



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

21 May 1998

Thursday, 21 May 1998

Petitions: Circus animals legislation.....	447
<i>Hansard</i> (Statement by Speaker)	448
Taxation (Administration) (Amendment) Bill 1998.....	448
Gaming Machine (Amendment) Bill 1998.....	449
Board of Senior Secondary Studies (Amendment) Bill 1998.....	450
Water Resources Bill 1998.....	451
Milk Authority (Amendment) Bill 1998.....	453
Health Promotion (Amendment) Bill 1998	454
Social Policy - standing committee (Third Assembly)	455
Executive business - precedence.....	462
Litter (Amendment) Bill 1998	463
Auditor-General - performance audit of operations	470
Supreme Court (Amendment) Bill 1998	473
Magistrates Court (Civil Jurisdiction) (Amendment) Bill 1998.....	475
Questions without notice:	
Rural residential development.....	475
Bruce Stadium.....	476
Bruce Stadium.....	477
Community service orders program	479
ACT Housing properties - tenants with disabilities.....	481
Government purchasing guidelines.....	481
Rural residential development.....	483
Employment and unemployment	484
Erindale police station	487
Energy management program	488
Rural residential development.....	489
Bruce Stadium.....	490
Electricity supply - green power option	491
Dairy industry.....	491
Standing order 118 - answers to questions without notice	
(Statement by Speaker).....	492
Annual reports - declarations and directions for 1997-98.....	493
Canberra Tourism and Events Corporation.....	494
Patient activity data.....	494
Standing order 118 - answers to question without notice.....	494
Arts in the ACT (Matter of public importance).....	496
ACTEW Corporation Ltd - risks and strategic issues	510
Adjournment:	
Health services	520
Tidy Towns award	522
Answers to questions:	
Pest control chemicals (Question No. 1)	523
Police force - statistics (Question No. 4).....	524
Appendix 1: Green power scheme.....	525

Thursday, 21 May 1998

The Assembly met at 10.30 am.

(Quorum formed)

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

PETITIONS

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

By **Mr Hird** and **Ms Tucker**, from 17 and 48 residents respectively, requesting that the Assembly retain the 1992 legislation which bans circuses using exotic animals from performing within the ACT.

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

Circus Animals Legislation

The petitions read as follows:

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

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly: that we are totally opposed to the use of wild animals in circuses. We wish to see an end to this unnecessary suffering and therefore will not visit any circus which includes wild animal acts in its programmes.

Your petitioners therefore request the Assembly to: retain the 1992 legislation which bans circuses using exotic animals from performing within the ACT.

Petitions received.

HANSARD
Statement by Speaker

MR SPEAKER: Members, yesterday, during questions without notice, a member inadvertently mentioned the name of a young person whose death is currently the subject of a coronial inquiry. It is understood that the coroner has placed a suppression order on the publication of the name. I wish to inform the Assembly that, given the circumstances of the case, I have directed that the name of the person or the family of the person not be recorded in the proof *Hansard* or the weekly *Hansard*. This type of direction is rarely given. However, I believe that in the circumstances members will agree with the course I have taken and propose to take.

TAXATION (ADMINISTRATION) (AMENDMENT) BILL 1998

MS CARNELL (Chief Minister and Treasurer) (10.32): I present the Taxation (Administration) (Amendment) Bill 1998, together with its explanatory memorandum.

Title read by Clerk.

MS CARNELL: I move:

That this Bill be agreed to in principle.

Mr Speaker, this Bill amends the Taxation (Administration) Act 1987, which I shall refer to hereafter simply as “the Act”, to allow the interest rate on unpaid taxes to be set by determination. It is Government policy that the interest rates on unpaid taxes be reviewed every six months in line with the practices of both the Australian Taxation Office and the New South Wales Office of State Revenue under its Taxation Administration Act 1996. This amendment will facilitate the Government’s response to changing marketplace interest rates. The rate is currently set in the Act at 20 per cent per annum. This rate, Mr Speaker, is substantially higher than both commercial and government interest rates. At my instruction, the rate was reviewed at the beginning of this year and administrative arrangements were put in place to lower the rate to 16.8 per cent, in line with New South Wales and the Australian Taxation Office’s penalty interest rate on unpaid tax. This Bill will provide the necessary legal authority to enable the varying of the rate without resort to the commissioner’s general powers of interest remission which do not comfortably apply in such circumstances.

Mr Speaker, the Bill makes no other alterations to the current system of imposing interest and imposes no additional regulatory or financial burden on any ACT taxpayers. The adoption of the 16.8 per cent interest rate as compared with the previous statutory 20 per cent has resulted in the collection of less revenue from interest imposed on overdue accounts. However, this change represents a fairer and more equitable approach to tax administration, with interest rates more in line with changes in the marketplace, particularly in times of falling interest rates.

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

GAMING MACHINE (AMENDMENT) BILL 1998

MS CARNELL (Chief Minister and Treasurer) (10.35): Mr Speaker, I present the Gaming Machine (Amendment) Bill 1998, together with its explanatory memorandum.

Title read by Clerk.

MS CARNELL: I move:

That this Bill be agreed to in principle.

Mr Speaker, this Bill amends the Gaming Machine Act 1987 - the Act - to prohibit the acquisition, installation or operation of gaming machines in the buildings and precinct of Canberra Airport. The Commonwealth Airports Act 1996 regulations provide for the total prohibition of gaming activities at Canberra Airport, whether involving the use of a machine or otherwise. Upon the lease of the Canberra Airport to the Capital Airport Group, Commonwealth legislation to prohibit gaming activity will no longer apply.

Mr Speaker, as a consequence of the lease of the airport, the precinct will undergo a substantial redevelopment to become a major commercial and transport hub. In this case, should the redevelopment contemplate outlets and commercial operations similar to other major commercial precincts in the ACT, the total prohibition of all forms of gambling at the airport would not allow newsagents to sell instant scratch lottery tickets, Tattersalls or New South Wales lotteries within the Canberra Airport precinct. Current Commonwealth regulations do not even permit the sale of raffle or art union tickets for charitable purposes.

Mr Speaker, with the commencement of the new arrangements at the Canberra Airport, the Government believes this situation is contrary to the best interests of the airport lessee, commercial operators and the general public, who have a right to expect the same level of services provided by other ACT commercial operations. The Unlawful Games Act 1984 already prohibits a range of gaming activity in the ACT, including lotteries and pool betting schemes that are not approved by the Lotteries Act 1964 and the Pool Betting Act 1964 and other games of skill or chance, while casino-type activities are prohibited under the casino development agreement. This Bill, therefore, does not propose to prohibit "soft gaming products" within the Canberra Airport, such as instant scratch lottery tickets, lotto, raffles and art unions; but simply to ensure consistent government regulation of the Territory's gaming machines.

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

**BOARD OF SENIOR SECONDARY STUDIES
(AMENDMENT) BILL 1998**

MR STEFANIAK (Minister for Education) (10.38): Mr Speaker, I present the Board of Senior Secondary Studies (Amendment) Bill 1998, together with its explanatory memorandum.

Title read by Clerk.

MR STEFANIAK: Mr Speaker, I move:

That this Bill be agreed to in principle.

The amendments are relatively minor; however, they will enhance the operation of the Board of Senior Secondary Studies. An important change has been to provide for the chief executive of the Department of Education and Community Services to delegate the membership of that position on the board. This change ensures that when the chief executive is unable to attend board meetings a representative can be appointed to attend with full voting rights. Any busy chief executive must be able to delegate, where necessary, important functions such as attendance at a Board of Senior Secondary Studies meeting.

You will recall that, in the Assembly debate on the principal Act late last year, my colleague Mr Moore and others questioned the size of the board. In recognition of those concerns, I propose in the amendment Bill to reduce the board membership by one - that of the executive officer. Upon reflection, Mr Speaker, an executive officer does not need to be a member of the board. The executive officer plays an important role in the day-to-day administration and in providing advice and support to the board. Support for the board is an administrative activity separate from the deliberative responsibilities of the board. This proposal reinforces the independence of the Board of Senior Secondary Studies. It goes without saying, Mr Speaker, that there would be close consultation between the relevant departmental officers and the board chair on matters of board policy and related substantive issues.

Mr Speaker, the nature of senior secondary education is changing. Increasingly, courses have been delivered in collaboration with universities, institutes of technology and vocational education and training providers. Pathways for senior secondary education are becoming more flexible. For example, the Canberra Institute of Technology delivers Years 11 and 12 studies for mature-age students. The proposed amendment will allow the board to accredit or register courses from a broader range of educational institutions. Mr Speaker, I am sure members of the Assembly would agree that we want our young people to have the broadest and best range of options available in the way of courses. I propose, therefore, that the definition of a recognised educational institution should be broadened to cover educational institutions that are established or registered under an Act or a law of the Commonwealth, State or another Territory.

A further amendment relates to the disclosure of interests. This amendment, suggested by the Department of Justice and Community Safety, tightens the responsibility for board members to disclose direct or indirect personal or pecuniary interests. Mr Speaker, I recommend the passage of this Bill. The amendments tabled today will serve to enhance the operation of the Board of Senior Secondary Studies.

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

WATER RESOURCES BILL 1998

MR SMYTH (Minister for Urban Services) (10.41): Mr Speaker, I present the Water Resources Bill 1998, together with its explanatory memorandum.

Title read by Clerk.

MR SMYTH: I move:

That this Bill be agreed to in principle.

Mr Speaker, in 1997 the Water Resources Bill 1997 was introduced into the previous Assembly to ensure the effective management of the Territory's water resources. That Bill was never debated and lapsed at the end of the last Assembly. Mr Speaker, today I am pleased to introduce the Water Resources Bill 1998. In doing so I would like to quote from the well-known Canberra historian, Matthew Higgins. At the recent launch of his book *Dams on the Cotter*, Matthew said:

I don't know about you, but this morning I probably used the taps in our house about six times. You make a cup of coffee, wash the dishes, use the bathroom, shower and shave, and clean your teeth. Water is so easy, and we all take it so much for granted.

Matthew also said:

I am reminded of the historical role of water here every time I look at a map of the ACT. Back in 1909 when the ACT-NSW border was being worked out, the Commonwealth wanted the Territory to encompass the national capital's water supply catchment. So that is why the ACT is shaped the way it is: for the most part the border follows a series of water catchments.

Two different views of water - it is part of all our lives every day and it is something that governments have been concerned about for many, many years. It is time for this Assembly to formally take responsibility for the ACT's water resources. The Water Resources Bill 1998 will help to ensure that water is used in a way which looks after the interests of the entire community and of ACT communities of the future.

21 May 1998

When my colleague Minister Gary Humphries introduced the Bill in 1997 he made a number of important comments in his presentation speech. I would like to repeat a number of these comments before outlining some of the improvements which have been made over the 1997 Bill. In comparison with the States and Territories, the ACT has few natural resources. The Territory's water resources are among our most significant. They are an integral and valued part of our natural landscape, and they are absolutely critical to the future economic development of the Territory. The Government is therefore committed to water resources management which maximises the overall returns to the community while maintaining their ecological values.

The ACT is the only State or Territory which has no means of actively managing its water resources to provide for a system of water allocations or entitlements. In the past this was not recognised as a problem as there has been little difficulty in meeting demand for water from available supplies, particularly in times when subsidies for dam building were readily available. I must emphasise, Mr Speaker, that development of legislation is only the first step in improving the management of our water resources. Once the legislation is in place, necessary information can be collected and then actual water allocation arrangements will be developed in consultation with stakeholders.

Mr Speaker, some of the major elements of the Bill are worth noting. It is important to note that this Bill is only the first step in moving towards sound water resource management in the Territory. It establishes the capacity for the Government to act on this matter. However, there is a long way to go in developing water allocation and licensing arrangements and any associated charges, which will be done through a program of community consultation. Existing users will be issued with allocations reflecting their current usage. The transitional arrangements provide a period of 12 months during which licences will be issued. Through this legislation we will for the first time be able to effectively manage our water resources to ensure that the health of our waterways is protected and to ensure the maintenance of a community's physical, economic and social wellbeing.

