations are not subjected to.

Furthermore, these accountability arrangements are reinforced by other measures - that is, by ensuring that responsible Ministers have the ability to issue directions on some matters and requiring such directions to be tabled in the Assembly so that the Assembly can see what the Minister has determined shall be the basis of a direction; by incorporating additional safeguards in legislation, such as the ability of a responsible Minister to require Territory-owned corporations to furnish information on request; and by subjecting Territory-owned corporations to independent price regulation, which ACTEW has been subjected to in recent times. While such enhanced accountabilities may be taken by some as compromising the principles of competitive neutrality and may entail additional costs, government ownership demands much higher accountability standards than are currently regarded as appropriate for the private sector and provides counterbalancing benefits.

I am firmly of the view that, through clearer specification of objectives and other conditions of performance targeting through the statement of corporate intent, corporatisation strengthens the accountability of Territory-owned corporations by the need to be specifically accountable for performance. It is quite clear, under these accountability arrangements, that there is no question about the right of members of the Assembly to scrutinise the economic, social and environmental performance of those corporations.

It is also obvious that the accountability of Territory-owned corporations is strengthened through dual accountability regimes provided by the Territory Owned Corporations Act and that imposed by the Corporations Law. Accountability is reinforced under Corporations Law when that imposes on directors a duty to act honestly, a duty of care and diligence, and a duty to avoid a conflict of interest. The directors are required to act

in the best interests of the company at all times, and the Territory Owned Corporations Act requires that, if the Government directs the company to do otherwise, then the company must be underwritten for the non-business decision the Government makes. All in all, I believe that the accountability provisions are well and truly set in place.

Ms Tucker raised the question of commercial-in-confidence documents. I must admit that I sometimes share the concern that corporations, and government bodies generally, can hide behind the proposition that documents are commercial-in-confidence. I think we have a duty to make sure that they are not doing that. There are processes in place by which, if we suspect that there is something that is not quite in order and that the organisation is hiding behind commercial-in-confidence, we can bring that matter into the open. I do not believe that that can be regarded as a successful way of trying to avoid accountability to this place.

The second matter that Ms Tucker includes in her matter of public importance is the question of being able to freely make reasonable public statements on matters of Assembly and public interest. Of course, that ought to be an inherent right, but with that right there goes some responsibility. It stems from the question of privilege. When we make statements in this place, knowing that there is privilege attached, we have a duty to make sure that what we say is reasonable and that if we are reflecting on the professional performance, integrity or character of a person in public office we are sure that what we say is in the public interest.

We have to be sure, unless we are prepared to go the whole nine yards, that what we say about another person is not defamatory. You can say it in here and you may get away with it if you know it to be defamatory; but, if you repeat it outside this place, then there are consequences that flow from that. All I am saying is that we have a duty of care to make sure that we do not impugn somebody's character, professionalism or integrity unreasonably. While we have a right to certain things, we also have some responsibilities that go with it. I am quite sure that Ms Tucker feels that the comments she has referred to in connection with ACTEW meet all the criteria that I have outlined - that they are reasonable, that they are in the public interest and that they are not defamatory. Unfortunately, there is always another side to the story and the other person may make a different interpretation. In that case there are consequences that flow.

The third aspect of this matter of public importance is that we should be able to do all of the aforementioned things without fear of litigation. I agree with that. This Government would not support any government agency or corporation going to litigation on such a matter, and using public funds to do it, acting for the corporation. I know of no case where that has happened, and I do not believe that that is happening now. It is not the corporation that has taken offence at what Ms Tucker has said; it is a private individual. He is taking action in his capacity as a private citizen. There is no way that this Government or this Assembly can curtail the right of a private citizen to go to law if they think they have a case. There is nothing that we can do about that.

28 August 1997

While we can expect government-owned corporations and government agencies to act reasonably and sensibly, there are other avenues open to them if they feel they have been maligned or treated badly, and litigation is not something that this Government would support. I make the point that in this case it is not the corporation that is taking legal action. I do not know the circumstances, but it is my understanding that legal action has been threatened - whether it has actually been taken I do not know - by a private individual in his capacity as a private citizen. I repeat that there is nothing that this Assembly, this Government or anybody else can do to curtail the right of a private individual to do that.

While I generally agree with the matter as presented by Ms Tucker in this matter of public importance, there are always factors and considerations that we must take into account. Apart from that, it is a matter of public importance because it may well lead to putting another boundary around what members of this place can do. We have been through discussions of what privilege means and how far it goes. Perhaps this discussion will lead to a further consideration of that matter.

**MR WHITECROSS** (4.46): I rise to speak on this matter of public importance because I believe that the issues that have been raised by Ms Tucker are ones which ought to be of concern to members in this place and to the community at large. The position of Territory-owned corporations within the public sector is a unique one and one which gives rise to some opportunities but also some potential problems when it comes to accountability. As they are government-owned corporations, corporations which are using taxpayers' money and acting on behalf of taxpayers, the public have a right to scrutinise what they are doing. The public have a right to know what they are doing and to ensure that they are acting in the public interest.

Yet as corporations they have a rather narrower set of responsibilities defined by their responsibilities to the shareholders and the Corporations Law. As Mr Kaine has already pointed out, the result of that is a fairly convoluted provision in the Territory Owned Corporations Act by which, if a disagreement arises between the Government, who are the shareholders, and the corporation about how they should act, that can be resolved only by a direction under the TOC Act and the payment of appropriate compensation for acting in a way which the board does not believe is in the best commercial interests of the company.

As a result of those kinds of things we find ourselves, and we have found ourselves in the past, having debates about to what extent a Territory-owned corporation, for instance, gives discounts to pensioners or other low-income people because it is a good corporate citizen, to what extent it takes the view that giving discounts to pensioners and low-income earners is an uneconomic thing to do and to what extent, if they are going to do it, they should be compensated by the Government. Should they be taking account of environmental factors in making their decisions or is that a bad commercial decision and one which they should be compensated for if they had to make that decision on environmental grounds?

These dilemmas are thrown up for Territory-owned corporations in a way they are not in the public debate for privately-owned corporations. Privately-owned corporations are put upon to act in ways which might be described as befitting good corporate citizenship - for example, providing discounts for low-income people and taking account of other public interest issues such as consumer rights and environmental law - just because it is good for preserving their good name. The provisions of the Territory Owned Corporations Act can sometimes create the impression in the minds of the people in those Territory-owned corporations that they are at arm's length from normal public interest issues. It is important that the temptation to descend into that kind of mind-set be avoided by boards and executives of Territory-owned corporations, because the community as a whole does understand that corporations owned by the Territory are owned by the public and ought to act in the public interest.

One of the things which concerned me when a couple of years ago we were debating in this place the corporatisation of ACTEW was the fact that representatives of ACTEW seemed to think that the corporatisation of ACTEW would lead to an end to their being hounded by politicians wanting them to take account of things which politicians say are in the public interest. I guess I was concerned about that for two reasons. The first is that I think politicians are perfectly within their rights to be hounding government-owned entities about what they regard as the public interest. The second is that I thought it reflected a rather unrealistic expectation on the part of management of ACTEW if they thought that they were going to escape that kind of thing.

Similarly, I was very concerned that the Government came into this place and proposed the corporatisation of ACTEW in a way which excluded ACTEW from the operation of the FOI Act, from scrutiny by the Ombudsman's Office and from the whistleblower legislation. It was only when these things were brought to the attention of the Government that they moved appropriate amendments to bring them back within the purview of that legislation. In other words, they had to be embarrassed into it. That does not seem to me to give much comfort to the thought that the Government truly believes that Territory-owned corporations should be the subject of the full accountability mechanisms that we might expect of government departments.

Having said that, I have no problem with the idea of corporatisation in appropriate circumstances, and I have no doubt that, with the proper spirit, Territory-owned corporations can operate in a way which makes them as accountable as any government department. In that sense I think that the issue is more to do with the mind-set with which we approach the business of running the affairs of the community than the technicalities of how the individual organisations are structured. In that respect I noted Mr Kaine's comment about the sometimes overenthusiastic use of notions like commercial-in-confidence to protect Territory-owned corporations or other government business activities from the scrutiny which they appropriately deserve.

Ms Tucker, in her remarks, raised another matter in relation to scrutiny, namely, the issue of whether staff, members of the board, or the executives of Territory-owned corporations might feel it appropriate to use litigation as a way of resolving differences with members of the Legislative Assembly over the policy directions taken by Territory-owned corporations. Ms Tucker highlighted the circumstances of her involvement with the former chief executive of ACTEW on a matter like that.



28 August 1997

I believe that it is absolutely fundamental that debates about the conduct of government business, public enterprises and Territory-owned corporations ought to be conducted by way of debate and not by way of litigation. I agree with Ms Tucker and Mr Kaine that it is very difficult to be prescriptive about this, because those individuals have rights as well, including the right to protect their reputation if their reputation has been attacked. In exercising that right, an obligation falls on them, whether they are individuals or corporations, Mr Kaine, to consider the public interest and to consider their responsibility to debate matters which are within the public realm, rather than treat them purely as personal and individual matters.

The matter to which Ms Tucker referred seems to me to be, on the face of it, a debate about policy. There has been some debate between ACTEW and Ms Tucker about those policy matters. I think it is appropriate that there be that debate. I would encourage Ms Tucker, ACTEW and anybody else who is interested in the matter to conduct their debate about the appropriateness of the Yallourn deal as vigorously as they like. But I do not believe that it is appropriate for a Territory-owned corporation or one of its executives to resort to litigation as a way of seeking to stifle that debate. It is certainly open to interpretation by some that that is what has happened in this case. I certainly hope that it is not what has happened. I certainly hope that the Government will look again at the guidelines that they give to their chief executives and to the boards of Territory-owned corporations to ensure that they understand their obligations to conduct matters in the form of public debate, rather than resorting to excessive use of litigation.

**MR HUMPHRIES** (Attorney-General) (4.56): There are three issues which I think this debate gives rise to. One is the capacity and responsibility of Territory-owned corporations with respect to litigation, particularly litigation against public figures. The second is the law of defamation and how that restricts the capacity of members of this place or others in the community in making statements without fear of litigation. The third is the question of assistance to members of this place in the event that litigation does take place.

On the first question of Territory-owned corporations and their capacity to sue, I think the people in this place have delivered quite a hiding to ACTEW this afternoon, or at least very sternly lectured it on what it should not be doing.

**Mr Moore:** You have not heard anything yet.

**MR HUMPHRIES:** Maybe so. I have no doubt that Mr Moore will be making lots of very vigorous statements. I will not be here to hear them, unfortunately; but I can imagine what they will be like.

**Mr Kaine:** They will probably be provocative.

**MR HUMPHRIES:** I think they will be provocative. It needs to be clear that there is no evidence whatsoever before the house that ACTEW Corporation, which is the body named in this debate, has at any stage in any way brought pressure to bear on Ms Tucker in respect of comments she made about the hedging contract with Yallourn. I appreciate that members feel strongly that for some reason ACTEW has a role in this matter. I have made inquiries - - -

**Ms Tucker:** The first letter was on ACTEW letterhead.

**MR HUMPHRIES:** Indeed. That, Ms Tucker, is the only piece of evidence which, with respect, suggests a role by ACTEW in this. I am open to be presented with other evidence; but I have made inquiries of ACTEW about this matter, as other members of the Government have, and I can assure members that we have been categorically assured that ACTEW has offered no support, succour or encouragement whatsoever in these proceedings. Dr Sargent, at the time that he wrote to Ms Tucker, was in the final days of his office as chief executive of ACTEW. He indeed wrote the letter on ACTEW letterhead, and perhaps that was indiscreet of him; but I am assured that ACTEW itself, including the board of ACTEW, has played no role whatsoever in the decisions that Dr Sargent has made since that time.

