



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

29 April 1998

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

FREEDOM OF INFORMATION (AMENDMENT) BILL 1998

MR OSBORNE (10.31): I present the Freedom of Information (Amendment) Bill 1998, together with its explanatory memorandum.

Title read by Clerk.

MR OSBORNE: I move:

That this Bill be agreed to in principle.

Mr Speaker, if the United States can be described as a place where the people are suspicious of the government, then I think it would be fair to say that Australia is a democracy where the government is suspicious of the people. Since the arrival of the First Fleet, the authorities here - in colonial and then State and Federal governments - have treated the great unwashed with deep suspicion. The elite did not, and does not, trust the masses and believes that there are many things that it is better they do not know. The sacred art of public administration, they believe, is beyond ordinary people and best kept secret.

In the last 12 months have spoken a great deal about the need to reform. To me, reform of the freedom of information law is the central plank in reform of self-government. Information is power, and the Bill I present today is a first step in trying to crack open the incredibly hard nut of government information. It has been said in this place that the ACT has the best freedom of information legislation in the country. With respect to Mr Humphries, I have to say that that is not saying very much. The bar in Australia, in reality, is set too low, and I think it is time to lift it. Mr Speaker, I want this legislation to see the Government standing naked in Garema Place, with perhaps just a fig leaf or two left for modesty's sake. As to who performs that role, Mr Speaker, I will leave that to Mrs Carnell. I hope that it will not be Mr Kaine. Mr Speaker, I prefer that to the Government hiding in a cave somewhere in the Brindabellas, where you need a map, compass and torch to find them. And, when you find them, they move caves.

For the benefit of new members, I should point out that this Bill has been a long time in the workshop and is still not complete. Initially, it grew out of my experience in continually being denied access to information which, as best I could tell, had little or no reason for being withheld. As a new member in this place, I found this practice one of the most frustrating things in trying to adapt to my role as an MLA. In considering this,

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I have come to believe firmly that information collected and held by the ACT Government is a community resource. Those who collect it do not do so for their own benefit; rather, they are only trustees of that information for the people of Canberra. Unfortunately, that is not always the attitude taken by the government of the day and its bureaucracy.

Having a complex set of FOI laws is an asset for a government which wishes to avoid a high level of public scrutiny. Traditionally, around the world, FOI law starts out being very simple, and then is gradually made more complicated as successive governments bring forward amendments to suit themselves. I understand that this has certainly been the case in this country. A legal right of access to government-held information was established in Australia only about 15 years ago, with the first comprehensive review of the Commonwealth Act being undertaken two years ago. As an Act which provides easy access to a wide range of government information, our present ACT FOI Act is a dismal failure. It is full of provisions which more readily apply to the affairs of a nation and a range of creative exemptions, including the favoured catch-all phrase that releasing a document would “not be in the public interest”. Clearly, the time for reforming the Act was well overdue. The approach that I have taken to this task has not been one of “slash and burn”; rather, I have sought to find a sensible balance between keeping essential government-held information confidential and allowing easy access to the rest.

Over the past few years, the Attorney-General, Mr Humphries, has introduced two significant reforms in the everyday application of the Act - the first being to close down the central FOI office in Civic and to decentralise the whole FOI process to being handled completely within an individual government department or agency itself; and the second being the abolition of fees for personal documents and a reduction of other fees in general. I consider that both of these moves were a step in the right direction. However, as the Government itself freely admits, these two changes did not equate to a comprehensive review of the everyday application of the Act.

During 1995, the Australian Law Reform Commission and the Administrative Review Council conducted such a review and, in 1996, tabled their joint report in Federal Parliament. The commission and council recommended a wide range of changes to freedom of information law and policy in general “to give full effect to the Australian people’s right of access to government-held information”. These recommendations included making the application process easier to use by both the public and the government agencies concerned; reducing the cost of requests; rationalising exemptions so that they applied only to information for which there was an overriding public interest in withholding it; changing the objects of the Act to promote an attitude of pro-disclosure; the power of Ministers to veto disclosure should be reduced; and increasing the awareness on both sides that members of the public have a legal right of access to government-held information.

All of these recommendations, along with a number of others, I have sought to include in this Bill. The president of the commission, Alan Rose, said at the time of tabling the report that “the culture of secrecy that still pervades much of the Australian public sector must be dismantled if our government is to become truly transparent and accountable”. In other words, there are still too many secrets without there being a good reason.

While this report and related comments were directed mainly towards the Commonwealth Public Service, they nonetheless apply just as much to the ACT. In 1993, after our current Freedom of Information Act had been in effect for four years, it was clear that the ACT bureaucracy was gradually becoming more secretive and took longer to process FOI requests than its Federal counterpart. The situation has improved since then. However, there is still much room for further improvement.

Generally speaking, Mr Speaker, freedom of information legislation originally grew out of public demand for more open and accountable government. As governments in general tend to want to avoid close scrutiny if at all possible, provisions for creative exemptions are gradually added to legislation, and measures such as the 30-year rule have come into being. When our present Attorney-General, Mr Humphries, was in opposition, he once stated in the Assembly that the true test of a good government was whether or not its record was able to be scrutinised. In other words, there needed to be a high level of access to government-held information. I trust that he still holds that view, because this Bill provides for him and the Government of which he is the deputy leader to be scrutinised.

Generally speaking, this Bill sets out to achieve two major reforms: Firstly, simplifying the process of making a freedom of information application; and, secondly, restricting access to official information only to the extent necessary to protect essential public interest, to protect real commercial confidentiality, and to preserve the privacy of individuals.

The first of these reforms, concerning the process of application, has attempted to combine the best aspects of the former central office and the new decentralised system currently in operation. This new process incorporates the concept of having a designated records officer within an agency or department. However, the role of that records officer would be extended to include providing hands-on help for people who need assistance in making their application. The intention is to ensure that the resulting FOI application is tailored to the requirements of the applicant as much as possible.

Several minor changes to this part of the Act which affect current practice have been included. These include agencies having shorter time periods for compliance regarding their obligations under the Act and providing for a wider range of ways that access to documents or information can be given to applicants. The parts of the Act relating to exempt documents and access to personal records have been completely replaced. The restriction of access to documents would fall into two categories - documents which are fully exempt and with no time restrictions placed on them, and documents which are subject to public interest exemptions for only 12 months. Full exemptions would apply to 11 categories of documents on the basis of public safety, privacy and legal professional privilege.

Executive documents would also have a full exemption, except for those which have been prepared for consideration by the Executive and those recording decisions made by the Executive, which would be exempt only until the decision to which the document relates has been put into effect or made public. The reason for this qualification is to bring a balance between allowing the Government enough privacy to make decisions in secret and allowing public scrutiny of the basis of that decision.

On the face of it, I consider that this section of the Bill passes Mr Humphries's test for a good government. There are eight categories of documents for public interest exemptions, with these exemptions being valid only for a period of up to 12 months. After this period of time, the restriction would be lifted and access could be given. I have included this provision, as the informal practice of the past tends to have successive governments interpreting "what is in the public interest" to mean "what is in the government's interest". Establishing a sunset clause for this category of exemptions will prevent an intentional hazing of the boundaries of where the public interest lies.

Mr Speaker, I make no apology for attempting to deliberately establish in this legislation that the public interest lies in the disclosure of publicly held information. New sections have been added to the Act which clearly set out a person's right of access to personal information on them held by the Government, including access to medical records. A number of necessary safeguards have been included where that information relates to such things as workplace evaluation material and documents of a medical or psychiatric nature where access to them will prejudice the wellbeing or mental health of the applicant.

Other minor reforms include changes to the calculation of fees. Deposits on account would be required only for charges estimated to be over \$250, and exemptions from paying fees would be provided for members of this Assembly. At present, fee exemptions exist for members if they can prove that their application is in the public interest. However, I consider that members should be given the benefit of the doubt that their work is automatically in the public interest. That is why we have provided for that exemption. The rest of the Bill is basically translating the current Act from the legal garbage into plain English, and in this case the drafter has done a good job.

I guess that my biggest disappointment with the Bill is that, while it has taken nearly two years to get to this stage, a parliamentary drafter really worked on it full time last year for only about 4½ days. The result, however, I believe, is good, and I am grateful for the effort of that drafter, Mr James Graham, from the Parliamentary Counsel's Office. Mr Speaker, I firmly believe that freedom of information is not about keeping secrets. Rather, it should assist in the promotion of, and participation in, informed decision-making by the community.

The sensitivity of a particular issue to the government of the day ought not to be the reason for denying access to material that is critical to that level of participation. Where a legal right for members of the public exists on any issue, the Government's responsibility is to protect that right at great cost. If Mr Humphries is to be believed and the true test of a good government is whether or not its record is able to be scrutinised, I believe that this Bill delivers the level of scrutiny that he desired while in opposition. Over the last couple of years there has been a growing debate regarding changes to the style of government in the Territory to one that is more inclusive of the elected members. I believe that the changes outlined in this Bill would be needed to complement any such changes in style.

Mr Speaker, this Bill has been something of a marathon to put together, and I believe that there is still some running to do. I propose, Mr Speaker, to take this Bill into committee. We look forward to the input of all members, but particularly of the Greens and Mr Moore, who have shown a longstanding commitment to beating down the wall of commercial-in-confidence - and, more particularly, the Greens in regard to that commercial-in-confidence issue. I hope that in time it will emerge as something that really does require government to operate in the sunshine. I commend the Bill to the Assembly.

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

CHILDREN'S SERVICES (AMENDMENT) BILL 1998

MR OSBORNE (10.45): Mr Speaker, I present the Children's Services (Amendment) Bill 1998, together with its explanatory memorandum.

Title read by Clerk.

MR OSBORNE: I move:

That this Bill be agreed to in principle.

Mr Speaker, if this were a court of law, I would say that the evidence for having a children's magistrate is overwhelming and the case compelling. That is what this piece of legislation is about, Mr Speaker. But it would appear that the judge - the Government - is coming into this case carrying more than a little baggage.

The argument for a specialist magistrate for the Children's Court has a long history. In 1981 the Law Reform Commission began a detailed examination of the options for an appropriate forum for children's proceedings, and in 1982 it presented four options. The commission was of the view that the best option was that the Children's Court should have a single, legally qualified, special magistrate because it was "most important to the success of the new child welfare laws in the ACT". Despite the recommendations of the commission, no magistrate was appointed, and the option adopted was to rotate magistrates through the court - the system that exists to this day.

In 1995 the annual report of the Community Advocate said:

We have concluded ... that children would benefit greatly by tribunal style processes which would be presided over by a specialist Children's Magistrate.

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In 1997 the Department of Education and Training issued a public consultation paper reviewing the Children's Services Act. In its discussion of the issue, the department makes the case for a children's magistrate, but takes a bet each way when it comes to making a choice, falling, it seems, at the hurdle of "resource implications for the Territory". I ask this, Mr Speaker: What greater resource does this Territory have than its children? What value, what price, do we place on ensuring that the most vulnerable among them get the best treatment and the best system that we can buy?

To continue the Cook's tour, Mr Speaker, this issue was taken up again by the Assembly's Standing Committee on Social Policy, chaired by Ms Tucker. In the committee report, "Inquiry into Services for Children at Risk in the ACT", the committee recommended that the ACT Government appoint a children's magistrate. I believe that that report was unanimous, Mr Speaker. In evidence before the committee, the Law Society identified the lack of a children's magistrate as a critical factor in the coordination of services that come before the Children's Court. At present, all magistrates deal with children's issues, and the Law Society said that, while they do generally do a good job, a specialist would be able to build up a detailed knowledge of cases, options and services available.

Mr Humphries: When was this?

MR OSBORNE: In the evidence of the Law Society before the committee, Mr Humphries. You raise your eyebrows.

The Law Society argued that a specialist children's magistrate not only would have knowledge of a young person's background but also would be able to look at the alternatives to assist the young person. The society said that the variety of magistrates making decisions in the Children's Court had led to an "inadvertent degree of inconsistency" in judgments. The committee concluded that the appointment of a children's magistrate would have resource implications, but the position had the potential to provide long-term savings to the community by ensuring that at least some of the children do not end up leading a life of crime.

Mr Speaker, with this weight of evidence from the experts, you would have thought that, by now, the Government would have moved to implement this idea. But it has not. It has sat on its hands. I do not pretend to know why. Perhaps I do; perhaps I do not. But perhaps it is counting its pennies. Perhaps it is loath to direct the court on how it should be structured. Whatever the reason, I have decided that it is high time that this issue was brought into the public spotlight and debated in this place. If the Government's reason for not doing this is a lack of resources, then let it argue that in this place. Let it say that money is of greater value than the welfare of the most vulnerable. As I said at the start, Mr Speaker, the evidence is overwhelming, the support is overwhelming and the case is compelling. Let the Government now answer the charges. I commend the Bill to the Assembly.

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

CANBERRA'S OWN OPTIONS OF LIVING HOUSES

MR WOOD (10.51): Mr Speaker, I move:

That this Assembly calls on the Government, as a matter of urgency, to locate the proposed residents into the completed but vacant Canberra's Own Options of Living (COOOL) houses in Fisher.

Mr Speaker, this is a short, clear motion. The proposed residents have waited for too long. They have hoped to move for too long. And now they have despaired for too long. Let me tell any members who are unaware of Canberra's Own Options of Living project that it is a project to relocate younger disabled people from nursing homes, where they should not be, to appropriate accommodation so that they may live as normally as their disability will allow. It is an important project. It is well conceived. Indeed, it was conceived as long ago as 1994. There is already one part of the project up and running in houses at Macquarie. There has been an unacceptable delay in opening two homes, for eight people, in a second facility at Fisher. That was finished, I think, about five months ago. Most people - certainly, the proposed residents - would have expected that it would have been finished on one day and people would have been moving in pretty much on the next day.

I want to thank Mr Moore for his offer of a briefing which he made to me yesterday afternoon. I regret that, in the timeframe of my diary, it simply was not possible to fit that in. I do have the advantage of having read an independent report, commissioned by the department, from Michael Kendrick and the response to that report by the Department of Health and Community Care and by other people concerned. I want to thank Mr Humphries, the former Minister, for his rapid dissemination of that report.

Mr Humphries: And offer of a briefing.

MR WOOD: Yes, and offer of a briefing. So, what is the problem? How could such a well-conceived and well-intentioned idea have gone off the rails? The review lists a number of strengths, including, notably - and I use the words in the review in my terms - ample funds and also no attempt to penny-pinch, although I think there is still some argument over resourcing. The report also points to widespread goodwill, to broad commitment from a great number of people and groups, to effective and wide participation, and to consultation. So, one would expect that there would be all the ingredients for success.

Yet the review also contains most severe criticisms. Judging by the response, those criticisms have generally been accepted by the Government, or by the department, whichever. The main criticism, in one of the headings, reads:

The mishandling of the COOOL Project by the Department of Health and Community Care.

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In passing, I should note the change from the draft of the report, where that was expressed rather differently. That comment was earlier expressed as “mismanagement of this project by the Government”. Somewhere that review was sanitised. The Government would not want to take the responsibility. It passed the buck. I have no doubt that it took the kudos for the opening at Macquarie; but it does not want to take the criticism for the delay in opening Fisher.

Having said that, I have some sympathy for the Government, or for the department, in being so severely criticised, and I will tell you why. The key elements of the criticism relate, I think, to the philosophy of the project. I will take some of the words that Kendrick used and abbreviate them very considerably. For example, the best option for accommodating each disabled person was not adopted, going back as far as 1994 - when there was a different government, let me tell you. Another example is that the building, which is a mini-institution, dictates the program design. It becomes a permanent arrangement for residents. It is a building. Also it is not necessarily the best arrangement for each person. The need for each person is for supported living, independence and a location as close as possible to their family and their interests.

Having read some of those comments, I read on, rather expecting a recommendation by the review to demolish the Fisher buildings and to start again. That, of course, is not feasible, and it was not the intention. But the comments are pertinent, because the main thrust of those comments relates to the request by those people who are likely to move in that they not be institutionalised. That seems to be a main argument that they have - that they are moving from one institution into another. It is certainly, in their mind, a better one; but the philosophy should not be to further institutionalise these people. There appears to me to be a dispute, which has been running for a considerable period, between the department and the residents about how the Fisher houses were to be run, how they were to operate, and the fear of those residents that it would be just another institution, albeit a mini-institution. It is probably that lack of resolution, the inability to resolve those issues, that has caused this very long delay.

There was a further argument - a key element of the criticisms - beyond the one I have just mentioned, and that was about the manner of allocating resources for supporting residents. The review argued that the needs of the persons come first, not the institutional model that was proposed. Indeed, what was proposed, it was argued, may not deliver what is needed. In the end, of course, Kendrick recommended that the Fisher and Macquarie houses continue. He did not really debate whether they should or should not; but he recommended that they be just one option for the care of disabled people of the nature we are considering.

After putting aside his philosophical reservations about the project, Kendrick proposed sensible recommendations to improve the outcomes for the disabled and for those people moving into the homes. I note that the Government, or the department - there seems to be a mix here - has, in the main, accepted those recommendations. Now that they have been accepted, they ought to be implemented rapidly, and we should have a quick resolution of the problem. So, I expect that today we will all be in agreement.

The Government, no doubt, will want to defend the record of the last five months; but we expect a resolution to emerge now. We expect that, since we have these homes and we have up to eight people - perhaps more - who want to move into them. They certainly regard them, as I think we all do, as a much better option than the nursing homes they may currently be in. Those people want to move in. They are desperate to move in. Today, we wait for the new Minister, Mr Moore, to tell us when they are going to move in, the circumstances in which they will be moved, how it will be done and perhaps the way these places will be run. We all remember that, at the base of all this, the project is planned to provide the best options for people who have enough problems already. So, I am sure that we will all want to get it moving.

MR MOORE (Minister for Health and Community Care) (11.00): Mr Wood, thank you for raising this matter. It is of some disappointment to me that you were not able to attend Mr Humphries's briefing, which he offered to you on 15 April - the briefing that I attended with Mr Rugendyke and others. However, it is quite clear from your speech that your understanding of the issues is quite comprehensive. Like the potential residents and like you, I want to see this matter resolved as quickly as possible. However, I have to say that there are still a number of issues that stand in the way of making real progress in this regard.

I say that in the context of accepting your motion. I think it is a positive motion that will help us move things forward. I will come back in a little while to the concept of urgency and just what is meant by that. Does that mean that we need to deal with it in two minutes or five minutes? It is not a matter of just moving people in and trusting that the not insignificant outstanding issues are resolved satisfactorily, as you would understand. We have to give due consideration to the appropriateness of the care model for each person, the compatibility of the grouping, whether the community living expectations of each person can reasonably be met, and the costs of the care. These are really the major issues that we are dealing with.

There are 11 prospective residents for eight places in Fisher. These 11 people meet the eligibility criteria of being under 65 years of age and currently residing in an ACT nursing home. I understand that the seven COOL Fisher Action Group members, represented by their advocate Mr Matthew Maurer, who is in the gallery today, argue their entitlement above that of all others, due to the time they have been on the waiting list. I have to tell you that I do not support this view. Priority of access to service has to be on the basis of relative need - I think, Mr Wood, you would agree with me there - and available resources, not just the time a person spends on a waiting list.

I understand that the department has advised the potential residents that we are not prepared to move them into the Fisher houses until their support plans are developed and costed and we are assured that the service can operate within the budget. The representative of the potential residents, on the other hand, wants us to move them into the houses without such plans being finalised. This is part of the problem that we are dealing with. I have not had the opportunity, other than to introduce myself to Mr Maurer this morning, to meet with him personally to deal with the problem, although my colleague Mr Humphries has done so and has even spoken to him earlier today.

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I think it is worth members keeping in mind that this project has an operational budget of nearly \$700,000 - in fact, it is \$698,000 - per annum, and the support service provider is expected to deliver the service within budget. We do that in every single area of the Government. Additional allocations for establishment costs and personal equipment will be included in the contract price, but will be additional to the operational funding. We are talking about nearly \$700,000 of funding; in other words, almost - but not quite - \$100,000 per individual in these houses for a year. It is a not insignificant sum of money. But, at the same time, we recognise that there are huge difficulties in ensuring that these people have some chance to live in a reasonable way, which is the very reason for taking them out of a nursing home.

A series of meetings have been held - more are planned - with the group, with the Community Advocate as facilitator. They have been going on even quite recently, with Mr Humphries speaking to Mr Maurer as late as within the last half-hour. We are prepared, as we were in the past, to provide information about the various models and to undertake a series of assessments. It seems to me, Mr Speaker, that the complex issues involved in dealing with these people have not been resolved and the time period has simply been much too long. Most of us would be aware of some of the reasons behind that. Mr Wood has put his finger on those. But, to be fair to the department, it was the department that commissioned Michael Kendrick to do the review, to ask them what is going wrong, and to see whether we can get a solution. So, when Michael Kendrick comes back and says, "Yes, you have some problems; there is some mismanagement here", the department should take credit for it, because it said, "Yes, we know that we have some problems. Tell us what they are and how to fix them". I see that there is a strong, positive will on the part of the department, or on the part of a series of people, to ensure that we can resolve this urgently.

Now, what does "urgently" mean? Mr Wood, within a matter of weeks, we shall try to deal with the people who are less difficult, who are in a position to know that they are prepared to live together, for whom we can resolve some of these problems. What I am seeking to do is to resolve the problems with the first house before we come back into this Assembly to sit again. That is going to be my goal. I think that meets your motion when it talks about "a matter of urgency". In terms of the much more complicated issues with the second set of houses, I shall seek to resolve them within a matter of some months. The issues there, I am advised, are much more difficult, much more complex; but I shall be doing my best. I take this matter very seriously. I see this issue as still having a series of complexities. The department is of the view, which I support, that it does not involve itself in issues, except where it can be shown that the decisions have implications for the financial viability of the service or where the department or service provider is not prepared to accept the level of risk associated with maintaining its duty of care regarding the health and safety of staff, residents or potential residents.

I am committed, and so is the department, to ensuring that the prospective COOOL residents effectively participate in decision-making and that their views are accorded equal status with those of others involved in the project's decision-making. I think that the issue of institutionalisation is the very issue that you are talking about. One of the things which show that we are moving away from an institutionalised environment is that people

have more ability to make their own decisions. I think that one of the problems we are dealing with, as far as I have been able to tell from the briefing that was provided to me by Mr Humphries before I took on this role and since, is that the involvement in the decision-making at the moment actually creates some of the problems in getting us into the environment.

It may well be that, in order to meet the requirement for urgency in your motion, we will have to take a longer-term approach to how we ensure the empowerment of these individuals. There is no question that the goal of empowerment is fundamental. The goal of deinstitutionalisation is fundamental here. As you would know, Mr Wood, this has been a catchcry of my own election campaign. It is something that I have spoken on in this Assembly on many occasions, and I shall still seek to follow that through.

It seems to me that, at the same time, we need to pursue not just this particular model, as we have done with the Macquarie houses and the Fisher houses, but also other models of deinstitutionalisation. If we are prepared to dedicate what is, effectively, \$100,000 to an individual for their care and their empowerment, then it is entirely appropriate that we should be able to look at different, more flexible ways of handling that level of money in order to ensure that individuals can have the best possible care, according to their own wishes. I think that is one of the great challenges we have before us.

So, I welcome this motion. I actually think that the department, in commissioning the Kendrick report, has acted entirely properly. However, the fact that it has taken so long to get to this stage - hence the motivation for the motion - is disappointing. The delay is unacceptable. As my first task as a Minister, I shall seek to resolve this matter as urgently as I can.

MR QUINLAN (11.10): Mr Speaker, I have had some direct contact with the primary carers who look after children and young adults with challenging behaviours and, in fact, with one or two of the parents who have candidate children or candidate dependants for these houses. I have also had some approaches from people within the community service area who are very concerned about the way this project has been managed and its outcome so far. The primary focus, of course, must be on the welfare of the people who are to have places within these houses and the welfare of their primary carers.

Across Canberra, there are many primary carers who receive very minimal or no support while they are carrying a burden more rightly carried by the overall community. Primary carers of candidates for places in COOOL houses have, typically, spent many years coping with challenging behaviours - which is a fairly euphemistic term for a fairly horrific existence from time to time - and they do not deserve to be kept waiting as a result of poor management that has stalled placement. They are people who do not want to see their children or their dependants institutionalised. They are people who want to see the philosophy that is supposedly behind the creation of COOOL houses - and that is the maximisation of living options - realised in respect of their children and their dependants.