Mr Speaker, a number of amendments have been made to the Water Resources Bill 1998 as compared to the 1997 Bill. A new part has been added which requires the production of a water resources management plan. This plan, which will be a disallowable instrument, will give the ACT the opportunity to clearly set out the future direction of water management in the Territory. The Bill requires that the water allocations which the Government intends to create will be set out in the management plan. This will give the Assembly control over the allocation of water and ensure that members' concerns about selling all of the Territory's water resources are eased.

Mr Speaker, the number of decisions which are subject to appeal has increased dramatically following comments from a number of stakeholders. The Bill also includes further notification provisions, to ensure that the community is aware of the granting of licences and other issues which may affect them. These changes and other minor ones ensure that this Bill will provide good protection for this most important resource. I commend the Water Resources Bill 1998 to the Assembly.

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

MILK AUTHORITY (AMENDMENT) BILL 1998

MR SMYTH (Minister for Urban Services) (10.47): Mr Speaker, I present the Milk Authority (Amendment) Bill 1998, together with its explanatory memorandum.

Title read by Clerk.

MR SMYTH: I move:

That this Bill be agreed to in principle.

Mr Speaker, today I am introducing into the Assembly a Bill which amends the Milk Authority Act 1971. There is some urgency attached to this Bill and I am not going to mince words about its importance. The purpose of the amendments is to include provisions which will address potential breaches of the Commonwealth's Trade Practices Act. Since 21 July 1996, the Part IV conduct rules in the TPA have applied to government business activities. Mr Speaker, what that means in simple terms is that conduct which is in breach of the TPA must be authorised. There are two ways of authorising such conduct. One is to seek an authorisation directly from the Australian Competition and Consumer Commission. The other is to amend the relevant legislation by reference to the TPA. It is the latter course that we are pursuing with these amendments. The Government is of the view that the Territory's interests are best served at this stage by enacting its own legislation rather than seeking the ACCC's up-front agreement to authorise the conduct.

Under the transitional arrangements that apply, legislation which was in force on 21 July 1996 is deemed to be authorised - but only until 21 July 1998. In other words, Mr Speaker, on 21 July this year, all conduct that is currently authorised by legislation will be fully exposed to the TPA. The Milk Authority currently engages in a number of forms of conduct which are potentially in breach of the TPA, for example, price fixing and vendor licensing and zoning arrangements. There is, therefore, some risk after 21 July that this conduct may give rise to civil actions or fines by the ACCC.

The provisions in this amendment Bill will put in place authorisations under the TPA which apply to specific areas of conduct. Mr Speaker, this is a course of action that is not without some risk. The review of the Milk Authority Act is still under way. As such, the public benefit test that would normally be undertaken to comply with the national competition principles agreement has not yet been completed. In addition, we are required to notify the ACCC that the authorisations have been enacted. Once again, such enactments require a demonstrable public benefit that outweighs any detriments.

21 May 1998

For these reasons, the proposed amendment will sunset on 31 December 1998. The sunset will, I believe, militate against any issues that might arise in regard to the competition principles agreement that might affect the competition payments. The timeframe should also satisfy the ACCC that the Territory is proceeding with appropriate haste and prudence. By that time, the Government will have received the review's report and we will have a clearer idea about how the industry is to be regulated in the future.

Mr Speaker, although, as I have explained, there are some risks involved here, I believe they are minimal. The option of doing nothing may expose the authority and its officers and members to considerable risk of civil actions and fines. What increases my comfort in proposing these amendments is that we are not alone in following this course of action. South Australia, Queensland, Victoria and New South Wales have all found themselves in this situation and have put the necessary authorisations in place until such time as their review processes are complete. I commend the Milk Authority (Amendment) Bill 1998 to the Assembly.

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

HEALTH PROMOTION (AMENDMENT) BILL 1998

MR MOORE (Minister for Health and Community Care) (10.51): Mr Speaker, I present the Health Promotion (Amendment) Bill 1998, together with its explanatory memorandum.

Title read by Clerk.

MR MOORE: I move:

That this Bill be agreed to in principle.

This Bill seeks to amend the Health Promotion Act so that the funds advanced to the Health Promotion Board from 1 July 1998 are based on the 1997-98 level of funding, adjusted for upward movement in the consumer price index. This amendment will provide for an adequate level of funding for health promotion and education following the High Court's decision that resulted in the Territory no longer collecting tobacco franchise fees. The current legislation relies upon the collection of tobacco franchise fees for the calculation of funding levels for the board. Mr Speaker, the Bill in no way changes the Government's commitment to health promotion as a prime strategy for increasing the health and wellbeing of the Canberra community.

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

SOCIAL POLICY - STANDING COMMITTEE (THIRD ASSEMBLY)
Report on Inquiry into Services for Children at Risk -
Government Response and Ministerial Statement

Debate resumed from 28 April 1998, on motion by **Mr Stefaniak**:

That the Assembly takes note of the papers.

MS TUCKER (10.53): The response from the Government has some light in it. They have acknowledged, basically, that the recommendations of the Social Policy Committee are important and they are supported in principle. I guess we should be pleased about that. But the overall response shows, once again, a lack of commitment to taking on these social issues in a meaningful way by saying, "How are we going to achieve an improvement for those people who are disadvantaged in our community?". We see support in principle and we see a commitment to review particular areas, which can be useful; but it is a concern if, once again, we end up with vague, waffly documents that still do not propose initiatives that will meet the problems.

The mental health strategic plan is a fantastic example of that. In this report we see a response to the recommendation regarding mental health issues for young people which basically refers us to the Government's response to the mental health report of the Social Policy Committee. That report put a lot of weight on the development of a strategic plan for delivery of mental health services, which we obviously welcomed because the committee was very disappointed that no such plan was already in existence, considering the major so-called reforms occurring in the area of mental health. It was amusing to notice in that strategic plan a comment that the development of the strategic plan was actually in line with the reforms that were being carried out in mental health. So we thought, "Wow, that is lucky, is it not?". One would think that normally the strategic plan was developed first and the reforms would follow the lines of that strategic plan.

The really frustrating thing about that strategic plan was that, once again, it refused to acknowledge all the work that had been done in looking at where gaps in services are. A number of other issues were very disappointing too. The underlying principle of intervention and prevention was supposed to be clearly signalled through the strategic plan, and it was not. The work, as I said, of the Social Policy Committee in identifying gaps in services and the work of the various other inquiries and consultancies in looking at this issue were ignored. Basically, the strategic plan for mental health said, "We will look at identifying where gaps in services lie". It is very frustrating for people in the community who continually give information to government, government committees and consultants and tell them where the gaps in services are - which they experience as an everyday reality - to see, once again, a reluctance from government to actually bite the bullet and say, "Yes, that is right: Four reports have told us there is a problem with dual diagnosis; four reports have told us that we do not get supported accommodation right in this town", and come up with proposals to deal with the issues.

21 May 1998

Once again we have in this response a commitment to review in a number of areas. Obviously, I will be monitoring very closely the progress of those reviews. I hope that we do see strong action from government, although I do not know why I should expect it. We certainly will be pushing for it in these critical areas. After all, this is about our young people. It is about the young people at risk in the ACT. In this place we are getting law and order responses to issues of crime. As I have already said in this place this week, the crime related to young people is related to distress; it is related to social disintegration.

It is very concerning in this Assembly to see an emphasis on punishment for these young people and not an equal emphasis on their protection or on family support. Family support systems in this city are underresourced and are becoming more so. Recently I was visited by the O'Connor Family Resources Centre people. I have visited them often in the past. They carry out fundamental community work very effectively. They save the community many dollars, as well as social distress and suffering. But this particular organisation and others like it do not appear to be a focus of this Government's strategies. It has imposed on them the output model. There is a lack of recognition of the subtleties of the work of such centres. That is the problem we have with the output model, competitive tendering and the lack of quality and qualitative indicators in assessing whether an organisation deserves continual funding.

I will go through some of the recommendations and the Government's responses. The first recommendation was that the Government take account of recent research in developing family support and intervention programs. Basically, the Government supported it, but it did not address the central issue of the need to take account of recent research on successful preventative interventions. As in every report, the Social Policy Committee has come out emphasising the importance of intervention and prevention. As in all responses from government so far, it is pretty well not taken in as a serious priority.

The second recommendation concerned the need to develop a strategy for the funding and delivery of family support programs, including a strategy for the dissemination of information. This recommendation was contained in the report into violence in schools. In the last Assembly we actually found ourselves repeating recommendations from one committee report to another because we were not satisfied that the Government had actually understood the importance of a recommendation which it had not picked up. We see the Government basically supporting the recommendation; but we know there are real gaps, as I have already described, and we must see a stronger commitment to family support. It is absolutely critical to reducing family violence and abuse. We will certainly be monitoring how that work goes on.

The third recommendation concerned support services, the collection of information on the services provided and the unmet demand from the service providers. Once again, it was supported but there was no response to the committee's concern about resourcing community organisations to do the work. We also asked, in recommendation 4, for increased counselling services for children and families at risk. Basically, there was support in principle but no detail on how the Government would go about improving services for many of the target groups identified.

Recommendation 5 concerned the need for a policy to be developed to enable all children in substitute care to access counselling upon request. Once again, there was support in principle but the Government believes that counselling should be provided on the basis of need. The Government has totally missed the point of the report that access to counselling is difficult at the moment for families who have kids in substitute care who are living with them. If children are in substitute care, I think we can be pretty well certain that they are going to need some help. They have been pulled out of their natural family. I think that is enough classification straightaway. Mr Rugendyke, as someone who has personal experience of this, nods in agreement. Of course these kids are traumatised; of course they need counselling. If people are taking on the task of looking after children as foster parents, they should not have to fight to get some kind of professional assistance in dealing with the often very complicated problems that the children in their care have.

I have already raised my concerns about the Government's response to the mental health issues. In recommendation 8 we asked that the Government urgently review its drug education strategy. The Government response does not tackle the need to review the drug education strategy at a whole-of-government level. That is very important because around Canberra we are seeing quite inconsistent approaches to this issue. We also recommended that the ACT Government establish a drug and alcohol rehabilitation service for young people. Basically, the response said, "Yes, if we can get money from the Commonwealth". I am in danger of repeating myself, but I think I have to put it on the record again in the context of this statement. We know the huge connection between crime, young people and drugs. If we do want to deal with the issue of crime and young people, we must, as a community, put funding into a rehabilitation service for young people. If we do not get money from the Commonwealth, does that mean we do not do it? I sincerely hope not.

Recommendations 10 and 11 dealt with a review of the need for respite care and other support services for foster carers and the need for expanded substitute care options. The Government's response was that a review of the ACT substitute care system was being conducted and would be completed by April. I have not seen it yet and would like to know where it is. Maybe Mr Stefaniak will inform the Assembly of that in his wrapping-up speech. In recommendation 12 we asked for performance indicators in a number of areas. We are particularly concerned about what happens to young people who move out of care when they reach the age where they are no longer the responsibility of the ACT. Apparently the Government feels that, because a small number of people are involved, it does not deserve the development of a performance indicator. That is an unacceptable response, in my view, because it is critical that kids are tracked and continually supported in the transitional phase of moving into our community as independent people, especially when they have not had adequate support during the whole time they have been in care - as is obviously the case with some of the counselling issues that were very clearly articulated to the committee.

Housing is another very critical issue. There is little detail, once again, about how particular issues that were raised by the Social Policy Committee will be addressed - for example, the need for appropriate accommodation and support services for young adolescent women; the need for more accommodation for boys over 12; and the need for new long-term housing models for young people. These problems have been identified for many years and we still see nothing concrete in response from government.

21 May 1998

The committee also asked that education and day programs be developed, with greater coverage. It is important to acknowledge the position of schools in this whole issue. We actually received far more information from the Australian Education Union, in terms of the real issues around young people at risk, than we actually received from the department. The department had employed a consultant who came up with a very strong, well-researched report. I would have liked a much stronger response to this from the Government because our teachers are struggling as much as the students and their families because of the lack of support. Everyone who has a child in a public school is being affected by it.