**Ms Tucker:** I have never said that they did.

**Mr Moore:** I do.

**MR HUMPHRIES:** Obviously, members here do not believe that ACTEW is innocent of involvement in this matter. I make one small point: Just as we argue vigorously for members not to be subject to proceedings for defamation in an intimidatory way out in the community, I would also say that it is important for us not to use this place to make defamatory statements, in effect, of a corporate nature against bodies when there is no evidence for that to be the case. I have not seen any evidence that - - -

Debate interrupted.

## ADJOURNMENT

**MR TEMPORARY DEPUTY SPEAKER (Mr Wood):** Order! It being 5 o'clock, 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.

**TERRITORY-OWNED CORPORATIONS**  
**Discussion of Matter of Public Importance**

Debate resumed.

**MR HUMPHRIES:** I appreciate that members have views about this and I appreciate that some members clearly believe that Dr Sargent's actions are motivated by, or are in some way done at the instigation of, ACTEW. If that is the case, let me put very clearly on the record that this Government most emphatically repudiates that kind of approach. If ACTEW were to involve itself in any way in these proceedings or proceedings like it, then the shareholders of ACTEW would most clearly represent to ACTEW their distaste and their discouragement of those proceedings. I would go so far as to say that, if ACTEW, despite that, somehow took action against a member of this place, the Executive would unhesitatingly, as a matter of principle, offer support to a member to contest any proceedings, in defence of that action. That is what we are saying about how we feel about this happening. I appreciate that it would be very easy to say that ACTEW is behind all this, but I would urge members to be aware of the tempering fact that there is not really any evidence, other than the fact that Dr Sargent wrote his first letter on ACTEW letterhead.

The second issue raised is the question of the law of defamation. We would all agree with the first part of the matter of public importance, which refers to the right of members of the Assembly to scrutinise the performance of Territory-owned corporations like ACTEW. The second part is about affirming the right of members "to freely make reasonable public statements on matters of Assembly and public interest without fear of litigation". If that phrase is excised from the reference to Territory-owned corporations, I do not think we can all support it, unless we also support dramatic change in the law of defamation in the Territory. Nobody has the right to go out and to make any statements without regard to the consequences.

**Ms Tucker:** Reasonable public statements.

**MR HUMPHRIES:** The law of defamation does not operate just on making a statement which is reasonable. There are two headings of defence. The statement has to be true and - I think I am correctly defining the law - it has to be in the public interest. It might be reasonable but, arguably, it might not be in the public interest. I do not want to get into the fine argument about that. I do not think Ms Tucker is necessarily arguing for a change in the law of defamation. At least, I do not think that is what she is saying. If she is, then I would be interested in what she has to say about that.

Ms Tucker also made reference to the question of legal assistance to members, saying that she had approached me about assistance in this litigation and that I had indicated, on the basis of advice I had received, that I was not able to offer that assistance. I want to make one thing clear. I am leaving the door ajar in this matter to deal with the question of assistance to members. It is the Government's view that we need to very carefully define the circumstances in which assistance can be offered to members.

It could be said to be the practice in other parliaments for governments of the day to offer assistance to their own members when they are facing litigation but generally not to offer assistance to other people, particularly those outside the government. We realise in this place that even if we wished to pursue such a policy, which we do not, we would be very hard pressed to do so in the face of the numbers in this Assembly. It is our view as a government that assistance should be provided in reasonable circumstances so that members of whatever political colour in this place should be able to access that assistance equally if they fall within the criteria which are laid down for all.

**Ms Tucker:** Are you talking about the official capacity definition?

**MR HUMPHRIES:** The official capacity definition to which Ms Tucker has just referred is a matter which is not very well amplified in the guidelines which the Government has already tabled. It says:

The Territory's general policy is to provide assistance to Ministers and members who defend legal proceedings which arise out of performance of official duties, and members will not be receiving assistance for proceedings they initiate.

The first part of that sentence is clearly ambiguous. It is not well defined and could be further defined. I invite Ms Tucker, or other members if they are interested, to put before the Assembly an - - -

**Ms Tucker:** I have accepted your position. It is fine.

**MR HUMPHRIES:** That is fine. If you wish to accept my position, that is fine. I am saying to you, though, that in this matter or future matters I am prepared to accept that the Assembly may have a different view to the one I have imposed, and, if members wish to catch certain cases that are not caught by the formulation I have put forward, then I invite them to put forward an alternative explanation of what "official duties" within those guidelines means, so as to make clear what is covered and what is not covered. If members are interested in doing that, the Government will respond to that and it will be debated on the floor of the Assembly. As always, as I said earlier this week, we are at the mercy of the Assembly in these matters. If the Assembly decides that certain criteria ought to be employed, then those criteria will be employed, and they will be applied uniformly and without regard to the persuasion of the member who might be making the application.

Mr Temporary Deputy Speaker, I have to reaffirm that my advice is such that I am not able to offer assistance to Ms Tucker in this matter. She indicated that she accepts my decision in that matter, but I indicate that this is a matter which we will need to return to if we wish to clarify the status of members generally in this or future matters.

28 August 1997

**MR MOORE** (5.06): Mr Temporary Deputy Speaker, it seems to me that we ought not to stand by and let this outrageous action continue. I find that it is absolutely appalling, and I am disappointed, to say the least, when I hear Ministers argue that ACTEW is not behind this. Mr Humphries said, "There is no evidence that ACTEW is behind this". The press releases put out by Ms Tucker suggested that ACTEW - they pointed to ACTEW and never mentioned Dr Sargent - was not living within the legislation that applied to it; it was not living up to the section that requires it to ensure that it has environmentally sustainable development. That is what the concern was.

The irony of the whole thing is that Dr Sargent, whom in many ways I admire - and I will come back to that - has actually taken this on personally. In other words, he sees himself as ACTEW - or did at that time see himself as ACTEW. What he is concerned about, I presume, is that somebody has said that he is not living within the law - in other words, that perhaps he is not taking notice of the law. His comments are reported in the *Chronicle* of 26 August in an article by Mark Ludlow as follows:

The problem is that, at the moment, she -

referring to Ms Tucker -

doesn't seem to think that she has to respect the law of the land ...

If indeed Ms Tucker made a defamatory comment about him individually when she was talking about ACTEW anyway, he is there pointing the finger immediately at her and saying that she is not living within the law of the land. One wonders where this sort of defamation should start and where it should finish. But it is not about that. It is about a strategic use of litigation to quieten somebody's opposition. That is what it is about. You never have to take it through; you just have to write the letters. As somebody whose family has received a similar letter in a similar way, I can say that it is devastating. You know that on the end of it what is being threatened is not just you personally; it is your family home. It is about your children and your family. It is a devastating thing to happen, and it is disgusting.

Mr Kaine stood here and said that Dr Sargent has taken this action himself - and I accept that as a point - and therefore there is nothing we can do about it. This is where I differ. Of course there is something we can do about it. We can learn from it and, if necessary, we can decorporatise ACTEW and Totalcare. It seems to me that, if members are going to be silenced into not being able to be critical of these bodies in a reasonable and rational way, then it is better for us to get them back into the Public Service and be able to criticise them.

When Mr Osborne and I supported the corporatisation of ACTEW - as I recall, my vote and Mr Osborne's were the last votes to tip the balance; either of us changing our vote would have given a different outcome - we understood that they would be open to criticism, open to all the methods of ensuring accountability. Mr Kaine ran through a whole series of those. They do apply, and I am very comfortable with most of those. It seems to me that when we put those Acts in place we did ensure, in many ways, accountability; but it just may be that we did not deal with this specific issue.

Let me say that Dr Sargent is somebody I have admired for a long time. Dr Sargent is somebody who I think is incredibly efficient, who I think has done great things with ACTEW. I do not want that to be misunderstood. Not only has he done great things with ACTEW; I think he has done many positive things for the way ACTEW deals with the environment. The way he has dealt with water going into the Murray-Darling river system at the Lower Molonglo water treatment works is one of those. Environmental housing that works is another, as is the grey water system. There is a whole range of ways in which he has made positive contributions to the environment. Nobody is debating that.

Nor are we debating a question of privilege. Indeed, Ms Tucker knows that she can come in here and she can pan Dr Sargent as much as she wants, if she so chooses. I support her right to do that. I will also stand up and defend Dr Sargent in the manner I have just done because he is a person whom I have admired, but in this case I think he is terribly wrong. The reason that he is terribly wrong is that Ms Tucker raised a reasonable issue about ACTEW Corporation - not about Dr Sargent; about ACTEW Corporation. She said, if I can paraphrase it, that this agreement with Yallourn will mean a problem in terms of greenhouse effect. I think that is a valid statement. I do not mind if Mr Kaine argues against it. That is fine. It is a valid statement, as far as I am concerned, having listened to both sides of this argument. ACTEW said in their press release of the time:

This arrangement brings significant benefits to Victoria and the ACT, and is a sign that the National Electricity Market is beginning to function on a national basis. The result will be a significantly enhanced energy market for Yallourn ...

The head of Yallourn was reported in the Latrobe Valley *Express* on 30 June as saying:

It comes at the year end, when the whole of the Yallourn Energy workforce has made a considerable effort to ensure that Yallourn is able to withstand a severely depressed marketplace.

This deal brings us a high degree of security over the next three years.

Maybe without that degree of security other non-brown coal electricity generators would have overrun Yallourn and Yallourn may have in fact folded. From the perspective of greenhouse, that may well have been a very good thing, had they not had ACTEW providing the security. In the long term, providing the security may mean that Yallourn is able to operate, instead of over the next 20 years, over the next 30 years, putting more greenhouse gases into the environment. I can see Mr Kaine busting to be able to argue against that. Indeed, he may well be able to. But it is a perfectly reasonable and rational thing to say. Let us debate that, and, if we draw the conclusion that it is the case that there will be more greenhouse gases going into the environment, then ACTEW is not acting within its requirements under its legislation. That is the issue that Ms Tucker was raising, and it is a valid point. It is arguable, but it is certainly valid to raise it.

28 August 1997

To bring litigation against somebody in order to get them to stop saying that - that is what it was about - is where I think Dr Sargent was terribly wrong. What I hope will happen is that when Dr Sargent reads this *Hansard* - and I hope he does, and, if nobody else will, I am happy to send it to him - he will withdraw and he will back off from this approach.