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The report has referred to mishandling by the Department of Health and Community Care. I am reliably informed that the original draft of the report referred to mishandling by the Government. I guess that, under the Westminster system, they are one and the same thing, and they should be recognised as such. As well as hastening the process, it is incumbent upon the Government to see that the full list of recommendations is acted upon. A common theme through the report was that these houses tended to replicate institutions and tended to become just small institutions, and that, in fact, the options that were available were very limited. I know that they are only words; but I was just a little bit concerned to still hear in Mr Moore's response such terms as "dealing with these people" and "people meeting these criteria".

I do not want to dwell on the subject for too long. In conclusion, I would like to observe that there was not a lot in Mr Moore's response about the options. While we are happy to hear about urgent attention to placement, there must also be urgent attention to the full spectrum of recommendations, and in particular to the transferring of day-to-day management of this project to a normal community governance body. The original and repeated references to mismanagement, institutionalisation and treating people rather as a commodity, I think, are the main themes of this report that ought to be acted upon. They require urgent attention, as does the placement of people.

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (11.15): Mr Speaker, I am, of course, the Minister who has, in the last 48 hours or so, handed over this matter to my successor. I have had some opportunity during my short tenure in that position this time around to be able to examine some of these issues. I have to confess at the outset that I am not sure that I was able in that time to get to the bottom of all the issues that made up this very complex matter. However, I have, I think, formed some views about where this ought to go.

As such, I think there is value in supporting the motion which has been put before the Assembly today, although it is important to acknowledge that the urgency referred to in the motion is a matter that is relative to the complexity of the issues that have to be dealt with in this matter. Mr Wood spoke about the residents' expectation that, the houses having been finished one day, they would move in the next.

Mr Berry: Let go, Gary. You are not the Minister anymore. Let go. Take it on the chin.

MR HUMPHRIES: That is another outstandingly considered and conciliatory contribution from Mr Berry.

MR SPEAKER: Order! Background information has never stopped anybody speaking in this place before. Continue, Mr Minister.

MR HUMPHRIES: Mr Speaker, let me say that the Assembly has, obviously, a broad brief on overseeing the activity and the work of the Government. It certainly has a role to play in overseeing matters in elements of which, according to the report which we have on the table - the Kendrick report - there have been shortcomings in the way they have been brought forward to this stage.

Mr Speaker, I accept the comments made in the Kendrick report about those shortcomings. It is relatively easy for me to do that, because I was not the Minister at the time those issues arose and I am not now the Minister who is going to have to implement them. Nonetheless, the arguments are put forward. They have been accepted by the department, and I accept them as well. But, Mr Speaker, the reality is that we go one step further on occasions in this place - not just overseeing, asking questions and holding the Government to account for what has happened with a particular matter; but sometimes also attempting to impose solutions, solutions that one formulates from some distance from the issues.

I say that in this particular case because Mr Wood and Mr Quinlan have obviously taken the time to discuss this issue with a number of the parties - obviously, with some of the affected residents or their representatives and, Mr Quinlan indicated, with some people involved in community service bodies that involve themselves with these matters. In that respect, it is a matter of some regret to me that no-one from the Opposition took up the option made available to them about three weeks ago to be briefed on the Government's point of view on this matter as well.

That is unfortunate, because what has happened today is that Mr Wood has come into the place and said, "We believe - and we intend by way of a motion to impose it on the Government - that a particular solution to this matter should be found". I think that that is slightly unfortunate, and I would urge members opposite, if they believe that there is an issue of judgment to be made about such matters, to take the opportunity to hear what the Government's point of view is before they move a motion in this place imposing a particular solution in a particular matter. That is my recommendation. When the offer is available - and it is not always available to oppositions, as we knew when we were in opposition - it is a resource and an option that needs to be taken up.

Mr Speaker, I think it is particularly important to acknowledge that the matter is one which is delicate and which has been the subject of quite intense feelings on both sides of the fence. I would say without any hesitation that there has been some level of animus on each side of this debate towards the other. That is most unfortunate. I think that we need to find some way of taking that out of the debate if we possibly can. I hope that the opportunity of having a new Minister in the role will be part of that process. It is certainly a role that I hoped to be able to play by talking to the parties, including by meeting with Mr Maurer, representing the residents, the week before last.

It is important not to put ourselves in the position where we attempt to rush into a simplistic solution in order to deal with the problem that is given rise to by the long time between the completion of those residences and now. I say that because a lack of forethought, in a sense, has had unfortunate consequences in the case of the other COOL house in Macquarie. To the best of my perception, the problem with this matter is that, in the case of Macquarie, the house was occupied by residents without support packages being negotiated and arrangements being settled for their long-term occupation there and care in that place. The result has been a quite significant blow-out in the cost of providing support to those residents. Indeed, it is of the order of a quarter of a million dollars.

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I raise that, not in order to appear to be niggardly with the money that the Government has available to provide for the care of those people. I fully adopt the remarks made by Mr Wood and Mr Quinlan in respect of these matters - that there needs to be a compassionate approach to these matters to bring residents like that out of nursing home settings and into more normal settings, if you like, to give them an opportunity of living lives which are better adjusted to the mainstream of society. The title of the project is "Canberra's Own Options of Living". It is a way of bringing people into less institutionalised settings. We have to acknowledge and recognise the support that goes into that process to make it effective and to make it work. There is very considerable government, or taxpayers', money going into that process.

But we have also, in this place, been subject in the past to very severe criticism by the Assembly when budgets have not been managed properly. The budget for the Macquarie houses has blown out quite considerably. Members of the Assembly are right to hold the Government to account when it does not manage things within budget. In respect of the Fisher houses, Mr Kendrick has made it clear that he considers the budget to be an appropriate budget. It is not insufficient to meet the task of housing eight residents, but - - -

Mr Berry: Who ordered the change of the report?

MR HUMPHRIES: No-one in the Government, Mr Berry. Mr Speaker, the fact is that, if we simply place residents in the Fisher houses before ascertaining whether there is a viable basis to support those residents appropriately and humanely in those residences, then we run the risk of again blowing out the budget, as is the case with Macquarie - and, incidentally, getting quite unhappy residents into the bargain. No-one would expect us to do that. Our responsibility to manage the resources of the Government, of the community, well is pretty important - indeed, you might say "paramount".

Mr Quinlan: Can we change the management?

MR HUMPHRIES: Changing the management is one option. Mr Quinlan raises the issue of management. Members may be aware that a particular community organisation won the right, by tender, to be the body that would deliver services in those residences at Fisher. That body has pulled out of that arrangement now, and I understand that they have cited the very acrimonious relationship between the two parties here as the reason. I do not know whether I would say that they have cited the acrimony between the department and the residents as the source of the problem; but they have certainly indicated to me that they see it being very difficult, or impossible, in the circumstances, to work with the residents and their representatives. That is what has been put to me.

That simply tells me that there is a great deal of baggage that has been carried in this debate and we need to try to somehow get past all that to a situation where we can operate on a sustainable, budget-efficient basis in the future for those residences at Fisher. Mr Moore has the task of making that happen. He is the new Minister. He will need to negotiate those arrangements and try to cut through the history of this matter

to some degree. Mr Speaker, it will not be an easy matter; but, again, I think it is fair to put on the record that the Government does need to manage the budget put aside for this project within the limits constrained already by the size of that budget. Indeed, the Kendrick report indicated that the budget was adequate to meet that task.

Mr Speaker, finally, I just want to very quickly commend the people who have been involved in this process. (*Extension of time granted*) A number of parties, a number of agencies of government, have been involved in this matter to varying degrees. The Commissioner for Health Complaints has been; the Community Advocate has been; the Discrimination Commissioner, Rosemary Follett, has been; and I thank them for their involvement with this, because it has been a very difficult matter and it has been quite stressful on occasions. The departmental staff who have been working very hard to try to bring this matter to a successful conclusion deserve to be commended as well. They have been criticised by the Kendrick report; but I think you have to acknowledge that there has been goodwill on their part to make this project work. I hope that, under the new Minister, that can actually come to pass.

MS TUCKER (11.26): I was not at the briefing by Mr Humphries, unfortunately. I was unwell at the time. So, I would like a briefing with Mr Moore after this. I have a number of questions that I would like answered. Maybe that briefing would have delivered answers; I am not sure. In terms of this particular motion from Mr Wood, I will support it; but I want to make it clear and on the record that I do not believe that, as other members have said, it is just a matter of locating people into the house. Whether it is the proposed residents or not is another issue that I want more information on.

I will talk to that issue, because I think there are good arguments for the people who did think that they were going to be in that house actually being there; but I am very concerned that you do actually have a clear understanding of the service delivery model that is going to be used before people are moved in. I understand that, at the other house, that was not done and it was quite distressing. So, while I support this motion, my understanding of it is that there needs to be urgent attention given to this issue in its complexity; it is not just about moving people in.

I have obviously read the Kendrick report and the Government's response as well, and I will not go over that again. That has already been discussed. It is clear that there were serious problems. I believe that some of them are ongoing. I will quote just one little bit. It says that the result of it has been uncertainty, confusion, distress, alarm, anxiety and periodic false hopes. That is from the report. That is really quite sad, because it was an idea that was probably well intentioned. I do not agree with Mr Wood that it was well conceived, and neither does Kendrick. My understanding of the process is that, in fact, the model we have now is not what the community consultation should have actually led to, and that is a process in itself which was disappointing and flawed. The fact that we do have this flawed model now - this could quite easily be seen as a mini-institution - brings with it its own problems. Mr Moore talked about compatibility. We have to ensure the compatibility. Obviously, that is a result of this kind of group house model, which is actually not seen anymore to be the most desirable way of moving people out of institutions in Australia.

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A number of issues that were raised in this debate I would like to address. Mr Moore said that it is not a good enough argument that, because you are on the waiting list longest, you therefore have a right to a position. My understanding of that is that, in fact, these people did believe that they were going to have a place - and that would probably be to do with the false hopes part of Mr Kendrick's comment that these people also were in nursing homes already for a period of time. So, the criterion was more about the length of time. Because these people have been in nursing homes, there are obviously more people now who are eligible, because this process has been so messy and delayed. So, there really seems to be a lot more around that than just being longest on the waiting list, Mr Moore.

The question of the brokerage is also interesting. I notice that Mr Quinlan interjected about that. I would be very interested to know what experience that firm actually had in support services and accommodation, particularly support services for people. If they said that they have walked out because of the acrimony between the different parties, that may well be because they did not have an understanding. It requires experience, and it is actually an ongoing process of understanding how to do it. Mr Humphries's language also was "on both sides of the fence". It was all about division and sides: If this firm had walked out because of division, then they obviously did not take responsibility. I would like to know whether they did.

I would like to know exactly how they set up a group for the input, because I understand that there was an implementation advisory committee which was disbanded. I understand that the housing members committees are still in existence; but I will remind members that our Assembly inquiry here was very clear on the importance of separating the accommodation service from the support service for people. It is a really critical issue of empowerment of residents. So, if there is actually only a group - and this is my understanding - and the real opportunity for discussion is based around the Havelock House accommodation area, the waters are definitely getting muddied.

There is agreement all over Australia, basically, in the sector that that is not useful. Of course, there is some overlap. For example, in a house you may have a problem because a resident has a problem with someone else's carer. That would be a case where the actual accommodation service has to be brought into a support issue. So, I am not saying that it is always totally easy to separate them; but we certainly do need to be able to see that there has been a real understanding of the importance of structuring in the practices for everyone involved to have input - particularly, of course, the people who are living in the houses.

They are the main points I want to make about this issue this morning. I will repeat that probably the overriding concern I have, apart from the terrible process that has occurred and the fact that these individuals have been so adversely affected, and what I am really interested to see - and Mr Moore said that he wants to see the empowerment of residents - is a framework put in place which is evaluated. I am hearing that that has not been done well; that there has not been a willingness to really listen to what the

community in this sector are saying. If that is the case, then all the excuses, the frustration at the disharmony and the friction between the groups mean nothing. That is the only thing you will get if you do not actually give these people an opportunity to say what they want about their own lives, which is what every one of us wants. There will be continuing tension.

MS CARNELL (Chief Minister and Treasurer) (11.34): Mr Speaker, I think that it is really important at this stage to stand up and, I suppose, give the other side of the story - or maybe not give the other side of the story, but try to put the Kendrick report in a little bit of context here. I think that the department has been given a pretty rough deal on this, and I do not think that that is totally fair. I think we all accept that this project could have been managed better; but it is probably a good idea at this time to actually make some comments or to quote out of the Kendrick report itself.

Kendrick, of course, did make the point that, from his perspective anyway, the model that was chosen was suboptimal from the beginning. Certainly, that did happen under the previous Government. There is no doubt about that. But also we took it on board, and we took it on board enthusiastically. So, I am not stepping away from it. But Kendrick's basic comments have been, "Really, right from the beginning, you probably chose a model that had a tendency to lend itself to institutionalisation, shall we say". But, for all of that, a decision was made by the previous Government; we picked it up and we ran with it. I will quote from Kendrick. Under "Key Issues", he said:

In reality, in recent months the department has indeed done better in managing the project and had moved to make changes and improvements very much along the lines outlined later in this report.

So, Kendrick himself has said that the department realised that there were problems - and there is no doubt about that - but it had already moved to start fixing them even before the Kendrick report. So, I think that means that we have to say, "Well done, department". This is a difficult issue, and they have moved to solve a number of the problems.

Mr Quinlan: I thought Kendrick said to some extent the department was the problem.

MS CARNELL: No. That is actually not the case. I think that is the issue I am just trying to solve here. Another example is where he actually does talk about the mishandling of the COOL project by the department. He says:

The COOL project spans several periods in government and it needs to be recognised that its implementation by the ACT Department of Health and Community Care has been only since the latter part of 1996. Even so this period has been crucial in creating what is in place today. It is this reviewer's judgment that the project has been quite seriously mishandled by the department though not to the point of abject failure.

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That is what some people seem to be saying. They are Kendrick's words, not mine. Certainly, there has been some mishandling; but the department has worked to overcome that. It is interesting that the last time I stood up in this place to speak about the COOL project was when Ms Tucker and others in this place were telling me categorically, "You must not move people into these new houses unless you have signed, sealed and delivered treatment agreements, or agreements, in place. Do not do it, Government".

What the department has been trying to do is get in place agreements that obviously are inside budget. As we heard, Kendrick made it very clear that there is nothing wrong with the budget. The budget is fine, or, in his view, is quite adequate to achieve the ends. So, we have been trying to do exactly what the Assembly said it wanted last time we discussed this. The Assembly seems to have changed the position now a bit, which is good, because it is in line with what we want to do - and that is to move in at least some of the people that we can as quickly as possible. That is the approach that we have been trying to take for a long time.

But, again, as Mr Humphries said, one of the things we must not do this time is move people in with a wrong expectation or maybe, for whatever reason, a different expectation from what is possible or what is going to be a reality. So, again, I suppose, the issues here are that we are all as one; the previous Government made the decision to go down this path on what may have been a suboptimal model; we certainly picked it up enthusiastically and ran with it; I still believe that it can be made to work; and I am sure that everybody in this place wants it to work, as I know the department does.

So, I make the point again: I think it is important not to suggest that the department is just hopeless on this issue. Kendrick himself has made the point that it had done a lot to overcome the problems before the Kendrick report and has continued to do that. Mr Moore made the point that it was the department itself that asked for Kendrick to look at this issue when it realised that things were not going as well as they could be.

Mr Moore tells me that he is very happy for any questions that Ms Tucker has to be answered in full whenever she wants them to be answered. Again, I think it is important for us all to just take a step back from this - not to level blame, but to look for answers and look for outcomes. They have to be inside budget. There is no doubt about that. An amount of \$700,000 for eight people is a lot of money. It is an appropriate amount of money. We have some great houses. Let us see whether we can come up with a solution that, No. 1, is in the interests of the people who are going to live there.

MR WOOD (11.39), in reply: Mr Speaker, I thank members for their indication that they will support this motion. Mr Moore focused on the word "urgency". I remind him that I think "urgency" means a little more than maybe a couple of months to resolve the issues. It is, indeed, a lot longer than the timeframe that I would have had in mind. Mr Humphries commented that you could not, as I suggested, have the house finished and ready one day and have the people move in the next day. But bear in mind that this project goes back to 1994. I suppose that it takes eight, nine or 10 months to build houses. So, there was plenty of planning time available.

Mr Humphries regretted that I had not taken a briefing. He did not hear Mr Moore say that I was well informed on the matter. But let me come back to, I think, a key point - again, to use some words that Mr Humphries did. He was talking about which side of the fence we are on. I think that on this issue we are all on the one side of the fence. There is no fence. We are all together in this, and we want to get this resolved. All people want to get it resolved quickly. So, let us move down that path. I thank you again for your support.

Question resolved in the affirmative.

SNOWY WATER INQUIRY - GOVERNMENT SUBMISSION

MS TUCKER (11.41): I move:

That this Assembly calls on the Government to make a submission to the Snowy Water Inquiry, putting forward a strong case for the need to improve environmental flows in the Rivers in the area of inquiry, particularly the Snowy River and the Upper Murrumbidgee River.

The Snowy water inquiry was established recently as a result of a decision by the New South Wales, Victorian and Commonwealth governments as part of the move towards corporatising the Snowy Mountains hydro-electric scheme. This inquiry presents the ACT Government with a unique opportunity to have an input to planning the future environmental management of the rivers in this region. I have already written to the Minister for Urban Services, Brendan Smyth, calling on the Government to make a submission to this inquiry. I will be speaking, firstly, about why I believe the ACT Government should make a submission to this inquiry and then, secondly, about the position I believe the ACT Government should take.

The ACT is in the upper catchment of the Murray-Darling Basin, the largest drainage basin in Australia. The Molonglo River is a major contributor to the catchment of the Murrumbidgee River. As the largest inland city and the largest urban centre in the Upper Murrumbidgee catchment, we have a major responsibility to ensure that we manage the rivers within our borders appropriately. We must also work with bordering governments as far as the environmental management of the river system is concerned. I am sure other members share this view.

In 1996, when he was a Federal member of parliament, Brendan Smyth called on the ACT Government to be more proactive in working with other governments to take greater care of the region's water resources. Since that time the ACT has become a full member of the Murray-Darling Basin Commission. The recently released ACT Murrumbidgee River Corridor management plan states quite clearly that management of the corridor cannot be divorced from river management in New South Wales. In that report, the Government said that they were committed to "effective cooperation with authorities responsible for catchment approach to management within and outside the ACT". Obviously, the ACT has a clear responsibility to participate in any forum, debate or inquiry on the management of river systems in this region.

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In terms of the case the ACT Government should put forward, I will speak, firstly, about the Snowy River. By way of background, the issues paper prepared for the Snowy water inquiry says:

Most of the Rivers within the Inquiry area have been significantly modified by the aqueducts, weirs, tunnels and dams of the Snowy Scheme. Immediately below each diversion point virtually all natural flow in the river has ceased although small quantities are released for stock and domestic uses from the Jindabyne, Tantangara and Eucumbene Dams ...

The paper goes on to say that the underlying task for the inquiry is to establish the extent to which these compounding impacts can be reduced and the extent to which the environmental outcomes desired by the community can be achieved.

The Snowy River receives only one per cent of the original flow released from Jindabyne Dam. This has resulted in much of the river being reduced to a trickle, with virtually no water along much of its course. For many years there have been voices of protest and concern about this situation from farmers, fishermen and environmentalists. The environmental condition of the Snowy River below Jindabyne Dam was assessed in November 1995 by an expert panel to determine the major impacts of the Snowy Mountains scheme on the river. The panel comprised members of the local community, research organisations and government departments. The review concluded that the amount of water released from Jindabyne Dam is insufficient for healthy ecosystem function.

The impacts of flow regulation on the Snowy River include: Shrinkage of the river channel; invasion of the channel by European willows and other weeds; loss of the natural flood patterns which, before damming, maintained channel features such as pools - in many ways the Snowy's ecology now more closely resembles a lake than a river; loss of natural seasonal flows, which would normally stimulate reproduction of fish and aquatic insects; degradation of river habitat, causing decreased populations of native fish and aquatic insects; and poor water quality, siltation and salination.

Mr Speaker, the expert panel recommended a minimum environmental flow of 330 gegalitres a year, compared with flows at Jindabyne of 1,150 gegalitres a year before damming. This recommended minimum equates to 28 per cent of the original flow. An additional allocation of 10 to 15 per cent should be set aside for increased environmental flows in the future if this is demonstrated by further studies to be necessary. The expert panel has also argued for seasonal variation in flows. I stress that it is very important that water for environmental flow in the Snowy does not come from environmental flow allocations for other rivers, for example, the Murray or Murrumbidgee.

I turn now to the Murrumbidgee River and other rivers. While the ACT Government should argue for the inquiry to consider the provision of environmental flow for all rivers and streams affected by the Snowy Mountains scheme, this inquiry does offer an excellent opportunity to take a strong stand about the need for improved environmental flows

in the Murrumbidgee. As we all know, the Murrumbidgee River is very important to Canberrans. As the Murrumbidgee River Corridor management plan states, it has recreational, scenic, cultural and ecological values. As that report also states, the Murrumbidgee River is degraded along its length. Much of the cause of degradation is river regulation. Currently, only one per cent of the flow is released into the Murrumbidgee from the Tantangara Dam. The dam became operational as part of the Snowy Mountains scheme in 1960. It captures the headwaters of the Murrumbidgee River and also water from the Upper Goodradigbee River and a number of small tributaries. The dam diverts virtually all of the flow in the Murrumbidgee River at this point to the Eucumbene Dam in the Snowy River catchment, which is then diverted to either the Tumut or Geehi river system.

An expert panel environmental flow assessment of the Upper Murrumbidgee River prepared by the New South Wales Environment Protection Authority in late 1997 made a number of recommendations about minimum flow requirements downstream of Tantangara Dam. These recommendations include detail of flow requirements which would facilitate repair of the river environment. For example, of interest is the recommendation that the natural seasonal variability of flow must be mimicked. This is because in many instances such variation is important to biological and ecosystem processes. Increased seasonal variability would allow and encourage fish passage and spawning. The area and diversity of habitat for fish and macroinvertebrates would be increased. Higher seasonal flows would minimise the accumulation of silt and fine organic sediment, providing improved habitat for macroinvertebrates and cleaner gravel beds for fish spawning activities. The invasion of the channel by exotic and other vegetation also would be minimised.

Also of special interest to members here would be the recommendation that a minimum flow be maintained at Halls Crossing, or natural flow at this point, whichever is the lesser. Achievement of this minimum flow may require environmental flow releases from the ACT water supply storages and/or urban lakes. This is because such minimum flow during summer months would improve water quality and minimise the cumulative stress placed on aquatic and riparian ecosystems from apparent increased nutrient levels and reduced flows downstream of the ACT. I will read for members a section from the conclusions of this report:

The extent of flow regulation in the catchment has impacts on the geomorphology, vegetation, aquatic habitat and ecology of the upper Murrumbidgee River. The impacts are greatest in the reach immediately below Tantangara Dam, and include reduced habitat variability and refuge habitat, reduced diversity of macroinvertebrate fauna -

this was written by scientists -

colonisation of the constantly shallow areas of the channel by water lilies, and invasion of the streambed by exotic and native vegetation. The loss of flushing flows since the construction of Tantangara Dam has contributed to sedimentation and the accumulation of a considerable

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amount of organic matter in the reach above Numeralla River. All of the induced processes have degraded habitat for fish, including relic and reintroduced populations of rare and threatened native species.

Further:

While the impacts of flow regulation on the upper Murrumbidgee are clearly evident, the river maintains important ecological values and flow regulation impacts that are not beyond reasonable restoration. An important opportunity therefore exists to address flow regulation impacts in order to prevent further degradation, and to restore the river's morphology and ecology.

Mr Speaker, if we fail to regain some of our natural water flows through the high reaches of the Murrumbidgee, the Snowy and other rivers in the Snowy scheme area before the Snowy Mountains hydro-electric scheme is corporatised - and it probably will be privatised eventually - then it will be much more difficult to return water to these rivers for environmental purposes. I urge the Government and this Assembly to take a very strong position on this critical issue. We cannot let control of our water get into the hands of the private sector without having restored the environmental flow necessary to repair our ecological systems.

If the Minister does respond positively to this motion, I would suggest that it would be a particularly strong submission if it were supported unanimously by this Assembly. If he does not support it, there is certainly a place for other members to put in a strong joint submission. I believe that many members of the community are concerned about the current trend of privatisation, particularly of water resources. I encourage members of this place to work together on this important issue.