The committee wanted to see a greater focus on the development of a coordinated strategy to support Aboriginal and Torres Strait Islander people in the community. The Government had reservations about elements of this recommendation. I am not quite sure what they were - they did not actually identify them - but they did say they were concerned about whether or not the representations to the committee were representative of the community and that it was not clear whom we had spoken to. That was actually at the request of some people who felt very uncomfortable in being identified - not because of problems in the community, but because of problems with their employment, or possible repercussions, after speaking to this committee. It does not look good for a government when people are concerned about speaking out and identifying themselves.

Overall, I say again that I look forward to seeing the reviews that the Government has said it will undertake. I am very disappointed that there was not a much more active response in terms of addressing the gaps in services and the problems that our young people, carers, teachers, foster parents and families are facing in the ACT. Those people who are struggling need our support. We have failed them and we are continuing to fail them.

MR MOORE (Minister for Health and Community Care) (11.08): Mr Speaker, many serious issues were raised by the Social Policy Committee in its report on services for children at risk in the ACT. It is a report that needs to be taken particularly seriously by government. In saying that, I recognise that a number of the issues now fall within my portfolio area, although the vast majority of them are in Mr Stefaniak's area.

It is a report that I will be taking seriously; but, at the same time, I must remind you that it is very easy to make recommendations which involve large costs - and some of these recommendations do involve large costs. I identify that as an issue. Ms Tucker and I have discussed it on quite a number of occasions. Assembly committees try their best to avoid making recommendations that involve large costs. I was on the committee in the Second Assembly that made some recommendations on mental health when we were aware that there were costs involved. We were told by the Social Policy Committee of the last Assembly - and I think it is fair to say that Ms Tucker is reinforcing this - that it may be time to move some of our priorities and ensure that expenditure occurs in some of the areas where it is needed. I give credit to the Social Policy Committee for identifying the specific areas in which expenditure should occur.

I have not had the opportunity at this stage to take up each of these recommendations with my department. From the perspective that they come into my portfolio responsibilities, I intend to review what is going on and the extent to which we have followed through in the response. Some of these responses are very general - a "Yes, we will do something about it" style of response. I make a commitment to go back and look at them to see where we can be more enthusiastic about our approach. I will begin by asking for a specific briefing from people within the department to explain where we are at and how we are handling these recommendations.

I have had this responsibility for only a very short while, so I have not been able to resolve all the problems just yet. If you can give me another 24 hours we should be right - or maybe a little longer, if you do not mind. I will work on it.

Ms Tucker: Just not another three years.

MR MOORE: Indeed. Ms Tucker interjects, "Perhaps you will need the next three years". The reality is that none of these problems are going to be solved overnight. Because they are going to take a long time, that is all the more reason to get started on them now. To be fair, people have got started on them. What we need is a bit more enthusiasm, a bit more drive, to deal with some of these problems, because the longer it takes us to get started the more young people in particular remain at risk. Of course, none of us want to see that. We genuinely want to build on the amount of work that has been done, to ensure that we get the best possible outcomes for the people of the ACT.

I would thank Ms Tucker for her work on this report, along with the other members of the Social Policy Committee. Clearly, they have worked particularly hard to understand the complexity of the issues before coming out with a series of suggestions on how to move this forward. It has been the approach of this Assembly to take Assembly committees very seriously. I am sure Mr Stefaniak will recall when the Assembly felt that he had not taken seriously enough one of the reports on education. I believe I put forward a motion to send it back for reconsideration. I would expect that that message has come through clearly to the Government. As far as I am concerned, an Assembly committee is something that needs to be taken particularly seriously, whether the work was done in the last Assembly or the Assembly before.

I am happy to be prodded, reminded - publicly or privately - by Ms Tucker about the issues that have been raised and to explain to her what I am doing about them or, if I am not proceeding with them, to elaborate on why it is that I have decided to take a slightly different path. Of course, we all know that some things change and sometimes we will take a slightly different path. But if we are going to do that I think we have to explain exactly why that is the case. I am happy to go through that kind of process with you. Mr Speaker, the report was a major contribution in a very difficult area. It is something that I know my colleagues have taken seriously. I will also take it very seriously.

MR HIRD (11.14): Mr Speaker, the Government's response is a thorough and comprehensive summary of the Government's actions in the important area of services to children at risk. It demonstrates the Government's continuing commitment to providing effective and accessible services to those in our community in most need. Concern has been expressed in the past by a colleague, Ms Tucker, the chair of the Social Policy Committee in the last Assembly, that the Government's response to her report was simply to do more reviews where urgent action was needed. However, the two reviews to which she is referring are essential to the effective operations of the program, and I will address them separately.

The supported accommodation assistance program, or SAAP, provides accommodation options for people at risk of homelessness. It is a joint Commonwealth-State-Territory program. As part of the funding agreement with the Commonwealth, the ACT is undertaking a review of service provision under the agreement, prior to a national evaluation by all parties. The ACT SAAP review will address recommendations Nos 13 to 16 from the Social Policy Committee's report. It will do this by, firstly, analysing service models and recommending options for future delivery of service and, secondly, providing a profile and analysis of the SAAP service system, including addressing the service mix, supply and demand issues, and linkages between SAAP and related support services. The consultants performing the review have been provided with a copy of the Social Policy Committee's report. They were also briefed by officers of the Department of Education and Community Services to emphasise the importance this Government places on addressing the matters raised by this inquiry. The report is expected to be completed in the near future.

The review of the substitute care system is being undertaken to ensure that substitute care practices in the ACT are in line with best practice throughout Australia and the best interests of the child are always promoted. The report is scheduled to be released to stakeholders in early July this year. Many issues which were raised by the Social Policy Committee, including support for carers and respite, have been included in this subcare review's recommendations.

I reiterate comments made by Minister Stefaniak when he tabled the Government's response to the inquiry report. He said then that the Government would not attempt to pre-empt the two reviews in progress, and that the Social Policy Committee's report would contribute to their findings. Mr Speaker, the Government would be foolish to agree to do more than that at this point in time. However, once the findings are presented, the Government will take the necessary actions within our resources to improve service delivery within these two important programs.

Mr Speaker, I would like to update the parliament on the progress with Marlow Cottage. Marlow Cottage is defined as a shelter under the Children's Services Act. It provides transitional emergency and short-term accommodation for children in need of care. It can cater for up to six young people at a time. At the beginning of the children at risk inquiry concern was expressed over the number of issues involving Marlow.

These included frequent complaints from neighbours over behaviour of some of the residents, concerns over the number of young people referred to Marlow and their length of stay in the shelter, and damage to the property caused by residents. To resolve these issues, ongoing discussions have occurred between staff of Family Services and the Richmond Fellowship. These addressed issues including procedures both within Marlow and with Family Services, staff training and placing an emphasis on Family Services finding alternative placements for young people to reduce the time they spend in Marlow. Mr Speaker, I am pleased to be able to report that the number of young people in Marlow has declined over recent months.

The referral processes have been improved to ensure that only young persons who are genuinely in need of care are referred to the shelter. Security was improved in late 1997, so young people are less likely to leave the premises at night. The behaviour problems of residents, and hence disruption caused to the neighbourhood, have both dropped significantly. Mr Speaker, this shows that the partnership between Family Services and the Richmond Fellowship has been successful in resolving these concerns and providing an effective service to residents. In this way we are endeavouring to work with all funded community agencies to provide improved services for our client group.

Mr Speaker, I would like to update the parliament on the review of the Children's Services Act currently being undertaken by the Department of Education and Community Services. The public consultation phase of the review closed at the end of January this year. Major issues raised by this process were those of secure care, family group conferencing and provision for measures relating to foster carers - for instance, minimum care standards. The Government is considering its position in relation to the proposed revision of the Act, especially with regard to the complex issues surrounding children at very high risk. It is expected that a Bill will be put before the parliament towards the end of this year.

In summary, Mr Speaker, the Government is committed to providing services where they are most required in the community. However, as my colleague Minister Stefaniak pointed out as he tabled the Government's response, we are limited by the available resources. There will always be needs in community services that we are unable to meet. So, Mr Speaker, the Government is taking a responsible approach to the management of the Territory's resources. We will be prioritising, through the budget process, where we can commit our resources to greatest effect. The committee's report has given us another perspective on priorities, and it will be considered in this light. The Government believes that the current programs are working effectively to achieve their aims. I hope that other members of the parliament will share our commitment to improving services for the community.

MR WOOD (11.22): I was very encouraged by Mr Moore's response and I would contrast that with Mr Hird's response. Mr Moore, as the new Minister covering much of this area, stood up and said that he would pay very careful attention to the report and to producing effective outcomes. Mr Hird seemed to be patting his Government on the back and saying, "Everything is fine. We cannot fund it all; there is never enough money, folks. But it is not too bad at all". I much prefer Mr Moore's approach that there remain many problems to be tackled.

21 May 1998

When Ms Tucker, as chair of the Social Policy Committee, brought down her report last year, like all members, no doubt, I read it carefully because I think it is one of the more significant reports that have been produced in the nine years of this Assembly. Now that I am chair of a committee that handles some of the aspects in that report, in the last two weeks I have gone back and read it more carefully, making notes of areas where I believe the committee I chair can follow up. So, Mr Moore, you and I will be working together. We will have Mr Hird on side, too, because he also is a member of that committee.

There are gaps. Mr Hird, reading what I suppose was a Government brief, said that the Government is unable to meet all the circumstances that arise. I am sorry to hear that that has been acknowledged. For those in this chamber - I think it is most of us - who have become involved in all the areas raised by this report, there are demands that simply have to be met, and it is our job to see that they are. It is our job to do that quickly. There has been some ongoing debate between Ms Tucker and Mr Hird about how quickly. Mr Hird said that reports are coming through, that those reports will be dealt with and that we will move ahead. I think the case of substitute care for children was a specific example. The reports are sound and they should proceed. As Ms Tucker said a little while ago, we do not need reports to know that a child in substitute care needs counselling. We do not need a long, considered report to tell us that. We know that. Let us act on it.

I do not need a report to tell me that there are people in this community who are desperate for respite care. The demands are enormous and the strains on some people are quite intolerable. We do not need a report to tell us that. I am tracking around agencies to be told, "Sorry, we have no money. We have exhausted our supply. There is nothing left". Steps have to be taken immediately. So I do express some concern at suggestions that things are moving well and we are doing the best we can. I trust that it was not from Mr Moore's department that Mr Hird's brief was produced. The new Minister's approach is certainly the one that I will be hooking onto. I look forward to working with him, Mr Rugendyke and Mr Hird on our committee to see that things move a good deal faster than they may have moved for a very long period.

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

EXECUTIVE BUSINESS - PRECEDENCE

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

That Executive business be called on forthwith.

LITTER (AMENDMENT) BILL 1998
Leave to Present

MR MOORE (Minister for Health and Community Care): Mr Speaker, I seek leave to present the Litter (Amendment) Bill 1998.

Leave not granted.

Suspension of Standing Orders

MR MOORE (Minister for Health and Community Care) (11.27): Mr Speaker, apparently leave is not granted, so I move:

That so much of the standing orders be suspended as would prevent Mr Moore from presenting the Litter (Amendment) Bill 1998.

I think it is rather petulant that the Labor Party decided that they would not grant leave. This is not the first time that something like this has happened. On Tuesday, 27 August 1996, the Chief Minister tabled and presented the Artificial Conception (Amendment) Bill 1996 in her capacity as a private member. How did she do that? If you read from the minutes of that day, you will see:

Mrs Carnell (Chief Minister), by leave, presented a Bill for an Act to amend the Artificial Conception Act ...