To say that ACTEW is not involved at all, as Mr Humphries pointed out, is not true. I think they are very involved by omission. The ACTEW board has never come out and said, "This is not us. We disagree. We are not involved in this litigation". They have stood by and let it go. By the very act of standing by and not saying to Dr Sargent, "This is inappropriate", they have in fact become involved in it. It is all about ACTEW. It is all about a statement that was made about ACTEW, not a statement that was made about Dr Sargent. That is one of the things that really worry me about this whole notion of a corporatised body. Is the corporatised body a corporatised ACTEW, or are ACTEW and Dr Sargent the same thing? The irony is that he left a week-and-a-half later, so they could not be the same thing. It seems to me that what we have here is a very serious situation about an entirely inappropriate practice that is getting more and more legs. In the last two or three years we have seen this strategic litigation become part and parcel of the way people deal with each other. It is a bullying tactic. It is nothing other than a bullying tactic.

I would like to conclude by saying that there are many ways in which I admire Dr Sargent. I still admire Dr Sargent; but in this respect, on this action, I think he is terribly wrong. I use this opportunity to call on him to back off, to remove any threat of litigation, to let this issue go and to let us have a sensible debate on whether or not this contract fits in with ESD principles as is required in the Act.

**MR TEMPORARY DEPUTY SPEAKER:** The discussion is concluded.

### **TERRITORY OWNED CORPORATIONS (AMENDMENT) BILL (NO. 2) 1997**

Debate resumed from 26 June 1997, on motion by **Mrs Carnell:**

That this Bill be agreed to in principle.

**MR WHITECROSS (5.16):** Mr Speaker, it is timely, having just debated the accountability of Territory-owned corporations, that we are amending the Territory Owned Corporations Act to add another one, this time CanDeliver. I am not going to speak for very long on this matter, I say bravely. What I want to say is this: The Labor Opposition supports the CanDeliver initiative. We support any initiative designed to ensure that the damage being caused to the ACT economy by the downgrading of the public sector and the ruthless contracting out of public sector jobs by the Howard Government, following in many respects the lead of the ACT Liberal Government, is minimised. An initiative like CanDeliver, which seeks to provide a framework through which smaller local companies can pool their resources to bid for Commonwealth contracts, is, on the face of it, a good initiative which has the potential to save at least some of the jobs lost to Canberra by the Howard Government's contracting out policies, and that has to be applauded.

Mr Speaker, this is a bandaid measure, whichever way you cut it. We heard this morning that the Chief Minister wholeheartedly supports John Howard's contracting out policies and economic policies generally.

**Mrs Carnell:** Just like you supported selling Qantas.

**MR WHITECROSS:** Mrs Carnell says, "Just like you support selling Qantas". Actually I do not support selling Qantas. If anyone had bothered to ask me, I would have said I did not support it. But Mrs Carnell was asked whether she supported John Howard's economic policies and she said, "Yes". So, Mr Speaker, I do not think Mrs Carnell can draw that parallel at all.

**Mr Berry:** Solidly.

**MR WHITECROSS:** Solidly. Thank you. Not only did she say, "Yes"; she said, "Yes, I support them solidly". Mr Speaker, those policies, whichever way you cut it, are bad news for Canberra. We have already seen contracts awarded last month which resulted in work going to a government-owned company in New Zealand and a government-owned company in New South Wales, plus a couple of private companies not in Canberra. That is the real story of contracting out, Mr Speaker - jobs leaving Canberra.

While the Howard Liberal Government cannot recognise the capacity of the public sector to provide an efficient, quality product, the reality is that the New South Wales Government and the New Zealand Government, through their government-owned entities, were able to pick up the work because they delivered on an efficient basis. Because of their ideological hang-ups, instead of figuring out how they were going to make an Australian government-owned entity operate efficiently and competitively and produce a good product, in the best interests of the Australian community, they have chosen to give the work away to people in the private sector, to a New Zealand government-owned entity and to a New South Wales government-owned entity.

I think the ideological barrenness of the Howard Government's approach is pretty evident. I would not expect those opposite to recognise that, because it is their own policy as well. They have shown, in their own contracting out, a similar lack of regard for the value of the Public Service and the public sector, and the capacity of the Public Service and the public sector to do things well. The economic policies of Mrs Carnell's colleagues in the Federal Liberal Government, her preferred government for Australia, whose economic policies she solidly supports, are undeniably bad for Canberra. Canberrans must have choked on their cornflakes this morning when they found out that a policy of contracting out their jobs, giving them away to New Zealand companies and Sydney companies and wherever else, is solidly supported by their Chief Minister. They cannot wait for February to get a chance to get a Chief Minister who actually cares about what happens to Canberra, not one who solidly supports giving their jobs away to people in other parts of Australia.



28 August 1997

This Bill and this enterprise CanDeliver are only bandaids. I am all for applying the bandaid; but it is only a bandaid, because the problem they are trying to fix, the cut that is bleeding, the flow of jobs from Canberra, cannot be stopped by initiatives like this. It can only be slowed down, Mr Speaker. The only way to stop it is for the Federal Liberal Government to reverse their policies. Would it not be nice to have a Chief Minister who went to the Federal Liberal Government and said, "Your policy is wrong; your policy is hurting Canberra."? But not in Canberra. In Canberra we have a Chief Minister who says, "I solidly support you. Right on. That is the way to go. Do it some more". In the meantime, they are applying the bandaid. Better to apply the bandaid than do nothing, but better to treat the real problem rather than to just apply the bandaid.

The CanDeliver initiative is a good way, on paper, of ensuring that we can keep at least some of the jobs which John Howard is intent on pushing out of Canberra. So let us be grateful, at least, for that. We have not much to be thankful to the Chief Minister for on this score, because she solidly supports contracting them out, ending up in other parts of Australia or even New Zealand; but at least we can be grateful that she has found one bandaid left in the first aid kit and she is going to apply that.

My disappointment at the Chief Minister's approach, after my initial relief that at least she found the one bandaid in her first aid kit, is because we heard today in question time that they have just lost their first contract. They went in the first time and said, "Yes, we want to do some work with this new CanDeliver thing". The first time up they did not make the short list. The Chief Minister has had a day, probably two days - maybe longer if she knew about it before we all read about it in the *Canberra Times* - to find out what went wrong and to say, "I announced this great initiative. I put the press release out. I appeared on television. I got my name in the paper. I was happy to go on radio. I was happy to make myself available to every media opportunity in town to promote this thing. But now I read in the paper that it has fallen over at the first hurdle. What has gone wrong?". She has had a day-and-a-half, maybe longer, to find out.

So what happened when we asked her the question today? She replied, "Don't know; don't know. I am not worried about that. I am worried about the next press release because we have put in one for Administrative Services. We are onto the next press release now. Let us not talk about the contract we did not get with Finance; let us get onto the next one, the next press release, the Administrative Services press release. Let us not talk about the one that fell over".

Mr Speaker, I think CanDeliver has the potential to be a good initiative. It does. But it is going to be a good initiative only if it has the serious backing of the Chief Minister, the so-called Minister for Business, and active interest. She must understand what is going wrong and what is going right, so that she can be sure, and we can all be sure, that CanDeliver can deliver what it promises, and that it is not just delivering media opportunities for the Chief Minister.

I do not care about media opportunities for the Chief Minister, Mr Speaker. What I care about is jobs for Canberrans. I would like to see a few less media releases from the Chief Minister and a few more jobs for Canberrans. That will happen when Mrs Carnell devotes some of her time to looking at the policy, actually asking

questions like "Why did we not get the Finance contract?" - that sort of thing - and actually doing some real work, instead of sitting in her office and saying, "How can I put out the next press release? How can I get on TV tonight?". That is what Canberrans really want, because what Canberrans want is jobs.

Mr Speaker, the Chief Minister believes that all she has to do is look like she is trying. I am sorry; trying is not good enough. What Canberrans want is results. They do not want to keep reading press releases about CanDeliver having applied for this contract, that contract or the other contract. What they want to hear is that CanDeliver has won some. What they want to read is that they have a Chief Minister who actually cares and actually goes to the trouble of finding out why they did not win the last contract, so that she can ensure that they are properly equipped to win the next contract. Mr Speaker, that is what it is all about.

Mr Speaker, the Labor Party will be supporting this because we think it is a step in the right direction, but it will work in practice only if the Chief Minister pays more attention to the real issues, pays more attention to her knitting and less attention to the press release. There is much more to this than Mrs Carnell's obsession with public relations. It is about winning some jobs for Canberrans.

This Bill should not be necessary. If we had a proper Federal government in Australia, they would not be giving away Canberra's jobs to New Zealand companies, to New South Wales companies and to other private companies. They ought to be staying in Canberra, Mr Speaker. It is a crying shame that we have a Federal government which is desperately prosecuting a policy of reducing the amount of employment in Canberra, and a Chief Minister in the ACT who solidly supports what they are doing. I can only hope that the bandaid saves a job or two for one or two people and there will be one or two fewer people in Canberra hurt by the Chief Minister's solid support for John Howard's policies of contracting out and giving our jobs away to other people.

**MR MOORE (5.29):** It is interesting, Mr Speaker, that this Bill to enhance our Territory-owned corporations by including another Territory-owned corporation should come up just after I was saying that I have doubts about the role of Territory-owned corporations and whether or not we should deal with them. But I must say that that was about the actions of one individual and fits into a series of actions which I thought were fine. I think it is appropriate to use the opportunity to raise that question about ensuring accountability and ensuring that Territory-owned corporations are not associated with a single individual. I think that notion is a silly notion and we ought to make sure that it does not stand up, that it does not get any legs.

That having been said, Mr Speaker, this Bill is about CanDeliver. I think it is a very important piece of legislation that will help us to take some action to try to win jobs for Canberra or, particularly in the initial instance, to try to retain some jobs in Canberra by getting the appropriate people together. I congratulate the Chief Minister and her staff who put this together in her department for preparing this action. Every business that I know puts in for a stack of contracts, Mr Whitecross, and they win some, they lose some and they keep going. That is the way it is when you are putting in tenders for particular jobs, and I think most businesses around Canberra see it that way.

28 August 1997

Have a look at the example of the six proponents of the very fast train. They are all going to put in a tender. They are going to go for their best. They are all terrific firms. In the end five of them are going to lose. I do not think that means that they got it wrong; it just means that they were not the best contractor for the particular job. That may well have been the case with CanDeliver; I do not know. But let us use the same example of the very fast train corporations. I know that if they miss out they will be saying, "How could we have done our job better so that next time we have a better chance of winning a contract? Are there better and more effective ways of lobbying? Did we put our financial package together properly? Did we have the best people on the job as part of the team that we were trying to run?"

I am sure that that is the sort of approach that we will expect from what will be a Territory-owned corporation at some time in the next half-hour, or as soon as it is gazetted anyway.

**Mrs Carnell:** We will gazette it straightaway, I promise.

**MR MOORE:** The Chief Minister smiles and indicates that she will probably be gazetting it even within that time. I understand that it does take a few more minutes than that, as it finally gets checked and so forth. I think this is a very exciting project. I am not only happy to lend my support; I would encourage the Chief Minister and the people involved in it to get in there, do their best and do what they can to assist the ACT information technology industry in the initial instance. In particular, get in there and win whatever contracts you can to involve Canberrans and to retain jobs in Canberra. With a bit of luck, get a few more jobs in Canberra and expand like crazy. I think that is what we hope for it.

**MS TUCKER (5.33):** On the face of it, this Bill is very simple. It is adding one line to the Territory-owned corporations schedule, and it looks as though it is a reasonable response to the difficulties small businesses face in the current free market policies of this Government and the Federal Government. At the same time I point out that we are busily still putting small businesses out of work in town by building, or threatening to build, more and more retail space all over Canberra. This Government wants to look like they are doing everything they can to boost business in the ACT, but basically there is a blind devotion to the premise that through competition we will reach an outcome that is good for society.