MR SPEAKER: I would like to recognise the presence in the gallery of Years 4 and 5 students of Canberra Grammar School who are here for their local government area of study. Welcome to your Assembly.

MR SMYTH (Minister for Urban Services) (11.53): I thank Ms Tucker for raising this issue. I am very pleased to be able to respond most positively. In fact, I start by saying that I have a great personal attachment to these areas and the rivers that flow from them. It was at the age of the Grammar boys who are present - Years 4 and 5 - that the school I went to was involved in hiking through these areas. I have canoed and swum in most of these rivers and I have seen what has happened to them.

Mr Speaker, the purpose of the Snowy River inquiry is to address the issues arising from the current patterns of flow caused by the Snowy Mountains scheme. Currently, Tantangara Dam diverts nearly all the flow from the Murrumbidgee at that point into the Snowy Mountains scheme, with something like 300 gegalitres a year being taken from the Murrumbidgee catchment area and given to the scheme. Releases are required to maintain a minimum flow of 31.8 megalitres per day at the Mittagang Crossing, above the ACT, and of 17.1 megalitres per day at the Cotter Crossing. While these levels do meet the needs of the river banks, they are well below the flow needs required to protect the aquatic ecosystems. I acknowledge the facts quoted from various reports by Ms Tucker.

I have to say, though, that the ACT does lead Australia in that we have environmental flow guidelines for our waterways. These guidelines are based on the best available scientific information and provide water for the environment to protect the health and viability of our rivers.

The Government will be shortly reintroducing a water resources Bill that we believe will better protect one of the community's most precious resources. The legislation will also formalise the environmental flow guidelines. I am happy to tell the Assembly, and in particular Ms Tucker, given that she has raised this issue, that my department is preparing a submission for the inquiry. That will be available in a few weeks for consideration by the Government. I would be most delighted to consult with you personally about the sort of input that you think we should make.

The ACT Government strongly believes in the principle of providing water for the environment in all rivers, and this will be a key aspect of our submission to the inquiry. While the Government's submission to the inquiry will be consistent with your motion, obviously we will be emphasising the impact on the Upper Murrumbidgee River rather than the Snowy River, simply because it is the Murrumbidgee that has the most impact on the ACT. We will show our interest in what happens to the Snowy River through our support for environmental flows for all rivers, but we will be making a particular case for the preservation and regeneration of aquatic ecosystems in the Upper Murrumbidgee because of the Murrumbidgee's importance to this Territory.

Mr Speaker, I think it would be fair to say that all members here would have a keen interest in the environment. I personally have an interest in what happens to the Upper Murrumbidgee, given that its diversion to the Snowy scheme happens upriver from us. This is supported by our representation on the Upper Murrumbidgee Catchment Management Committee, which I understand has produced a strategy for the management of the catchment area. Ms Tucker raised the issue of willows along the river. We are currently developing our willow strategy, which is very important to the future of all our rivers.

We take very seriously our responsibility for the management of the assets that our rivers are. Like most of our environmental management, however, it will require us to work cooperatively with our neighbours. I thank Ms Tucker for her interest in this issue. We will be making a submission to the inquiry. I am happy for your input on the form that our submission should take. We will be advocating a move to the concept of environmental flows being built into the decision-making process on water release from the Snowy scheme.

MR BERRY (11.57): One thing we can be confident about is that if the Murrumbidgee irrigation scheme and the Snowy Mountains scheme were being considered today it is very likely that they would not happen, for many of the reasons which have been talked about in the course of this debate. At the time, those ideas were developed into a massive scheme which made a great impact on the future of Australia and in particular this region. If it were not for the Snowy scheme, Old Adaminaby would still be there and Cooma would be quite different, as would the rivers in the region, including the Murrumbidgee as it passes through the ACT.

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However, the Snowy scheme was completed and as a generator of electricity is now part of the national power grid. The scheme also supplies water to the irrigation interests in this region and in other places. Significant damage has been done to the environment as a result. There is no question that the Snowy River has been affected, to its severe detriment. There is no doubt that other rivers in the region - the Murray and the Murrumbidgee - have been damaged and it is very unlikely that that damage will ever be fully repaired. This Assembly should urge the Government to ensure that a strong voice is added to the debate about addressing the damage in those rivers.

So much of the scheme is devoted to electricity generation that you have to weigh up in your mind how much more global-warming gases would be produced if a large amount of water were diverted back into streams. Those issues will all have to be addressed in the debate. Diverting water to generate electricity impacts on the availability of water for streams.

I am no great expert on the Snowy Mountains scheme and I do not pretend to be, but it is an issue of importance to the Territory. The scheme has had a significant impact on the environment. It has also had a significant impact on the development of Australia by supplying energy for industry and for domestic purposes. It has affected to a large degree our ability to produce rural products which add to the nation's wealth in one way or another.

At the end of the day this issue will have to be handled with great care. If we remain focused on one issue, we could find ourselves looking fairly silly when it comes to attempting to adjust the impact that the Snowy Mountains scheme has had on the environment in this country. I regret to say that I do not think that we can ever repair fully the damage that has been done. I think most people would share that view. But we have a responsibility to do as much as we can to restore the environment to the maximum practical benefit of future generations, who will measure our performance in this area by our actions in relation to these important debates which are proceeding as we speak.

I welcome the move by Ms Tucker. I think it is a positive contribution to the debate about this issue. I note that the Government is preparing a submission. I would be most interested in seeing that submission before it goes off to the inquiry. I note that the Minister has offered the Greens his personal attention in providing briefings. I would be keen to get my hands on the submission before it leaves this place, so that I can make an assessment of the Government's contribution to the debate. I hope the Government takes on board the views of the Assembly. This motion, in my view, should pass. I trust that the Government will treat the motion with the respect it deserves and truly put forward a strong case for the need to improve environmental flows, as has been put forward by Ms Tucker. I welcome the motion that has been put forward and trust it will be passed unanimously.

MR HARGREAVES (12.04): I rise in support of the motion moved by Ms Tucker. I believe that she has hit the nail on the head with regard to water flow into the Territory from outside. I am concerned about water flow in the Murrumbidgee and its tributaries in Namadgi National Park, specifically the Gudgenby River. As the Minister knows, the Gudgenby River also flows through our rural area.

I had occasion to visit the area only two weeks ago, after a constituent called me and asked me to go there and check it out because, in his words, the river was dying. My constituent, who has enjoyed fly-fishing for some 30 years, believes in a partnership between his sport and nature. He was particularly concerned that the death of that river would adversely affect the wildlife dependent on it. For example, he was concerned about a family of platypus he had observed there on a number of occasions. Platypus will not move elsewhere. They would die.

My constituent was also concerned that native fish in the river were dropping in number because insufficient water was coming down the system. As we know, the volume of water coming down the system determines the shape of the riverbed because it affects the amount of sand thrown to the outsides of the watercourse on bends. At the junction of the road and the Gudgenby River a sandbank is building up in the middle of the river and splitting the river in half. Willows in this part of the river need to be removed. This introduced species is destroying the natural environment.

When we look at how we address these dying rivers, we need to give some consideration to riverbed constructs. I am sure there are experts in the Minister's department who can lay out what the river looked like before interference from introduced willow trees, from rocks and from bitumen at the bottom of the river at the site of an old ford. Along this river there is also evidence of human activity. That is fine if people respect the environment of the river and leave it in a pristine state, allowing the natural wildlife that frequents the place to get on and do their thing too. My constituent is concerned that the human element in this area is contributing to the destruction of the river. I think that needs to be looked into.

Mr Speaker, I would commend Ms Tucker's motion to the Assembly. We should be concerned not only with the water flows mentioned in her motion but also with the whole ecosystem associated with our rivers. I would extend her concerns about the Murrumbidgee to the tributaries of the Murrumbidgee.

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (12.08): Mr Speaker, I attended the last meeting of the Murray-Darling Basin Ministerial Council. As you might expect, the issues which are contained in this motion were the subject of some debate at that meeting. That meeting was significant for the ACT because it represented the culmination of a program we had put in place to finalise membership by the ACT of the Murray-Darling Basin Commission.

It always seemed very strange to us that the largest community within the basin, indeed the largest inland city in Australia, was not a member of the Murray-Darling Basin Commission. After we had argued over a number of years for membership, our efforts culminated in a decision at the last meeting to admit the ACT. I had the privilege of being present for the signing of the documents to admit the ACT. We are now full partners in these debates. The debates are pretty critical at the moment because of the pass that this particular issue of water management has reached. The drought afflicting much of eastern Australia at the moment has had extremely serious consequences for river flows, for riparian uses of water and for the management of human consumption, drinking water and so on in drought areas.

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The general tenor of comments made at the meeting I attended was that particularly serious steps needed to be taken to ensure that appropriate flows were maintained. Indeed, the expert advice to the commission and to the ministerial council was that if there was not above average rainfall over the six or so months of winter there would inevitably be the need for water restrictions in a number of places around the basin, including our region, in particular the Monaro, which has been perhaps harder hit than any other part of the region.

We are facing a problem which is obviously generated in large part by the seriousness of the drought but which is also going to require us to work very closely with the region in order to find sustainable solutions. All the rivers that flow through the ACT emerge from outside the ACT and leave the ACT. We have to be part of a scheme involving much of Australia in order to manage flows appropriately.

The New South Wales Government inquiry into the Snowy River and the related issues was discussed at length at the meeting. We were particularly keen to make the point that adequate flows through the Murrumbidgee, Tantangara Dam and places like that were very much of concern to the ACT. I think that we are in a position today to be able to say that, through the submission to the inquiry that the Minister spoke of, the ACT's needs and concerns will be addressed.

Mr Smyth, as the former member for Canberra, raised the question of the ACT being a member of the commission. We have now achieved that and I think it is important that we play our role on the ministerial council fully in order to press the case for responsible use of water in the basin. I think the ACT stands in a good position already. Obviously, our consumption of water for agricultural purposes is much lower than that for any other part of Australia, but that flows from the fact that we have a much smaller agricultural industry in the ACT than do other parts of Australia.

Our consumption of water for human purposes - for drinking and for urban-related purposes - is also very comparable with that for other communities in Australia and other communities in the basin. We are in a position to provide a leadership role in the responsible use of water throughout the basin. The measures that ACTEW has put in place over the last 10 years or so have put us in a good position to show other communities what responsible use of water is all about, although we have obviously some way to go yet before we can be fully satisfied that we are using water as sparingly as we can, given the nature of our continent and our weather patterns.

Mr Speaker, I support the motion. I think it is very important that the ACT put a submission to the inquiry. I also hope that at the end of that time we are in a position to press the case for a reasonable sharing of responsibility throughout the whole basin when it comes to water uses. Perhaps the most critical question in that respect is ensuring that agricultural uses do not consume water in excess of their legitimate role within the economy and the community. By that I mean that we have to look at ways of winding back on agricultural uses which are highly intensive from a water point of view but which are not contributing to the economy in a way which perhaps other less water consumptive crops might be. That, of course, is a matter which is more for other jurisdictions to worry about than us, but we have a role to play in that debate.

MS TUCKER (12.14), in reply: Thank you, all members, for your support. A couple of interesting points have arisen. Mr Humphries talked about use of water by industry being relative to industry's economic performance. The other question is the sustainability of practices. I note that the 1991 Victorian State of the Environment Report estimated that 30 per cent of the State's irrigated land was salinised. It is really a joke that this is something that we want to argue for. If people are arguing for that, it has to be strongly pointed out that this is not a sustainable form of agriculture, that we are suffering the effects of irrigation and that we need to look at different ways to use the land in this country. It is an important issue that needs serious debate.

Mr Berry was concerned that we might look silly not understanding the repercussions of the sort of request that my motion calls for. With all due respect, I have done a lot of work on it - and I think the Government has, by the look of it - and these are not unresearched claims. The recommendation to increase flow to at least 28 per cent of the original flow, with the possibility of an extra 10 to 15 per cent, has come from scientists. I would definitely like to be part of the development of the Government's submission. I want to urge you, though, to put very strong focus on the Snowy, because I believe we have to see ourselves as part of this region. We would like to see our neighbours do that, so we need to advocate for them as well on this issue.

Mr Berry was concerned about hydro-electricity. He was sounding like an opponent of this proposal. I had a few responses to anyone who might oppose the proposal. It came from the shadow Minister for the environment. That is an obvious retort that people can make and there is an obvious response to that. You cannot use those kinds of arguments if we do not put energy into looking at other forms of energy. That is the argument being used around the world to try to dam areas, with huge repercussions for people and the environment. There are also very interesting questions of greenhouse gas emissions coming from damming because of the rotting down of material. While that would not happen with the Snowy now, it is not an argument that holds a lot of water - excuse the pun - when we are talking about dams and energy and how clean energy is.

I would like to be involved with the submission. The Labor Party obviously would too. It would be great if we could agree and be quite strong about the flow increase we want. You could then say that this was the unanimous view of this Assembly.

MR SMYTH (Minister for Urban Services) (12.18): Mr Speaker, I seek leave to make an additional remark.

Leave granted.

MR SMYTH: It is in regard to Mr Hargreaves's inquiries about the dilemma for the Gudgenby. It is not a well river, simply because of the drought. I am told that no water is taken from the Gudgenby for agricultural purposes. Until we get significant rain that gives us run-off into the river system, there is not a great deal any of us can do for the Gudgenby.

Question resolved in the affirmative.

Sitting suspended from 12.18 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Employment

MR STANHOPE: My question is to the Chief Minister. What specific statistical reference - that is, what sort of ABS or other data - was used by the Chief Minister's spokesman, with whom the Chief Minister concurred in question time yesterday, to support the statement reported in the *Canberra Times* of 19 April that on the election of the Howard Government in 1996 Canberra had an estimated 75,000 jobs in each of the public and private sectors? Similarly, what specific statistical data was used to support the claim that this year Canberra has 90,000 jobs in the private sector and 60,000 in the public sector?

MS CARNELL: I find this an absolutely amazing question. I will table the data at the end of this answer. The statistics that were used by my spokesperson for that particular comment were the August 1997 figures, the latest quarterly figures available at that stage. It is fascinating that those opposite are not in any way interested in the number of jobs in the ACT economy right now. They are interested in how many are in the public sector and how many are in the private sector, not the fact that there are 3,300 more jobs now than when we came to government - 3,300 new full-time jobs. It strikes me that that is something that should cause those opposite to get up and say, "Well done, Government. Have you not done a great job in ensuring that, even with the Commonwealth Government downsizing, there are more full-time jobs in the ACT economy now than there were when you came to power?".

It does not require a genius to work out that, if the Commonwealth sheds up to 10,000 jobs - and those are the sorts of figures that those opposite have used - and the ACT Public Service is smaller now than when we came to government, those are all jobs out of the public sector and that, if you have 3,300 more jobs than when you started, they must be in the private sector. Where else would they be, Mr Berry?

Mr Berry: What a guess! Have another guess.

MS CARNELL: Mr Berry, would you suggest that there is another sector? The statistics that were used - I will table them, for the information of members - show that in August 1997 the ACT Government had 17,700 people and the Commonwealth Government had 51,100. That means that total government employment - and I accept that means that it is not exact - was 68,800. Total employment was 156,200. That means that the private sector employment was 87,400. I have to say that maybe the *Canberra Times* got it wrong. It was not 60,000 : 90,000; it was 68,000 : 87,000. I do not think that is a huge difference.

Total employment in the ACT has risen since that time. That is the sort of thing that we should be looking at. The latest ABS statistics indicate that we have 157,100 jobs in the ACT, more than the 156,200 in August 1997. I wonder where those opposite think those extra approximately 1,000 jobs are. They have been fairly negative about our approach

to public sector employment. Do they believe the ACT Government has employed more public servants or do they believe the Howard Government has employed more people? I am quite happy to hear them say that. I am not concerned about that at all, but that is not the approach they have taken. If nearly an extra 1,000 people have entered the work force between August 1997 and now and if they are not in the public sector but in the private sector, I have to say that the figures are not too far off. For the information of members of the Assembly, I am happy to table those figures.

MR STANHOPE: I ask a supplementary question. Does the Chief Minister accept that the inaccurate use of statistics in such a comparison seriously tests her credibility as an analyst of economic indicators?

MS CARNELL: Mr Speaker, it is not inaccurate at all. If those opposite suggest that a spokesperson of mine said that there are 90,000 jobs when there are really 87,000, they do not have enough to think about. Surely we should be worrying about jobs. There are 3,300 more jobs now than there were when we came to office. And guess what, Mr Speaker. They are full-time jobs. I am not surprised that those opposite simply do not want to know the reality of the situation. The fact is that the ACT economy has got through a very tough time in 1996. The economy is now back in growth. We have more jobs in the economy now than we had in 1995 when we came to government. Those 3,300 additional jobs are full-time jobs. I am not surprised that those opposite are embarrassed, but I am proud of it.

Parking Inspectors

MR HIRD: Is the Minister for Urban Services, Mr Smyth, aware of the allegation made by Mr John Hargreaves on 2CN radio on 22 April that special events are targeted by parking inspectors? Mr Hargreaves claimed that hundreds of motorists got tickets at the opening of the Tuggeranong skate park and that parking inspectors were targeting special events as a cynical revenue-raising exercise. My question, Mr Speaker, is: Has Mr Hargreaves fabricated this entire story? Has he misled the people of Canberra? Has he had a cheap shot at the Government, with no information whatsoever, or has Mr Hargreaves simply denigrated the parking inspectors, who are public servants of Canberra, by having a go at them without any basis in fact?

MR SMYTH: I thank Mr Hird for his question. When I awoke last Wednesday to hear the ABC news and Mr Hargreaves's tones afterwards, I wondered what I had unleashed on the people of Canberra, who these hundreds of poor people who had been victimised at a social function were and whether we had really gone out and targeted the Canberra skateboard park opening. When I went to work, I expected the phones to go all day long. I expected call after call of complaint. Do you know how many calls I received, Mr Speaker? I received none, not a one. That was the same number of people who called in to complain on the Cathy Van Extel program - none.

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I was shocked by this silence. I thought I would ask the department whether Mr Hargreaves's allegations were true or not. The very thought conjured up by John Hargreaves, of parking inspectors out there preying on the community while they were innocently celebrating, the thought of uniformed thugs stalking the helpless and attacking the weak, had me worried. Was I responsible for this? Had I unleashed this? Actually, I had not. Mr Hargreaves has dipped his hand into that old lucky dip bag of common prejudice against parking inspectors and he has pulled out a dud. Without any basis in fact, he has taken a cheap shot at parking inspectors - who, let us face it, have a tough enough job as it is, without Mr Hargreaves and the Labor Party whipping up a frenzy of public emotion against them.

Here are the facts, Mr Hargreaves. How many inspectors were on duty in that area on that day? None. How many tickets did these non-existent parking inspectors issue? None. I thought, "Hang on. Maybe it was not the parking inspectors. Maybe it is all Gary's fault. Maybe the Minister for Justice has unleashed hordes of uniformed police to issue parking tickets". We rang the police, and guess how many the police issued that day. None. Mr Hargreaves states that this Government uses parking inspectors to target public events. The truth is that that is not so. We have in place procedures that allow us to work with the community - we actually talk to the community; we do not pretend about it - to avoid having to hand out parking tickets at community events.

Mr Hargreaves: Were they the hundred little envelopes on the cars?

MR SMYTH: I will table it if you like. Mr Speaker, I table advice from my department which soundly refutes these allegations by Mr Hargreaves and I seek leave for it to be incorporated in *Hansard*.

Leave granted.

Document incorporated at Appendix 2.

MR SMYTH: Mr Hargreaves did not stop at mentioning the opening of the skateboard park. He went on to relate the disastrous events that occurred last year when apparently the Tuggeranong Community Festival was also targeted. Thousands of people, according to Mr Hargreaves, had their days ruined by hordes of parking inspectors.

Mr Hargreaves: Another 10 per cent error.

MR SMYTH: I will quote you. This is what you said to Cathy Van Extel on 2CN at 6.30 am on Wednesday, 22 April 1998:

I can recall in the Tuggeranong Community Festival last year we had a couple of thousand people come down to the town park and enjoy the once a year celebration of Tuggeranong's community spirit - only to return and find on a piece of ground that has had nothing on it for many many months a parking ticket on their car and of course it's completely ruined their day.

How many tickets were issued to these thousands of people that weekend, or indeed over the whole 10 days of the festival? Six. How many tickets were issued on the vacant piece of ground? None.

Mr Speaker, this is not the first time Mr Hargreaves has got himself a little bit of media attention with a story that is a complete fabrication. The former Minister would remember the story about asbestos in the water supply earlier this year during the election campaign. Mr Hargreaves has never let the facts get in the way of a good story. It could be excusable if Mr Hargreaves had been misled. He could have asked me. I would have told him. Mr Hargreaves was clearly acting without any information at all. He just made it up. It is simpler that way. You make it up and you walk away from the mess. It clearly demonstrates that he has no regard either for the truth or for the people of Canberra. Firstly, we had the people of Tharwa terrified to drink water coming out of their taps. Now he is beating up a frenzy of hate against the people he, as Opposition spokesperson for urban services, has responsibility for.

Mr Hargreaves: I raise a point of order, Mr Speaker.

Ms Carnell: Hello.

Mr Hargreaves: Hello, Chief Minister. How are you? It is very good to see you here today.

MR SPEAKER: Order!

Mr Hargreaves: Mr Speaker, my point of order is that the Minister is merely indulging himself. He has not got his facts straight and he is not - - -

Ms Carnell: Mr Speaker, that is not a point of order. I think Mr Hargreaves needs to read the standing orders.

MR SPEAKER: There is no point of order.

Mr Hargreaves: Mr Speaker, I seek your ruling that the Minister answer the question and then cease.

MR SPEAKER: I think the Minister was comprehensively answering the question.

MR SMYTH: Absolutely. The allegations were comprehensive, Mr Speaker. The answer needs to be so. If Mr Hargreaves wants to make allegations against me, let him come in here and do it and I will wear it; but he has no right to target public servants in this manner. He has made the job of being a public servant in the ACT harder than it has to be. Parking inspectors do a very important and very difficult job to ensure that car parking is managed equitably. It is vital for public safety. They may be an easy target to him, but that gives him no right to make public statements that he knows to be untrue.

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Mr Hargreaves was clearly wrong about this, and he knows it. Last week I asked that he apologise. To the best of my knowledge, he has failed to do this. I will finish now by calling on the Leader of the Opposition, Mr Stanhope, to show some leadership and insist that Mr Hargreaves apologise unreservedly to the ACT parking inspectors, to this Government and to the people of Canberra and express his regret for his appalling dishonesty in this matter.

Mr Berry: Mr Speaker, there was a clear imputation from the Minister that a member was dishonest. That should be withdrawn forthwith.

Mr Humphries: It is pretty accurate, is it not?

MR SPEAKER: The point has been taken. I uphold that point. I think that Mr Hargreaves may have been misleading, but I am not sure that he was dishonest, Minister.

MR SMYTH: I withdraw.

Mr Berry: Mr Humphries interjected with the same imputation in different words. Would you ask him to withdraw as well?

MR SPEAKER: I did not hear that.

Mr Humphries: If Mr Berry is worried about it, I will withdraw as well.

Prison Facility

MR QUINLAN: Mr Speaker, my question is to the Minister for Justice and Community Safety. The Minister recently stated in a radio interview that the Territory would have a privately constructed and, presumably, operated prison because the Government did not wish to fund the project. Will the Minister accept that over the long term the Territory will eventually pay the capital cost of the facility, regardless of whether it is privately funded or government funded? Will he further concede that, given the Territory's AAA credit rating, the cost of funding through government borrowing - that is, the interest payable - is likely to be lower than that available to a private builder and therefore in the long term the facility would be cheaper if the Government constructed and funded it?

MR HUMPHRIES: Mr Quinlan raises a whole series of questions about the financing of a private prison in the ACT. I have indicated, as he quite correctly suggests, that it is the Government's view that the capital cost ought to be met by the private sector. We are still working through the way in which we might do this and indeed whether we can do it in this way, but that is certainly our initial view of the matter. There are a number of reasons for taking that point of view. First of all, even if what he suggests in his question were true and it were cheaper for the ACT to borrow the money than for a private sector organisation to do so, we would still need either to find the money in our capital works program or to borrow the money upon beginning work on this project.