That Bill was on the matter of surrogacy, on which the Chief Minister did not have the support of the Executive. The precedent was set. Why would it possibly be that Labor would oppose leave for me to introduce this Bill? I am keen to hear their explanation as to why that would be the case. It seems to me that they are frightened of change; that they are embarrassed. One can understand their embarrassment. They are the true conservatives. As soon as we talk about any form of change, as soon as something does not come into the box in which it was put, they do not know how to handle it and they do not want to accept that change. What are they frightened of? Why are they not prepared to grant a member in my position leave? I am not using private members time. I got agreement from the Government to use Executive business time.

Mr Berry: I will explain, Michael.

MR MOORE: Mr Berry interjects that he will explain. No doubt we will hear his normal sorts of reasons. Let us look behind what has happened. One of the things Mr Berry has to explain is his embarrassment. So far 24 pieces of legislation have been tabled in this Assembly. Sixteen of those are from Government members. I am seeking to table another one. Eight of them have been from non-Government members. Seven of those eight are from the crossbenchers. Here we are again with Labor embarrassed. Mr Corbell is not embarrassed. He has introduced a piece of legislation and has obviously worked hard; but other members of the Labor Party, particularly Mr Berry, who has had plenty of experience in this place, have produced nothing. All Mr Berry can do is sit there and carp and try to prevent other people from doing the work of the Assembly.

This is not a difficult Bill to understand, Mr Speaker. I made it very clear during the election campaign that I would be introducing a piece of legislation that would stop people from putting advertising on motor vehicles. That is what I am seeking to do. There is nothing tricky about it, but it is not something that has had Cabinet endorsement. My colleagues may well vote against it, and so it should be, just as when Mrs Carnell introduced her piece of legislation about surrogacy other members of her Cabinet voted against it.

Yes, it is different, and that is what frightens them; but underlying that fright is the fact that Labor are embarrassed that they still are not doing any work. You will remember, Mr Speaker, the number of pieces of legislation that Labor introduced in the last Assembly. The number of contributions they made in a positive way was minimal. It was certainly much lower than that for the crossbenchers. What they were good at was saying, "No, no, no, you cannot do this; you cannot do that; you cannot do the other". That is what they were good at, and that is what they are repeating here. Jon Stanhope stood up in this place when he made his very first speech and said, "You are going to see a different approach from Labor. This is the new Labor. This is the Labor that will be working positively and together to try to get what is best for the people of the ACT".

I have no problem with people opposing this piece of legislation if they have good reason, but why prevent me from tabling it? Why prevent me from trying to do the work, as I see it, for the people of the ACT? Are Labor frightened that they will be exposed because I can do my work as the Minister for Health and also do some work in addition to that as Michael Moore, an ordinary member of the Assembly? I think that is what they are frightened of. If I do more of that, they will be even more embarrassed, because they are not out there doing positive work.

We were expecting to see a different approach from the new Labor. I hope that they will reconsider their position now and that they will take a new approach, accept that we want the best possible outcome for the people of Canberra and do a bit of work in order to achieve that. I ask them to reconsider their position and allow me to put up a piece of legislation that we can then debate so that we can determine what is in the best interests of the people of Canberra.

MR BERRY (11.33): Mr Speaker, Labor is not opposed to change. In fact, we are prepared to deal with change in an open and consultative way if we are approached to discuss it. I raise one issue which I think will embarrass Mr Moore and the Government. At the Government business meeting where Executive business for the week is discussed, this matter was not even raised.

Mr Humphries: It is not Executive business; that is why.

MR BERRY: According to today's program, it is. It is listed under "Executive Business" as "Presentation of Bill, by leave". You say that it is not Executive business?

Mr Humphries: It could have been dealt with under Assembly business as well.

MR BERRY: So it is not Executive business. It has not been endorsed by the Cabinet. Here we have a Minister who wants to be a member all of a sudden. This is a confusing package, Mr Moore, if I - - -

Mr Moore: Yes, I understand that it is confusing for you, Wayne, because it takes a reasonable intellect to understand it. It takes half an intellect to understand it. It takes a quarter of an intellect to understand it.

MR BERRY: Mr Moore interjects in a personal way. He always wants to interject in a personal way and get personal about things. Today, for the first time in the life of this Assembly probably, a member of the Executive presents a Bill which he does not have the administrative responsibility, as set out in the administrative arrangements orders, to deal with. There has been no consultation with anybody in this chamber, other than, I suspect, Government members. There has been no discussion of it. Two Government business meetings have occurred in the last week or so, and it has not been raised with the Labor Opposition for discussion.

I am not opposed to considering this issue and considering the forms that we should adopt if Michael Moore wants to be an Independent outside of the Executive. It is very difficult for him to try to present this independent image when he is in the Executive. This may look to some outside here like a stunt, just to go through the pretence of being independent. I think we need to refer this to the Administration and Procedure Committee to ensure that the issue is looked at properly, with proper advice from people who understand these issues, not people who have a political agenda to run in relation to the matter. This could be discussed out in the open, and I think it ought to be. To spring it on the chamber like this, Michael, is an embarrassment, and it shows the lie of everything you have said about being open and consultative. This is not open and consultative; this is secretive. This is about springing things on members in this place. That is what you have done.

Mr Speaker, my colleague will speak a little more in relation to this matter; but this was not raised and the Labor Party was not consulted about it, when it ought to have been. It is a very distinct change to the order of business and the way in which we deal with things, and there has been no discussion. It ought to be discussed properly.

Mr Moore: It has been. Do you remember? You would not let me do it in private members business. Why did I not do it in private members business? Because I discussed it with you and I discussed it with Kerrie and you said, "Please do not". That is just a lie.

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (11.36): Mr Speaker, I have to say that I think the Opposition's arguments here have been particularly weak.

21 May 1998

Mr Berry: Mr Speaker, Mr Moore just interjected across the chamber, "That is a lie", referring to me. That is an improper imputation.

MR SPEAKER: Mr Moore, I did not hear the interjection, although all interjections and cross-chamber chat are - - -

Mr Berry: You should withdraw that.

MR SPEAKER: Just a moment. Mr Moore, if you did say that, please withdraw it.

Mr Moore: I will withdraw anything that may have upset the petulant Mr Berry.

Mr Berry: I was not even there, Michael.

MR SPEAKER: Thank you, Mr Moore. Sit down and be quiet, Mr Berry. Mr Humphries, you have the floor.

MR HUMPHRIES: Mr Speaker, the question here is what procedure ought to be used to deal with the situation. How should a member of government, whether a member of the Liberal Party or of some other party or an Independent, deal with a situation where they wish to bring forward to this place legislation which is not Executive policy? It does happen from time to time that members of the Government advance Bills which are not Executive policy. Mr Berry should know that, because he himself introduced in this place a Bill which was not official policy of the Labor Party. After he left the ministry, as a backbencher in 1994, he introduced legislation on abortion.

Mr Berry: In private members business.

MR HUMPHRIES: Admittedly, a private members Bill. The point I am making is that, as a member of the Government, he was able to deal with a Bill which was not Executive policy. There, Mr Speaker, is the difference. The procedure which Mr Moore is using today is a procedure which has already been used in the chamber in precisely the same way.

Mr Berry: It is not in precisely the same way.

MR HUMPHRIES: Yes.

Mr Berry: That was private members business. I was a private member.

MR HUMPHRIES: I am not talking about your case, Mr Berry; I am talking about another case. If you sit down and listen for a moment, you will hear what I am going to say. Last year Mrs Carnell introduced legislation to amend the Artificial Conception Act. She did so without the endorsement of the Government, because it was a matter on which the Government had divided views. Her Bill was, in effect, a private members Bill.

Mr Berry: She had the approval of the Executive to do it.

MR HUMPHRIES: No, she did not. She had the approval of the Executive to present it, but it was not an Executive Bill. In precisely the same way, Mr Moore has the Government's leave to introduce his Bill, but it is - - -

Mr Berry: But his is not a health matter.

MR HUMPHRIES: It does not matter. I hear Mr Berry's argument. You can introduce a private members Bill in Government business, as long as it is in your own area of responsibility, but otherwise you cannot. That is a very narrow principle. Mr Speaker, can I be allowed to put my arguments on the table? Mrs Carnell used - - -

Mr Berry: You did not consult with us, Gary.

MR SPEAKER: Order, Mr Berry! You have already spoken.

MR HUMPHRIES: Mrs Carnell used precisely the same procedure last year. She rose and sought leave to introduce her Bill, and she was granted leave by the chamber. The difference on this occasion is that Mr Moore, an Independent member of the Government, is introducing the Bill, and the Labor Party cannot handle the concept. They cannot handle the idea that you can somehow have a different point of view within a government. The Labor Party believes in control. They believe that everybody in the Government has to believe the same thing; that anybody who is not part of that camp has to be kicked out. The idea of doing it in some different way causes them enormous problems.

Mr Berry: Consultation.

MR HUMPHRIES: The reason that there was no consultation about this, Mr Berry, is that we used the same procedure last year and you did not object to it.

Mr Berry: No, no, no. You did not even tell us it was coming.

MR HUMPHRIES: You did not object to it, Mr Berry. You were silent. You sat on your seat in the chamber and you crossed your arms - - -

Mr Moore: In 1996.

MR HUMPHRIES: In 1996, I am told. You crossed your arms and you did nothing about it.

Mr Berry: It was discussed in the Government business meeting.

MR HUMPHRIES: No, it was not discussed, because it was not part of the Government's program. Only the Government's program came forward to the Government business meeting. Mr Speaker, Mr Berry is trying to score a point against Mr Moore in his usual antagonistic fashion. He is unable to comprehend the idea that this is a different set-up, a new way of doing things, and that it has, in fact, been done once before.

21 May 1998

Let me make one last point. We are talking here about an alternative between using Executive business time and using private members business time on Wednesdays. Mr Moore could use private members business time on Wednesdays. What would those opposite say about that, I wonder. They would not be too pleased, I suspect. Mr Moore has done the Assembly the courtesy of not taking up private members business time by seeking to introduce his Bill on a Government business day. That shows a courtesy to the chamber and it should be respected. The motion for the suspension of standing orders should be supported.

MR CORBELL (11.41): Mr Speaker, the acrimony in this debate is quite interesting, but it is not the reason why the Labor Party has not been seen to be prepared to grant leave. It is very clear that, unlike the other precedents which members on the Government side have advanced in support of Mr Moore's proposal this morning, what we are dealing with here is a very new game indeed. We are talking about a Minister who is entering into a coalition with the Liberal Party but who has indicated from the very beginning his intention to regularly introduce Bills as a private member, effectively as a non-Executive member.

This is not a one-off occurrence. This is the establishment, potentially, of a trend. I would like Mr Moore to listen to this because it is very important. It is very important, Mr Moore, that you listen to this. Mr Speaker, Mr Moore claimed that the Labor Party is afraid of change, but that is simply not the case. The Labor Party is quite prepared for Mr Moore to enter into a coalition arrangement with the Liberal Party - - -

MR SPEAKER: Order! The time allowed for the debate has expired.

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

In-Principle Stage

MR MOORE (Minister for Health and Community Care) (11.43): Thank you, members, for your support. It seems to me that Mr Corbell, in speaking to the motion for the suspension of standing orders, did raise an important point that I am quite happy to work on to ensure that we have an agreed approach to this sort of thing. I am very happy for this matter to be considered by the Standing Committee on Administration and Procedure if they choose to deal with it, but until such time as that happens it is appropriate to follow precedent in the Assembly. That is the way we operate, as Mr Berry of all people, who has been here since the beginning, knows very well.

MR SPEAKER: Present the Bill, Mr Moore.

MR MOORE: Mr Speaker, I present the Litter (Amendment) Bill 1998, together with its explanatory memorandum.

Title read by Clerk.

MR MOORE: Mr Speaker, I move:

That this Bill be agreed to in principle.