I notice that in the presentation speech Mrs Carnell said:

It is a reality that in the case of the ACT, if we do nothing, it is likely that jobs will be lost to the Territory.

The ACT Government will not stand idly by and watch this happen.

I am sorry, but this Liberal Government cannot separate themselves from the Federal Government on these issues. They are equally enthusiastic about the merits of the free market and competition policies, even though it is quite obvious that competition will lead to winners and losers and that those with greater economies of scale, those with influence, those with less comprehensive quality assurance mechanisms, or those who do not have commitment to uncOSTED broader social and environmental goals, will have an advantage.

This system cannot lead to better outcomes for society unless it is accompanied by well thought out mechanisms for ensuring that the broader interests of the community are met as well. This has been clearly lacking.

CanDeliver is a last minute response to the reality of competition let loose. We have been saying in this place consistently that there must be debate and that there must be caution in applying the principles of the free market to government policy. We initiated the select committee inquiry into competition policy for that reason, and we objected to the corporatisation of ACTEW for that reason; but, no, this can-do Government just goes ahead and does, and then, when they see undesirable consequences, they try to deal with them. I am not saying that we must never have a new way of managing the delivery of services, but I am saying that there has not been nearly enough thought put into what the implications of these government policies are. It reminds me a little bit of the Reagan era. Some of you may have seen on television this week the program about his policies. They were remarkably similar to the rhetoric coming from John Howard at the moment.

The IT industry is one of good bets and we have no problem with some form of strategic assistance from government if it is going to produce employment outcomes. The motivation behind CanDeliver is fine - to try to ensure that ACT firms can access Federal Government IT outsourcing. The problem I have is that when it comes to economic incentives of nearly any kind there is little accountability built into it, and it is taxpayers' money we are talking about here. How much incentive is being given to the private sector? When I was briefed on this matter it was made clear that to supply this service from within government would be too expensive, and I still have to ask why? What is it that costs so much more? Is it really the fact that the private sector does it that much cheaper? Have we offered incentives? What is the value of those incentives? We have already seen the deal with Fujitsu. What really happened there?

I noticed that there were some interesting questions asked in the *Canberra Times* on this matter. The journalists were saying, "One can only presume that Fujitsu will be competing for contracts against Computer Power and CanDeliver". So, to make sure the playing field is level, one would think that our jolly pharmacist will make sure that Computer Power receives as much as Fujitsu. A new mantra has arrived. We have already talked about it - commercial-in-confidence. These are issues that we do have to be concerned about, and I believe the community is very concerned about them. Does doing public service in a businesslike way actually mean that our community will be run by businesses whose principal objective is maximisation of profit? Ministerial responsibility could be a thing of the past and elected representatives will be sued if they object, perhaps.

We will be supporting this Bill, but I also want to make it quite clear that I am most dissatisfied. I read in the paper about CanDeliver and its failure, which is disappointing; but I take Mr Moore's point and hopefully they will have more success in the future. Basically, my concern is that I read in the paper about how it was well down the track and trying to win contracts before we had a debate here. It is again an example of the Executive style of this Government and makes the public statements of Mrs Carnell yesterday about open government very unconvincing.

28 August 1997

**MRS CARNELL** (Chief Minister and Treasurer) (5.38), in reply: Mr Speaker, I thank members for their support. Fairly obviously, Mr Berry has changed his position. That is probably why he left. On 6 June or 6 July, something like that, Mr Berry indicated that this whole proposal was full of holes and was not up to much. I think they were his exact words. I am pleased that since then he has seen the light.

Mr Speaker, I think we would all agree that there is a great problem with the way the Federal Government is outsourcing at the moment. I have to say it is true that I do not have a problem, and nor does the Liberal Party, with sensible, well-structured outsourcing. We believe strongly that it is the role of government to ensure that services are provided at the best value and cost to taxpayers. It is true; we believe that. Tar us with the same brush, and so be it. What we do not believe, though, is that outsourcing should be carried out in such a way as to cut out the small to medium players. We think that is a great policy problem for the Federal Government, and it is certainly causing a problem for Canberra. It is not the policy we disagree with; it is the way they are doing it. That is a huge problem in Canberra.

Rather than whinge about it, like those opposite do, we decided to go down a path that would address the problem, knowing that we cannot change the way the Federal Government is outsourcing. We have tried very hard, and I know that many people are working very hard to achieve that, and, hopefully, I think the Commonwealth is starting to see the light a bit. Rather than just sit back and whinge, we decided to come up with a proposal that could help those small to medium companies in Canberra and the region to be able to pick up some of the Commonwealth Government outsourcing. Under normal circumstances the contracts are too big, or, alternatively, the risk profile and the capacity of those companies to underwrite their bids simply is not good enough, taking into account that they are too small. CanDeliver achieves that end.

We will certainly be doing everything we can to ensure that CanDeliver does succeed in the future. We will certainly be doing everything we can to ensure that the bids improve as time goes on. I think the first bid was a very good one, Mr Speaker. Possibly what happened with the Commonwealth is that it was such an innovative idea that they could not cope with it. They seemed to have a lot of trouble understanding that this could be a good way forward for the Commonwealth and for ACT businesses, but we will spend a bit of time trying to sort that out.

Looking at the fact that this Territory-owned corporation will now go ahead, I would like to express my thanks to those people who got the first Finance bid in in a very short period of time. Ms Tucker's view was that until we had the debate in this place and the Bill had gone through we could not put in any bids. We did not get Finance, but I think it was important that we put in the bid. We certainly would not have been able to put in the Administrative Services bid that has already gone. I do not think that would have been a good approach at all. The interim board, chaired by David Lamont, has been part of putting these bids together. The board is doing an extremely good job in ensuring that CanDeliver is competitive, is out there and is representing the views and wishes of small to medium businesses in the ACT and the surrounding region. If we could get more Labor Party people like David Lamont with a positive view about Canberra, a view that does support small businesses, I am sure we would not have some of the problems that we have in this place right now.

It would be easy for me right now to go through all of the points that Mr Whitecross made, but I think the most telling point is to say that Mr Whitecross might be talking about jobs lost from the Commonwealth Government. Yes, jobs have been lost and we have opposed that the whole way through. But the thing that is very exciting for Canberra, Mr Speaker, is that the private sector has picked up those jobs and more. I think that is very good for Canberra's future. I do not think it is good to have a city that relies on one major employer. Commonwealth Government downsizing has happened under both parties in the past. I do not think it is a good idea to have a situation where every time the Commonwealth Government decides to cut staff Canberra ends up going into a recession. The Federal Labor Party did it, and the Federal Liberals have done it.

I want to have a situation in Canberra where the Federal Government will always be a major employer but where the private sector is diverse enough and large enough to not allow this city to plunge into recession every time the Federal Government has a policy change. We are starting to achieve that. We have gained 7,300 new jobs since last November. There are more jobs in Canberra now than when we came to office. There are more jobs in Canberra now than when the Federal coalition was elected. I think that says it all. You can go on with the rhetoric, as Mr Whitecross did, and as Mr Berry does; but the bottom line is that there are more jobs now than there were then. That indicates very strongly that the private sector is picking up a lot of the jobs. A lot of businesses that are interested in picking up Federal Government outsourcing are moving to Canberra to ensure that they are here on the spot. I think that is good news.

It will not happen, I have to say, unless we continue to ensure that the policies that are on the ground here in Canberra encourage new and existing businesses to set up and expand. It will not happen if people like Mr Whitecross and Mr Berry decide to never take a risk. CanDeliver actually is a risk. There is no doubt about it. You do not go into these things without taking a risk of losing. If you do not take the risk of losing you certainly do not benefit from winning.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## ADJOURNMENT

Motion (by **Mrs Carnell**) proposed:

That the Assembly do now adjourn.

### **Tidbinbilla Nature Reserve**

**MR HIRD** (5.45): Mr Speaker, I had the honour in the last two weeks, along with two other colleagues in the Assembly - Mr Corbell and Mr Osborne - and the Standing Committee on Economic Development and Tourism of visiting the Tidbinbilla Nature Reserve. While we were there it was explained to us that there are a number of developments being undertaken. There is a development program and a conservation program aimed at making this nature reserve a designated tourist attraction not only for the residents of the Territory but also for visitors from outside the Territory and from overseas. The Government is spending approximately \$1.1m this year and the next financial year on new entry features, new walking trails, new signage and publications and displays.

The nature reserve has received a \$200,000 grant from the Federal Office of National Tourism for a new regional visitors centre, and we were shown where the new centre will be housed. The new visitors centre is expected to cost over \$1m. The revenue generated from fees, as the Minister indicated to the house last month, will fund a number of conservation and visitor service items, such as three additional uniformed staff, one new walking trail, the Tidbinbilla walking trail from the visitors centre to the animal enclosures, and a new wetlands viewing platform. I would recommend to all members that they become enthusiastic about this nature reserve, just as the staff of this area have.

I have taken the liberty of distributing to all members an information pack. It has been delivered by the staff to their offices today. I believe that the motto of the Department of Urban Services is "Smarter solutions for Canberra". The way that the department has gone about attracting tourism, and the enthusiasm generated by those staff members, are apparent also at the new tourist information centre on Northbourne Avenue, where there is a static display. I do urge members to make themselves aware of the benefits of this nature reserve. Be enthusiastic and encourage your family members to investigate and look at nature, so to speak, in that area, and the opportunities and the benefits that this Territory offers visitors. Encourage interstate and international visitors to take up these invitations so that they see the benefits that this Territory, known as the bush capital, offers.

### **National Opera Festival**

**MRS LITTLEWOOD** (5.48): Mr Speaker, I want to mention the National Opera Festival which took place in the last month. I want to congratulate Mr Colin Slater for having the vision and for the work that went on behind that festival. From all reports I have received, a number of functions were booked out, and the people did come to Canberra for the festival. I believe we do owe a debt to Mr Slater for what he put into it, and I would like to personally add my thanks for his efforts. I look forward to seeing the festival again.

### **One Nation Party**

**MR BERRY** (Leader of the Opposition) (5.49): Mr Speaker, I want to refer to something that was raised in the course of question time by Mr Humphries in relation to the One Nation party. He referred to some comments that were made by Bob McMullan, the member for Canberra, in relation to the One Nation party in an address to the house on the south side of the lake. Mr Humphries was critical of Mr McMullan for saying that the Liberals should put the One Nation party last. Mr Speaker, I think that statement was developed for local consumption in the Federal Parliament, and that is what the Federal Liberals should do. They should agree to put the One Nation party last instead of vacillating about the issue. I suspect that they think that if they say nothing they might be able to pick up a few valuable racist votes rather than make the decision and say, "Put the One Nation party last".

So far as the local Liberals are concerned, I will throw down the gauntlet. I will say to everybody in the ACT, "Do not even mention them". I do not want to see a number in a box for the One Nation party in the ACT.

**Mr Moore:** Yes, we have a different system.

**MR BERRY:** Indeed. I would challenge the Liberals to say the same thing: Do not even mention the One Nation party. But do not ridicule Bob McMullan for putting forward a proposal to the Liberals in the Federal Parliament which was obviously put together for consumption there. His intentions are the same as mine. We do not want to see one of them elected. They are bad for Australia.