I have suggested in the past that a decent prison, a contemporary prison, will cost the Territory in the order of \$25m, or perhaps somewhat more than that. I frankly do not believe I can go to the Treasurer and seek a commitment from her for a project which would consume well over a quarter of the entire capital works budget in any one year, particularly when there are very acceptable options available elsewhere. I have particular regard to the experience of Victoria in this matter. Victoria, I understand, was able to contract with the private sector for the construction in that State of new prison facilities to house prisoners, with a recurrent cost to the taxpayer lower than the cost of housing prisoners in government facilities prior to that time. With the private sector, they were able to get a cost per prisoner lower than the cost of housing them previously in publicly-operated and publicly-owned facilities. Clearly, whether the borrowing costs met by the private sector to do that were higher or lower than the public sector costs did not matter. Obviously, the recurrent costs of the private sector in operating the gaol were so significantly lower than the public sector costs that they were able to provide the State of Victoria with a better deal than was available through the public sector.

That is where Mr Quinlan's question falls down. He has not taken into account the lower recurrent costs. He might ask why a private prison should have lower recurrent costs than a public facility. The answer is very simple. The profit motive in a private facility works in favour of lower security costs and produces a prison where security is less emphasised. The idea of there being a brick wall between prisoner and warder is broken down somewhat, and the atmosphere of such facilities is very different to the atmosphere of public facilities, in my experience. I have visited a number of these facilities, both public and private. Some members of the former Legal Affairs Committee, I understand, have done the same thing. I think they would all have appreciated the very significant gains that have been made in this country by private facilities. As recently as a couple of weeks ago, Professor Harding from the University of Western Australia pointed out that private prisons in this country have significantly changed the culture of corrections for the better and that private facilities, if properly run and properly regulated, can contribute very significantly to improving standards in that sector.

Mr Speaker, that is why the Government is looking at a private facility. Those across the way who are dogmatically saying that anything private must be bad compared with anything public would be very well advised to go and look at what is happening in this country at the moment with private facilities. Even a number of Labor States have been prepared to look at and to use private facilities in order to produce lower costs.

Mr Berry: Where else is it 100 per cent?

MR HUMPHRIES: Mr Berry says, "Where else is it 100 per cent?". We will only ever have the need, I hope, to use one gaol. We have to choose between the public and private sectors. Your party has stated the dogmatic view that it is the responsibility of government to run the prison system within the public sector. The fact is that the private sector has proven in this country that the public sector is not the only sector that is capable of delivering better quality corrections in this country.

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You people have a mind-set that says that if it is public it must be good; that if it is private it must be bad. If you are defending the culture of the public prison system, you are defending one of the most iniquitous institutions this country has ever produced, because the public sector prison system in this country has been an absolute disgrace. Even today it remains an absolute disgrace. I do not know how many of you watched the series on the ABC recently. I forget now what it was called, but it ran for a number of weeks. It was about prisons in this country, all of them public prisons. If you want to defend that culture, then good on you. You go right ahead. I have no desire to do that.

I cannot guarantee that we can fully break away from that, but I have seen evidence in private institutions in this country that they can, and they have at least partly done so. Forget the financial bottom line, Mr Quinlan. Let us talk about the humane conditions provided in gaols.

Mr Quinlan: They are not mutually exclusive, Gary.

MR HUMPHRIES: In the public sector in this country they are, Mr Quinlan. That is why it is worth looking at the private sector in this way.

MR QUINLAN: I ask a supplementary question. I am trying to hark back to the limited factual material contained in Mr Humphries's answer. Will he accept, based on his answer, that in this decision he should separate capital funding from operating funding?

MR HUMPHRIES: Yes, we are quite happy to do that. We have not examined yet the way in which we might be able to make this particular project operate. It may well be possible to build the prison privately and operate it publicly, or even to build it publicly and operate it privately. But we have indicated our preference for being able to do this off-budget, because there simply are not the funds in the budget at the moment to be able to do it.

Mr Speaker, I think that we need to have a much more sophisticated analysis of these matters than would be suggested by the question Mr Quinlan has asked. That is why throughout recent years we have kept open both options. Unfortunately, the Labor Party has taken a different approach. It has said, "There is only one way of doing this, and that is within the public sector". If you believe we should examine these options, Mr Quinlan, why will you not rule in the option, the possibility, of the private sector?

Mr Quinlan: Do you want me to answer that?

MR HUMPHRIES: You do not have to answer it, because your former leader has already done that. You have ruled out a private sector option, either for construction or for operation. That is extremely foolish. Why should you do that? I would not be asking the Assembly to countenance this possibility if the option was untried, but it is not untried. It has been tested in this country and it does make a lot of sense. The total cost will be affected by items other than just the cost of borrowing the money. The tax effect of depreciation which accrues to the private sector but not to the public sector is another factor which Mr Quinlan might not have taken into account. Those things are matters which we need to weigh up. We will do so by examining both options, not by ruling either one of them out.

Canberra Institute of Technology - English Language Courses

MS TUCKER: My question to Mr Stefaniak as Minister for Education is about English language programs the CIT runs for migrants and refugees. As no doubt the Minister is aware, funding for these programs will cease in June due to Commonwealth cuts, namely, the discontinuation of the job seeker preparation support program. As a consequence of the cuts, over 300 permanent ACT residents will be unable to access intensive English training. Other courses available are either full or not appropriate - for example, the advanced English migrant program or the ANTA programs. I am sure the Minister is aware how difficult it will now be for those people who require this assistance. Most of these people want to be able to contribute and to work. Many are talented and well qualified in their country of origin. I am sure the Minister is aware of the future cost to government of not providing this assistance. You may recall that I asked you a question on this matter in June 1996. At that time you did say that you would take up the issue with the relevant Minister. Could you please tell members of this Assembly whether you did consult that Minister and what the outcome of the discussion, if it occurred, was?

MR STEFANIAK: This is always a problem when the Commonwealth cuts any program which affects the States or Territories. Sometimes we have successes and sometimes we do not. You might have heard, Ms Tucker - in a not unrelated area; it is education - that I recently had some success in relation to the enrolment benchmark adjustment, which is a great concern for our schools. However, representations by the States and Territories in relation to English language programs were not totally successful. I might indicate to you, Ms Tucker, just what is occurring at present and what programs are available. You might recall that recently - in fact, yesterday - I presented a petition from a number of affected students.

The ACT Government already provides a significant level of funding to ethnic community organisations for a wide range of purposes. For example, we fund nine small ethnic communities under our current community services grants program to enhance their activities. That remains a priority. The Adult and Community Education Advisory Council has funded seven organisations for new training for adult students from a non-English-speaking background. Those programs are for job-related courses with an ESL component. That is a total of \$39,000 for 280 students and 9,400 student contact hours. I announced those programs about 10 days ago, Ms Tucker. I can get you details of those programs if you did not happen to see any reports on them. On 18 March 1998 the VETA board agreed to the formation of a nine-member advisory committee on adult language, literacy and numeracy. The functions of that new body will include the provision of advice to this Government on the funding needs of adult language learners, including those with ESL needs.

In terms of Commonwealth funding programs, the Department of Immigration and Multicultural Affairs is continuing to fund adult migrant English program courses at CIT and has recently awarded CIT a \$1.2m contract to continue the DIMA-funded component of CIT's ESL program. That program is for new arrivals. The DEETYA-funded job seeker preparation and support program funded under the special intervention program, or SIP, currently provides further English training for those who have finished their

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entitlement under the Department of Immigration and Multicultural Affairs funded adult migrant English program. That program will cease in July 1998. It will be replaced by a program called FLEX, which will be offered by Job Network providers. Currently, anyone registered as a job seeker is also eligible for the DEETYA-funded programs.

MS TUCKER: I ask a supplementary question. I am aware of many of those programs, but a lot of people are not eligible for them - obviously, the last one - if they are not seeking a job or not entitled to some kind of support. My supplementary question - and I would like to see the material you have offered - is: Do you believe that, in fact, the measures you have just announced will accommodate the people who will lose out as a result of the Commonwealth funding cuts, that is, the 300 people there has been concern about?

MR STEFANIAK: That is a hypothetical question, Ms Tucker. Obviously, I will be monitoring that, as will my department. The nine-member Advisory Committee on Adult Language Literacy and Numeracy which the VETA board has formed will obviously be monitoring that and providing advice to government as to things we realistically can do in those areas.

International Events - Security Arrangements

MR OSBORNE: My question is to the Minister for Justice, Mr Humphries. Minister, you will be aware that in the year 2000 several Olympic soccer games will be held in Canberra and that there are also plans to have foreign athletes train here prior to the Olympics. You will also be aware that in the year 2001 it is expected that the Commonwealth Heads of Government Meeting will be held in the ACT. Given that both events have historically been the subject of terrorist attacks around the world, can you detail the plans that you are making for security at both events in the lead-up?

MR HUMPHRIES: If I could, I am not sure that I should in front of the Assembly at this point. I think it is important to put on record that plans are certainly in train to deal with these issues. Obviously, the eyes of the world will be at least partly on Canberra over those 12 to 18 months. It is extremely important, apart from making sure that the city is very presentable and we show people what a great place this planned city of ours is, that we also make sure it is a very safe place for visitors, whether they are heads of government or visitors who are coming to observe an Olympic event.

That process of ensuring that the place is secure and that security issues are well taken care of is an issue which is now being picked up by all governments concerned. Processes in train for examination of those security issues involve the Australian Federal Police, and I understand that our involvement in those processes has been very active. Of course, the Australian Federal Police, as a national policing body, will be very heavily involved in activities in Sydney as well. It has been the ACT Government's priority to make sure that in that process no resources are drawn away from the ACT. That is to ensure that we provide a secure environment here. The main action may be in Sydney, but our police force is also responsible for making sure that our city is secure and safe during that period.

There is a review of criminal laws going on, in particular as they relate to international events, events management and terrorism. That review we talked about as part of our platform in the recent election campaign. That review, in fact, has now begun and, I would expect, would take between six and 12 months to complete. That ought to put us in a position to understand whether there are any weaknesses in our present legislation. I can assure members, Mr Osborne in particular, that if there are such weaknesses in our legislation we will move quickly to rectify them. We will be driving as hard a bargain as we can with the Federal Government to make sure that policing in the Territory is kept up to adequate levels during the period that events are taking place, particularly those in Sydney.

MR OSBORNE: Thank you for that, Minister. I asked the question because I am led to believe that there are no laws in the ACT which prevent the manufacture of bombs. That is something that the review will pick up, I would hope. It is not illegal to make a bomb. That is what I am trying to highlight to you, Minister. Are you aware of that?

MR HUMPHRIES: I hope that Mr Osborne has not alerted all the potential bomb makers of the Territory to this loophole and that we do not have them rushing out to buy their supplies from the local hardware store.

MR SPEAKER: I think we frequently do it in this chamber, Mr Minister.

MR HUMPHRIES: We make lots of metaphorical bombs in this place already, Mr Speaker, so it cannot be illegal here. If there is a weakness in this area, which I do not at this stage concede, we will have to make sure that that is covered as soon as possible. If there was such a weakness, we would cover that gap sooner than the Olympics.

Totalcare Industries

MR BERRY: My question is to the Chief Minister. Mr Speaker, we know about the Chief Minister's fluctuating agenda on whether she will or will not sell public assets. We know that before the election it was not on the agenda. We know that after the election it is possibly on the agenda but it will not be her fault; it will be the fault of ACTEW or somebody else that sells ACTTAB.

MR SPEAKER: Ask your question, Mr Berry.

MR BERRY: Anybody could be responsible for the sale of these assets. The ACTTAB board could be responsible for the sale of ACTTAB, but would the Chief Minister rule out - - -

Mr Humphries: Mr Speaker, I have a point of order to raise. Mr Berry is obviously rambling. I think it would be helpful if he were to come to the point of his question as soon as possible.

MR SPEAKER: I am hoping he is coming to his question right now, Mr Minister.

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MR BERRY: Amidst this fluctuating agenda, would the Chief Minister unequivocally rule out the sale of Totalcare?

MS CARNELL: Mr Speaker, anybody who unequivocally rules out anything in politics probably ends up falling into the same trap as Mr Egan did in New South Wales. Mr Egan, the Labor Treasurer in New South Wales, said that he would never ever, ever, ever sell electricity assets in New South Wales and nor would Bob Carr ever, ever, ever do that. Anybody who is stupid enough to unequivocally rule out anything that is legal in politics ever in the history of the world is making the same mistake as Mr Egan. Of course, with Bob Carr, Mr Egan is quite keen to sell electricity assets.

Mr Speaker, I know that Mr Berry thinks this is funny, but I do not think it is funny. If those opposite are totally ruling out the sale of any asset ever, they are letting the people of the ACT down. They are saying that, even if you got to a stage where the people of Canberra would benefit by that sale, where it would produce more jobs in the ACT and where it would be better for the community, you would say no. That is the basis of this assumption. This Government will ensure that decisions along these lines are made in the best interests of the people of Canberra; that they take into account maintaining the value of the asset; that we make sure jobs are protected; and that we take into account things such as the service provided, the cost of the service and the quality of the service.

MR BERRY: Mr Speaker, does the Chief Minister really think that it is honourable to rule these - - -

Mr Hird: Is this a supplementary question?

MR BERRY: Yes, it is, Harold, if you just sit and wait. Does the Chief Minister think it is the honourable thing to do, if she understands the word, to rule out these sales and keep them secret before an election and then acquiesce in the progress of these sales and the preparation for these sales after the election?

MS CARNELL: Mr Speaker, before the election I made it very clear that we had under way the Fay Richwhite report, which I think I am going to table after question time today, to look at the issue of ACTEW. We are not exactly saying that this was not something we would never look at. We said that we would organise ACTEW, ACTTAB and our other Territory-owned corporations so as to maintain the value of those assets; that we would look at ensuring that the products that they provided, such as electricity, were provided at a competitive price; that the quality of the service that was provided by any of those services was paramount in our minds.

For the interest of members, I will table Mr Egan's quote. Mr Michael Egan, New South Wales Treasurer, said - - -

Mr Berry: Mr Speaker, may I interject with a point of order?

MS CARNELL: I would not want me to quote this either, Mr Berry, but I would sit down if I were you.

Mr Berry: May I interject with a point of order? All I asked was whether or not the Chief Minister thought it was honourable. She does not care to comment on the matter. I wonder whether you would ask her to.

MR SPEAKER: You asked originally whether the Chief Minister unequivocally would not sell.

Mr Berry: No. My supplementary question was whether or not she thought it was honourable.

MR SPEAKER: I am aware of your supplementary question. The Chief Minister is now legitimately, in my opinion, referring to earlier comments that were part of her answer to your original question. Proceed, Chief Minister.

MS CARNELL: What I am saying is that we were quite clear in our position on Territory-owned corporations in the run-up to the election; we were absolutely clear.

Mr Berry: I take a point of order. The original question is not the one that is afoot here. The question is the supplementary question. All I want to know is whether the Chief Minister thinks it is honourable. Yes or no?

MR SPEAKER: I suppose the Chief Minister is about to demonstrate how people cannot necessarily act in an honourable fashion, having made certain promises.

MS CARNELL: If they did not say what he said we said. The point is that anybody who made a categorical promise would be doing what Michael Egan did at the New South Wales ALP conference in October 1995, when he said:

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

If I had said that and then decided to sell our electricity assets, as Bob Carr and Michael Egan have, that might not have been terribly honourable; but the fact is that we did not say that. What we have said is that we will manage the Territory's assets in the best interests of the people of Canberra. We will ensure that the right business decisions are made to maintain our assets, to maintain competitive prices and to maintain quality service delivery. I table the document.

Special Magistrate

MR RUGENDYKE: My question is to the Attorney-General, Mr Humphries. Earlier this year I noted that Special Magistrate Garry Dellar had appeared before the court for his third drink-driving offence. I also noted that Mr Dellar is still operating in the ACT as a special magistrate. Does Mr Dellar's continued employment as a magistrate reflect the attitude of either you or the Government over this most serious community offence?

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MR HUMPHRIES: Mr Speaker, I am certainly aware of the matters that Mr Rugendyke has referred to. I do not want to go into any depth in my answer to this question, except to say that the situation that has occurred within the Magistrates Court bench is a matter that I have discussed with the Chief Magistrate. As a result of those discussions, the Chief Magistrate has put in train a process which I believe will satisfactorily resolve the concerns that I raised with him about this matter. I do not wish to elaborate on those, but I am confident that they will be resolved by that process.

MR SPEAKER: I would draw members' attention to standing order 117(d).

Playground Equipment

MR HARGREAVES: During the election campaign - - -

Ms Carnell: You have to address the question to someone.

MR HARGREAVES: Very well. Thank you very much for your advice, Chief Minister.

MR SPEAKER: They cannot all answer at once, Mr Hargreaves.

MR HARGREAVES: I am in your debt forever. I shall repay it sevenfold. Mr Speaker, I address my question to the brand spanking new Minister for Urban Services. I thank him so sincerely for the education in vitriol that he has been giving me today, and I shall return that sevenfold too. In the course of the election campaign I had reason to visit quite a number of parks and playgrounds around the electorate at the invitation of some parents who were concerned about their children - something, of course, the Chief Minister will be totally unaware of and totally insensitive to. They had some concerns about the state of repair of the playground equipment. I wrote to the then Minister for Urban Services, who very promptly responded with the advice from his department that most of the playgrounds met Australian standards - not all of them, but most of them. My question to the Minister for Urban Services is: Which playgrounds in the ACT do not conform to Australian standards?

MR SMYTH: Mr Speaker, I was also out and about visiting lots of playgrounds, and many parents and children asked about the state of playgrounds. I too wrote to the then Minister asking whether he could look at some of the playgrounds that I thought had defective seats or defective equipment that kids might play on. I am, unhappily, not in a position to answer which of them do not meet standards; but I am more than willing to take the question on notice and get back to you as quickly as I can.

MR HARGREAVES: I ask a supplementary question. I thank the Minister for his extensive response, and I am heartened that he will take the matter up. I also ask the Minister, by way of a supplementary question, whether he will have the repair and maintenance program examined to ensure that these playgrounds are brought up to speed as a matter of priority and advise this Assembly when that will happen and when they will meet standards.

MR SMYTH: I am happy to take that one on notice as well. As members would know, equipment like the snake house in Belconnen has recently been damaged. In fact, the snake house was burnt to the ground, which was a great shame. That will put extra pressure on that budget. We do have a limited fund that we allocate to the maintenance and upkeep of all the assets that the ACT Government has. We take that responsibility very seriously. As soon as I find out the detail of the program, I will get back to you.

Ecowise - Proposed Staff Buyout

MR CORBELL: My question is to the Chief Minister. Chief Minister, yesterday in question time you stated that the only discussion you had had with the ACTEW board or ACTEW management over proposals to sell Ecowise Services was when you were informed of their intention to offer a staff buyout. Chief Minister, can you say, in the interests of preserving your credibility, when that discussion took place and when you were first advised of the planned sale of this public asset?

MS CARNELL: Obviously, I have to check my diary.

MR CORBELL: My supplementary question is: Will you inform the Assembly?

Ms Carnell: Of the date that I met them?

MR CORBELL: Yes. If you were not involved in the decision to pursue the staff buyout of Ecowise, do you agree that you have abrogated your responsibilities not merely as a Minister but also, more importantly, as a shareholder on behalf of the Territory?

MS CARNELL: I am very happy to look at my diary to determine on what date it was that I met or spoke to the members of the board, Mr Service and Mr Mackay. That is not a problem at all. I believe that the decision they have taken is a very appropriate decision. I believe very seriously that, if a little entity like Ecowise that competes directly with the private sector is to grow in the future and is to maintain its current employment and maybe even increase it, it will be much better placed with the people involved running their own company. This is not a core part of ACTEW's business; it is a subsidiary. It is, as I said, a government-owned entity that is competing directly with the private sector. I believe the decision that they have made is the right one. I believe really strongly that, if people who work in companies can have a stake in their companies, in their own futures, then that is better for them.

Car Registration Plates

MR KAINE: Mr Speaker, through you, I would like to address my question to the Minister for Urban Services. Minister, yesterday we had a little chat about car registration plates and I commented at the time that you had successfully avoided answering my first question. In referring to *Hansard* today, I discovered that you also successfully failed to answer the second one. Very good. We obviously have first-class ministerial potential here, Mr Speaker. Minister, with the Speaker's approval, I would like to follow up on those questions of yesterday. You told us in one of the answers that

70 per cent of registration plates issued in the last few weeks have consisted of those with the new slogan on them. However, anecdotal evidence that has been referred to me suggests that that statistic perhaps is not quite correct. Could you provide actual numbers of plates that have been issued since the new ones came into being, showing exactly how many of each type have been issued, how many with the slogan and how many without? I revert to my supplementary question of yesterday when I asked for a specific figure for how many numberplates without slogans were available. Could I also have that information?

MR SMYTH: I thank the member for his question. I do have the numbers here, but they are only up to 21 April. Yesterday I reported to the Assembly that I thought 70 per cent of people had taken the “Feel the Power of Canberra” plates. As at Tuesday, 21 April, we had issued 238 sets of the new plates and at that time 75 per cent of people had opted for the new slogan; that is, 175 of the 238. I am more than happy at any time to give you an update on the plates. The second part of the question was: How many are available? I will have to take that one on notice. I do not know what stock we keep on hand. It varies from time to time during the year. I will be pleased to get an accurate figure for the member.

MR KAINE: I ask a supplementary question, Mr Speaker. Minister, in your response yesterday you said that you assumed that the staff will continue to offer people the option as they front up at the counter. Again, anecdotal evidence suggests that that is not occurring. Would you ensure that when people want to register their cars they are, in fact, offered the option at the time they turn up at the counter and perhaps even go so far as to put signage up in shopfronts indicating to people beforehand that the option is available to them if they wish to exercise it?

MR SMYTH: Yes, I am certainly willing to take on that suggestion about signage. As clients come into the Motor Registry they should be offered that option. Other options include personalised plates. There is a great deal of choice. I will certainly look into any allegations. If you have any specific cases that you would like to bring to my attention, I will certainly discuss them with the staff at the Motor Registry.

COOOL Project

MR WOOD: It is my task, I believe, to ask the first question of the new and Independent-Liberal Minister for Health and Community Care. That is to separate him from the ex-Liberal independent Minister who just resumed his seat. I ask this question in the interests of maintaining urgency on the matter that was debated earlier today. The Department of Health and Community Care has accepted the recommendation of the Kendrick review of the COOOL project that it “should transfer directive control” - I guess that is the service provider aspect - “of the COOOL project to a new community governance mechanism”. I ask: Does the Government also accept that recommendation? If so, what steps will you take for its rapid implementation?

MR MOORE: Thank you, Mr Wood, for that question. I accept the recommendation, and the department has accepted the recommendation. Because your motion went through the Assembly this morning - and I take that matter very seriously - I met not only with representatives from the department shortly after that debate but also with one of the representatives of some of the groups - Mr Matthew Maurer, who was here during the debate today. Mr Maurer has been representing seven of the 11 people. I understand that he now represents six of the 11 people, according to what he told me at lunchtime today.

One of the difficulties we face is that Mr Maurer does not accept that recommendation. That is one of the negotiating points. That more than anything else highlights some of the difficulties associated with this project. We had an unsatisfactory situation. The department recognised that it was unsatisfactory and recognised that they had a problem. They asked Mr Kendrick to report. Mr Kendrick said, "Yes; this has been mishandled in some ways", as you were so keen to point out this morning. He also indicated that the department "lacked the experience and judgment to manage such a pilot project and thus underperformed (at least until very recently)". Even before Mr Kendrick reported, changes were under way. The department had recognised they had a problem and were doing something about it.

Mr Wood, I take very seriously the matter of urgency. I am working on it now. I have arranged for a further meeting with the department straight after question time, if I can extract myself from the chamber. I have arranged for a further meeting with Mr Maurer tomorrow morning. In the interim he has presented me with an idea on how to resolve this and I have presented to him an idea on how to resolve it. We have gone away to consider those issues. I hope that before this weekend we will be able to find a position that suits not just his clients but the full range of people who are interested in a position in one of these houses in Fisher.

I need to remind members that when this community is prepared to spend, through the Government, nearly \$700,000 - not quite; \$698,000 - on eight people we have to make sure that that money is appropriately spent. We also have to make sure that what we are doing is not just deciding what is good for them, this set of buildings, and building them but also ensuring that they themselves have a chance to say how they want that money spent in their own interests. Remember that this is not the building money; this is recurrent money. Mr Wood, I shall be doing my best to ensure that each and every one of those individuals has the best possible options available to them.