I introduce this Bill in my capacity as a private member. It is not a Government Bill. It has not been to Cabinet, and I make no claims on other Government members in expecting their automatic support. I am sure that all members expect that this will not be the only such Bill that I present to the Assembly. While it will be difficult to match a busy program of private members business with my new ministerial responsibilities, I will be doing my best. No doubt it will mean that the number of Bills other than Government Bills and other than Opposition Bills will keep increasing. I can understand the incredible embarrassment of Mr Berry, because he had to lead into an election an inadequate Labor Party, a Labor Party that had done nothing over the previous three years.

Mr Berry: Relevance, Mr Speaker.

MR SPEAKER: Relevance, Mr Moore.

MR MOORE: Thank you, Mr Speaker. I shall come back to the point. I can understand why he has taken a point of order - because of his embarrassment. Mr Speaker, may I say how pleased I am to see the crossbenches in this Assembly get off to such an energetic start with their legislation. It just proves how much this parliament has matured that no-one expects anymore that law reform proposals will be the business of the Executive alone.

This Bill implements an election issue which I raised. Since I did so, I have received a great deal of public feedback in support of the idea that leaflets placed under windscreen wipers are unwelcome to the public. I promised to introduce legislation into the Assembly to ban this activity, and today I do so. I appreciate members allowing me to do so.

I have received, as well as support, the opposing view that this ban would severely limit the ability of small business to advertise. It has been suggested to me that windscreen leaflets are a cheap and effective means of advertising and that they are the only means available to many small shops and businesses. I recognise these arguments and I have some sympathy with them, but I am sure that they are outweighed by the right of people to have their cars left alone. In any event, we all know that 99 per cent of the leaflets are simply discarded immediately and thus, no matter what their perceived advertising value, far too great a proportion of them simply become litter.

I should say that this Bill has been drafted quite sensibly. I appreciate the work done by Parliamentary Counsel in assisting me. It would not ban direct handwritten messages to a vehicle's owner or driver or messages which had been invited in some way; nor would it prohibit officials, acting in the normal course of their duty, placing parking fines or other official notices on motor vehicles. I know that that will be a disappointment for some people, but I think we also recognise that it is important for officials to be able to do that; otherwise, my colleague Mr Smyth would not be able to collect the revenue that he needs or to control parking.

21 May 1998

I am sure that members will be lobbied by people for and against this ban. I think you will find, though, that the public support and the logic of this approach will far outweigh the concerns of those who wish to continue advertising in this way. Mr Speaker, I commend this Bill to the Assembly.

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

AUDITOR-GENERAL - PERFORMANCE AUDIT OF OPERATIONS

MS CARNELL (Chief Minister and Treasurer) (11.48): Mr Speaker, I move:

That this Assembly calls on the Presiding Member of the Standing Committee for the Chief Minister's Portfolio to, pursuant to the *Auditor-General Act 1996*, write to the Independent Auditor requesting the Independent Auditor conduct a performance audit of the operations of the Auditor-General, and specifying that the performance audit should include the following terms of reference:

- (1) the adequacy of management systems, controls and practices related to economy, efficiency and effectiveness of the operations of the Office;
- (2) the extent to which resources of the Office have been managed with due regard to economy and efficiency;
- (3) the extent to which programs, operations or activities of the Office have been effective; and
- (4) the degree to which the Office has complied with legislation, regulations or directions related to its activities.

This motion seeks the Assembly's support for a proposed performance audit of the ACT Auditor-General's Office. The purpose of the motion is to provide the Standing Committee for the Chief Minister's Portfolio with the Assembly's support of the performance audit and its broad scope. Under the Auditor-General Act 1996, financial and performance audits of the Auditor-General's Office can be undertaken. Performance audits are commissioned by the chair of the equivalent of the Public Accounts Committee, that is, the Standing Committee for the Chief Minister's Portfolio.

The performance audit is consistent with the financial management reforms and performance-based public sector arrangements introduced by my Government and endorsed by the last Assembly. The proposed performance audit represents best practice in management of the public sector, with other jurisdictions having undertaken similar audits. All ACT Public Service agencies have been subject to performance audits of specific activities. There has previously not been a comprehensive performance audit of the ACT Auditor-General's Office, which was established in July 1990. This is an opportunity for the performance of the Auditor-General's Office to be independently examined.

The performance audit will examine the overall efficiency and effectiveness of the operations of the Auditor-General's Office, including the management of resources and the extent to which programs and activities have been effective. The performance audit will ensure that the ACT Auditor-General can provide the Assembly with the highest level of professional advice and support on all facets of ACT public sector management. Mr John Parkinson, the ACT Auditor-General, has indicated that he is supportive of a performance audit of his office being undertaken. A number of comments he has made concerning the conduct of the audit will be referred to the presiding member of the standing committee for his consideration.

The performance audit will be undertaken in accordance with Part V of the Auditor-General Act 1996. This includes the independent auditor, prior to the finalisation of the report, formally seeking written comments from the Auditor-General on the proposed report and, when finalising the report, taking account of any written comments from the Auditor-General.

The independent auditor is required under the Act to provide a copy of the final report to the Speaker as soon as practicable after completing the audit. The Speaker is required to present a copy of the report to the Legislative Assembly. My department is arranging for the appointment of a new independent auditor under Part V of the Act. This appointment will reflect the requirement for the new independent auditor to undertake performance audits in accordance with Part V of the Act. I can assure members of the Assembly that an appropriately qualified and experienced independent auditor will be appointed.

Mr Speaker, I have indicated to Mr Quinlan, the chair of the Standing Committee for the Chief Minister's Portfolio, that I am very happy for him and the committee to be involved in the selection of an independent auditor. I have also indicated to Mr Quinlan that I am very happy for his committee to be involved in the terms of reference for the performance audit to be carried out. Over the last couple of days I have written to all members of this Assembly, spelling out the motion, and I urge the Assembly to support this motion.

MR QUINLAN (11.52): Members of my committee have discussed this letter, and we concur that such an audit should take place periodically. No government office should be above the audit process. I am not really so sure about the optics of the motion coming to this house via the Chief Minister and, to some extent, being imposed upon the committee. The less fair-minded of us might draw some parallels between this and Jeff Kennett in the ultimate emasculation of the audit process in Victoria, but I am reassured that the only motivation behind this motion is the pursuit of due process in government. It is refreshing, after the revelations of the past few weeks, that we are attempting to pursue due process. As I said, we accept that. We are concerned that it is being initiated through the Assembly. A phone call or a note to the committee may well have sufficed. Nevertheless, at my initiation, the Chief Minister and I have discussed this and largely hammered out a few of the administrative matters in relation to it.

In the long-term interests of maximising the objectivity of the process - and I think that is paramount, particularly given the role of the Auditor, his placement in the administration and the fact that he could become the bane of government - the process must be, and must appear to be, fully objective. I therefore give notice that I will be bringing forward a legislative amendment to separate the appointment of the compliance auditor,

21 May 1998

who performs the regular annual financial audit, from the appointment of the performance auditor, who monitors the actual effectiveness and efficiency, et cetera, of the Auditor-General. That legislation will propose that the latter be appointed by the committee.

Also in the pursuit of objectivity and as heralded by the Chief Minister in her speech, I bring forward an amendment to the original motion. The purpose of that is to put into effect what the Chief Minister has already made a commitment to; that is, the committee, effectively the Public Accounts Committee in this case, will set the guidelines for the terms of reference and will make the decision as to when the audit will take place, given the demands on the Auditor and, obviously, the potential for fertile ground for him that has arisen over the last couple of weeks in this place. I commend the amendment to the house and accept the motion.

MR SPEAKER: Formally move your amendment, Mr Quinlan.

MR QUINLAN: I move:

Omit all words after “the performance audit should include”, substitute “terms of reference as determined by the Standing Committee for the Chief Minister’s Portfolio incorporating the Public Accounts Committee, taking the Chief Minister’s terms of reference included in the original motion as a guide.”.

MS TUCKER (11.56): I agree with Mr Quinlan’s concerns. This is a rather curious motion coming from the Chief Minister without prior discussion with the Chief Minister’s Portfolio Committee. While audits of this nature are routine practice, the way the Chief Minister is attempting to execute this, in my view, is against the spirit of the Auditor-General Act. The Auditor-General Act explicitly establishes the Audit Office as a creature of the Assembly, not the Executive. Section 9 of the Auditor-General Act states:

The Auditor-General is not subject to direction by the Executive or any Minister in the performance of the functions of the Auditor-General.

While the Chief Minister is seeking support from the Assembly for this motion, it is clearly being driven from the Executive. It is the Public Accounts Committee, now part of the Chief Minister’s Portfolio Committee, that should drive any such performance audit of the Auditor-General.

I would like to put on the record also my preference for such an audit to be conducted by a government audit office in another State, as they would have a much greater understanding of the nature of auditing procedures in the public sector than a private auditor would. Obviously, with the changes to the Auditor-General Act last year, making it possible for the Auditor, in doing performance audits, to look at environmental consequences and factors of an agency’s performance, there is a broadening of

the concept. It is very important that any audit undertaken be undertaken with a very clear understanding of the role of auditing in the public sector, because public sector auditing is so different. I will be supporting Labor's amendment, and then supporting the motion, as amended.

MS CARNELL (Chief Minister and Treasurer) (11.58): Mr Speaker, as I think I mentioned in my speech, I am more than happy to accept the amendment. In fact, it is in line with the undertaking I gave to Mr Quinlan earlier today.

Amendment agreed to.

Motion, as amended, agreed to.

SUPREME COURT (AMENDMENT) BILL 1998

[COGNATE BILL:

MAGISTRATES COURT (CIVIL JURISDICTION) (AMENDMENT) BILL 1998]

Debate resumed from 30 April 1998, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MR SPEAKER: Is it the wish of the Assembly to debate this order of the day concurrently with the Magistrates Court (Civil Jurisdiction) (Amendment) Bill 1998? There being no objection, that course will be followed. I remind members that in debating order of the day No. 1 they may also address their remarks to order of the day No. 2.

MR STANHOPE (Leader of the Opposition) (11.59): The Labor Party is quite happy to accept both of these Bills, Mr Speaker. We believe that they address an issue that practice has shown has created some problems in the community. We accept that the proposals are quite reasonable and that they facilitate the work of both the sheriff and the bailiff in relation to executing judgments against judgment debtors.

There is one issue I did raise with the Minister outside the chamber earlier today in relation to finalisation of the investigation of the forced sale of a house in McKellar which led to the determination to proceed with this legislation. The Minister did indicate to me informally that he might be prepared to give the house some details of how that particular matter was finalised by the Law Society. If the Minister can do that, I think it would be of some interest to members of the Assembly. Apart from that, we accept the wisdom of these pieces of legislation.

21 May 1998

MR MOORE (Minister for Health and Community Care) (12.00): Mr Speaker, in rising to support this legislation, I think it is important to note that the Bill does give new power to the courts to empower the sheriff of the Supreme Court to take quite strong action to enter people's homes when they are not paying their debts according to court judgments. The way conditions and limitations have been crafted here is reasonable, and that is why I am supporting the Bill. The amendments do give the court more options in dealing with uncooperative judgment debtors.

Many people will remember a case last year of judgment debtors who were widely criticised as being recalcitrant having their house sold, and the difficulty was that the return was much less than it normally would have been, in relation to the amount to which they were indebted. It seems to me that being able to readjust those conditions is an important move by the Government, and I congratulate Mr Humphries for bringing this Bill forward. It was brought forward before I became a member of Cabinet. The Minister has identified a problem and worked out a method of resolving it without interfering with civil liberties.

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (12.02), in reply: Mr Speaker, I thank members for their support for this legislation. I hope that it closes a rather unfortunate chapter in the history of our courts in which I think we would all agree something rather unfortunate happened to one particular family in Canberra. The legislation deals with an area of anachronism within the court rules. It needs to be said, however, that there are a large number of rules and other procedures of the court which go back a very long way and which probably could also suffer some potential flaw of the kind which is being addressed by these Bills.