### **One Nation Party**

**MR MOORE** (5.51): I remained here, Mr Speaker, because I saw Mr Berry fired up and I thought, "This has to be something interesting". Lo and behold, I find myself standing to support him. That is an excellent idea, Mr Berry. I, too, am quite happy to commit myself to the same approach that the Leader of the Labor Party is committing the Labor Party to - do not mention them. We do have an entirely different system from the Federal sphere, where such things are important in terms of single-member electorates and how you place candidates on how-to-vote cards. In this case in Canberra we will not have how-to-vote cards. I notice that Mr McMullan worded his statement very carefully, if he was correctly reported in the paper this morning, as I presume he was. He said that our publicity material should put the One Nation party last.

I think that the proposal put by Mr Berry is an excellent one. Leave them off altogether. Do not mention them. They do not deserve it anyway. That is the most effective way of dealing with it in our system in the ACT. I am happy to throw my weight behind that proposal. I hope that we will hear the same from the Liberals. I hope that the Greens in turn will use the same approach, and that Mr Osborne will also. I will be looking forward to hearing from those people in a public way. I hope it will be the same for any other groups that run for election. I understand that federally the Democrats have committed themselves already to a similar approach. I hope that they will in turn use a similar approach to that suggested by Labor here.

Question resolved in the affirmative.

**Assembly adjourned at 5.54 pm until Tuesday, 2 September 1997, at 10.30 am**

ANSWERS TO QUESTIONS

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 427

ANU Lease Variation - Turner

(First appeared on Notice Paper No. 91 of 17 June 1997)

**Ms McRae** - asked the Minister for the Environment, Land and Planning -

Has the ANU applied for any variation to any leases it holds in Turner, and if so, when will this be dealt with.

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

- . The ANU has one current application to vary a lease in Turner.
- . The ANU lodged an application to vary the lease over Graduate House on Block 1 Section 41 Turner on 28 March 1996. The proposal is to vary the purpose clause of the Crown lease to use the land for one or more of the following purposes:
  - residential purposes including serviced apartments provided that the maximum number of residential apartments including serviced apartments shall not exceed 400;
  - hotel;
  - motel;
  - restaurant; and
  - health facility.
- . A preliminary assessment (PA) of the proposal was completed on 13 January 1997. The PA found that no further impact assessment was required.
- . Following public notification of the application, 13 submissions were received. 11 objected to the proposal and 2 supported it.
- . The lessee requested that the proposal be placed on a 'Stop Clock' until 30 June 1997 to enable issues raised by residents of Havelock House (the adjoining lessee) to be addressed with a view to a satisfactory outcome for both parties. It is noted that the ANU has representatives on the Management Committee for Havelock House.
- . On 2 July 1997 the lessee requested that the 'Stop Clock' be removed to enable the assessment of the application to continue. The assessment is proceeding and is expected to be completed by 19 September 1997.

28 August 1997

MINISTER FOR THE ENVIRONMENT, LAND AND  
PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 428

**Residential Development Applications - Turner**

(First appeared on Notice Paper No. 91 of 17 June 1997)

**Ms McRae** - asked the Minister for the Environment, Land and Planning -

In relation to development applications in Turner:

1. How many applications are under current consideration?
2. Where are they?

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

There are three applications currently under consideration in Turner:

1. Blocks 2-4 Section 48 (19-23 Condamine Street) - a combined lease variation, lease amalgamation and design and siting application for 38 flats.
2. Block 1 Section 41 (1-3 Barry Drive, cnr Northbourne Ave) (on a 'stopclock' until 30 June) - a lease variation application to permit residential purposes including up to 400 serviced apartments, motel, restaurant and health facility.
3. Block 7 Section 53 (8 Hale Crescent) - residential additions.

Some other proposals have been the subject of discussion with potential applicants but applications have not been lodged yet.

MINISTER FOR THE ENVIRONMENT, LAND AND  
PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 429

**Administrative Appeals Tribunal Hearings**

(First appeared on Notice Paper No. 91 of 17 June 1997)

**Ms McRae** - asked the Minister for the Environment, Land and Planning -

1) Is it a fact that Planning and Land Management (PALM) attempted to prevent a residents association and Local Area Planning Advisory Committee (LAPAC) from participating in an Administrative Appeals Tribunal (AAT) hearing.

2) Can PALM ever prevent any group from appearing before the AAT.

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

(1) No, PALM has not attempted to prevent a residents association or LAPAC from participating in an AAT hearing.

Professor Curtis, the President of the Administrative Appeals Tribunal (AAT), has made a number of comments regarding PALM's treatment of objections and submissions. In one specific case, the President gave notice that he intended to consider which parties could appropriately be considered as objectors or joined as parties and directed that PALM advise those parties so affected.

In the event the application for a review was withdrawn, and no evidence as to standing was considered.

(2) No. It is for the AAT to decide who may appear in relation to each matter it hears.

28 August 1997

MINISTER FOR THE ENVIRONMENT, LAND AND  
PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 430

**Local Area Planning Advisory Committees - Resources**

(First appeared on Notice Paper No. 91 of 17 June 1997)

**Ms McRae** - asked the Minister for the Environment, Land and Planning on 17 June 1997-

Can the Minister confirm that resources provided to Local Area Planning Advisory Committee (LAPAC) are to be reduced and that Secretariat support is to be removed.

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

Resources to LAPACs are being increased, not reduced. A full-time LAPAC liaison officer has been appointed within Planning and Land Management to be a single point of contact for the Committees and to provide secretariat support including taking minutes for all LAPAC meetings. This initiative will take away a large administrative workload from Committee members and increase the LAPACs productivity.

A total budget of \$175,000 has been allocated for the continuation and expansion of LAPACs (including the existing LAPACs) in 1997/98. \$1000 is being allocated to each Committee for operating expenses such as postage and photocopying. Previously only \$500 had been allocated for these expenses.

The Government is committed to the LAPAC system. We are increasing resources to the Committees. I recently announced the revised structure and expansion of LAPACs into South Canberra and Belconnen. The expansion strengthens the role of the Committees and will increase their effectiveness. The increase in resources means that LAPAC members will be able to focus on the tasks at hand and generate more extensive comments on applications.

There will be more complete and timely information on applications, prior to all LAPAC meetings, and briefings on policy and procedure, as required.

MINISTER FOR FAIR TRADING

ACT LEGISLATIVE ASSEMBLY  
QUESTION ON NOTICE NO. 431

**Tenancy Tribunal - Retail Tenancy Applications**

**MS LITTLEWOOD** asked the Minister for Fair Trading upon notice on 18 June 1997.

In relation to the Tenancy Tribunal and the application of the *Tenancy Tribunal Act 1994* and the Commercial and Retail Leases Code of Practice:

- (1) how many retail tenants have made an application to the Tribunal since 1 January 1995;
- (2) how many applications have been before the Tribunal;
- (3) who are the landlords in each cases;
- (4) how many retail tenants have withdrawn their applications before the hearing occurred;
- (5) what percentage of applications heard have:
  - (a) favoured the retail tenant; and
  - (b) favoured the landlord.

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

- (1) How many retail tenants have made an application to the Tribunal since 1 January 1995?**

I have been advised that since 1 January 1995, the total number of Notices of Dispute received by the Tenancy Tribunal from tenants and landlords is 92. Of these, 83 applications were from tenants and nine from landlords.

**(2) How many applications have been before the Tribunal?**

I have been advised that there have been 14 cases heard by the Tribunal involving 17 separate hearings. Of these cases, one case involved three hearings and another case involved two hearings. I am further advised that there are presently seven matters awaiting hearing, three matters awaiting informal mediation by the Registrar, three matters awaiting advice from the applicant on how they wish to proceed, and there are five matters awaiting a decision of the Supreme Court which will determine how they should proceed.

I am also advised that the vast majority of disputes have been resolved either through mediation conducted by the Registrar of the Tribunal or by the parties themselves.

**(3) Who are the landlords in each cases?**

I have been advised that there are over 60-70 different landlords involved in these Notices of Dispute lodged with the Tribunal. The 14 cases heard by the Tribunal involved 10 landlords. Leda Commercial Properties was involved in 5 matters and each of the following landlords were involved in the remaining nine separate matters: Lastelle Investments, ATSIDDC, 222 Pty Ltd, Gahahaan, Lendlease, GBT Corporation, Kintella, Perpetual Nominees, and Zobec.

**(4) How many retail tenants have withdrawn their applications before the hearing occurred?**

I have been advised that three matters were withdrawn prior to hearing because the matters were resolved to the satisfaction of the parties.

**(5) What percentage of applications heard have (a) favoured the retail tenant; and (b) favoured the landlord?**

I am further advised that of the 17 applications heard by the Tribunal, 41 per cent of applications were decided in favour of the tenant, 47 per cent of applications were decided in favour of the landlord, and 12 per cent were subject to consent orders.

MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 432

**TASA Executive Search - Recruitment Contracts**

**MR BERRY** - asked the Minister for Education and Training on notice on 24 June 1997:

In relation to ACT Gazette No. 24 of 18 June 1997, page 426 relating to a contract for the TASA Executive Search to the value of \$42,584.00 -

- (1) What goods or services are being purchased.
- (2) Have any other contracts been let to TASA Executive Search since February 1995, if so (a) when and (b) for how much.

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

- (1) Services were purchased for the advertising and recruitment for the Chief Executive and Director, Canberra Institute of Technology.
- (2) (a) Yes - 10 October 1996, and  
(b) \$38, 300.98 for advertising and recruitment services for the Executive Director, Education and Training.



28 August 1997

MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 433

**Argyle Executive Apartments - Accommodation Contracts**

**MR BERRY** - asked the Minister for Education and Training on notice on 24 June 1997:

In relation to ACT Gazette No. 24 of 18 June 1997, page 426 relating to a contract for the Argyle Executive Apartments to the value of \$7,310.00 -

- (1) What goods or services are being purchased.
- (2) Have any other contracts been let to Argyle Executive Apartments since February 1995, if so (a) when and (b) for how much.

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

- (1) Accommodation was purchased during the settling-in period for the new Chief Executive and Director, Canberra Institute of Technology for the period 22 February to 18 May 1997.
- (2) One other contract was let to Argyle Apartments for the incoming Deputy Director on appointment to CIT. Details of this contract are:
  - (a) from 2 July to 13 September 1995; and
  - (b) \$5,840.00.

**MINISTER FOR HOUSING AND FAMILY SERVICES  
LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 435**

**Housing Trust - Evictions**

**MS REILLY** - Asked the Minister for Housing and Family Services -

- (1) How many tenants were evicted from ACT Housing properties during the period 7 May to 30 June 1997
- (a) by date;
  - (b) by reason;
  - (c) by gender; and
  - (d) by property type.

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

- (1) (a), (b) and (c)

Date	Number of Warrants Executed	Reason	Gender
13 May 1997	4	Rental Arrears	2 x single females with dependants 2 x single males
20 May 1997	7	Rental Arrears	3 x single females with dependants 2 x single males 2 x single females
27 May 1997	3	Rental Arrears	2 x single females with dependants 1 x single male with a dependant
3 June 1997 to 30 June 1997	Nil	N/A	N/A

- (1) (d) Figures available are not broken down into property type because this information is not readily available.