MR WOOD: I have a supplementary question, Mr Speaker. A key question for me is this, Mr Moore: Will you be able to move residents into the Fisher houses before that new agency, if it is to be, is established, so that there will not be further undesirable delay? I hope you are not going to wait for a new agency, because that could take quite a while.

MR MOORE: That is part of the negotiations and part of the position that I have put to this representative of the majority of people that could go into those houses. I am not prepared to make a commitment as to whether or not that will work. What I am suggesting, as an approach to speed up the issue, is that we can resolve some things;

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take a temporary solution in the initial instance, with a backup position that may then occur within the next six months to a year, so that we can actually get people in there within an appropriate framework for now and then see whether we can resolve some of the still outstanding issues at a later date. That idea may not be acceptable, and that is what I am looking to try to achieve.

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

Car Registration Plates

MR SMYTH: Mr Speaker, could I add some further information to my answer to the member for Brindabella, Mr Kaine. We order numberplates in batches of 2,400. We currently have approximately 2,400 of each plate in stock, and we order throughout the year as they are needed.

DISTINGUISHED VISITORS

MR SPEAKER: I would like to recognise in the gallery Mr Lei, the group leader, and a senior delegation from the Beijing Municipal Government. Welcome to the ACT Legislative Assembly.

PAPER

MR SPEAKER: For the information of members, I present the Legislative Assembly's quarterly performance report for the December quarter 1997-98.

PUBLIC ACCOUNTS - STANDING COMMITTEE (THIRD ASSEMBLY) Report on Industry Assistance Program and Business Incentive Scheme - Government Response

MS CARNELL (Chief Minister and Treasurer): Mr Speaker, for the information of members, I present the Government's response to Report No. 31 of the Standing Committee on Public Accounts which was entitled "Report on the industry assistance program and the business incentive scheme" and which was presented to the Assembly on 2 December 1997.

**ACTEW CORPORATION LTD - RISKS AND STRATEGIC ISSUES
Final Report**

MS CARNELL (Chief Minister and Treasurer) (3.32): Mr Speaker, for the information of members and in accordance with the undertaking given in the Assembly on 28 April 1998, I present the final report entitled "ACTEW Corporation Limited, Risks and Strategic Issues in a Changing Business Environment" which was prepared by Fay Richwhite. Mr Speaker, I move:

That the Assembly takes note of the paper.

Mr Speaker, today I am tabling a very important document. This is the long awaited report prepared for the Government by Fay Richwhite entitled, "ACTEW Corporation Limited, Risks and Strategic Issues in a Changing Business Environment". As members of the Assembly would be aware, ACTEW is the ACT community's most valuable asset after its people and its land. I am tabling these documents today to facilitate a full and informed public debate on the threats and opportunities facing ACTEW and the implications for its owners, the people of the ACT.

During the recent election campaign my Government made a commitment to ensure that the value of ACTEW as a billion dollar plus, taxpayer-owned asset is maintained. As members of the Assembly and many in the community would be aware, the business environment in which ACTEW operates has changed dramatically in recent years and is still changing. It is facing increasing competition to maintain its retail customer base within the ACT and its competitors are generally substantially larger private corporations or State-owned bodies which are in the process of being privatised. The situation being faced by ACTEW is not one which my Government has engineered or created. If Labor had won the last ACT election the same issues would have had to be faced. It is just unfortunate that those opposite do not seem to understand that.

What is fortunate for the people of the Territory is that my Government is not locked into any ideological position and, as always, will make decisions in the best interests of the Territory, following a rigorous assessment and analysis which takes into account all relevant factors. This will be done in consultation with members of the Assembly, ACTEW and its staff and the broader community. It is for this reason that these documents are being tabled today.

I will not go into great detail today on the broad range of issues canvassed in the Fay Richwhite report. Such a debate should occur once all members of the Assembly have had the opportunity to read the report. The Fay Richwhite report, however, makes some important points that I would like to draw to your attention. I quote:

In assessing the risks associated with particular business decisions it is important to understand that not making a decision is not an effective means of managing risk.

Mr Speaker, I will just say that again - it is not an effective means of managing risk.

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I quote:

For a business in a growth environment not making decisions foregoes potential increments to value. Alternatively, in a high risk trading environment, not making decisions may lead to rapid increases in financial exposures.

The Fay Richwhite report also states:

The structure of the ACT economy and its likely development path indicate that ACTEW is unlikely to experience substantial growth from its domestic market. As the incumbent monopoly retailer in the electricity business it can be expected to lose market share as competitors enter. This will reduce the commercial value of the energy retail business.

At present much of the financial risk is associated with ACTEW's retail market. In this context the Fay Richwhite report states:

... however, that electricity market risk is concentrated in this part of the business. It follows that shareholder and Board tolerance for risk will be a major factor in determining the future growth path for the retail electricity business. It is also the case that a number of the growth options available to ACTEW are conditional on a viable retail business.

Mr Speaker, the Fay Richwhite report also states:

ACTEW's growth opportunities lie with new services within its existing area and/or traditional/new services outside the ACT, ie., continued growth in ACTEW's business value requires an expanded business scope. The growth opportunities within the ACT are limited. The majority of growth opportunities are outside the ACT. There is business risk associated with pursuing these growth opportunities and there is a material opportunity cost (value foregone) in not pursuing them.

The changing business environment and the associated risks to ACTEW and its value as a taxpayer-owned asset are not minor issues of academic interest only. If the Government gets it wrong, not only is its value as a taxpayer-owned asset under threat, but the future employment of its staff is also at risk. The Government must determine what is in the best interests of the ACT, to ensure that it is not abrogating its responsibilities.

The report also states:

Doing nothing and retaining the status quo is also an option. However, this does not effectively manage business risk and is likely to lead to erosion of business value and lost growth opportunities.

The Government as owner on behalf of the community should make a positive decision about capturing the full commercial value of ACTEW rather than by default allowing the business to stagnate. This approach requires the ACT Government to make a positive decision about the degree of business risk that it is willing to tolerate. Full consideration of all options available would assist this decision.

Mr Speaker, doing nothing is not an option. To do nothing would break my commitment to the people of the ACT to maintain the value of the asset. The people of the ACT and the Territory's future financial viability have too much at stake in ACTEW for narrow ideological positions to compromise decisions on important matters such as this.

The Fay Richwhite report makes it clear that it is now appropriate to examine whether the operational structure of ACTEW has become outdated and whether it is constraining the ability of ACTEW's board, management and staff from retaining the value of the business. As such, the Government has determined to commission a study which will examine the full range of options in the Fay Richwhite report. The Government recognises the importance of consultation in undertaking a successful structural review. The study will be conducted in consultation with ACTEW and all interested parties, to ensure that all relevant factors are taken into account.

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

TABLING OF PAPERS

MR QUINLAN: Mr Speaker, in relation to the tabling of papers, I seek your guidance. Yesterday during question time the Chief Minister committed to the tabling of a couple of papers, and I am sure there is time to do so. One of those papers related to figures on ACTTAB, while deflecting the question I was asking. I was interviewed by a television journalist today who was issued with a copy of those statements. In fact, the journalist had more detail than I had seen before in a so-called private briefing. Is there some rule or protocol that should be observed in terms of a paper that has been committed to be tabled in this place being not yet tabled but being issued to the media?

MR SPEAKER: I am not aware. Chief Minister, was that the case or not the case? The Chief Minister tabled a paper yesterday in the house, which, of course, becomes a public document. But it is not the Chair's place - - -

Mr Quinlan: This is not a tabled paper. It has not been tabled.

Ms Carnell: Yes, I did. Yesterday I tabled the document that I was reading from yesterday and the basic - - -

MR SPEAKER: That is correct.

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Ms Carnell: It is in the tabled documents. That very short document with some figures on it was tabled yesterday.

MR SPEAKER: That is correct, yes.

Ms Carnell: That was tabled yesterday.

MR SPEAKER: Yes, that was tabled yesterday. That is correct.

Ms Carnell: That is as I thought, Mr Speaker. As I understand it, there is no requirement on - - -

Mr Quinlan: No; the journo had more than that.

Ms Carnell: Mr Speaker, the Government can release to the media any documents it likes.

MR SPEAKER: Indeed. My job is to make sure that what was to be tabled here was, in fact, tabled. It is then a public document. After that it is entirely up to the Government. If it wishes to release other papers it may do so.

Ms Carnell: I am quite happy for that document that the media has to go to you. That is not a problem.

Mr Quinlan: Fine.

Ms Carnell: You only have to ask.

Mr Corbell: We have to know about it first, Chief Minister.

Ms Carnell: It is actually the one I gave you in that meeting.

Mr Quinlan: I will have the Racing Club submission, please, as well.

PAPERS

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer): Mr Speaker, for the information of members, I present the following papers:

Financial Management Act, pursuant to section 25A - quarterly departmental performance reports for the December quarter 1997-98 for the:

Minister for Arts and Heritage.

Attorney-General, including Director of Public Prosecutions and Emergency Services Bureau.

Minister for Business and Employment.

Chief Minister.

Minister for Education and Training.

Minister for the Environment, Land and Planning.

Minister for Health and Community Care.

Minister for Housing.

Minister for Regulatory Reform, Industrial Relations and Tourism.

Minister for Sport, Recreation and Racing.

Minister for Urban Services.

Calvary Hospital - information bulletins - patient activity data -

November 1997.

December 1997.

January 1998.

February 1998.

The Canberra Hospital - information bulletin - patient activity data -

November 1997.

December 1997.

January 1998.

February 1998.

Department of Health and Community Care - activity report - September and December quarters 1997-98, dated March 1998.

PERSONAL EXPLANATION

MR BERRY: Mr Speaker, yesterday just following question time, in response to a personal statement from me pursuant to standing order 46, you said that you would review the *Hansard*. Have you done so? If not, Mr Speaker, I have it in front of me and I can read it to you and persist with my personal explanation on the basis that I have been misrepresented.

MR SPEAKER: I have not yet done so because I have only just received the *Hansard*. I will advise in due course.

SALE OF TERRITORY-OWNED CORPORATIONS Discussion of Matter of Public Importance

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

That the people of Canberra, through their representatives in the Legislative Assembly, give their approval for the sale of any Territory Owned Corporation prior to any such sale occurring, recognising that such Corporations are valuable assets owned by the people of the ACT and provide the community with significant social benefits through employment, revenue and effective, efficient services.

MR CORBELL (3.46): Mr Speaker, this is an issue of considerable concern to a wide number of people in the Canberra community. For that reason, we believe it entirely appropriate to debate it in the Assembly this afternoon as a matter of public importance. Mr Speaker, it is a matter which concerns many in our community that a number of valuable Territory-owned corporations could face the prospect of privatisation. It is of particular concern to 1,990 people who are employed directly by those corporations. That is a considerable number of people in our community. A considerable number of families of the people who are employed by those corporations and a considerable number of people in the wider society will be affected.

Mr Speaker, it is a concern for the wider community, because notions of privatisation and activities of governments - Labor and Liberal - which have led to privatisation have had a significant impact on the communities where that has occurred. It has led to significant job losses and a reduction in revenue.

Ms Carnell: Victoria got a AAA credit rating back this week.

MR CORBELL: You will get your turn, Chief Minister. Why do you not just be quiet for a little while? It has led to a reduction in revenue and, quite often, a reduction in public sector net worth. These are not contestable facts, Mr Speaker. They have been proved time and again wherever privatisation has occurred. Communities have another reason for being very concerned about proposals for privatisation, and that is where they occur to suit the whim of a particular government at a particular time, on many occasions

ignoring the significant investment the community has made in developing the asset to the level that it is then at. Mr Speaker, you have only to look at the assets that are currently in place in the Territory. Totalcare, ACTEW and ACTTAB are all very profitable, effective Territory-owned corporations that have been developed over time through expenditure from the public purse.

Mr Speaker, I want to place on the record from the beginning that the Labor Party does not have a blind, ideological approach to the issue of privatisation. Indeed, unlike the Liberal Party, the Labor Party has a clear platform which outlines the principles that we will apply when considering the issue of public or private ownership. That is not something that those on the other side of the house have. Indeed, it is not something that I have seen any other members in this place present to the people of Canberra. But the Labor Party has a clear set of principles which we use to assess whether an asset should be retained in public hands or whether it is not appropriate for that asset to be in public ownership. We will use those criteria, as we have always used them, in relation to the assets that are of concern to the community at the moment.

Mr Speaker, the Carnell Government is presenting privatisation as a virtually inevitable consequence of changing circumstances in national markets. In the case of ACTTAB, a review has been commissioned to develop a strategy for restructuring the corporation and also to examine different ownership models. This, Mr Speaker, is surprising. We know that it has surprised many people in the community, and it has definitely surprised the 120 or more employees of ACTTAB, because on no occasion throughout the election period did this Government make any mention of a need, or even a potential need, to restructure or assess the structure of ACTTAB. On no occasion whatsoever did they give any indication to the electorate that that was their intention. Mr Speaker, for that reason alone - as well as in relation to Ecowise, which the Chief Minister has now clearly stated on the public record is up for sale and that she supports that decision - we believe it not only important, but central, to our role as elected representatives that we debate this issue this afternoon.

Mr Speaker, I would like to outline briefly the current circumstances which surround the ability of the Government to dispose of a Territory-owned corporation. Currently, two shareholders, each holding a 50 per cent voting share, can vote to dispose of a Territory corporation and then provide the Legislative Assembly with an explanation of why they have decided to do that. Mr Speaker, there is no requirement for the Assembly, for the people - for those who actually own the asset - to give their consent to any sale of the asset which they own. We believe that that is wrong. We believe that that is inappropriate. For that reason, Mr Speaker, we believe that there needs to be another way of doing it. To allow two people to decide the fate of an asset which is owned by every single member of the Canberra community is not open, accountable or, indeed, representative government. Clearly, in a representative democracy such as ours, we need to ensure that the responsibility is restored to the community through the Assembly when any decision is made on the future ownership structure of assets which have been paid for and which are owned by the community.

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Mr Speaker, these assets are owned by the public - by the Canberra community. They have been developed by revenue from the public purse - through taxes and charges. Unlike many other decisions made by government, a decision to sell a public asset such as ACTEW, Totalcare or ACTTAB is an irrevocable decision. Once it is gone, it is gone forever. It is not like amending a piece of legislation that a previous government introduced to bring back some power for appeal or involvement in a decision-making process. It is not like that at all. Once you make the decision, you never get it back, because the amount of money and the amount of effort, experience and expertise that have gone into developing that asset cannot be retrieved by a simple legislative decision. So, Mr Speaker, for that reason and for that reason alone, we believe that it is justified that the people of the ACT, through their representatives in this Assembly, have the opportunity and, indeed, the right to say whether or not they believe that that asset should continue to be retained in public hands.

Mr Speaker, I have outlined in the MPI that I have presented to the Assembly this afternoon a number of other reasons why it is important to allow the community to have a say - indeed, the say - on whether or not an asset is retained in public hands. The first is that Territory-owned corporations provide significant social benefits to people in Canberra. Most importantly, they provide jobs, and they provide fair job security. In total, ACTEW, ACTTAB and Totalcare Industries employ 1,990 people. That makes them some of the largest employers in Canberra outside the Federal and ACT public services. That is a significant number of people. Any decision to privatise, therefore, will have significant ramifications for these employees.

Ms Carnell: And any decision not to will too.

MR CORBELL: Chief Minister, I do not know whether you have been listening to this debate; but I think you would find that at no stage whatsoever has the Labor Party advocated doing nothing. What the Labor Party has said is that we believe that there are a number of factors that you are failing to take into account and that we want to place on the record so that there is some accountable and open government in this place.

Ms Carnell: So, you are saying that you would sell ACTEW under certain circumstances?

MR CORBELL: Mr Speaker, I know that the Chief Minister finds it difficult to grasp this concept; but we are interested in the interests of the community, not just in her budget bottom line. So, Mr Speaker, when we speak about jobs and when we speak about job security, we are interested in the interests of the community, not just in the Chief Minister's interest in propping up her problem with her budget. Mr Speaker, any decision to privatise, therefore, will have significant ramifications for any employees, particularly in light of the tendency for - - -

Ms Carnell: You would sell if it was in the community's best interests, would you? It is really important.

MR SPEAKER: Proceed, Mr Corbell.

MR CORBELL: Thank you, Mr Speaker. Any decision to privatise will have significant ramifications for employees, particularly in light of the tendency for government business enterprises like Totalcare, ACTEW and ACTTAB to be privatised to reduce the number of staff employed by them. That is on the record, Mr Speaker. Privatisation leads to loss of jobs. We want to signal, here and now, that any decision to privatise has almost inevitably led to a loss of jobs. Remember, Mr Speaker, that we are not talking just about people who live here, but also about their families and the community in which these employees live.

Mr Speaker, the impact on the community is a key issue, which the ALP raised in question time yesterday. We asked the Chief Minister what assessment was going to be made about the flow-on effects of loss of employment - potentially, loss of dollars into the community. It was a question which, as we have seen all too often in this place, the Chief Minister flippantly and rudely ignored, because that is the way she is, Mr Speaker. She does not see these things as being of incredible significance.

Because any decision to sell a Territory-owned corporation will have a significant impact on the community, a requirement that the Assembly - the elected representatives of the people of the Territory - scrutinise and support or oppose a proposal to sell will mean that a government will no longer be able to respond flippantly to such concerns without having them tested on the floor of this place. I think that is a very important point. What we are saying is: If the Government has a strong case for privatisation, let it bring that to the floor of the Assembly and let that be tested on the floor of the Assembly. Let us not test it by media release, which is how the Chief Minister prefers to conduct government in this place; let us test it on the floor of this Assembly, because that is where the decision should be made.

Mr Speaker, another one of the significant benefits which are returned to the community through Territory-owned corporations is in relation to revenue. I want to outline some results from the annual reports of the three Territory-owned corporations in question from last financial year. Mr Speaker, ACTEW's profit for the last financial year was \$50m after tax. It paid \$23m in dividend and \$18m in tax equivalents to the community. ACTTAB paid a dividend of \$1.1m after also paying income tax equivalents of \$1.3m and a licence fee of \$3.8m. Its profit after tax was \$1.7m. Totalcare Industries made a profit of \$16.3m after tax. Its dividend to the Government was \$195,000 and its tax equivalents payment was \$308,000.

Mr Speaker, any decision to sell an asset, it has been demonstrated, results in around 50 per cent of the present value stream of forgone earnings lost. This is based on an analysis of a number of actual and proposed privatisations in Australia, New Zealand and Britain. Other studies have shown that the community loses between 25 and 35 per cent of the real value of a publicly-owned corporation once it is privatised. These are facts, Mr Speaker. These are based on rigorous economic analysis of the consequences of privatisation. The significance of these figures underlines the importance of the Assembly scrutinising and approving any decision to sell, to ensure that the interests of the community are protected.

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Mr Speaker, in conclusion, this is a matter of significant public importance. These assets are incredibly valuable. They constitute a significant stream of revenue to the Territory; they constitute a significant area of employment in the Territory; and they constitute a significant level of investment by the community in assets that deliver decent, effective community services. Mr Speaker, any decision to privatise any of these assets should not be made on the whim of two shareholders and issued by press release. Instead, it should be tested on the floor of this Assembly, and that is the basis of the MPI today.

MS CARNELL (Chief Minister and Treasurer) (4.01): Mr Speaker, I actually agree with a large amount of the final part of Mr Corbell's statement. This is a very important decision. As I think I said in my tabling speech for the Fay Richwhite report, the Government has a responsibility to conduct a detailed investigation of the activities of all government business enterprises. As the owner of government business enterprises on behalf of the community, the Government needs to have a clear understanding of the business activities being undertaken and the associated risks. The whole aim of that exercise is to make sure that the highest quality services are delivered at the best prices and that prospects for fulfilling employment are enhanced. At the bottom line, that is the role of government. I would not have thought that those opposite would have doubted that.

It is the Government which is answerable to the people for the way we carry out that responsibility. As such, the Government has acted to further improve the governance, performance and accountability of government business enterprises. The recently created Government Business Enterprises Monitoring Unit will be undertaking a comprehensive and systematic review of the various government business enterprises, including all Territory-owned corporations.

Mr Speaker, the world around us is changing; but, unfortunately, those opposite simply have not noticed. People are demanding better services, and national competition policy means that our service providers have to match the best competitors. Again, Mr Speaker, the national competition policy agreement was not signed by this side of the house. It was signed by Rosemary Follett.

Mr Corbell: Do you agree with it? You always like to sneak that one around the back; but do you actually agree with it, Chief Minister?

MS CARNELL: Mr Speaker, I am fascinated that Mr Corbell is not interested; but I do not have a problem with that. I am sure that others are interested.

Mr Speaker, the Government will therefore be seeking detailed and expert advice on the impact of changes that are occurring to the operating environment of most government business enterprises. This is to ensure that the Government is in a sound position to make key decisions to maximise the public benefit from this significant sector of the ACT economy. So as to make the whole process transparent, the terms of reference for each strategic review will be advertised, and submissions will be invited from interested parties.

In fact, I look forward to receiving Mr Berry's detailed methodology for the evaluation of jobs and Mr Corbell's methodology for the evaluation of social benefits. We are asking for that input, Mr Speaker. At the completion of each strategic review, the report will be publicly released and tabled in this Assembly, and therefore debated in this Assembly. This process will ensure that the Government is well placed to make informed decisions about the appropriate strategic policy direction for individual government business enterprises.

Further, the Assembly will have the benefit of a detailed and comprehensive report prepared by independent experts, rather than relying solely on the advice provided by the Government and the various government business enterprises themselves. Or worse, Mr Speaker, members may choose to sit on their hands, oppose everything and jump to ill-informed conclusions as per those opposite. I can guarantee that that would be a recipe for loss of service, loss of custom, loss of assets and loss of jobs. Under the arrangements I am proposing, the Territory as a whole will be much better informed as to the standing of individual government business enterprises.

I would also like to make clear the Government's position on privatisation. That is a word that causes some people - such as those opposite, I have to say - to react with what seems to be a conditioned reflex. But, Mr Speaker, the time has come to become more analytical and to focus on what is best for the people of Canberra. Understandably, privatisation is a major topic of debate in the face of the privatisations that have been undertaken or that are being contemplated to be undertaken elsewhere, particularly those in surrounding New South Wales, where the Government is being run by the Labor Party. Governments of different political persuasions are all going down this path; but those opposite have not asked themselves why.

Mr Speaker, of course, it is possible to give up an uncertain stream of financial distributions generated by government business enterprises to make certain reductions in debt or to fund major infrastructure works. But this Government is not about to embark on some "quick fix" solutions in pursuit of some ill-defined, short-term gains. It all comes down to what is in the best interests of the community. This is why this Government remains fully committed to delivering responsible financial outcomes. Actual ownership of government business enterprises may not matter, provided that prices are competitive, that services are of the right standard, and that there are adequate community safeguards in place. Of course, jobs are extremely important to this Government.

There are, however, major changes taking place in the marketplace that signal increased risk for many government business enterprises. The Government clearly needs to understand the inherent risks associated with owning any business in the face of rapidly changing markets. For instance, the Government and the community need to know whether a relatively small operation such as ACTTAB can continue to operate successfully in the wake of the privatisation of TABs interstate and other changes taking place in the gambling industry. We are all only too familiar with the former ACTTAB's failed attempt to respond to market changes through VITAB - something that cost the ACT dearly, Mr Speaker.

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The Government has, for some time, been concerned about the likely impact that reform of the electricity market will have on ACTEW. The South Australian Government has decided that it can no longer afford to own the local electricity industry now that it is faced with the prospect that the value of those assets may be halved in the light of continuing competition from interstate. It should not be inferred from this comment that this Government will do the same with ACTEW. Despite the many changes in the electricity market, ACTEW is predominantly a monopoly as an electricity distributor as well as a water and sewerage utility. There should be no attempt to create a private monopoly unless there are special reasons for doing so and there are adequate community safeguards in place.

However, for some government business enterprises, it may not be sensible for governments to continue to own those businesses if they are unlikely to survive or it may not be prudent for governments to risk the major capital injections needed so that particular government business enterprises can continue to grow or, in some cases, just maintain their position. It never makes sense to throw good money after bad, and it would be downright irresponsible to waste the public's money on a business that is losing value.