What I am saying is that we need to ensure that the rules of the Supreme Court and the Magistrates Court are thoroughly reviewed to consider the extent to which they continue to serve as equitable and easy access to justice and the extent to which they are contemporary and not excessively complex in their operation. Mr Speaker, I think there is much work to be done in that field. I acknowledge that the rules committees of the courts concerned are addressing issues in that respect at the moment and that the Law Reform Commission of the Territory is also addressing aspects of rules of court. I look forward to both of those processes producing some reform of that body of rules in the not too distant future.

Mr Stanhope asked what was happening with the inquiry resulting from the particular matter he raised in his speech. I can advise him that my advice from the Law Society is that the inquiry into that particular matter is still ongoing and some resolution should be available in the next couple of months. Mr Speaker, on that score, I hope that we are able to proceed to put a number of reforms in place. This is perhaps only the first.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

**MAGISTRATES COURT (CIVIL JURISDICTION)
(AMENDMENT) BILL 1998**

Debate resumed from 30 April 1998, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Sitting suspended from 12.06 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Rural Residential Development

MR STANHOPE: Mr Speaker, my question is to the Chief Minister. Mr Speaker, in the Assembly on 19 May the Chief Minister said that PALM was currently in the process of doing a full review of rural residential development in the ACT, due to be completed by the end of June. Referring to the failed rural residential development at Hall, Capital News on the same day reported that the Carnell Government remains supportive of such projects.

Ms Carnell: Committed to.

MR STANHOPE: Committed to. Can the Chief Minister say whether the fact that the Government is committed to rural residential development pre-empts the objectivity of the PALM review?

MS CARNELL: Mr Speaker, I know that this is going to come as a huge surprise to Mr Stanhope; but - guess what - PALM does not set Government policy. I know that this is a very hard thing to work out. Government policy is that we support rural residential development, and PALM is doing a review to look at the ways that it can be done: The checks and balances, the approaches that need to be taken, where it should happen - all those sorts of things, Mr Speaker. But at the end of the day, fascinatingly, we actually set our own policy.

21 May 1998

MR STANHOPE: I have a supplementary question, Mr Speaker. Last night on Prime Television the developer, Derek Whitcombe, said, in relation to his failed Kinlyside proposal, that it fell in line with the Government's thinking on rural residential development. Can the Chief Minister say whether the Government has indicated to Mr Whitcombe the likely outcome of the PALM review or whether he will be given preferential treatment in the future?

MS CARNELL: Mr Speaker, again I make the point that there is no failed rural residential development at Hall. As I have said, we are going ahead, Mr Speaker. The only difference is that we are not going ahead exclusively with one particular developer. It is progressing exactly as it always was, Mr Speaker.

Mr Stanhope: It is no longer secret.

MS CARNELL: We still support exactly the secret deal, subject to public meetings and all the rest of it. Mr Speaker, I know that those opposite would be extraordinarily embarrassed by all of this; but we are not in any way moving away from rural residential development or, for that matter, from the Hall and Kinlyside rural residential development. The fact is that PALM is doing a study of how to go about rural residential development, not if, and Hall and Kinlyside are still regarded by the Government as very good sites for rural residential development, as, by the way, are a number of other sites around Canberra, both north and south of the lake.

Bruce Stadium

MR OSBORNE: My question to the Minister for Education, Mr Stefaniak, is regarding the refurbishment of Bruce Stadium. It is a rugby union question, not a rugby league question, Mr Speaker, in case you were wondering. Minister, in attending football matches at the stadium over the course of this year it has become obvious to me that the building work on the opposite side is now way behind schedule. Will you inform the Assembly what undertakings you or members of your department gave the Australian Rugby Union in order to secure two test matches for Bruce Stadium later this year? Did you, for example, assure the Australian Rugby Union that the general seating in the inner bowl, the eastern stand seating and the new corporate facilities at Bruce Stadium will be completed by the time the tests are to be staged in September?

MR STEFANIAK: I thank Mr Osborne for the question. I had one meeting with the Rugby Union some time ago and we talked generally about what was proposed for Bruce Stadium, Mr Osborne. There were no timeframes given. They, in fact, did not give any timeframes for giving us test matches. In fact, that was the last meeting when I actually went to Sydney to talk to them. It was quite some time ago. I had had some earlier meetings, really going back to about 1990, in terms of rugby union test matches. Of course, in the past I have had meetings with the Rugby League, too, to see whether we could get rugby league test matches, dating back to 1990 as well.

I recall the last one I had with the Rugby Union in Sydney. It was in North Sydney. We did not discuss dates. We indicated what was proposed for the actual stadium and no dates were actually mentioned. I was delighted some months ago to hear that, in fact, we were going to get a test match and then to hear when it is proposed, which, to my recollection, is 22 September 1998. If there are any further negotiations that anyone else in the Government has had since my discussions with the Rugby Union, I am unaware of the detail of those. Certainly, in my discussions with them, no timeframes were actually mentioned, although what we were proposing for Bruce in terms of how many people could be seated there was information that was available to them. We did talk about plans for the stadium.

MR OSBORNE: I have a supplementary question. My understanding, Minister, is that the Australian Rugby Union were given some guarantees in relation to the development there. Thankfully, they are taking full financial responsibility for these matches, because my understanding is that they are very disappointed that it appears that the corporate facilities especially will not be completed in time. I was wondering whether you could find out, Minister, whether any guarantees were given by any members of your department. If they were, are you a little embarrassed? Do you think it may affect our chances of holding test matches in the future, given that it appears that the ARU has been deceived?

MR STEFANIAK: I hardly think it is a case of anyone being deceived, Mr Osborne. I think the ARU have recognised, finally, the importance of Canberra as a venue for test matches. I think it is a great step in the right direction. After this test match, I would hope that we could look forward to test matches on a reasonably regular basis. They certainly did not commit themselves to anything when I last spoke to them, but they were indicating that they were looking at something like two out of every three years we would have a test match.

Mr Osborne: Were there any guarantees?

MR STEFANIAK: In terms of guarantees, Mr Osborne, I will have to check on that with my department. Indeed, in terms of deadlines and timeframes for Bruce Stadium, I will check with the Chief Minister, too.

Ms Carnell: It is on schedule.

MR STEFANIAK: She says to me that, in fact, it is on schedule. I would certainly hope, if that is the case, that it will be in a good state for 22 September.

Bruce Stadium

MR QUINLAN: My question is to the Minister for Education. Minister, are you in a position to inform this Assembly of any proposed changes to the operation and the administration of the Bruce outdoor and indoor stadiums?

21 May 1998

MR STEFANIAK: Any policy in relation to changes in the operation of Bruce Stadium?

Mr Quinlan: Yes.

MR STEFANIAK: The Bruce Stadium rebuilding project is a matter for you, Chief Minister, is it not?

Ms Carnell: I will take it.

MR STEFANIAK: Yes, I think that is something the Chief Minister is looking after in terms of the redevelopment.

MS CARNELL: Mr Speaker, as members would be aware, the Chief Minister's Department has been handling the Bruce Stadium redevelopment project.

MR SPEAKER: Not on Executive policy, Chief Minister.

MS CARNELL: No, it will not be on Executive policy; I can guarantee it.

MR SPEAKER: Thank you. The Clerk has just drawn my attention to that.

MS CARNELL: Mr Speaker, negotiations are under way with the ASC - I do not know whether that is what Mr Quinlan is talking about - regarding the existing leasing arrangements. Is that what you are talking about?

Mr Quinlan: I heard some stories on the street.

MS CARNELL: Great! With regard to possible ownership arrangements for the stadium, a number of options are available to the ACT Government. As members would know, we currently have a lease arrangement with the ASC through to December 2009. The ACT Government and the ASC board have been negotiating for quite a long time with regard to extension of that lease, possible revision of the existing sublease and ultimate transfer of the asset to the ACT. Obviously, from the perspective of the ACT Government, as we are spending quite significant dollars on Bruce Stadium, we believe that it is very important to ensure that we have a lease for as long as possible; but our preferred position, of course, is to have the transfer of the asset to the ACT. Those negotiations are progressing. They are progressing, I have to say, very well. I am not in a position at this stage to predict the outcome of those negotiations, but I can state categorically that the ACT Government will accept only a result that allows the ACT community to benefit from a significantly enhanced facility for many years to come.

MR QUINLAN: Just to follow up on that, for information: Are contracts such as for catering and administration associated with those changes and subject to change now or in the near future?

MS CARNELL: Mr Speaker, I think that Mr Quinlan might be getting very confused on this. Maybe what we need to do is to give Mr Quinlan a full briefing on the whole way in which the Bruce Stadium project is operating, certainly with regard to the ownership and leasing of the whole Bruce Stadium operations. Obviously, on top of that,

the management arrangements and the sorts of options that exist for those are another issue again, Mr Quinlan. The ACT Government presently manages the Bruce Stadium and subsidises operations, I think, to the tune of approximately \$150,000 a year. The revenue and expenditure assumptions for the redevelopment of the stadium are contained, as members would be aware, in a business plan that has been prepared by an independent consultant.

The plan recommends a number of different approaches - and members of the previous Government and Mr Whitecross were briefed on the way that this works - which would ensure the success of the redeveloped stadium. To operate successfully, stadium management operations must have a high level of commercial skills and marketing expertise. These skills are not always found in the public sector. From that perspective, a number of proposals were put forward. One model was to establish a Bruce Stadium trust. The trust could then engage a private sector stadium operator. The trust would be likely to include public sector and private sector representatives. Among the ideas that were put forward was the potential for some of the codes that were actually using the stadium to provide representatives. A working group has been established, comprising ACT Government representatives, financial institutions and an independent financial adviser, to look at all of these options. Obviously, Mr Speaker, as I said in the first part of the answer, the ACT will be looking at maintaining the ownership or long-term lease of the stadium; but it needs to be managed in such a way that we maximise the financial return from the stadium, as a significant amount of money is tied up in it.

Community Service Orders Program

MR RUGENDYKE: My question is to the Minister for Justice and Community Safety, Mr Humphries. Minister, I draw your attention to the great service that the Handyhelp home and community care program provides to the most vulnerable in our community. As you will know, in order to meet its work commitments, Handyhelp has traditionally relied heavily on the community service gangwork program. Can the Minister explain why the gangwork program was discontinued on 8 April this year?

MR HUMPHRIES: Mr Speaker, I thank Mr Rugendyke for that question. Yes, I can explain what has happened in this area. A couple of changes have been occurring in the area of corrections generally. Obviously, this is quite apart from the major corrections direction which we as a government have set to establish our own corrections institution here in the ACT, that is, a prison. Those other changes relate principally to an increased throughput in the courts; that is, more matters are coming before the courts and larger numbers of correctional orders are being made as a result, whether they are orders for custodial or non-custodial sentences. One of the significant changes in this area has been an increase in the number of periodic detention orders made pursuant to the establishment of that new service. Mr Speaker, what that has led to is that today there are probably fewer people on community service orders than there were in the past. That has meant that we have had to reconsider the way in which the CSO scheme has operated.

21 May 1998

The increased throughput, however, across the board has led to a reconsideration of the way in which we manage that system and a number of things have happened in that area. We have executed a memorandum of understanding with key stakeholders for the work undertaken by the community corrections unit, which looks after this area, to better define what it is that we are trying to achieve, both from the point of view of service providers and from the point of view of the Government. We have embarked on a more intensive training exercise for staff, to ensure that they will be in a better position to manage the extra throughput. We are also reassessing the instruments we use to assess the kinds of controls we need on people who are subject to community service orders.

The scheme has not been abolished; it has been restructured. CSO offenders who were previously managed principally in gangs - a group of people went out together at the one time to look after a weed eradication project up one of the hills somewhere or some other mass exercise - are now being managed by being placed directly with community agencies. Before that change, most of the staff and other resources were used to assist just one community agency, Handyhelp, to achieve the outcomes for which the ACT funds it, at the expense of other community organisations. What we have now done has been to allow for support for a much larger number of organisations at a higher level, although obviously the organisation that misses out in that process is Handyhelp.