28 August 1997

MINISTER FOR HOUSING AND FAMILY SERVICES  
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 436

Housing Trust - Eviction Notices

**MS REILLY** - Asked the Minister for Housing and Family Services - In relation to Notices of Intent to evict tenants by ACT Housing -

- (1) How many were issued during the period of 1 July 1995 to 30 June 1996
  - (a) by date;
  - (b) by reason;
  - (c) by gender; and
  - (d) by property type.
  
- (2) How many were issued during the period of 1 July 1996 to 30 June 1997
  - (a) by date;
  - (b) by reason;
  - (c) by gender; and
  - (d) by property type.
  
- (3) How many instances were there of Notices of Intent proceeding to legal action and to court hearings for the periods of -
  - (a) 1 July 1995 to 30 June 1996, by month; and
  - (b) 1 July 1996 to 30 June 1997, by month.

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

(1)

Month - 1995/96	Number of Notices Issued	Number Heard in Court for Which Warrants Were Obtained
July	21	8
August	31	1
September	11	10
October	29	5
November	43	10
December	25	5
January	30	4
February	41	-
March	2	-
April	51	-
May	85	20
June	30	6

ACT Housing's information system does not maintain the information that would allow the question to be answered in respect to date, reason, gender or property type, and consequently the information sought is not readily available.

(2)

Month - 1996/97	Number of Notices Issued	Number Heard in Court for Which Warrants Were Obtained
July	57	10
August	39	21
September	48	16
October	70	20
November	44	20
December	33	8
January	53	30
February	70	22
March	56	19
April	46	25
May	114	60
June	37	0

ACT Housing's information system does not maintain the information that would allow the question to be answered in respect to date, reason, gender or property type, and consequently the information sought is not readily available.

(3) See answers to (1) and (2).

28 August 1997

MINISTER FOR HOUSING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 437

**Housing Trust - Purchases**

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

- (1) How many properties were purchased by ACT Housing from 1 July 1996 to 30 June 1997 for rental accommodation stock.
- (2) Can you provide the following details of these properties:
  - (a) the location including street address of each property;
  - (b) the dwelling type and size of properties for each property purchased;
  - (c) the purchase price of each of these properties.

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

(1)

A total of 64 houses were purchased by ACT Housing from 1 July 1996 and 30 June 1997. The details of these properties are listed below.

(2) (a), (b), & (c) inclusive.

Suburb	Sec	Blk	Address	No. of Bed's	Dwelling Type	Dwelling Size (m2)	Purchase Price	
O'Connor	38	16	16- 19 Moorehouse St	2	APU	72.0		
Braddon	22	27	15- 19 Faulkner St	2	Flat	80.0		\$147,000
Braddon	22	27	15- 19 Faulkner St	2	Flat	89.0		\$158,000
Braddon	22	27	15- 19 Faulkner St	2	Flat	91.0		\$158,000
Braddon	22	27	15- 19 Faulkner St	2	Flat	88.0		\$157,000
Braddon	22	27	15- 19 Faulkner St	2	Flat	91.0		\$159,000
Braddon	22	27	15- 19 Faulkner St	2	Flat	88.0		\$159,000
Kingston	27	1	30 Cunningham St	2	Flat	71.0	\$129,500	
Kingston	27	1	30 Cunningham St	1	Flat	61.0	\$124,500	
Kingston	27	1	30 Cunningham St	1	Flat	62.0	\$124,500	
Kingston	27	1	30 Cunningham St	1	Flat	62.0	\$123,500	
Kingston	27	1	30 Cunningham St	1	Flat	62.0	\$123,500	

Suburb	Sec	Blk	Address	No. of Bed's	Dwelling Type	Dwelling Size (m2)	Purchase Price
Kingston	27	1	30 Cunningham St	1	Flat	62.0	\$124,500
Kingston	27	1	30 Cunningham St	2	Flat	71.0	\$129,500
Kingston	27	1	30 Cunningham St	1	Flat	61.0	\$123,500
Griffith	17	13	9- 15 Oxley St	1	Flat	65.0	\$118,125
Griffith	17	13	9- 15 Oxley St	1	Flat	65.0	\$118,125
Griffith	17	13	9- 15 Oxley St	1	Flat	60.0	\$118,000
Griffith	17	13	9- 15 Oxley St	1	Flat	65.0	\$118,125
Griffith	17	13	9- 15 Oxley St	1	Flat	65.0	\$118,125
Griffith	17	13	9- 15 Oxley St	1	Flat	65.0	\$118,125
Griffith	17	13	9- 15 Oxley St	1	Flat	65.0	\$118,125
Griffith	17	13	9- 15 Oxley St	1	Flat	60.0	\$118,125
Griffith	17	13	9- 15 Oxley St	2	Flat	91.0	\$145,000
Griffith	17	13	9- 15 Oxley St	2	Flat	91.0	\$145,000
Griffith	17	13	9- 15 Oxley St	1	Flat	60.0	\$118,125
Griffith	20	23	8- 12 Eyre St	1	Flat	63.0	\$116,500
Griffith	20	23	8- 12 Eyre St	1	Flat	63.0	\$117,500
Griffith	20	23	8- 12 Eyre St	1	Flat	66.0	\$117,000
Griffith	20	23	8- 12 Eyre St	1	Flat	73.0	\$117,000
Griffith	20	23	8- 12 Eyre St	2	Flat	67.0	\$132,000
Griffith	20	23	8- 12 Eyre St	2	Flat	67.0	\$133,000
Griffith	20	23	8- 12 Eyre St	2	Flat	73.0	\$138,000
Griffith	20	23	8- 12 Eyre St	1	Flat	60.0	\$112,500
Griffith	20	23	8- 12 Eyre St	1	Flat	58.0	\$113,500
Griffith	20	23	8- 12 Eyre St	1	Flat	60.0	\$112,500
Griffith	20	23	8- 12 Eyre St	1	Flat	60.0	\$113,500
Griffith	20	23	8- 12 Eyre St	1	Flat	60.0	\$114,500
Griffith	20	23	8- 12 Eyre St	1	Flat	58.0	\$113,500
Griffith	20	23	8- 12 Eyre St	1	Flat	55.0	\$111,500
Griffith	20	23	8- 12 Eyre St	1	Flat	55.0	\$113,500
Phillip	1	16	Albermarle Place	1	Flat	60.0	\$91,000
Phillip	1	16	Albermarle Place	1	Flat	60.0	\$92,000
Stirling	29	4	56 Bunbury St	4	House	167.5	\$160,000
Cook	12	1	30 Lyttleton Cres	1	Flat	55.0	\$118,000
Cook	12	1	30 Lyttleton Cres	1	Flat	57.0	\$118,000
Cook	12	1	30 Lyttleton Cres	1	Flat	60.0	\$125,000
Cook	12	1	30 Lyttleton Cres	1	Flat	60.0	\$125,000
Cook	12	1	30 Lyttleton Cres	1	Flat	60.0	\$125,000
Cook	12	1	30 Lyttleton Cres	1	Flat	60.0	\$125,000
Calwell	11	66	24 Beazley Cres	2	Townhouse	92.0	\$90,000
Conder	275	22	63 Tom Roberts Ave	3	Dual Occupancy	100.0	\$91,250
Conder	275	22	63 Tom Roberts Ave	3	Dual Occupancy	100.0	\$91,250
Gordon	560	2	16 Larkin Close	2	Garden Flat	99.25	\$136,000
Gordon	560	3	14 Larkin Close	3	House	109.16	\$136,000
Gordon	560	4	12 Larkin Close	3	House	109.16	\$136,000
Gordon	562	9	9 Hansel Place	3	House	130.5	\$122,000
Gordon	562	10	7 Hansel Place	3	House	108.4	\$112,000
Gordon	562	11	5 Hansel Place	3	House	108.4	\$112,000

28 August 1997

Suburb	Sec	Blk	Address	No. of Bed's	Dwelling Type	Dwelling Size (m2)	Dwelling Price
Gordon	562	12	3 Hansel Place	3	House	108.4	\$112,000
Gordon	562	13	1 Hansel Place	3	House	130.5	\$122,000
Bonython	10	12	25 Southwood Retreat	4	House	135.0	\$153,000
Nicholls	30	24	6 Weetman Place	3	Townhouse	105.0	\$119,000
Nicholls	30	24	6 Weetman Place	3	Townhouse	105.0	\$119,000

All properties purchased form part of the overall strategic plan for ACT Housing. All were subject to an independent valuation prior to purchase. The purchase price was then negotiated.

All properties purchased fulfilled an identified need within our client group, either by type or location.

MINISTER FOR CHILDREN'S, YOUTH AND FAMILY SERVICES  
LEGISLATIVE ASSEMBLY QUESTION  
Question No 438

Children's, Youth and Family Services Bureau -  
Transport Hire Expenditure

**MS REILLY** asked the Minister for Children's, Youth and Family Services on 26 June 1997:

How much was spent by the Children's, Youth and Family Services Bureau in 1995/96 and to date in 1996/97 on Aerial Taxi Cabs or other hired transport for the transport of:

- (a) staff; and
- (b) children under the care of the Director of Family Services

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

The Children's, Youth and Family Services Bureau spent the following amount in 1996/97 on the hire of Aerial Taxi Cabs and other hired transport:

- (a) \$35,068.00
- (b) \$14,209.00

The equivalent figures for 1995/96 are only accessible by identifying each individual transaction. This would involve redirection of valuable staff time currently allocated to providing services to children.



28 August 1997

MINISTER FOR HOUSING  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO 439

Housing Trust - Waiting Lists

**Ms Reilly** - asked the Minister for Housing and Family Services:

- (1) For each of the following household types -
  - (a) elderly singles (55+ years old, without children);
  - (b) elderly couples (55+ years old, without children);
  - (c) young singles (16-24 years old);
  - (d) singles (25-54 years old);
  - (e) large families (families with children, which require four or more bedrooms);
  - (f) medium families (families with children, which require three bedrooms);
  - (g) small families (couples 16-54 years old without children, families with children which require two bedrooms).

How many people, who have applied for rental accommodation from ACT Housing, are listed on the wait turn list as at 30 June 1997.

- (2) How many people by household type, listed in (1), are listed on:
  - (a) the transfer list at 30 June 1997;
  - (b) the priority housing list at 30 June 1997.
- (3) What is the breakdown by gender for those listed in (1) and (2).
- (4) For each of the following dwelling types:
  - (a) 2 bedroom house;
  - (b) 3 bedroom house;
  - (c) 4 bedroom house;
  - (d) bedsitter flat;
  - (e) 1 bedroom flat;

- (f) 2 bedroom flat;
- (g) 1 bedroom Aged Persons Unit; and
- (h) 2 bedroom Aged Persons Unit.

What is the average wait-turn time, by each regional office area, as at 30 June 1997.

- (5) (a) By dwelling type, listed in (4), how many ACT Housing dwellings are vacant as at 30 June 1997 and by regional office area; and
- (b) What is the reason for which each property is vacant.

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

- (1) The reporting capacity of ACT Housing's ISIP computer system does not allow information to be provided in the form required by these questions. Nevertheless, it has been possible to generate the following answers.