These are, obviously, complex issues that require a detailed assessment of whether there are sufficient benefits to justify continued public ownership. This assessment requires a careful scrutiny of the services currently provided, the changes that could be brought about by different business structures and the changes that could be brought about by continuing government ownership. Members of the Legislative Assembly should be aware that, under the competition principles agreement, the Government is obliged to undertake a public benefit test in reviewing the structure of government business enterprises. The public benefit test shall take into account a wide range of factors, including ecologically sustainable development, social welfare and equity considerations, community service obligations, industrial relations, public health and safety, the environment and economic development, as well as the interests of consumers. I would also like to stress at this point that the competition principles agreement specifically states that it is not intended to promote public or private ownership.

The Fay Richwhite report on ACTEW that I tabled earlier today makes it absolutely clear that we need to undertake a scoping study of all of the options available to the Government. While ACTEW has striven to improve efficiency and to expand its operations, there is certain to be some market loss - we have already heard about some of that - and a marked reduction in certain prices and government revenues as the electricity market is exposed to further competition. It would be irresponsible for any government not to actively address the issues raised in the Fay Richwhite report. What is at stake here is the potential for certain assets to lose value rapidly and cost the Territory many millions of dollars if we do not make the right decisions.

I would like to take this opportunity to table a recent resolution of ACTEW's board, drawing the Government's attention to their serious concerns about being able to maintain the value of the electricity business. I think it is really important that members actually read that. The prevailing climate of increased competition, whereby ACTEW may be disadvantaged in trying to match competitors' prices without running the risk of incurring unacceptable financial losses is, quite frankly, Mr Speaker, mutually exclusive.

ACTEW's board has urged the Government to undertake an immediate study of various reform options, as outlined in the Fay Richwhite report. The Fay Richwhite report states that not making decisions does not change the risk, Mr Speaker. Maintaining the status quo simply allows the risk profile of the business to change in response to external developments. The opportunity costs of this approach may be very high. In other words, we have been warned that there is likely to be a very high cost in doing nothing. Mr Speaker, the Government has already agreed to conduct a separate review, including a detailed feasibility study of all of the options identified in the Fay Richwhite report. We also have a scoping study in place for looking at what the future of ACTTAB is.

Mr Speaker, I think that the things that are at issue here are very real for the Government, for the Opposition and for every member of this Assembly. What I have made clear here is that the Assembly will have an opportunity - a very real opportunity - to debate these issues when all of the information is on the table. Yes, we can debate them without knowing what we are really talking about, Mr Speaker; but, as I said in my speech, the information that the South Australian Government made a decision on indicated that by doing nothing in South Australia they would have halved the value of their assets. Mr Speaker, what happens under those circumstances? Is it just that there is half the value of the asset on the balance sheet? No, Mr Speaker, it is not that simple. We have already seen ACTEW lose some significant high-volume, high-profile corporate clients. Mr Quinlan, of all people, would know what that means for ACTEW. In fact, I heard him on the radio the other morning agreeing that ACTEW would probably have to increase its prices by something like 9 per cent over three years.

Why is that so? Mr Speaker, as Mr Quinlan knows well and truly, it is because in a competitive market ACTEW simply cannot, as a government-based enterprise, take on that competition easily. If we lose our big, high-profile, high-profit clients, what does that mean to the enterprise, unless that enterprise is able somehow to take the necessary risks to get out into the marketplace? What it means, Mr Speaker, is that the business will shrink. And what does that mean? If the business shrinks, it means that there are fewer employees. Is that what those opposite want? Certainly, it is not what the Government wants. The Government wants to know what the options are. Is sale an option; is some sort of merging an option; is giving ACTEW, ACTTAB, or whatever, a greater capacity to take significant commercial risks an option? There are a number of options, Mr Speaker; but doing nothing is not one of the options.

MR QUINLAN (4.16): Mr Speaker, this is just a mere technicality; but a conscious decision to retain the status quo is not doing nothing, in decision theory.

Mr Humphries: It sounds like it to me, or pretty close to it.

MR QUINLAN: Change for change's sake is the alternative, Mr Humphries. Let me return to the matter of public importance. It is about where the decision is taken. There was ample debate before the election of this year; but I guess that the Government was quite equivocal at that stage - - -

Ms Carnell: But you were not. The Opposition said that they would never, ever, ever, ever sell any of them. So, you have a closed mind.

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MR QUINLAN: No. We have never said - - -

Ms Carnell: You did.

MR QUINLAN: Never. We are certainly against it - - -

Ms Carnell: That is all right. That is good. They are now saying that that is not the case. They would sell.

MR SPEAKER: Proceed, Mr Quinlan.

MR QUINLAN: From this point on, the door is ajar; okay?

Ms Carnell: Okay. I accept that. The door is ajar. That is great to hear.

MR QUINLAN: But, at the point of the election, the question was open. It was not an election issue. As such, the Government does not have a mandate to sell ACTEW. In fact, if you had read the letters to the editor, et cetera, around that time, you would know that most of the public reaction was in the negative in relation to the sale of ACTEW. It is, therefore, axiomatic that the decision should be the province of the Assembly as a whole. I am pleased to hear that we are going to be fully informed and that when we read this document from Fay Richwhite we are going to find that they have recommended that they get another job and do some more reviewing.

To return to the door that is marginally ajar, the only premise, I submit, upon which an asset could possibly be sold is that there is tangible evidence of increased benefit to the Territory. I am a bit concerned about not only where the decision is taken, but also what would happen with the money. History, with this Government, is not on our side. We have seen sale and leaseback arrangements, which were for some time not borrowing, until the Auditor-General got hold of them and then they actually were correctly designated as borrowing. We have seen ACTEW's reserves rifled and consumed within a given year. So, we are concerned as to where the money goes.

There have been references to what other governments have done. Even the guru, Jeffrey Kennett, at least took the money from his asset sales and applied it to debt reduction so that there was no net reduction in the wealth of his State. So far, over the last couple of budgets, we have seen effective net reductions in our wealth. We are living for today, and not for tomorrow.

Mr Humphries: We reduced our operating loss. That was pretty good.

MR QUINLAN: No, you did not.

Mr Humphries: Yes, we did.

MR QUINLAN: I am going to give accounting seminars to you guys one of these days.

Mr Hargreaves: And they will have to pay for it again, will they not? They will have to pay for it another time.

Mr Corbell: You have employed him before. Why do you not employ him again?

MR SPEAKER: Order! Mr Quinlan has the floor.

MR QUINLAN: I give you a fearless prediction that history will record: The pendulum will swing. The hasty sale of assets of this particular area that we live in will later be denigrated. When services reduce - when essential services are not as reliable as they are today - equally authoritative commentators will be saying, "This was a bad thing that governments did at the time, and governments need some level of intervention to ensure that basic services are maintained".

When we head towards privatisation, what we are doing is heading towards the limit in terms of risk analysis, or risk profile, as business likes to call it. We have seen evidence already in the UK and in Australia, and in New Zealand of recent times, that where there is minimisation of maintenance, where there is minimisation of investment in systems, and where delivery systems are stretched to their limit, they start to fail and the level of service falls. With particular reference to electricity, it is very important. We are supposed to be becoming the smart city, relying on IT. IT does rely on a very reliable source of electricity.

I will give you a quote I heard from northern England a while back. In northern England they have sold their water supplies to private operators. In fact, the French bought them up and, of course, did progressive asset stripping by not investing in those systems. I heard the quote, "We ran out of water in Yorkshire, mate. Think about that". It has happened.

Mr Humphries: Well, that proves it, then! They ran out of water in Yorkshire. Obviously, do not privatise anything. That settles the argument!

MR QUINLAN: But it does certainly make the point that private deliverers may not be as assiduous in their pursuit of a reliable delivery of service. I am pleased that we are going to further review this question before a decision is taken, because I have not heard any discussion yet of the separation of water and sewerage - which have other influences in terms of health and in terms of environment - from electricity, which is a bit more on the commercial side. I am concerned to see that the debate is divided very quickly. I trust that Fay Richwhite, or whoever succeeds them in the consultancy game, will take account of that.

I have not seen any evidence of where ACTEW has come to an accommodation, or tried to come to an accommodation, with any other of the distributors so that it can, in fact, build its size to be able to compete in a market. It seems that we are quite happy to see the market lapse into the hands of a few, who may follow the oligopoly practices of the oil industry. It will be in their hands.

Ms Carnell: Is a merger not a sale? He is suggesting that we should merge.

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MR QUINLAN: I am certainly saying that we should think wider than flogging it off, and we should think only in terms of the retail sector, and in your presentation of the Fay Richwhite paper you referred to the retail arm. That means that we do not necessarily have to sell our hardware to protect our asset. So, we need to take a look at this process in terms of dividing it down to its essentials. I would like the debate to take that form sooner rather than later.

I am concerned, for example, with Ecowise - and we have discussed Ecowise in this place over the last couple of days - that a few things are being said. One is that it is largely external. It is external to ACTEW; but it is not external to the Government. The bulk of its work is done within the public sector. It hangs meters for ACTEW; it is involved in traffic light controls, et cetera; it is involved in the maintenance of streetlighting; it is involved in the maintenance of government houses. I am rather concerned, if Ecowise is an example of how we make decisions around here, that what you have said previously could be interpreted as saying, "It is only 50 employees and \$400,000. We will let the board decide whether they flog that off or not". You can really understand why Mr Corbell would put up a proposal that any other decision should be brought to this place. You may not care, and you may leave it to the board; but we do care. So, I commend Mr Corbell.

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (4.26): Mr Speaker, I might just say that I am, I think, encouraged, but also a bit perplexed about the Labor Party's position in this area. I think in question time the Chief Minister put very clearly where the Liberal Party stands in respect of these matters. It has very clearly indicated that it believes that we need to be taking a flexible approach towards the management of our assets and, indeed, the status of our assets into the future. We are living in a highly volatile, rapidly changing environment, in an economic and financial sense, and we need to make sure that we position ourselves within that environment so as to maximise the benefits for the people of Canberra.

That is the position that the Government stated very clearly during the election campaign. In that context, the Chief Minister made it clear that the Government would not rule out any particular options which might emerge following studies such as the Fay Richwhite report, which has now hit our respective desks. I have to say that the position taken by the Labor Party during the election campaign was very different; but I accept that we have been told today that there has been a shift in the Labor Party's position, and I welcome that.

Mr Stanhope: Our platform on it has been solid for years.

MR HUMPHRIES: Your stated position by your then leader was - and I think I quote verbatim - that you would never, ever, ever sell assets like ACTEW. We can find the quote, Mr Stanhope; so do not be too dogmatic.

Mr Stanhope: Our platform is quite dogmatic.

MR HUMPHRIES: Your leader makes statements on behalf of your party. We assume that that states the position of the Labor Party. If it does not, of course, then we cannot believe what you are saying now, can we? So, Mr Speaker, I think we have to work on the assumption that there has been some shift in the Labor Party's position. Mr Corbell made reference to - - -

Mr Corbell: There is no shift whatsoever.

MR HUMPHRIES: I am not trying to make a big song and dance about this; I just want to know where the Labor Party is now standing on these issues. Mr Corbell said that there were clear guidelines - written guidelines - that the Labor Party operated under and which prescribed the way that they would approach such issues. I have not seen those and - - -

Mr Corbell: It is a public document.

MR HUMPHRIES: I would ask Mr Corbell to table it in this place.

Mr Corbell: It is our platform. You can purchase one from the party - - -

MR HUMPHRIES: In the interests of public dissemination of information on a matter as important to the public as this, I think it would be appropriate for Mr Corbell to table that information in this place. I call on him now to table those guidelines. I have not seen them. I have previously purchased copies of the Labor Party's manifesto. I would like to see them. I hope and trust that he will put the information on the table.

Mr Speaker, the fact remains that we do face a juncture in this debate which is critical to the future of the Territory, and we need to take our position at this point extremely carefully. The report which is on our desks, obviously, will not have been read by everybody at this stage; but I want to quote a couple of pieces from it, from the executive summary in particular. I quote:

In an era of competition and independent price regulation, Government owners of utilities face the full ownership and financing risks faced by private investors and lenders as well as the policy and regulatory risks traditionally carried by Governments. It is changes to the risk profile of Governments as owners of utilities which has prompted the ACT Government to commission a review of the risks and strategic issues associated with ... ACTEW ...

Mr Speaker, most significantly, we come back to the question of what the future management of this issue ought to be. I quote from page 23 of the report. This goes to the issues that both Mr Corbell and Mr Quinlan raised about how productive, how good, ACTEW and other Territory-owned bodies and government business enterprises had been for the Territory in terms of the economic benefit to the Government directly through dividend and to the taxpayers and others through things like employment. It says:

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ACTEW's gross margin has improved steadily over the course of the 1990s with a substantive improvement in 1996-97. The 1996-97 result largely reflects very low wholesale electricity prices.

And here is the crunch, Mr Speaker:

Given the unsustainable level of these prices this can be expected to reverse in the medium term.

To put that in lay language, as I understand it, Mr Speaker, given the new market we are operating in, we can expect the sorts of dividends that ACTEW has provided to the Territory, the sorts of economic benefits of its strong economic position within the ACT market as a monopoly retailer within the ACT - the benefits that have accrued to the ACT - to begin to disappear if we do not act to reposition ACTEW within that changing marketplace. That, as I read this report quickly, is what we are being told.

Mr Quinlan: It cannot disappear.

MR HUMPHRIES: "It cannot disappear", says Mr Quinlan. Perhaps it cannot; but I am not sure that I want to see the value of an asset belonging to the taxpayer dissipated severely by the fact that the Government does not act in a changing marketplace. I do not want to see the value of the asset halved or reduced by 75 per cent or more. Those sorts of options are clearly on the cards. Those sorts of options are clearly there. I do not think anyone can look at this report and not be concerned about those sorts of options. I would like to know, in that environment, what option it is that the Labor Party says we should be taking instead.

Mr Quinlan actually said that we had no mandate to sell ACTEW. I would only note that during the campaign people like Mr Whitecross and Mr Berry said repeatedly that, if people voted for the Liberal Party, they would get ACTEW sold. So, it seems to me to be saying that there was some sort of mandate there. Notwithstanding that statement, we need to explore the situation critically. What is the Labor Party's position on this? Where do they say we should go? If they say that there are tests we should apply before we consider options like privatisation, can they tell us what those tests are? I hope that, if there is another speaker in this debate on behalf of the Labor Party, he will do that. I would like to know. I think we would all like to know what the position is.

Saying that there are lots of problems with privatisation is fair enough in a debate like this, and I am sure that there are lots of problems. I do not pretend that there are not problems. I do not deny that issues like the employment base have to be examined in that context. But I want to know what the Labor Party sees as the alternative strategy, and what are the tests, in particular, that they would apply.

Mr Speaker, we have, as I said, an important decision to make. We cannot put that off. We cannot ignore it. To say that ACTEW has been good for the ACT, has profited the ACT community in the past, is not good enough anymore. That historical contribution in the ACT by ACTEW and other corporations like Totalcare and ACTTAB is acknowledged. It is very clear. But we simply cannot assume that the dollars flowing into the public coffers and the employment bases that those bodies offer to the ACT community will remain indefinitely in the changing marketplace.

Look at ACTTAB. ACTTAB is fast becoming, at this stage, the only publicly-owned and retained betting corporation in the whole of Australia - the only one, the last one. In a new environment of contestability of services like betting, and now of other services as well such as electricity supply, how do you expect us to sustain the value of that asset, its dividend to the community and its employment base without making some changes to its operating position? If we do not make the changes that have been talked about in reports like this, what changes do we make?

Mr Speaker, on the weekend Mr Corbell made some very foolish statements about entrenching provisions that prevented future Territory Assemblies from corporatising or privatising bodies like this. Mr Corbell obviously failed to examine section 26 of the self-government Act, which says in subsection (2):

The entrenching law -

and that is what it is -

shall be submitted to a referendum of the electors of the Territory as provided by enactment.

He did not think about that, I do not think. He has not suggested a referendum on the subject. He also, of course, to entrench a provision, needs to have the same special majority that he seeks to provide for future decisions on these sorts of matters. So, he needs to have two-thirds of the Assembly agreeing to entrench two-thirds majorities for future Assemblies' decisions on those subjects. The foolishness, with great respect, of his position, shooting first and asking questions later - it was probably a weekend special, I suppose, to get a bit of publicity - was well and truly debunked in an editorial in the *Canberra Times* yesterday.

Mr Speaker, we need more careful thought than what was exhibited by those foolish statements by Mr Corbell. We need a considered position. We need a strategy. We need to be prepared to be flexible. The Government is indicating that. It has no choice but to do that; we are committed to that course of action both by commonsense and by the agreements and commitments made on the Territory's behalf by the Follett Labor Government in 1994. We are committed to those things. It is time, Mr Speaker, that other parties in the Assembly acknowledged that, without a similar flexibility on their part, the Territory's assets could be very severely threatened and things like jobs could be at risk.

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MS TUCKER (4.36): Mr Speaker, this matter of public importance is something I am glad to see debated here today. I was happy to hear the Government say that it certainly imagines that there will be full debate in this place on the issue of privatisation of our Territory-owned corporations, if that is what the Government deems appropriate, and that we will all have an opportunity to actually debate this. There are a couple of comments that I will make. I do not think I have a lot of time left. I am quickly looking at this report. On page 5 it says:

Ultimately risk management will be a core competence for electricity retailers. This may require a more active approach to risk management than pursued to date. ACTEW's ability to do this will depend in part on the shareholders tolerance for risk.

Further on, in relation to strategic business risk, it says:

ACTEW's key business strategy risks centre on its ability to identify and prosecute the growth options available to it.

Obviously, there is plenty of room for ACTEW and its shareholders and members of this place to look at ways in which we can, in fact, make ACTEW competitive in the deregulated market. There are lots of opportunities. I do not think anyone here is suggesting that the "no action" option is actually a reasonable one. So, I think we have had a bit of time wasted with the Government protesting that that is a view being put. I do not think it has been a view put here particularly at all.

I actually think there is a bit of a conditioned reflex from the Government side on the issue of debates around privatisation, as they like to accuse the Labor Party of having. It is not that I am totally disagreeing that there is an element of that in the Labor Party's response as well. But the point I would like to raise right now, and that I think is just so important, is that there is no way in which I would support any privatisation of ACTEW at this point, because what we hear and see every day is that governments do not know how to do privatisation well. What we see over and over again is the disaster that results from it. There is such an arrogant rush into it.

I was fascinated to see a whole program on it recently, on the privatisation on the Metcard in Victoria. What was so fascinating about it was that the private group who took responsibility for this totally mismanaged it, did not meet deadlines, and did not produce the service that they said they would. Apparently, the private sector is so efficient. And what did Mr Kennett say? He said, "There are always teething problems. It is a bit difficult. We will give them an extension. There is a penalty clause, but we will let that go". I can just see that same Government doing that to a public sector group! It would have been an immediate excuse to privatise or sack. It is just a joke. We do not see that governments know how to ensure community - - -

Mr Corbell: What government?

MS TUCKER: I know; there is no interest. But I will put it on the record. We do not see governments coming up with a thorough analysis of how they can ensure the community interest.

Mr Rugendyke: On a point of order, Mr Speaker: I draw your attention to standing order 41 and remind the Minister for Health of that standing order with reference to passing in front of Ms Tucker.

MR SPEAKER: I uphold the point of order.

Mr Moore: I apologise, Mr Speaker.

MS TUCKER: We do not see that there has been any real strategy developed to ensure that the community interest is, in fact, served. We do not see how community service obligations will be able to be met. We do not see the governments that are pursuing the privatisation agenda actually understanding how to build a contract that will provide that assurance for the community. I support what Mr Quinlan said. Unless they get their act together, the pendulum will definitely swing. It is going to be a disaster. There are going to be diminishing services. Interestingly, I noted the list - I could not note all of it - but Mrs Carnell said that, if we do not privatise, there will be loss of service, there will be loss of custom, there will be loss of jobs. All three have happened in Victoria with privatisation, and the other items on the list have probably happened as well.

So, there really is a lot of work to be done. Unless we see that, I for one certainly would not be supporting privatisation of these utilities, because there is just no system for how to do it, and I think the community would suffer. The shame of it is that there is an opportunity anyway to really do the things that the Fay Richwhite report talked about. We have often said in this place that ACTEW could actually compete by being an energy service provider. It could attract customers from all over Australia. There are ways in which it could become much more creative in the way that it operates and probably compete quite satisfactorily.

I would love to see a much more creative and optimistic approach to this taken by the Government, because there is always this underlying sense that, "What can we do? There is going to be this grab for market share in a minute. If we do not sell it now, it will not be worth anything in the long run. So, we really just have to do this". It is more complicated than that, and I hope that the discussion gets more sophisticated.

MR QUINLAN: Mr Speaker, may I make a personal explanation under standing order 47 and explain a couple of my words, seeing that Mr Humphries referred to them. As to saying, "Where should we go?", as far as I am concerned, the maximum we should review is the risk of market exposure of the retail arm of electricity supply. We should, as a matter of principle, retain all electricity hardware that is not subject to duplication or competition. We should retain all water supply, because neither is that subject to competition or duplication, and it has other ramifications. We should retain all sewage works, for the same reasons. So, to clarify the position, we should look only at the electricity retail arm.

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MR CORBELL: Mr Speaker, can I make a personal explanation under standing order 47?

MR SPEAKER: Under standing order 46 probably, because there is no question before the Chair, Mr Corbell.

MR CORBELL: At your direction, Mr Speaker, under standing order 46 - - -

MR SPEAKER: I presume that it is a personal explanation.

MR CORBELL: Yes, it is, Mr Speaker. Mr Speaker, during the debate on the MPI earlier, Mr Humphries made the suggestion that the Labor Party's position was to do nothing. Mr Humphries obviously did not listen to my speech. At no time did I propose that that was the party's position. I indicated quite clearly that the party had a series of criteria that would be used to test the issue of public ownership and retention of public ownership. But it is quite incorrect for Mr Humphries to suggest that the Labor Party's position is "no change; do nothing". It is blatantly untrue, and I wish to correct the record.

MR SPEAKER: You have two minutes and 33 seconds, Mr Hird.

MR HIRD (4.44): Mr Speaker, I wish to draw the attention of the house to a statement that Mr Corbell just - - -

MR SPEAKER: Just a moment. We have not finished discussion of the MPI yet.

MR HIRD: I am interested in the fact that Mr Corbell, at the outset, made great play of the fact that the Labor Party had criteria set out for the sale of TOCs. He indicated that those criteria would be used at the appropriate time. I intend to ask at the conclusion of this MPI discussion, under standing order 213, for him to table that document. That is my intention.

However, let us look at this MPI. This side of the house is very concerned about ensuring that an asset that belongs to the people of this Territory is managed best, either in the private sector or in the public sector. Indeed, part of Mr Corbell's MPI says:

... Corporations are valuable assets owned by the people of the ACT and provide the community with significant social benefits through employment, revenue and effective, efficient services.

The TOC legislation itself was set up in 1990 by the then Labor Government.

Mr Corbell: By the Alliance Government, actually.

MR HIRD: I stand corrected, but I understood that it was undertaken and set up by the Labor Government. However, if we look at what Labor governments have done, we find that the Federal Labor Government deregulated the electricity industry. That was done by the Keating Government. Talking about selling TOCs and privatisation, the same

Government sold Telstra, the Commonwealth Bank, Qantas, the Federal Airports Corporation, the Pipeline Authority, the Commonwealth Serum Laboratories - the list goes on and on. But, wait; the mighty pendulum swings towards New South Wales and Mr Carr, who has sold the New South Wales TAB, an East Circular Quay waterfront site, the State Bank, the GIO - the list goes on and on.

That is the Labor Party for you. The Labor Party is becoming a very conservative party. They use their rhetoric for convenience - when it suits them - but the fact is that we on this side of the house are going through the due processes which we have to go through for an asset as valuable as this to the people of this Territory. We will not sit on our hands. We will not just stand by and see it happen. Deregulation, Mr Corbell, means that other - - -

Mr Corbell: I take a point of order, Mr Speaker. Mr Speaker, the time has expired. Are you going to call him to order?

MR SPEAKER: The time for the discussion has now expired.

PRESENTATION OF PAPER
Leave to Move Motion

MR SPEAKER: Mr Hird raised the matter of standing order 213 during his earlier comments.

Mr Berry: I am sure he did not need a prompt, Mr Speaker.

Mr Hird: I was about to raise it.

MR SPEAKER: Just a moment. Standing order 213 states:

A document quoted from by a Member may be ordered by the Assembly to be presented; the order may be made without notice immediately upon the conclusion of the speech of the Member who has quoted from the document.

I am not sure that Mr Corbell did, in fact, quote from a document - - -

Mr Corbell: I did not quote from it.