Resources will still be made available to Handyhelp and we still hope that they will be able to achieve many of their goals with those resources, but a number of those changes necessitated a different way of managing the community service orders program. In particular, it was felt that having a large number of convicted people together in a gang was not a good way of being able to have those people reintegrate into the broader mainstream of the community. There was some evidence that there was an exchange of information of a criminal nature between people in those gangs. It was felt that it was better to have them off separately in a large number of organisations than based in a single organisation. I have written to Handyhelp to explain what we are doing and we will certainly work with Handyhelp to make sure that their general needs are being met; but the needs of the system, particularly of the community service orders system, come first. That is essentially why these changes have been made.

MR RUGENDYKE: I have a supplementary question, Mr Speaker. Mr Humphries, you mentioned the slight restructuring of the program. Does the Government have any plans to move towards a system of user pays with community service orders?

MR HUMPHRIES: No, it does not, Mr Speaker. We see that program as being a way of doing two things. One is having those offenders work in settings where they may acquire skills and build up friendships, perhaps, which lead them into a productive role in society once they have finished their period of service. We also see it as a way of being able to assist community organisations to meet their legitimate community needs. Charging them to do that would be counterproductive. The arrangements other community organisations put in place to recoup costs of their own is another matter. I believe that Handyhelp, in fact, has charged people to use the gangs previously made available under the CSO scheme. So, in a sense, there is already a charging component, but it comes about through the service organisation rather than the Government's agency. Those sorts of charges might well exist in the future, but probably less so because only a small number of individuals will be placed with individual organisations.

ACT Housing Properties - Tenants with Disabilities

MR HARGREAVES: My question is to the Minister for Urban Services in his capacity as the Minister responsible for housing. Can the Minister outline to the Assembly the formal arrangements for consultation between the Housing Trust and the Department of Health and Community Care in relation to the modification and maintenance of Housing Trust properties occupied by people with disabilities?

MR SMYTH: I understand that there are ongoing discussions at this very moment, particularly in relation to Housing Trust tenants who are there under the auspices of the mental health unit. I am not fully aware of how those discussions are travelling and would be grateful to take the question on notice. I will get back to members as quickly as I can.

MR HARGREAVES: Mr Speaker, I am grateful for the Minister's undertaking to get back. In particular, though, I am interested in the people with physical disabilities, as opposed to mental disabilities or intellectual disabilities. Whilst I am at it I might ask the Minister a supplementary question to augment that. Can the Minister confirm that tenants with disabilities receive a priority in the application of funds for modifications identified as being necessary by occupational health officers - the OTs - from the Department of Health and Community Care, so that they can have preservation of their quality of life?

MR SMYTH: That is a very important question. Indeed, my department is currently working with Mr Moore's department to ensure, for instance, that one very needy Canberra family actually do get the attention that they deserve. They are negotiating with the OT of that family at this stage to find a very suitable site. I will get back to you with full details of how it is progressing.

Government Purchasing Guidelines

MR KAINE: Mr Speaker, through you, I put a question to the Chief Minister. Chief Minister, yesterday I asked you a question about the process by which J. Walter Thompson was awarded a contract and your last comment in answering that question - I refer to *Hansard* - was:

Certainly, from a Government perspective, open tender is not a holy grail.
What is a holy grail is getting the right outcomes ...

Then there were a couple of words that I will omit because they are irrelevant. You continued:

From that perspective, I stand by the approach of not going to open tender when we believe we can get the outcomes in a better and different way.

21 May 1998

Chief Minister, I have had a look at the purchasing manual for the ACT Government and I find no reference in there to better and different ways. I ask: Are there some guidelines written somewhere other than in the purchasing manual as to when it is appropriate for people purchasing on behalf of the Government to go to open tender and when it is appropriate to go some better and different way? If there are such guidelines, could we have them tabled?

MS CARNELL: Mr Speaker, as Mr Kaine is quoting me, I would like to quote Mr Kaine in the Assembly last year; in fact, in the same month or so, I think, that we actually launched the branding approach. Mr Kaine said:

Whilst the Opposition -

meaning those opposite -

fixates on process issues, this Government will continue to focus on outcomes and on creating jobs for Canberrans ... this Government will rigorously seek to extend our horizons with integrated but carefully directed marketing initiatives wherever we can get the best advantage.

Mr Speaker, Mr Kaine was right, and that is exactly the approach the Government takes. It is interesting, with regard to the J. Walter Thompson approach, that the J. Walter Thompson contract for working up the brand vision was for \$50,000 and, as Mr Kaine is now an expert on that particular document, he will realise that for \$50,000 or under there is no requirement there to go to tender. It is also important, Mr Speaker, to realise that J. Walter Thompson's services are as project managers this year, which I think is for a similar amount - again under the amount for which we need to go to tender under that particular document.

As to J. Walter Thompson and the Feel the Power of Canberra campaign, there was an open tender approach for the actual organisation or implementation, shall we say, of the Feel the Power campaign. The tender process was undertaken and it did identify local agencies to undertake that role, because the size of that contract was some \$500,000 this year. Two local companies, City Graphics and MA&D Communication, were the successful tenderers. So it depends, too, on how much the particular tender is for, Mr Speaker. For \$50,000 or under, we do not need to go to tender under those particular documents. But, as Mr Kaine said in the Assembly, this Government is not fixated on processes; we are fixated on outcomes and creating jobs.

MR KAINE: I have a supplementary question. The Chief Minister is good at reading answers prepared in anticipation of a question, but she answered a question that I did not ask. My question was a much broader one as to guidelines issued to people who spend millions of dollars of government money and where are the guidelines that tell them when they can use new, different and innovative approaches and when they have to use open tendering. I would still like to see the guidelines. The Chief Minister, in the answer that was given, said, "... we believe we can get the outcomes". Chief Minister, is that the royal "we", or are there people other than you who can make this judgment?

If so, are they fully aware of the circumstances under which they may depart from open tendering processes and can they try better and different ways of acquiring things that the Government requires?

MS CARNELL: Mr Speaker, Mr Kaine would be very well aware that for products, for government projects, for - - -

Mr Berry: Land deals.

MS CARNELL: Not for land deals, because that is a different proposal. What Mr Kaine is reading from does not take in land deals at all. Almost always we go to open tender for those sorts of things. For situations over \$50,000, I think that is a very appropriate approach, Mr Speaker. Again, Mr Speaker, from a Government perspective, our job is to get the best outcomes for the people of the ACT, and that is the approach we will take. It is a general view of Cabinet that that is the approach that we will continue to take. As Mr Kaine said, this is not a government - it was the Opposition - that is fixated on processes. This Government will continue to focus on outcomes.

Rural Residential Development

MR BERRY: Mr Speaker, with respect to the rural residential development at Hall, can the Chief Minister clarify what blocks of land the Government understood the Bolton family held leases for prior to 15 May 1998 and what were the terms of those leases?

MS CARNELL: Mr Speaker, as I said earlier, when Mr Whitcombe came to see the Government, he came with three leases - actually, with the physical leases. If I try to remember the actual block numbers, I will certainly get them wrong; but, if you give me just a second, I will probably be able to do it. My understanding, Mr Speaker, was that they were - - -

Mr Berry: We are happy to have question time extended.

MR SPEAKER: Never mind; I am sure the Chief Minister will find the block numbers.

MS CARNELL: The block numbers were 629, 495 and, I think, 630. They were the three block numbers that Mr Whitcombe actually held the physical leases for, Mr Speaker. We were aware that these leases were held on a month-to-month basis, as I have said every day this week in this place; but we were also aware that the Boltons had been on this property for nearly 150 years and it was our view that, if we were to go down the path of any form of development, or of developing on the Hillview property, then it would be much better to do that with the cooperation of the Boltons and not have to go down the path of terminating leases, which, certainly, was in the power of the Government, and the Government was aware of that. But, fascinatingly and, I think, very appropriately, this side of the house will always, wherever possible, attempt to work with people who hold leases rather than just terminating them.

21 May 1998

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

MR BERRY: Mr Speaker, the Chief Minister did not seem to be able to answer the question. The question was about the blocks of land the Government understood the Bolton family to hold leases for. If you do not have the information in front of you, you can give it to us by the close of business today in relation to the Boltons. My supplementary question is: Can the Chief Minister say whether the Government received any advice prior to 15 May 1998 - and I would like you to keep that date in focus - regarding the status of the three blocks Mr Whitcombe claimed to have an exclusive right to negotiate over? What was the nature of that advice?

MS CARNELL: Mr Speaker, the first time that I was given - - -

Mr Berry: You can take it on notice if you cannot answer it.

MS CARNELL: Mr Speaker, I answered that question exactly. In fact, I even gave the actual block numbers. You said, "Which blocks?" and I told you which blocks.

Mr Berry: No; what blocks of land the Government understood the Bolton family to hold.

MS CARNELL: Which was the Hillview property, Mr Speaker, which is what we understood the Bolton family to hold. Mr Speaker, the first time that I became aware or, for that matter, the people who were doing the negotiations - that is the project group - became aware that the Boltons did not hold two of those blocks - that is, 495 and 629 - was last Friday, which I think was the 15th. Anyway, last Friday the members of that project management team then informed me of that.

Mr Berry: I did not ask that question. Again, she has answered a question I did not ask.

Employment and Unemployment

MR HIRD: We could ask Mr Berry which hand the marble is in; he might work it out from that. My question is to the Chief Minister. I refer to recent economic indicators which show that the ACT is slowly but surely - listen to this, Mr Berry - recovering from the downturn caused by previous Federal governments under Mr Keating and the current Federal Government under Mr Howard through employment and spending cutbacks in the ACT. Can the Chief Minister advise the parliament how successful this Government's - that is, her Government's - job strategies have been, in the light of the latest official unemployment figures?

MS CARNELL: I thank Mr Hird for the question, because it is a question that really matters to the people of the ACT. Mr Speaker, it has been well known that the total number of jobs to be lost in the ACT through Federal Government cutbacks over a three-year period was expected to be in the vicinity of 9,000. Some people suggested 10,000, but it was very much in that sort of area, Mr Speaker. To give everyone a bit of an idea of the scale of that reduction, that equates to a loss of almost 6 per cent of the ACT's total work force, or a loss of roughly one job in every 17 - a huge number, Mr Speaker. By any measure, that is a massive reduction. It has had a major social and economic effect on the ACT since 1996, as we all know.

Mr Speaker, the task this Government assumed during our first term in office was to try to come to grips with the problems of an economy which was heavily dependent on public sector growth for increased employment. As I have said many times before, when I became Chief Minister and when this Government came to power, Canberra was not even on the map when it came to investment and other business decisions that were being made in boardrooms around Australia.

I guess we could have gone one of two ways, Mr Speaker. We could have sat on our hands and done nothing, as those opposite did, although very few of those opposite were actually around in the last Labor Government; or we could have done what we did, that is, get up and actually get things moving. Mr Speaker, we needed to move to a situation where we were not as heavily wedded to or reliant on the Federal Government as we had been in the past. We could have done what the Labor Government did for three years and simply sat back and whinged, whinged, whinged - and Mr Berry is still whingeing - and just said to the Federal Government, "Stop taking the axe to the national capital". It is very important to make those points, Mr Speaker. We certainly get no benefit from just whingeing. On the other hand, Mr Speaker, we could have gone out and promoted our city to the rest of the country as a great place in which to live, work and do business.

Mr Speaker, we chose the latter option. We did not sit on our bums and whinge, like Labor; we got on with the job. We worked hard to help local businesses expand and encouraged new ones to start and relocate in Canberra. We backed it up with our *Jobs for Canberra* strategy and with policies to encourage more diversification, more investment, more confidence and a higher profile for the national capital as a business destination. Together with our industry strategy, we started this city down the long and, I have to say, often painful road of positioning itself as a centre for high-tech, advanced technology and environmental excellence.