Housing Waiting List

30 June 1997:                    3324 applications

ACT Housing's ISIP computer system can provide information about household type for the totality of people on the waiting list for public housing. This waiting list contains two sub-categories: (1) those waiting to be allocated public housing; and, (2) public housing tenants waiting to be transferred to alternative government accommodation. The ISIP computer system does not provide information about household type with respect to the two sub-categories themselves.

The number of people on the waiting list for public housing - which includes sub-categories (1) and (2) - by household type are represented by percentage as follows:

	Numbers	30 June 1997 %
Elderly Singles	295	8.90
Elderly Couples	102	3.06
Young Singles	829	24.95
Singles	652	19.62
Large Families	98	2.96
Medium Families	313	9.43
Small Families	890	26.77
Groups/Other	143	4.31
	3324	100

\* Detailed information on the distribution of waiting list categories is not available.

\*\* The number of new applicants presented in the above table are only a calculation based on the percentages for the total list of new and transfer applications. The inclusion of transfer applications may distort the distinction among the household categories; the percentage, should therefore be applied with caution.

(2) (a) Transfer Waiting List

30 June 1997: 897 applications

(b) Priority Waiting List

30 June 1997: Housing List - 57  
Transfer List - 42

Although ACT Housing's ISIP computer system can provide information about household type for the totality of people on the waiting list for public housing, it does not do so for the two sub-categories of that waiting list: those waiting to be allocated public housing and those public housing tenants waiting to be transferred to alternative government accommodation.

- (3) At 30 June 1997 the waiting list for public housing (including the two sub-categories about which there is no capacity to differentiate) contained the following gender distributions.

	<b>Couples*</b>	<b>Single Adult Male</b>	<b>Single Adult Female</b>
With Dependent Children	8.69%	4.19%	24.76%
No Dependants	5.38%	29.45%	27.53%

\* Includes groups/other.

- (4) 30 June 1997 Average Time in Months

	<b>Belconnen</b>	<b>City</b>	<b>Woden</b>	<b>Tuggeranong</b>
2 B/H	42	37	49	60
3 B/H	18	37	32	43
4 B/H	31	37	48	64
B/S	N/A	13	2	N/A
1B/F	48	42	51	49
2B/F	9	6	22	54
1B/APU	38	61	54	87
2B/APU	45	59	84	65

28 August 1997

(5)

Vacant Tenantable as at 30 June 1997

	<b>Belconnen</b>	<b>City</b>	<b>Woden</b>	<b>Tuggeranong</b>
2B/H	0	4	3	0
3B/H	5	4	6	1
4B/H	3	2	1	2
B/S	0	20	29	0
1B/F	3	12	14	0
2B/F	4	16	7	1
1B/APU	0	1	4	0
2B/APU	0	5	0	1

Vacant Untenantable\* as at 30 June 1997

(Property Numbers)

<b>Reason for Vacancy</b>	<b>Belc</b>	<b>City**</b>	<b>Wod</b>	<b>Tugg</b>
Awaiting Sale	12	15	14	9
Under Review	16	16	31	3
General Upgrade	1	4	4	1
In Maintenance	38	67	94	31

\* Cannot be categorised by style/bedroom

\*\* Excludes Condamine Court

APPENDIX 1: Incorporated in Hansard on 26 August 1997 at page 2465

1997

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

FINANCIAL MANAGEMENT (AMENDMENT) BILL (No. 3) 1997

PRESENTATION SPEECH

Circulated by authority of

KATE CARNELL, MLA  
TREASURER

28 August 1997

**FINANCIAL MANAGEMENT (AMENDMENT)  
BILL (No 3) 1997**

The Financial Management (Amendment) Bill (No 3) 1997 inserts a clause into the FMA which will allow the Territory to provide subsidies to taxpayers and to make payments for amounts paid as excess taxes or duty to the Commonwealth.

The requirement for this clause has come about as a result of a decision handed down on 5 August 1997 by the High Court, which ruled the New South Wales business franchise fee on tobacco is constitutionally invalid, and casts doubt on the constitutional validity of business franchise fees on petroleum and liquor products.

In light of this, the Commonwealth has agreed to a unanimous proposal by all states and territories to implement safety net arrangements, which consist of increases in Commonwealth customs and excise on tobacco and petroleum products and Wholesale Sales Tax on liquor products, and the introduction of a 100% windfall gains tax. These arrangements are intended to return to the States and Territories an amount equivalent to that previously raised through the business franchise fees levied on retailers.

Under the Constitution, the rates charged by the Commonwealth must be uniform across each state and territory. The rate that will be levied is higher than the rates previously charged by the ACT. Under the terms of the agreement with the Commonwealth, the Territory is required to provide subsidies to taxpayers for the extra taxes paid to the Commonwealth.

This amendment to the FMA allows the Territory to meet this commitment, without recourse to the Assembly to approve a separate appropriation.

This is the Bill which is laid before the Assembly today. However, discussions with Members have led to the Government proposing two amendments to the Bill as it currently stands. Due to the tight timeframe, it has not been possible for the Parliamentary Counsel to make amendments to the Bill before its introduction. I have asked Parliamentary Counsel to draft amendments which I will introduce during the detailed debate of the Bill.

The proposed amendments to this Bill will allow for a standing appropriation to cover the costs of administering the subsidy schemes to taxpayers. The amendment will require the Government to disclose any funding issued for this purpose in the notes to the financial statements of the department, allowing the Assembly full scrutiny of the standing appropriation.

The second amendment will allow for a sunset clause which gives effect to the proposed amendments for a period of just under three years - to the end of the 1999-2000 financial year. This will allow sufficient time for the proposed overhaul of the taxation system, and will allow the ACT to put in place permanent arrangements, depending on the final agreement with the Commonwealth.

I commend this Bill to the Assembly.

28 August 1997

APPENDIX 2: Incorporated in Hansard on 26 August 1997 at page 2465

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN  
CAPITAL TERRITORY

BANK MERGERS BILL 1997

PRESENTATION SPEECH

Circulated by the authority of  
Kate Carnell MLA  
Treasurer



*28 August 1997*

I am pleased to present to the Legislative Assembly the Bank Mergers Bill 1997.

Once a bank merger has been approved by the Reserve Bank and the Australian Competition and Consumer Commission there are a number of essential processes involved in transferring contracts, assets, liabilities and other obligations to the newly formed banking institution.

This Bill facilitates the transfer processes resulting from a bank merger. This involves deeming the merging bank as the successor in law of another bank and includes the effects of that succession, such as the vesting of assets and or liabilities.

The Bill provides for the use of regulations to be made by the Executive each time a bank merger takes place which affects banking business in the ACT. In the past specific legislation was enacted to deal with each instance of a bank merger. This Bill will eliminate the need for this practice.

The legislation will benefit residents of the ACT who have bank accounts or conduct banking business with banks involved in a merger by facilitating the transfer processes, and of course will also benefit the banking sector.

New South Wales has enacted similar legislation to accommodate bank mergers falling under its jurisdiction.

I commend the Bill to the Assembly.

28 August 1997

APPENDIX 3: Incorporated in Hansard on 26 August 1997 at page 2472

GOVERNMENT RESPONSE TO  
REPORT NO. 25 OF THE  
STANDING COMMITTEE ON PUBLIC ACCOUNTS -  
REVIEW OF AUDITOR-GENERAL'S REPORT NO. 9, 1996 -  
A.C.T. CULTURAL DEVELOPMENT FUNDING PROGRAM

TABLING STATEMENT

Presented by  
Gary Humphries  
Minister for Arts and Heritage

- Mr Speaker, I table the Government's response to Report No. 25 of the Legislative Assembly's Standing Committee on Public Accounts entitled Review of Auditor-General's Report No. 9, 1996 - ACT Cultural Development Funding Program.
- The response builds further on the Government's record of improving the transparency and accountability of the management of its Cultural Development Funding Program.
- The Government has undertaken to provide to the Legislative Assembly a copy of the revised Funding Program information booklet and application forms when they are available. artsACT will soon begin a consultative process involving applicants to the Funding Program and members of the ACT Cultural Council and its assessment committees to rewrite and redesign these documents.

- . artsACT initiated a wide-ranging follow-up of 1994 and 1995 Funding Program grants for which acquittals were outstanding. This process has been very successful, with all Annual Program and other larger outstanding grants now acquitted. Remaining unacquitted grants are included in a special 'Unacquitted' register within artsACT to ensure no further funding is granted to these recipients.
  
- . The Government disagrees with only one of the Committee's recommendations.
  
- . This concerns the publication of details of grant recipients who have not acquitted their grants in the Departmental Annual Report. It is considered that current procedures are now more than effective in ensuring that further grants are not paid to applicants with unacquitted previous funding.
  
- . Publishing the names of recipients of unacquitted grants may be an invasion of privacy. It could be potentially defamatory as it could be perceived to imply that the recipient has not properly accounted for or has fraudulently dealt with Government monies. In fact, the reasons behind delayed acquittals are often complex and usually quite legitimate. To publish such details, I believe, is inappropriate and ineffective as a deterrent.

- I remind the Assembly that the Auditor-General's original report concluded that the management of the Cultural Development Funding Program was generally effective and efficient, making a positive contribution to arts and cultural development in the ACT. The Auditor-General did not recommend publishing details of unacquitted grants in Annual Reports.
  
- With new processes in place to monitor more effectively financial and artistic reporting by grant recipients, and improved application forms and information booklet, the Government is confident that the Funding Program will continue to support effectively the development of excellence and innovation in the arts in the Canberra Region.

ENDS

28 August 1997

**APPENDIX 4**: Incorporated in Hansard on 26 August 1997 at page 2473

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

***ISSUES PAPER:  
"CONSENT TO MEDICAL TREATMENT IN THE ACT"***

**TABLING SPEECH**

CIRCULATED BY AUTHORITY OF  
GARY HUMPHRIES MLA  
ATTORNEY-GENERAL

- . I wish to table the issues paper *Consent to Medical Treatment in the ACT* prior to its being circulated for community consultation.
- . This paper has been produced as an aid to reviewing the law and practice in the ACT in relation to consent to medical treatment.
- . It outlines the law and raises issues to generate discussion and facilitate consultation with health carers and consumer groups concerned. Comments and suggestions are encouraged.
- . The final outcome of this exercise is the generation of appropriate legislation and principles for health care practice, so that patients' rights are fully recognised, and health carers are confident in their practices in relation to consent to medical treatment.
- . This should also mean a decrease in dissatisfaction and complaints by consumers about the recognition of their rights in relation to consent to treatment.
- . The reason for the review of the law is a perception that the law is wanting in this area. As a result there has been confusion and uncertainty in matters dealing with decision making in relation to medical treatment in the ACT, as there has been in other States and Territories.
- . The paper has been prepared in consultation with the Community Advocate, health workers and others involved the delivery of health care.
- . However, members of the community, especially those who are in one way or another involved in health care, may consider that important issues have not been raised, and their comments are sought on the issues dealt with in the Paper. They are encouraged to let us know that these are.