MR SPEAKER: Mr Corbell indicates that he did not quote from a document.

Mr Berry: We would give him leave to move the motion.

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MR SPEAKER: Just a moment. If he did not quote from a document - and Mr Corbell indicates that he did not quote from one - then there is no document that can be tabled. Secondly, of course, the request was not made immediately upon the conclusion of Mr Corbell's speech. So, I think on those two grounds there is no - - -

Mr Berry: I am perfectly happy to let him move the motion. Seek leave to move the motion.

MR SPEAKER: Just a moment.

Mr Corbell: Mr Speaker, I would like to clarify your statement. I did not quote from any document during my speech. I simply recalled that the document existed, but I certainly did not quote from it.

Mr Humphries: Mr Speaker, given that Mr Corbell has not quoted from any document but has, nonetheless, referred to such a document, I seek leave to move the motion which is now being circulated in the chamber, which reads:

That Mr Corbell table by close of business today the criteria of the ACT
Branch of the Australian Labor Party for privatisation of public assets.

He referred to that document. It is an extremely important document. I wish to speak to the motion. Do I have leave to move it?

MR SPEAKER: Is leave granted for Mr Humphries to move this motion?

Mr Corbell: Mr Speaker, if any member of this place who has shown such great interest in the Labor Party's good principles in relation to public ownership drops by my office, I would be quite happy to provide him with a copy, if that would relieve the house of such an onerous formal requirement.

MR SPEAKER: Order! This is a very informal discussion at the moment.

Mr Humphries: Mr Speaker, when members on this side of the chamber are asked to produce documents that they refer to, we do not invite those asking to come up to our offices and perambulate around while we go and find them for them. We do them the courtesy, Mr Speaker, of providing them in this place as requested. This Government has been requested time and again to table such documents.

MR SPEAKER: Order! Is leave granted for Mr Humphries to move the motion?

Leave not granted.

Suspension of Standing Orders

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

That so much of the standing orders be suspended as would prevent Mr Humphries from moving a motion requiring Mr Corbell to table criteria.

The Assembly voted -

AYES, 11

NOES, 6

Ms Carnell
Mr Cornwell
Mr Hird
Mr Humphries
Mr Kaine
Mr Moore
Mr Osborne
Mr Rugendyke
Mr Smyth
Mr Stefaniak
Ms Tucker

Mr Berry
Mr Corbell
Mr Hargreaves
Mr Quinlan
Mr Stanhope
Mr Wood

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

Motion

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (4.54): Mr Speaker, I must say that I am quite flabbergasted at the reluctance of the Labor Party to put on the table a document which is so directly pertinent to these matters.

Mr Berry: Mr Speaker, I take a point of order. What is Mr Humphries speaking to?

MR HUMPHRIES: I am speaking to my motion. I have just had the standing orders suspended to move it.

MR SPEAKER: That is correct.

MR HUMPHRIES: Mr Speaker, I move:

That Mr Corbell table by close of business today the criteria of the ACT Branch of the Australian Labor Party for privatisation of public assets.

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Mr Speaker, I am astonished that the Labor Party, after time and again rising in this place to tell this Government how it has to be more open and more prepared to table documents when and if required by the Opposition or by the chamber generally, should have the audacity to tell us that, if we want to see what the Labor Party's criteria for privatisation are, we have to go and buy them.

Mr Corbell: You can use the library. It is a public document.

MR HUMPHRIES: Would you mind if, in the interests of defraying costs, we had a charge for the things that we otherwise might have to table in this place as well? Does a mere 20 bucks sound reasonable? Do you want an answer to a question on notice for a mere \$10? That would be a pretty good bargain. Is \$15 for a private document that has come into the Government's hands a fair market rate? Should we table a schedule of the price list outside our offices? For goodness sake, Mr Speaker! In this Territory at this time we are having a debate about privatisation. We want to see on what basis we consider the future status of assets in this Territory and the Australian Labor Party has the audacity to tell this community that it will not put on the table the criteria for privatisation.

Mr Corbell: It is a public document.

MR HUMPHRIES: If we go and buy it.

Mr Berry: It is a public document in the library.

MR HUMPHRIES: Oh! It is in the library now, is it?

MR SPEAKER: Order!

MR HUMPHRIES: So, I have to go off and find it in the library. If the copy in the library is out to somebody, what am I supposed to do? Am I supposed to wander up to Mr Corbell's office and sit in his waiting room?

Mr Corbell: Come down to my office and I will give you one.

MR SPEAKER: Order!

MR HUMPHRIES: Mr Speaker, as a matter of principle, if a document is relevant to a debate in this place and a member has referred to it and if it is available and there is no particularly good public policy or other reason for not tabling it, why should the member not table it? Mr Corbell has not put on the table a good public policy reason why it should not be tabled. Therefore, I have to ask: What does he have to hide? What is it about these criteria that he does not want people to see them? Why should we not see why it is or on what basis it is that the ACT branch of the Labor Party would be prepared to privatise public assets?

My theory, Mr Speaker, is that, in fact, the document does not do anything of the sort. The document he is referring to is, in fact, a litany of reasons why the ACT branch of the Labor Party would never privatise anything. The statements Mr Stanhope and Mr Quinlan have made in this place today about why the door is ajar are, in fact, a myth. There is no door ajar. The fact is that the policy of the Labor Party is as Mr Berry stated it during the recent election campaign. They would never privatise - end of story, full stop, lock up the door and go home. That is what I suspect is the state of play; but I am prepared to be surprised, and surprised I would be. Mr Speaker, I think that it would be appropriate and courteous to this chamber if Mr Corbell, having trumpeted the benefits of this document, having told us how good this document is, were now to put the document on the table. I invite him to do what he has had done many times on this side of the chamber and be courteous enough to table the document that has been referred to.

Mr Corbell: Mr Speaker, I seek leave to table the document. Let us waste no more of the time of the Assembly.

Leave granted.

MR BERRY (4.58): Mr Speaker, I am pleased that I am able now to speak to this motion. Mr Humphries could not possibly urge his large numbers of staff to go to the library and discover these things; he would rather pull a stunt on the floor of the chamber. I intend to amend this motion to require all parties and members in this place to table their criteria for the privatisation of public assets in order that we can determine whether they have any at all. That will be an interesting voyage of discovery, I am sure.

Mr Speaker, I am in the process, I think, of putting together an amendment which will require all parties and members respectively to provide that sort of documentation. It strikes me that, whilst there is an enthusiasm amongst the coalition to attack the Labor Party over this issue, their own laundry needs to be aired in this respect. It will be interesting to see whether the Liberal Party has any public criteria at all. The Labor Party's criteria are public. It will be interesting to see whether Mr Osborne has any criteria at all. It will be interesting to see whether the other Independent, Mr Rugendyke, has any criteria at all. It will be interesting to see whether the new member of the Government, Mr Moore, has any criteria at all. Mr Speaker, these facts will be fully revealed if members opposite, in their saintly pose, are prepared to support such an amendment. It will be very interesting to see whether those opposite who are so fulsome in their commitment to this recently discovered principle of access to Labor Party documents will be prepared to adopt the same principle in respect of themselves.

Mr Humphries: We will table our policy statements.

Mr Hird: No trouble at all. What have we got to hide?

MR BERRY: I suspect that many of you have nothing. It is not a case of whether you have anything to hide; it is a case of whether you have anything at all. It is the old, "We will show you ours. Okay; you have got ours, now show us yours". This is a very obvious opportunity to demonstrate your saintly position. I hope that the Greens have clear criteria in relation to this issue, and others as well.

Debate interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

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

Question resolved in the negative.

PRESENTATION OF PAPER Motion

Debate resumed.

MR BERRY: I am reluctant to sit down at this point because I am not sure that the amendment has been circulated. I really need to remain on my feet to ensure that everybody has it in their hands, because I would hate the people here to be called upon to vote on something that they were not clearly understanding. The result will be interesting for me. In the early part of the debate, I must say, I was not taking particular notice of the issue of the policies of the other parties; but, now that the coalition is so enthusiastic about it, it must be something which we all ought to be concerned about. The amendment has been circulated. It is in the hands of everybody, I trust. I will leave it at that. I move:

- (1) Add after “Mr Corbell” the following words “and all other members and parties”.
- (2) Omit “ACT Branch of the Labor Party”, substitute “their”.

MR CORBELL (5.02): Mr Speaker, I support Mr Berry’s amendment. The Labor Party had absolutely no difficulty whatsoever with tabling that document once it became quite clear that that was the will of the Assembly. But we felt that there was no requirement to do so, seeing that it was a public document already, that it was in the Assembly library, and that I had already made an offer to members to provide that document if they came and asked me for a copy.

Mr Speaker, the point that Mr Berry makes is, indeed, a very important one. The point that Mr Berry makes is that the Labor Party - unlike, I would argue, any other party, grouping or Independent member in this place - is prepared to place on the public record a clearly defined set of principles which will guide its decision-making in relation to any commercialisation, outsourcing or privatisation of any government business enterprise.

Mr Speaker, that is a principled position. The difficulty that the Labor Party has is with comparing that with the position of, I would argue, the Government and, certainly, Independent members. What basis do they use to guide their decision-making in relation to privatisation? Mr Speaker, they are not prepared to place on the public record unequivocally the sorts of criteria they will use for the assessment of whether any sort of entity should be privatised, corporatised or outsourced.

Mr Speaker, the Labor Party has no qualms whatsoever about making public the sorts of criteria it would use. I think that it would be interesting to test whether the other people in this place have a similar principled position when it comes to presenting clear, defined and public criteria on what processes and what issues should be addressed whenever the matter of privatisation, corporatisation or outsourcing occurs.

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (5.04): Mr Speaker, I can indicate that I am quite comfortable with accepting the amendment. My party does not have any such criteria; so you have got everything you are going to get from us. Our criteria, very simply, are, if you like, about the question of public benefit or otherwise for the citizens of the ACT. So, you have got everything. I did not come in here and skite about having a document which I was not prepared to place on the public record; so, I am not particularly embarrassed by that point of view. Mr Speaker, having obtained this very secret document that was being secreted by the - - -

Mr Berry: My Speaker, I take a point of order on relevance. Mr Speaker, the debate is not about our document. Yesterday we went through this process in terms of a point of order raised by Mr Humphries in relation to an explanation that I was making. The fact of the matter is that this debate is about whether the parties and members in this place come forth with their particular criteria, not about the contents of the criteria. We can have that debate later when we have them all; it would be much fairer then.

MR HUMPHRIES: Mr Speaker, this is, of course, a debate about criteria for privatisation. That is what the motion refers to. In fact, it is about having parties table those documents.

Mr Berry: No. I take a point of order, Mr Speaker.

MR HUMPHRIES: If I can finish my point of order, Mr Berry - - -

MR SPEAKER: Order!

MR HUMPHRIES: Mr Speaker, clearly it is within the terms of this motion, and I am simply referring to the very documents that this motion is calling on parties to table. I am referring to those documents.

MR SPEAKER: I uphold your point of order.

Mr Berry: Mr Speaker, Mr Humphries did not raise a point of order; I did.

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MR SPEAKER: Mr Humphries then did raise a point of order over yours, and I am upholding his point of order.

Mr Berry: I raise it again, Mr Speaker, on the following basis, and I would like to contribute to the debate over this: This issue is about the tabling by the close of business today of a range of criteria. A document has been tabled. The subject of the debate is not the details of the - - -

MR SPEAKER: I do not uphold your point of order, Mr Berry.

MR HUMPHRIES: So we have, Mr Speaker, this document that we are told provides the criteria for the Labor Party's consideration of privatisation. We are led to believe that this is a very rigorous document, containing all sorts of very hard tests on being able to privatise public assets. But some of the, I might say, very meagre references to the provisions dealing with it cover not just privatisation, but outsourcing and corporatisation as well. Mr Berry, in the past, has referred to corporatisation as another form of privatisation; so I suppose it does come under the same heading. But we have here one interesting criterion. It is not clear from this document whether these criteria are alternate criteria or cumulative criteria. Presumably, there is some flexibility created for the Labor Party in that respect, but they say:

Where the Government is considering a proposal to privatise a government entity, it should only agree to the proposal in cases where ...

Paragraph (h) says:

The entity is a drain on the public purse, either from the point of view of profitability or capital raising;

Mr Hargreaves: You are selectively quoting from the document.

MR HUMPHRIES: I am not selectively quoting. I am quoting from your document. It is one of the criteria and, as I said, these criteria are not expressed as alternate criteria or cumulative criteria. In other words - - -

Mr Smyth: Is Labor selling ACTION? Is that what it says?

MR HUMPHRIES: I think it is saying that, if it is a drain on the public purse, then you can sell ACTEW. Criterion (i) says:

There is a demonstrated public benefit of any such sale.

That, of course, is the test that we need to examine in respect of the process commenced under the contestability principles - - -

Mr Berry: Mr Speaker, this is an outrageous infringement of the standing orders.

Mr Smyth: It is your motion.

Mr Berry: You can always tell the billygoats by the way they butt in.

MR SPEAKER: Order! I would not say it was necessarily outrageous - “Gilbertian” might be a better word - but go on.

Mr Berry: Mr Speaker, your witty comment is interesting, but hardly relevant to the standing order which I am trying to raise with you. Mr Speaker, standing order 58 makes it very clear that a member shall not digress from the subject matter of any question under discussion. The subject matter of this question is the tabling of a document by the close of business today, and subsequent amendments. Mr Speaker, this nonsense is merely wasting the time of the Assembly. If this is the rule, Mr Speaker, that you intend to apply to debates in relation to matters in this Assembly, I hope that you will apply it evenly to every member of the place in future.

MR HUMPHRIES: Mr Speaker, you have already ruled on this point of order.

MR SPEAKER: I have, and I have just written out, “That Mr Corbell and all other members and parties table by close of business today their criteria for privatisation of public assets”. That is the subject that we are debating.

Debate interrupted.

DISSENT FROM RULING

MR CORBELL (5.10): Mr Speaker, I seek leave of the Assembly to move dissent from your ruling.

Leave granted.

MR CORBELL: Mr Speaker, I apologise for the short delay while I provided the Clerk with some words. I move:

That the Speaker’s ruling be dissented from.

Mr Speaker, the ruling you have just made in relation to Mr Berry’s point of order is quite wrong. It is quite wrong because, Mr Speaker, what we are dealing with here is the issue of relevance and what you are allowed to include in a debate and what you are not. Mr Humphries, for the past seven or eight minutes, has been speaking on the specific issue and debating the criteria associated with the document I tabled in the Assembly earlier. Mr Speaker, that is not in any way the substantive matter in Mr Humphries’s motion.

Mr Humphries: It is relevant to the motion.

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MR CORBELL: It is in no way relevant to Mr Humphries's motion. Mr Humphries's motion requires me to table by the close of business today the criteria of the ACT branch of the Labor Party for privatisation of public assets. Mr Speaker, the amendment moved by Mr Berry, which is acceptable to Mr Humphries, broadens the motion so that it requires all other members and parties to adhere in the way that Mr Humphries was requiring of me. The substantive issue, Mr Speaker, is that I table the document and subsequently, following the amendment, that all other members and parties in this place table documents. The issue is not what the document that I have tabled says. That is not the issue in the motion. In fact, it does not even talk about the criteria in the document I tabled. The motion in no way mentions the criteria in the document that I tabled.

Mr Speaker, you were wrong, with all due respect, to rule the way you did, because if you were to rule that way consistently, which as a Speaker you should, it would mean that members of this place would be able to introduce into debate a whole range of issues which have absolutely nothing to do with the question before the Chair. Mr Humphries has been speaking on an issue which is not relevant; in fact, it is not even mentioned in the question before the Chair. For that reason, and that reason alone, it is inappropriate for you to rule in that way. Mr Humphries is probably going to jump up and say, "I am talking about the criteria in the document and the document is mentioned in the motion". But, Mr Speaker, that is not the point of the motion. The motion is here not to debate the criteria; the motion is here to require me to table the criteria. There is a significant difference. I would hope, Mr Speaker, that on reflection you will change your ruling and require Mr Humphries to speak to the motion, and not to introduce into the debate other matter which is not relevant and not central to the motion that he has circulated.

The Labor Party, for the whole life of this Assembly, will be acting in a far more proactive manner, to ensure that the standing orders of this place are upheld in the way which we believe is the fair and impartial way to do so. Mr Speaker, on this occasion, we believe that you have erred in your judgment and we invite you to reconsider the issue; but we will be, as a matter of practice, holding you accountable, as any other member of this place can be held accountable, in relation to the standing orders of this place. Mr Speaker, we dissent from your ruling, with all due respect. We believe that it is wrong. Mr Humphries is not entitled to introduce all this other matter into the debate. The issue before the Chair is the question of whether a document should be tabled, not what is in it.

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (5.16): Mr Speaker, I submit that the house ought to uphold the ruling that you have made in respect of this matter. Mr Corbell says that the criteria for privatisation of public assets are not even mentioned in the motion. If Mr Corbell reads the motion, he will see very clearly that they are mentioned in the motion. Indeed, that is what the motion is all about. If you were to give this motion, or even the amendment to the motion, to one of the schoolchildren who sat in the gallery earlier today and you said to them, "What is this motion about?", they would say, "It is about the criteria of the ACT branch of the Labor Party for privatisation of public assets". If the motion were to be amended, they would say, "It is about the criteria of Mr Corbell and all other members and parties for privatisation of public assets". Either way - - -

Mr Berry: I take a point of order, Mr Speaker. Can I throw something into the debate which may interest you? I anticipate that the Speaker would wish to contribute to this debate, but I think it would be most inappropriate for him to do so from the chair. The normal practice - - -

MR SPEAKER: There is no point of order, Mr Berry. Sit down. The leader of the house is defending the Chair.

MR HUMPHRIES: I was in the middle of my remarks, Mr Berry. You could at least wait until I finish before you make those points, if you have any to make. This motion is about - - -

Mr Berry: You always resist interrupting, do you not?

MR SPEAKER: Order! Mr Corbell was heard in silence and I expect the same courtesy to be extended to Mr Humphries.

MR HUMPHRIES: Mr Speaker, this motion is about the criteria for privatisation - originally of the Labor Party, and now of any party or member of this Assembly. That is what the motion is about. It is about producing or tabling that information. How can you say that discussing a document which has been called for in a motion is not what the motion is all about? That is nonsense.

Mr Speaker, Mr Berry was quick to make comments about my position on points of order and standing orders. I do not think you would need to go back very far through the *Hansard* of this place to see countless examples of occasions such as this where Mr Berry has raised issues of exactly the same kind and in exactly the same context - hundreds and hundreds of occasions.

Mr Berry: This sets the trend.

MR HUMPHRIES: What was that? This sets what?

Mr Berry: This sets the trend in concrete.

MR HUMPHRIES: Mr Speaker, I think Mr Berry is saying by that interjection that he intends to move away from the practice of the past and is saying, "Do what I am now saying you should do in these matters, rather than what I have done over the last nine years". Mr Speaker, I do not buy that argument. I buy the consistency of such debates. If we cannot have a debate about criteria in a motion that calls for the tabling of those criteria, when can we have such a debate?

This motion calls for information to be tabled.

Mr Corbell: Move a substantive motion on the criteria.

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MR HUMPHRIES: I heard Mr Corbell in relative silence and I ask for the same privilege. Mr Speaker, this motion calls for the tabling of information. Indeed, the information has been tabled by the Australian Labor Party in respect of the extent to which this motion touches on them. I have no doubt that, if other members now produce information of the kind being called for, members here would seek to debate that information in exactly the same way. How you can separate calling for the information and not talking about the information once it is presented is bizarre.

Mr Speaker, I ask the house to uphold your ruling. It is in accordance not only with commonsense but also with exactly the same practice which has been followed in this place for a long time. If Mr Berry seeks to change this practice - if, in particular, he seeks to change the practice which he has relied on many times in this place - he is going about it in entirely the wrong way. He should change the words of the standing orders, not attempt to have some different direction created by dissenting from the Speaker's ruling.

MR BERRY (5.20): What a ridiculous argument! Mr Humphries stands in this place barefaced and says that it is an entirely relevant debate to talk about the particular criteria which have become the subject of interest here when they did not even exist, so far as the debate was concerned, when he moved the motion. What a joke you are! Fancy saying that the criteria were relevant when they were not even in your hands when you wrote the motion.

Mr Speaker, I am relaxed about the outcome of this debate because it will set the tone for the future. It will make clear to every member of this house that they no longer have to be relevant and that standing order 58 is of no use, of no import. In fact, it would be quite appropriate, Mr Speaker, for this Assembly to strike it out or strike out that part of it that relates to members being prohibited from digressing from the subject matter. Mr Speaker, the fact of the matter is that the standing order has been interpreted by you to mean nothing, that is, that the subject before the house is able to be progressed if it is from the Liberal Party. Mr Speaker, if it is going to apply to the Liberal Party, it should apply to us all. When this is carried - - -

Mr Humphries: Mr Speaker, I rise on a point of order. Mr Berry, in the comments just made, has suggested that your ruling has been dependent on the matter being contested in this place having come from the Liberal Party. What Mr Berry is saying is that your ruling is different for the Liberal Party to what it would be for the Labor Party. Mr Speaker, that is a suggestion which goes to your integrity, your independence and your impartiality as Speaker in this place, and Mr Berry should withdraw it unequivocally.

MR BERRY: Mr Speaker, be careful with your ruling on this one - if I might have a few words in relation to the point of order - because the usual position in this place is that if somebody has something as strong as this to say about anybody they should deal with it by way of a substantive motion. This is a debate about your ruling, Mr Speaker, and you have to expect your integrity in relation to your ruling to be discussed in the course of this debate.

Mr Humphries: Mr Speaker, I have to press the point that the ruling Mr Corbell has dissented from is your interpretation of this particular standing order on relevance. Mr Corbell, in moving this motion, did not allege that you were partial to a particular side of the chamber. Mr Berry has introduced this argument in the course of his remarks. In any case, it is out of order. It is contrary to standing orders and should be withdrawn.

MR SPEAKER: That is true, Mr Berry.

MR BERRY: I will withdraw it rather than pursue the issue, but the fact of the matter is that this is a trendsetting debate for each and every debate which occurs in this place. If, Mr Humphries, you ever rise again when there is an irrelevance being introduced into a debate in this place by a member, it will be a clear sign of hypocrisy. You cannot do it. What you have attempted to do is to undermine the standing orders as they exist. The standing orders are not chiselled in stone. They can be changed at any time. They are going to stand in their current form if this dissent motion is successful or they are going to change if it is not, because if this dissent motion fails the ruling for the future is that members can digress from the subject matter of any question under discussion. That is the position.

So members have to decide whether they wish to ditch that standing order. I am ambivalent about it. One takes these standing orders as they are written. It seems to be fairly straightforward and to the point; but, if this dissent motion goes down, that standing order is finished and each time Mr Humphries rises in future and croaks about relevance every member of this place will be able to rise and mention this debate, because this debate is about determining what the standing orders mean.

Mr Smyth: And you have never strayed from the point.

MR BERRY: Brendan, your name is not dry in the book yet. Just wait awhile. The fact of the matter is that this is an important issue about the relevance of standing orders and their standing. Either you support the standing orders or you do not. If you change them, fair enough; we will all play by the same rules.

MS TUCKER (5.25): I support the concerns raised by the Labor Party here. I can see that there is an argument for the other side as well, but the point of this motion was not whether we should privatise ACTEW and what sorts of criteria the Labor Party has for making that decision. The motion, as I understood it, was about the Liberal Party forcing Labor to table a document - a motion which was then amended by Mr Berry to force other people to table documents. I understood it to be a motion about tabling documents, not about actually analysing the nature of any document that was tabled. The lesson from this if this happens again would be that no-one would table anything until close of business in this place. What does "close of business" mean - a sitting? If so, the lesson would be that you would make sure that you actually tabled the document just before the last debate and, hopefully, after the debate dealing with the issue if you were not ready for it. Everyone else is, possibly, going to have to table their positions, too.

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Mr Humphries said, "If we cannot debate it now, when can we?". There are going to be many opportunities - you have assured this place this afternoon - to debate the issue of privatisation. That was the original issue in the matter of public importance raised by Mr Corbell. Obviously, there will be other opportunities. I do believe that, in fact, it was not relevant to this motion at all; so I am afraid I have to support the motion of dissent.

Question put:

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

The Assembly voted -

AYES, 7

Mr Berry
Mr Corbell
Mr Hargreaves
Mr Quinlan
Mr Stanhope`
Ms Tucker
Mr Wood

NOES, 10

Ms Carnell
Mr Cornwell
Mr Hird
Mr Humphries
Mr Kaine
Mr Moore
Mr Osborne
Mr Rugendyke
Mr Smyth
Mr Stefaniak

Question so resolved in the negative.

PRESENTATION OF PAPER Motion

Debate resumed.

Amendment agreed to.

Motion, as amended, agreed to.

STANDING ORDERS 27, 34 AND 74 - HOURS OF MEETING

MR BERRY (5.32): Mr Speaker, I move:

That unless otherwise ordered:

- (1) standing order 27 be omitted and the following standing order be adopted:

“Days and hours of meeting

27. Unless otherwise ordered, the Assembly shall meet for the despatch of business on each Tuesday at 2.30 p.m. and each Wednesday and Thursday at 10.30 a.m.”.

- (2) standing order 34 be omitted and the following standing order be adopted:

“Adjournment of Assembly

34. At 9.30 p.m. on each sitting Tuesday and at 5.00 p.m. on each other sitting day, the Speaker shall propose the question - That the Assembly do now adjourn - which question shall be open to debate. No amendment may be moved to this question:

Provided that:

- (a) if a vote is in progress at the time for interruption, that vote, and any vote consequent upon that vote, shall be completed and the result announced;
- (b) if, on the question - That the Assembly do now adjourn - being proposed, a Minister requires the question to be put forthwith without debate, the Speaker shall forthwith put the question;
- (c) a motion for the adjournment of the Assembly may be moved by a Minister at an earlier hour;
- (d) any business under discussion and not disposed of at the time of the adjournment shall be set down on the Notice Paper for the next sitting; and
- (e) if the question - That the Assembly do now adjourn - is negatived, the Assembly shall resume the proceedings at the point at which they had been interrupted:

Provided further that, if at 10.00 p.m. on each Tuesday, or at 5.30 p.m. on each other sitting day, the question before the Assembly is - That the Assembly do now adjourn - the Speaker shall interrupt the debate, at which time:

Minister may extend debate:

- (f) a Minister may require that the debate be extended until 10.10 p.m. or 5.40 p.m., as appropriate, to enable the Ministers to speak in reply to matters raised in the preceding adjournment debate; at 10.10 p.m. or 5.40 p.m., as appropriate, or upon the earlier cessation of the debate, the Speaker shall forthwith adjourn the Assembly until the time of its next meeting; or
 - (g) if no action is taken by a Minister under paragraph (f), the Speaker shall forthwith adjourn the Assembly until the time of its next meeting.”.
- (3) standing order 74 be omitted and the following standing order be adopted:

“Routine of business

74. The Assembly shall proceed each day with its ordinary business in the following routine:

Prayer or reflection
Presentation of petitions
Questions without notice
Presentation of papers
Ministerial statements, by leave
Matter of public importance
Notices and orders of the day:

Provided that at 2.30 p.m. on each Wednesday and Thursday the Speaker shall interrupt the business before the Assembly in order that questions without notice shall be called on; and

- (a) if a vote is in progress at the time fixed for interruption, that vote, and any vote consequent upon that vote, shall be completed and the result announced; and

- (b) the Speaker shall fix the time for the resumption of the debate on any business under discussion and not disposed of at the time of interruption:

Provided further that on Wednesdays and Thursdays, Presentation of papers; Ministerial statements, by leave; and Matter of Public Importance follow Questions without notice in the ordinary routine of business.”.

This motion is about an open, accessible and less adversarial Assembly. This motion is about giving the community access to their Assembly to see their highly paid members work. In the past people have resisted this approach on the basis that nobody came and it was too expensive. If that were the criterion for the entire Assembly, worth \$6m, we would close the whole place down. That is an absolutely ridiculous approach to access to a legislature by constituents. The fact of the matter is that on any day when government business is being discussed, if you took out the public servants and advisers, you could fire a gun in this place without frightening anybody. The only people that would be frightened would be the few members who stay in this place.

All that the community have heard since the last election has been about the dash for cash. People have been talking about wage and salary increases, allowance increases, extra handouts for some members in the place for their staff, and new Ministers. I understand Mrs Carnell said that it costs about \$240,000 for a Minister. I suspect it costs a lot more, but let us say it is \$240,000, to use Mrs Carnell’s language. We then have to take into account the extra staffing levels which have been handed out to some members in the place, the salaries that we all earn in relation to our duties here and the other non-salary conditions which apply to members of this place. Why then can members who are so keen to get a better interface with the community not give the community that works throughout the day at Fyshwick and other industrial areas, in Public Service offices and in other service areas of both the Federal Government and the Territory Government, who cannot get away, the opportunity to come here?

I do not expect that we will be swamped with a great line-up of people to fill the galleries, but I do recall that the greatest numbers to come to this place came here in the evenings.

Mr Hird: Hurrumph!

MR BERRY: Mr Hird interjects, “Hurrumph”. That is probably his best interjection today. I do not recall Mr Hird being here when the night sittings occurred, so it is a little bit out of his territory to be making a comment about it. Those facts are matters of public record. Not only was the chamber full but also there was a spillover into the areas outside the place, in both this house and the older place where we once met.

As my former colleague Roberta McRae said last time this was debated, “Evening sittings are a trial”. They are hard work and nobody likes them. I do not like them. I would much rather be home with the electric blanket on at about 6 or 7 o’clock. I would rather that, as an elected member, I did not have to wander around the constituency meeting

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people after hours. I would like to be able to say to my partner, "I will be home at 5 o'clock every evening and the constituency had better understand that you come first above all things. You do not have to make a contribution to my participation in politics in the ACT".

The fact of the matter is that families do make a contribution and when you put yourself up for election in this place you do so on that understanding. If you do not do it on that understanding you are deluding yourself because you cannot possibly make an effective contribution to this place without it having an impact on your family. Forget it. Give up now if you think you can do it without it affecting your family. I do not accept that you can say that there are responsibilities outside this place which prevent you from providing some access to the community. The community pays about \$6m for this place. Recently they have heard a lot about the extra trappings, the extra allowances and funds that will be going into this place as we respond to the needs and desires of some of the members in here.

It would be easy for members to say, "We will give a little bit back". The cry would be, "It cost \$20,000 a year or \$30,000 a year" depending on whose assessment of events you accept. On my assessment, that is about the same amount of extra salary which was handed out to some crossbenchers. That is not a lot of money in the scheme of things. So, do you not think it is worth paying a little more to allow people to come here and see debates about important issues?

Mrs Carnell says they never came. Well, I am sorry; you are dead wrong. You are mistaken. If you persist with that you are deluding yourself and you are misleading the community. They did come to this place, and in respectable numbers, and on average those respectable numbers exceeded - save for schoolchildren who came here during the day from schools - what you would see on a normal day in this place, taking out the public servants and advisers. So for Mrs Carnell to sit there and say, "They do not come" - - -

Ms Carnell: They don't.

MR BERRY: You have a short memory and you do not wish to have a look at the facts as they stand. Yes, it will be an impost on people to provide this extra service to the community. It will be an impost and it will be harder work. There is no question about that. I do not recall it being particularly easy. But I go back to one of my earlier points. If you say it is not worth doing because it is too expensive - \$30,000, say - and nobody comes, and you apply the same rule to \$6m and the numbers we see in this place each day, we could all pack up now, go home and forget it.

I went through some of the earlier debates on this and I found that Mr Humphries has said that council-style government is not about letting the constituents see you work; it is about providing access to them in other ways. Access to a parliament also means coming in the front door and seeing your parliamentarians work, Mr Humphries.

It goes to those issues as well. Some people like to see whether they are getting value for money. They do not want to book seats to come every Tuesday, but they certainly want to have the opportunity. The principle is the important bit that I think members ought to consider as well. It is an important principle that the Assembly throws its doors open at a time suitable to its constituents. Rejection of this motion - and I suspect it will be rejected - will demonstrate to the community that you do not want them here outside working hours and you are not prepared to put in the extra effort to demonstrate to them that they are worthy of special consideration.

That will be the arrogant response to this proposal if you reject it. We have all sat here on other nights when there have not been many people in the gallery, save for public servants and advisers; but those were not programmed nights and they were not regular nights. That is an extremely important feature of what is being proposed here. If my amendment succeeds, it will be every Tuesday night. Everybody in the ACT will know that if they come here on a Tuesday night they will be able to see something happening.

Mrs Carnell laughs about some of the things that have been discussed here and how people may not be interested in them. You might be surprised at the level of interest in these issues. Not only is this a sensible thing to do in terms of accessibility to this place but also it sends a message to the community that you really care about giving them the opportunity. I say to you that if you reject this you will tell them, "We do not care. Do not come here. We do not want you here. We do not want you watching us. We do not want you to see us burning up your taxpayers' dollars. We do not want you to come here and watch us try to demonstrate that we are worth anything". That is the message you are sending to them, and that is what I will be telling them if you reject it - make no mistake about that. Yes, not many people come here and some might even say it is not worth having because of the expenditure; but those same people would say, "I would rather close the whole place down, not just close it down on Tuesday nights".

The fact of the matter is that there is an opportunity here which has been used in the past successfully - painfully for the participants in the debates, I must admit - and I am prepared, and my colleagues in the Labor Party are prepared, to put the effort in. What we are asking the rest of you to do is to put the effort in as well. I repeat: There has been much said about the extra trappings, wages and working conditions that are going to MLAs but not much about anything extra that we are doing for the community. Last time when this came around Mrs Carnell, I think, agreed in some sort of way to the Tuesday night sittings but appeared to have been overridden by her party room, as I recall, because they did not seem that keen on the idea.

I do not think being keen on the idea is a criterion that you ought to be using. This is about providing a bit better access to the community and just putting off for the few Tuesdays in every year that we sit the opportunity to go home and do something social or perhaps do something in the community that many of us do after hours. After-hours work is not something new to politicians, so it should not be something new in this place. It should be a matter of course so that people can stroll in here, watch Assembly proceedings, as they might wish to, for as long as they like, and then stroll out. Again, I do not expect a roll-up for these sorts of things, but I would expect that the principle would be welcomed.

MS CARNELL (Chief Minister and Treasurer) (5.45): I will speak very briefly on this because we really should get on with the work of the Assembly - if that is what we are here for. Initially I thought that maybe the trick, in an attempt to be efficient, was for us all to pull out our speeches from last time and incorporate them in *Hansard* so we could actually get on with the job. I think that in some ways that almost makes it too easy for the Labor Party.

In my time here I have been lobbied, as I am sure most of us have, on almost everything. I have been lobbied on potholes, on the length of grass and on trees. On everything that you could possibly imagine we have had a letter, or a phone call, or a meeting, or someone has spoken to us on all the occasions we are out in the community. Mr Speaker, I would like to have just a quick run around and ask: How many people have ever been lobbied on night sittings? I see there is one. I am just interested, Mr Speaker, because I have never, ever been. On an issue that costs money - and yes, it costs money - and on which over half of this Assembly have never had a letter, a phone call or any delegation at all, why would you spend money when nobody has indicated that they want it?

Mr Berry: Who indicated that you should sell ACTEW?

MS CARNELL: Nobody indicated; I have to say that the board of ACTEW has passed a resolution asking us to. So it is interesting, Mr Speaker - - -

Mr Berry: Who said they wanted the futsal slab? Was there a line-up of ordinary constituents? How many constituents?

MS CARNELL: A number of people. This is something that costs money, serves no obvious benefit, and we have never been lobbied on it in the whole time I have been here. You have to ask what this is about. If only I were able to be at home at 5 o'clock once, even once. Mr Speaker, have you been at home at 5 o'clock on - - -

Mr Stefaniak: No.

MS CARNELL: No, I have not either. Mr Speaker, this is not about getting home to Mr Berry's hot-water bottle or his electric blanket at 6 o'clock or whatever. We are all out there in the community at night or we are here; there is no doubt about that. The issue of how many hours we work is not the issue at all. The issue is how many hours a lot of our support people work, people who can - lucky them - be home with their families. It is not an issue for the members because we are out anyway. But it is an issue for support people; it is an issue for the people who work in the Assembly; it is an issue for the public servants who have to be here to back us up. All of that would be worth every cent if anyone wanted it, but nobody does. So why would you do it and why would you waste time in this place debating it?

MR CORBELL (5.49): The very brief point I want to make in this debate is that it is not just about people attending - I think Mr Berry has made the point very well that when the Assembly did sit in the evenings there was a stronger attendance than there is during the day - it is the very important point about people's ability to attend. If you think about when the Assembly sits during a normal working day, when do we not sit during a normal working day? We do not sit during the two hours when most people in the city, if they are working, take their lunch.

Mr Speaker, you would think that it would be appropriate for a legislature to be operating and for people to come and watch their elected representatives in action only at times when they are actually able to come and see them. And you would think it is logical that perhaps for one evening a week people ought to be able to come along and see what their elected representatives actually do, how they behave, how they speak and what they raise issues of concern on in this place. This is part of our job too. It is not the only part, but it is an important part. I think that what members should consider in this debate is not just whether or not people did or did not attend, but also whether or not we are making sure that we have opportunities for people to come and attend. At the moment, looking at the sitting pattern, we really do not.

MR HIRD (5.51): Once again, Mr Berry is wrong. I have been here under a night sitting pattern, and I look forward to your apology. *Hansard* will prove it.

Mr Berry: No, you have not.

MR HIRD: I have. We used to break from 6.00 pm till 8.00 pm. Then it was reviewed because of the request of the Chief Minister, through the Administration and Procedure Committee, to look at the financial and budgeting arrangements. I accept your apology.

This is an old chestnut that has been around for some time. If there is a controversial issue, the place will be packed. We have seen it on a number of occasions. Mr Berry is, once again, playing politics, using a manipulative - - -

Mr Berry: No, not here.

MR HIRD: Yes, he is; I know. It is a surprise to the new breed of Labor, those that have apologised to the electorate for their misgivings during the recent election where they had Mr Berry, then the leader, wanting to borrow half a billion dollars. When we came into office, Mr Speaker, we were \$250m in the red and we have had to address that.

Ms Carnell: Mr Stanhope apologised for that.

MR HIRD: Yes, he did. That is right, Chief Minister. What Mr Berry wants to do again is to go on a spending spree, to spend more money. He is good at it - providing it is not his own.

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It is a credit to you, Mr Speaker, that we have brought this Assembly, more than any other Assembly - this was the Third Assembly, I suggest - closer to the community, and this Assembly will also follow on through the education officer. We saw students from the Canberra Grammar School here today. We saw other dignitaries here today, and they come from time to time. The proceedings of the parliament are advertised and the matters for debate are advertised; so anyone with any interest knows - - -

Mr Berry: But do not come after hours.

MR HIRD: Why have you brought the motion on if they do not come after hours?

Mr Berry: No; I say - - -

MR HIRD: I rest my case. This is the best practice in this chamber to get the best results. To that end I would also like to draw your attention - and if Mr Corbell wants me to table it I will - to the sitting pattern of the Third Assembly. If we go through that sitting pattern and look at the number of sittings in the Third Assembly we find there were 118 sitting days. Surprise, surprise! The night sittings total 62. How do we arrive at that? We arrive at that by using a simple procedure which we are exercising right now - that is, standing orders. I refer to standing order 34. I submit to members, through you, Mr Speaker, that this is a nonsense, that this is only Mr Berry grandstanding and wanting to spend more money of the taxpayer which we do not have. We have to be very conscious of that financial resource. I urge you not to support this motion.

MR STEFANIAK (Minister for Education) (5.54): I have been a member of this Assembly and all other Assemblies, albeit for about two years I was out of the Second Assembly. I can recall in the First Assembly - there may even be references to this in *Hansard* - that we actually kept a record of how many people turned up on Tuesday nights. In terms of principle, I would have absolutely no problems with Tuesday night sittings. If they were properly attended and served the purpose for which we brought them in to start with in the First Assembly, it would be a very good idea. The fact of the matter, unfortunately, is that very few people really avail themselves of the opportunity to come.

What I have noticed over the course of the Assembly since it started in May 1989 is that if there are issues that interest people, whenever they are dealt with, be it daytime or night-time, we will get a good roll-up; there will be a lot of people in the public gallery. In terms of certain big issues, the public gallery will be absolutely packed. That has occurred in the past. I can recall a couple of night sittings within probably the first 12 months of self-government when the public gallery was reasonably full, but that was because of the issue. I can recall other times when there was literally no-one there at all. I do not think the time of the day matters a huge amount, because any time there is something really controversial on that affects a lot of people they will turn up and they will listen, regardless of what time of the day it is. That is just a fact which we have noticed.

I think the public really have voted with their feet here. They turn up when there is a matter of interest to them, but they are not turning up and they have not turned up when we have had the Tuesday night sittings if there is something that is of no interest to them. Ted Quinlan made a point, as an aside, about people who turn up simply because of an interest in politics - an almost political groupie type of idea. I mention a mutual friend of ours, Don Dwyer. Don certainly has turned up on a few occasions, be they night sittings or daytime sittings, and I actually started listing a few other regulars who turn up here. The list is pretty sparse; there are not all that many. People have other things to do with their time, but when there is something of real interest they will turn up and they will turn up regardless of when we sit.

Mr Hird mentioned a number of sittings where we went on into the night. There have been some significant night sittings and obviously these will continue in the course of this Assembly, depending on what we are debating. If there are matters of interest, people will turn up. So, Mr Berry, I have no problems, philosophically, with your idea. In fact, it would be very good if there was proof that the people of the ACT really wanted to avail themselves of that opportunity. They do not, and they have proven that. We have had night sittings, certainly all through the First and Second Assemblies. We had a couple, I think, in the Third Assembly and then they were discontinued. I did not notice any great public outcry in relation to that. The Chief Minister has indicated that no-one has ever lobbied her - and she has probably been lobbied about more things than anyone else here - on night sittings. I certainly cannot recall anyone ever lobbying me about the need for Tuesday night, Wednesday night or Thursday night sittings.

I have absolutely no problem with sitting any time that the Assembly desires, because that is part and parcel of the job; but the fact is that there is no real demand for this in the general ACT community. They have shown consistently over the years that when individuals, or indeed groups, have an interest in a matter being debated they will turn up to this Assembly. But if they do not have an interest they will not, and that is fair enough. That is, I think, what you expect in a democracy and it is not dissimilar to what occurs in other parliaments.

MR BERRY (5.58), in reply: I am sure the community would rather have a few night sittings every year than a futsal slab. I do not recall anybody ringing me up and saying they wanted a futsal slab either, but they got one. I do not remember anybody ringing me up and saying they wanted 2,400 numberplates with "Feel the Power" on them, but they got them. I do not remember anybody ringing me up and saying that instead of getting 2,400 numberplates in each batch we should get 4,800 this time just because we want "Feel the Power" on half of them. I never got lobbied about that. I never got lobbied about the "Feel the Power" campaign either, with \$500,000 worth of advertising right across the country. Nobody lobbied me on that, but they got it anyway. Nobody lobbied me and said, "We want to spend \$50m on the Bruce Stadium in the lead-up to the Olympics", but they got it anyway. Nobody lobbied me for lots of things, but they got them. Nobody lobbied the Government for lots of things, but they got them. This is not about whether you have been lobbied or not; it is about extending yourself into the community and providing an opportunity for people to come here.

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Both Mr Stefaniak and Mr Hird mentioned the night sittings which have occurred when they were not regularly programmed. Who would know they are on if they are not regularly programmed? Of course, people will not come when the doors are shut. There is not much point; they cannot get in. This is about telling the community that there is an opportunity for them to come and have a look at their politicians at work. It is an issue of principle. It is not something that interests the Liberals at this point and neither has it in the past. When these things are programmed, I am sure - and I am absolutely confident - that there will be a continuous smattering of people coming to look at what goes on in the Assembly.

Mr Stefaniak says, "If there is an issue on, they will come anyway". They will not come if their boss says, "You are going to get the bullet if you leave work". They will not come if they are at home looking after their family and they cannot leave them by themselves. They will not come unless the opportunity presents itself. It is a complete fallacy for you to say that people who are just not able to get away from whatever their duties are during the day will come here if there is a particular issue on. It just provides better access. The Labor Party has a view about access and it is a strong one. There ought to be access to the Assembly. It is an issue of principle. The rest of the Assembly does not agree with us. Well, we will walk away still proud of our principle, but in the knowledge that the rest of the Assembly is not particularly interested in forming a closer interface with the community.

Question put:

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

The Assembly voted -

AYES, 6

Mr Berry
Mr Corbell
Mr Hargreaves
Mr Quinlan
Mr Stanhope
Mr Wood

NOES, 11

Ms Carnell
Mr Cornwell
Mr Hird
Mr Humphries
Mr Kaine
Mr Moore
Mr Osborne
Mr Rugendyke
Mr Smyth
Mr Stefaniak
Ms Tucker

Question so resolved in the negative.

ADJOURNMENT

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

That the Assembly do now adjourn.

Privatisation : Hall - Bus Services : Privacy

MR BERRY (6.05): In the adjournment debate I refer to a document that has been handed to me. It is probably a forgery because it talks about the Liberal criteria for privatisation. On one side it says, "Please turn over"; on the other side it says, "Please turn over"; on the other side it says, "Please turn over"; and on the other side it says, "Please turn over"! I am sure it is a forgery because I know that no such document exists.

Mr Speaker, on a more serious matter: I have been approached by a constituent from Hall in relation to the provision of buses in that suburb. Hall, of course, is a fairly special place for the residents that live there and for those who visit. In recent times there has been the construction of some aged persons units in Hall which are a significant addition to that particular community and make it a more whole community, as most people would agree. However, the addition of the aged persons units adds another dimension to society, in that more people who do not have access to transport will be located in Hall.

The particular constituent who approached me was concerned that, although she is a ratepayer, an aged person and one who has made her contribution to society, she is unable to get proper access to bus transport to get her around the city. I put it to the Government that they should give some special consideration to the aged residents, and indeed other residents - the disabled and the young as well - who do not have access to motor vehicles and transport of their own. I think the situation in Hall is worthy of looking at, particularly in the light of this constituent's complaint. One could not help but support the establishment of the aged persons units because it ensures that Hall residents have some options about staying in the suburb; but at the same time I think we, as an Assembly, have to give some consideration to the provision of public transport to aged people and others who might want it in that suburb. Notwithstanding the size of it and the efficiencies of it, it is a matter of social justice that ought to be dealt with.

One other matter which I would like to raise relates to privacy. I have been approached by a constituent - and I understand that this complaint has been through the various official organs, such as the Privacy Commission, the Ombudsman and those sorts of people - who complains that he has not been able to sort out a privacy issue which concerns him. It boils down to the fact that no sooner do members of his family or close associates move than an organisation is able to find out where they are and immediately approach them at their new residence. You would say, "How would they do that?". I understand that the person has a private telephone number - a silent number - and takes a great deal of care about privacy issues. The only thing that comes to my mind is the use of the electoral roll, but there is no way of proving that somebody has been able to get access to that. Of course, on the electoral roll you can have a silent listing as well.

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This constituent is extremely frustrated about his privacy and that of his associates being impinged upon by people somehow finding out where they live each time they move. I do not have an answer and I cannot provide an answer to this constituent. I do not think that I am expected to be able to wave a magic wand and fix this, but I raise it in this place just to draw attention to privacy as an extremely important issue for many members of the community. Those of us who are in politics tend to lose sight of it a bit because our lives are not in the least bit private. We become accustomed to it as we are sometimes loved and sometimes hated. In any event, our lives are very public. We know and understand that when we get into the business not only we but also our families are going to be exposed. I ask members to give some consideration to the privacy issues of others as we move through our business.

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

Micro-Economic Reform, Competition Policy and Excellence in the Public Sector

MS TUCKER: I seek leave to table the Greens position on micro-economic reform, competition policy and excellence in the public sector.

Leave granted.

Hall - Bus Services : Privacy

MR STEFANIAK (Minister for Education) (6.11): Given that no-one else is going to speak before we adjourn, I note that Mr Smyth is very interested in the comments Mr Berry made about the Hall buses. I think there is a real issue there. I have spoken to a few people and no doubt Mr Smyth will take that up, as well as the privacy issue. Mr Berry indicated that we should all take note of it, but that can be a very real problem. I would suggest to Mr Berry that he take it up further with Mr Humphries, apart from just mentioning it in the house. He can then provide details of this incident, or incidents, and his particular constituent.

Question resolved in the affirmative.

Assembly adjourned at 6.12 pm