- . Community input will help to ensure that any legislation or guidelines which are developed to deal with consent to medical treatment are effective.
- . This paper deals with consent, not only to treatment by a doctor, but to any procedures by any health carer who, as part of that care, touches a client, or carries out procedures on him or her, be it washing, performing surgery or administering medication, resuscitation, or sustenance.
- . There is a general principle established by the courts that no such action whatsoever may be taken without the patient's consent to it. Unless a person knows the general nature and quality of a proposed medical procedure and agrees to it, the carrying out of that procedure by a health carer can constitute trespass to the person in the form of either assault or battery.
- . This law has for hundreds of years maintained that those who suffer any unwanted interference to their body, or the creation of fear of such interference, can sue the perpetrator, for trespass to the person.
- . Medical procedures and health care - whether therapeutic or experimental - are subject to this law even where they are carried out with the best of intentions. Thus the concern of hospitals to have a patient's consent before medical procedures are undertaken.
- . However this simple principle as it stands becomes inadequate to deal with the many complex situations which arise in the health care setting.
- . Many inquiries have been received by my Department from members of the public who are either involved with a sick relative or friend whose care has raised some issue of consent to treatment, or from those who are ill themselves, or who anticipate that because of their age or current medical condition they may soon be, who want to know about enduring powers of attorney or advance directives.



- . Also, health carers sometimes find themselves in situations which raise legal questions they find difficult to answer, such as:
  - what matters can properly be considered 'emergencies'?
  - when and by whom consent is required when patients are unable to consent themselves?
  - what should one do when there is dissent among family members? and
  - under what circumstances should the Community Advocate be consulted?
- . Added to this principle and causing further complexity is the recently adopted legal dictum that all medical treatment requires 'informed consent', otherwise this may lead to an action in negligence. 'Informed consent' requires an understanding of more than just the nature of a medical procedure, but other matters such as the effects of the procedure and any risks which it poses.
- . The law in relation to informed consent to medical treatment was recently reviewed by the Australian High Court in *Rogers v Whitaker*, the judgement of which was released on 19 November 1992. The High Court rejected the long-held English principle that the standard of care imposed on a doctor by law is in fact a matter of medical judgment when it comes to giving the patient information.
- . It stated that determination of what to tell a patient is not to be made on medical judgment alone. Doctors must take into consideration the patient's right to know the risks involved in medical treatment, and it is thus ultimately a legal question to be decided on the facts of the particular case.

- . This right that the patient has to information is thus based not on the doctor's judgement but on legally established criteria to certain information. However the High Court did not clearly establish the criteria, and allowed exceptions in emergencies and where the doctor can prove that he or she reasonably believed that disclosure of a risk would prove damaging to a patient.
- . Thus questions remain - What about patients who waive their right to be informed and tell the doctor to do whatever he or she thinks is best? What about answering patients' questions - does the doctor have to spell out every little detail? What is an emergency anyway? What happens when the patient is unconscious or unable to understand what is going on? What can guardians consent to or refuse? What rights do families have? What if family members disagree about treatment? How much information must be given? How probable must adverse reaction be before it must be disclosed to the patient?
- . These are only some of the questions that arise in daily practice.
- . The lack of clear answers has resulted in uncertainty, communication breakdowns and unmet expectations in many situations.
- . The problem is that while the law has established the importance of informed decision-making by patients through judicial decisions, it does not set out specific and detailed guidance to doctors and patients just what information should be given in any particular type of case.
- . For this reason, this paper sets out the law as it stands, and raises the question of whether, and if so what, legislation or guidelines should be developed to make the situation clearer.
- . In this paper, we are seeking the views of those concerned at two levels. We want to know what people recommend should happen in relation to consent, or what I would call 'substantive' issues.

- . We also want views on how we should go about putting these recommendations into practice - what I call 'procedural' issues - so that standards can be set in ensuring proper consent is given to medical treatment for the purposes of the law.
- . Thus we are interested in both what should happen, and whether this should be enshrined in legislation, guidelines, institutional protocols, education programs, or indeed any other way.
- . The paper deals with such situations as--
  - direct decision making by a person in relation to their medical treatment;
  - indirect decision making in relation to medical treatment, for example through a power of attorney or advance directive;
  - decision making in relation to treatment by others (such as a guardian, the Community Advocate, a clinical ethics committee or a relative);
  - other aspects of the act of consent such as assault, battery, restraint and justifiable force; and
  - special situations such as emergencies, blood transfusions, palliative care, suicide, treatment during pregnancy and sterilisation of children.
- . In relation to the *Medical Treatment Act 1994*, I note that in August last year Mr Michael Moore MLA tabled amendments which proposed extending the scope of advance directives, and removing qualifications from the administration of pain relief.
- . I wrote to Mr Moore explaining that the Issues Paper would consider the *Medical Treatment Act 1994* in some detail, including the issues dealt with by Mr Moore's Bill. I asked Mr Moore if, in the light of the more detailed consideration the Paper would be giving both consent in general and the *Medical Treatment Act 1994* in particular, he would consider withholding debate on his Bill while we await the outcome of consultation at this broader level. He kindly agreed to do so.

- . Mr Speaker, I believe that consultation with the community, and subsequent action to clarify the law in relation to consent to medical treatment is both urgent and necessary.
- . There are several desired outcomes which this project should achieve--
  - health carers will have a better understanding of the law and other issues in relation to health care decision making, and have more comprehensive guidelines to follow;
  - they will have more confidence and understanding in dealing with-consent issues. It should result in a better understanding, and more efficient use, of the services of the Community Advocate; and
  - there should be better access and equity in relation to health services through an enhanced understanding of processes and communication between health carers and their clients, as patient's rights will be more fully understood and properly recognised, both by them and their carers.
- . The net result should be less dissatisfaction with medical care, and less complaints relating to consent issues.
- . This paper, which identifies issues and canvasses options, is intended to assist the Government to achieve this outcome.
- . My Department will be working with the Department of Health and Community Care to establish a formalised co-operative arrangement between our Departments.
- . Any other proposals which come out of the community response, such as recommendations for the development of guidelines, protocols or educational programs will be referred to the Department of Health and Community Care to assist the joint development of a comprehensive and useful combination of legislation and guidelines, which will provide an effective source of reference for health carers.

28 August 1997

**APPENDIX 5:** Incorporated in Hansard on 28 August 1997 at page 2631

**CONFIDENTIAL**  
**JUNE CONSOLIDATED FINANCIAL MANAGEMENT REPORT**

**TABLING STATEMENT**

Mr Speaker, the report for the month and year ended 30 June 1997 provides a preliminary assessment of the Government's financial performance for the 1996-97 financial year and shows that the Australian Capital Territory Government has significantly improved on the financial position originally budgeted.

The preliminary operating loss for the Territory for 1996-97 is \$134m, before abnormal and extraordinary items. This is \$97m, or 42%, better than originally budgeted.

This significant improvement over 1996-97 is due to this Government's prudent management of both its own financial performance and the Territory economy, and fully justifies this Government's financial management reforms.

Mr Speaker, the preliminary 1996-97 consolidated Territory operating loss of \$176m, is still \$55m better than originally budgeted after the inclusion of some \$42m of unbudgeted net abnormal and extraordinary expenses. These items are largely technical or non-cash in nature.

The Territory's cashflow statement shows a gain of \$152m from operating activities over the year. This is \$50m higher than originally budgeted and underpins the improved accrual operating result. These funds have largely been applied to works and other fixed asset acquisitions.

The general government sector has achieved a preliminary consolidated operating loss for 1996-97 of \$195m against the Budget time estimate of \$232m. This operating loss stems from better than expected revenues of \$89m, offset by higher ordinary expenses of \$32m, and \$21m of net abnormal and extraordinary items.

The increase in expenses includes a number of technical items relating to accounting treatment and previous years' transactions. As a result, cash spending in 1996-97 did not exceed that provided in the Appropriation Act.

As forecast in the 1996-97 Budget, there was no net increase in general government sector borrowings over the financial year.

Taxation for the Territory is approximately \$32m above Budget, largely as a result of increases in payroll tax and stamp duties on conveyances and shares, all indicators of economic activity.

**CONFIDENTIAL**

The public trading enterprise sector has achieved a preliminary operating surplus of \$43m. This is slightly better than the \$42m estimate in the Budget, despite an abnormal downwards adjustment to asset values of \$10m following a review of their useful lives and associated depreciation rates.

Mr Speaker, the financial reforms implemented by this Government, including the recognition of expenses and revenues as they accrue, and comprehensive reporting each month by all Territory entities, has allowed the ACT Government to properly manage, for the first time, the opportunities and pressures facing its budget as they arise. This is evident in the improved preliminary result for the year.

The June monthly consolidated financial management report explains in detail many of the issues arising during the year and contains explanations of variations over the original Budget. This high standard of disclosure demonstrates the commitment to accountability and openness that this Government has been able to achieve, and represents a degree of Government accountability without precedent in this country.

I expect that the continued responsible and prudent management of the Territory's finances and economy places us well to continue our record of improved financial performance this financial year and beyond.

The fully audited financial statements for the Territory will be presented in accordance with the Financial Management Act later in the year.

28 August 1997

**APPENDIX 6**: Incorporated in Hansard on 28 August 1997 at page 2631

**THE LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**TABLING STATEMENT**

**EXECUTIVE CONTRACTS**

To be delivered by:  
Kate Carnell MLA  
CHIEF MINISTER

Mister Speaker, I present four Executive Contracts and five Schedule D variations.

The contracts are tabled in accordance with Sections 31A and 79 of the Public Sector Management Act, which require the tabling of all Executive contracts. You will recall that I previously tabled contracts on 26 June 1997.

Two contracts relate to long term executive arrangements for the offices of Chief Executive, Department of Urban Services and General Manager, Business Strategy and Major Projects in the Department of Business, The Arts, Sport and Tourism.

The remaining two contracts relate to short term executive arrangements. These include one for the Director, Economics, Office of Financial Management in the Chief Minister's Department; and one for the Director, Human Resources in the Department of Education and Training. Both of these short term arrangements are pending permanent filling.



*28 August 1997*

Two of the Schedule D variations relate to extensions of current short term contract arrangements for the Executive Director, Education and Training and the Director, Human Resources, both in the Department of Education and Training.

Two Schedule D variations relate to reassignments from current offices. The first being for the Director, Business Improvement, Chief Minister's Department, who has been reassigned to assist the Inquiry into the Demolition of Royal Canberra Hospital; and the second being for the Executive Director, Business and Strategy Group, Department of Urban Services, who has been reassigned to perform strategic projects for the Department of Urban Services.

The final Schedule D variation transfers Mr Salder of the Chief Minister's Department into the office of Senior Director, Strategy and Information Group, Office of Strategy and Government Business in the Chief Minister's Department

*28 August 1997*

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

28 August 1997

LIST OF CONTRACTS FOR TABLING  
28 August 1997:

**DEPARTMENT OF BUSINESS, THE ARTS, SPORT AND  
TOURISM**

George Tomlins

**CHIEF MINISTER'S DEPARTMENT**

Robyn Sheen (Temporary)  
Michael Ockwell (Schedule D - reassignment)  
Phillip Sadler (Schedule D - transfer)

**DEPARTMENT OF EDUCATION AND TRAINING**

Ann Thomas (Temporary and Schedule D - extension)  
Sandra Lambert (Schedule D - extension)

**DEPARTMENT OF URBAN SERVICES**

Rodney Gilmour  
Ken Horsham (Schedule D - reassignment)