I said a year ago that my goal was to position the ACT so that next time the Commonwealth Government sneezed this economy did not catch a cold. I think that we have done very well in achieving just that, Mr Speaker. So, where are we now, Mr Speaker? What have we achieved? In answer to Mr Hird's question, I have to say that the latest official labour force statistics from the Australian Bureau of Statistics are very encouraging. Let me explain why. When we came to government in March 1995, there were 153,900 Canberrans in full- or part-time employment, according to the Bureau of Statistics. Today, again according to the ABS, there are 157,800 jobs in Canberra. That is an increase of 3,900 full-time and part-time jobs over the last three years.

Mr Berry: How fast is the population growing?

MS CARNELL: Mr Berry says, "How fast is the population growing?". Those opposite have said that everyone has left Canberra. Mr Speaker, those opposite have said, "Everyone has gone; we will all be doomed". You cannot have it both ways, Mr Berry. In other words, Mr Speaker, employment has risen by 2½ per cent. To me, that is a quite remarkable outcome, given that this city has been through a pretty tough time since the middle of 1996. Remember that 9,000 jobs were to go from the Commonwealth Public Service in just three years; yet we have 3,900 more jobs in Canberra than we had at the same time in 1995.

Mr Speaker, that is not in percentage terms; that is for real jobs, real people. Mr Berry always says, "How many of them are part time?". The fact is, Mr Speaker, that 3,000 of them are full time and 900 are part time. That is not bad, Mr Speaker. In the past six months the trend rate of unemployment in the ACT has dropped by a staggering 1.2 per cent, Mr Speaker. I am pleased to advise, too, that we now have the lowest number of unemployed in the ACT since July 1994. I repeat: We now have the lowest number of unemployed in the ACT since July 1994.

Mr Speaker, to complete the picture, encouraging news is emerging from Centrelink as well. Centrelink's latest figures show that the number of people in Canberra receiving unemployment benefit in April was 7 per cent lower than it was in the same month in 1997, and 6 per cent lower than in April 1996, when the impact of the recession first started to be felt in Canberra. Mr Speaker, I suppose I had better say it a bit more slowly, for Mr Berry's benefit. The ACT has now recorded six consecutive months of job growth and a reduction in the number of unemployed; so, there have been more jobs and fewer unemployed for six months in a row. All of this points to an economy that is in recovery and an economy that is strengthening. Mr Speaker, none of this can be attributed to the Labor Party, which continues to preach doom and gloom about the future of the ACT.

Mr Speaker, I am looking forward to the day when good unemployment figures come out and Mr Berry goes out and says, "Good work, Government. Is that not magnificent?". I could be waiting for a very long time; so, I will not sweat on that, Mr Speaker. We still have a long way to go; there is no doubt about that.

Mr Berry: Yes, of course we do.

MS CARNELL: The events in Asia are still unfolding as I speak, and there are many more challenges ahead. But, Mr Speaker, I can say to this Assembly today that we are in much better shape now than we would have been if we had taken Labor's path of simply whingeing, sitting on our hands, doing nothing and just saying to the people of Canberra, "It will be all right". The fact is that it would not have been all right, Mr Speaker. The approach we have taken has worked, but the hard yards certainly are not over.

MR HIRD: Mr Berry said that we have a long way to go. He has a long way to go, and the further the better. My supplementary question Mr Speaker, is: The recent election demonstrated that the voters of the ACT have full confidence in the Government's programs, and this can be vindicated by the figures that the Chief Minister has just indicated to the parliament. Has the Chief Minister any further information with respect to those figures?

MS CARNELL: Mr Speaker, I think the major figure that is important here is that we are under 7 per cent for unemployment; we have cracked the 7 per cent mark. That is a pretty impressive figure. I think it is something that all members of this house should be really pleased about and they should be saying, "Congratulations, Government".

Erindale Police Station

MR WOOD: Mr Speaker, my question is to the Minister for Urban Services. Minister, on 13 November last year, I asked Mr Humphries, who was then acting as the Minister for Urban Services, what plans had been made for the use of land and buildings at the former Erindale police station. In my question I mentioned my concern at the fate of the former John Knight Hostel, only a couple of streets away, which had been left vacant for nearly two years and was extensively vandalised. When the new tenants finally moved in they had to face bills, I believe, of about \$40,000 for repairs. Mr Humphries, as I recall, quite clearly promised prompt action. Given the interest shown by community groups in using the former police station, even before it was empty, can you say why it has not yet been allocated, and do you anticipate an announcement in the very near future, six months after Mr Humphries's statement?

MR SMYTH: Mr Speaker, I thank the member for his question and acknowledge his long-term interest in facilities, particularly community facilities, in the Tuggeranong Valley. I share with Mr Wood his concern over the long delays that occurred, particularly with the John Knight Hostel, which stood empty for a long period of time and was indeed vandalised. I do note now that it is a wonderful facility, offering space for thriving new businesses to get out there and improve employment and improve the whole viability of the Tuggeranong Valley, and it is a facility long overdue there.

As to the Erindale police station, I would also acknowledge Mr Wood's concerns on that. It has been raised several times over the last couple of months at things like the Tuggeranong Community Council meetings. I have to say that I have not been approached yet by a single community group - that is, approached directly - with regard to what would happen with the Erindale police station. Some people have put forward ideas, some of which were very sensible and some of which were unrepeatable in this place. But we will take the question on notice and find out what approaches have been made to the department directly to use that facility.

21 May 1998

MR WOOD: I have a supplementary question, Mr Speaker. I think the Minister will find that quite a number of groups have expressed interest and probably there have been some quite clear expressions in writing. Minister, I take you to mean that you will really activate the procedures under way to give the building over to some responsible group?

MR SMYTH: Yes, we would be delighted to see it go to community groups for a reasonable use. It is a valuable facility. The other thing is that it clearly impacts on the future of the entire Erindale Centre. We have an obligation there. This Government is very keen, through its various programs, to help build up group and local centres and to make sure that they are viable. I share the member's concerns and will get back to him as quickly as I can.

Energy Management Program

MS TUCKER: My question is to the Minister for Urban Services and relates to the energy management program in the capital works budget. I did give the Minister some notice of this question. Over the past several years, Urban Services has managed an energy management program which has the objective of reducing recurrent energy costs throughout Urban Services owned and operated facilities. According to the Government's own documentation, between 1990 and 1995 expenditure of \$4.5m accrued total estimated savings of \$3.7m, as well as ongoing savings at the rate of \$1.5m per annum. As the brief on last year's capital works program states, the primary justification for this project is that it will save money on an ongoing basis. I would also like to remind the Minister that one of the commitments in relation to the greenhouse gas reduction target released last November was "an investigation into significant energy efficiency in Government buildings, and seeking the Commonwealth Government's cooperation in doing the same in its buildings". Given this Government's public commitment to this program as part of the strategy of reducing greenhouse gases and the fact that this program clearly saves the Government money, I am interested to hear, firstly, why the projected expenditure of \$520,000 by June 1999 has been revised down to \$248,000 and, secondly, why there appears to be no ongoing commitment to the energy management program in future years.

MR SMYTH: I thank Ms Tucker for notice of this question and acknowledge her strong interest in this matter. As she has stated, the energy management program has been implemented in the ACT over the past six years. I guess credit would go to a former Labor government for starting that program and to the previous Carnell Government for continuing it. The program is now under further refinement to determine what future physical works may be necessary. The majority of ACT government buildings have had action taken in regard to their energy management program and it is appropriate now that we stop and look at what we are doing. The funding for 1997-98 has therefore been committed for energy management audits for the remaining buildings, and these will be done throughout 1998. They include buildings such as the Assembly building, the new Canberra Gallery and Museum, Macarthur House and the Callam Offices, which have been refurbished recently and are now equipped with energy-saving features. We just want to make sure that they are doing what they promised.

The program is being suspended in 1998-99 pending the outcome of these further studies. As a result of those studies, we may continue with the way it is going now or we may look at alternative ways of dealing with energy management. It may be that the physical program will be replaced with an energy performance contract, which is an arrangement where a contractor guarantees a level of energy savings over a specific period of time for works carried out on the client's premises. As soon as these reviews and audits are carried out, we would be delighted to furnish you with more information about how the program is going.

Rural Residential Development

MR CORBELL: Mr Speaker, my question is to the Chief Minister. In answer to a question last Tuesday from Mr Stanhope, the Chief Minister indicated in relation to the Kinlyside and Hillview exclusive deal with Mr Whitcombe:

The reason why exclusive negotiations were entered into with a single developer regarding a rural residential development near Hall is that the developer brought to us a letter of authority to negotiate on behalf of the Bolton family, the lessees of the Hillview property ... for, I think, nearly 150 years; so a right to negotiate on their behalf was a significant factor in decisions relating to the redevelopment of the area.

Chief Minister, under what Territory law did the Government accept that Mr Whitcombe had an exclusive right to negotiate?

MS CARNELL: Mr Speaker, if somebody comes to you with something that you believe is of value, the approach taken by the Government is that that would be or could be a reason to go into a joint venture with that person.

Mr Corbell: Under what Territory law?

MS CARNELL: There does not actually have to be a law for a joint venture.

Mr Corbell: Under what law does he have an exclusive claim on the land?

MS CARNELL: There does not have to be a law, Mr Speaker. Mr Speaker, what happened from there is important, and I have answered it a lot of times. The Government did not go into a joint venture because a number of issues needed to be clarified, such as the status of those leases and whether Mr Whitcombe was bringing something of value to the proposed joint venture. Mr Speaker, a number of things needed to be looked at - the environmental issues, the planning issues - - -

Opposition members interjected.

MR SPEAKER: Order! Stop it! The Chief Minister has the floor.

21 May 1998

MS CARNELL: Thank you, Mr Speaker. A number of things needed to be evaluated; so a preliminary agreement was entered into between Mr Whitcombe and the ACT Government to check out the various issues that needed to be identified before a joint venture was entered into. Those things were investigated. It was found that two of those leases - - -

Mr Stanhope: They should have been done before you signed the contract.

MS CARNELL: The whole basis of the contract, Mr Speaker, was to look at these issues. When those issues did not stack up, Mr Whitcombe pulled out of the proposed joint venture, Mr Speaker. I think that really should be the last time that I answer exactly the same question.

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

MR CORBELL: Yes, Mr Speaker.

MR SPEAKER: I hope that you will listen to this one when the answer comes, instead of interjecting.

MR CORBELL: I hope that the Chief Minister answers this one, Mr Speaker, and I hope that you will continue to enforce the standing orders, as you always do.

MR SPEAKER: Order!

MR CORBELL: Mr Speaker, my supplementary question to the Chief Minister is: Is it not the case that the lease Mr Whitcombe claimed he had a right to negotiate on had already expired and was on a month-to-month renewal with a 30-day withdrawal clause? Is it also the case that the lease indicated nil tenant rights, indicating that Mr Whitcombe had no claim in regard to a right to negotiate exclusively with the Government and that the Government could not have entered into an exclusive arrangement with him on this basis?

MS CARNELL: Mr Speaker, I have already answered that question.

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

Bruce Stadium

MS CARNELL: Mr Speaker, in question time today Mr Osborne asked a question with regard to a rugby union test. On 24 April 1998, representatives of the ARU visited Bruce Stadium to inspect the redevelopment. Unfortunately, the project manager for the redevelopment was not informed of the visit and discussions were held with an officer

who was not familiar with the scope or timing of the redevelopment. From this discussion, the ARU was left with the impression that the inner bowl seating and the corporate facilities would not be completed in time for the fixture. Mr Speaker, that is not true. The facilities needed by the ARU will be ready on time. They include 20,000 seats, around 50 corporate suites and the capacity to bring in temporary seating if ticket sales warrant it. Discussions are continuing with the ARU, and I am sure that we will be hosting a truly memorable event.

Electricity Supply - Green Power Option

MS CARNELL: On Tuesday, Ms Tucker asked me a question with regard to SEDA and the green power scheme nationally. As Ms Tucker seems to be otherwise engaged, I seek leave to have the answer incorporated in *Hansard*.

Leave granted.

Answer incorporated at Appendix 1.

Dairy Industry

MR SMYTH: Mr Speaker, I offer some additional information to Mr Rugendyke in regard to the Chief Minister's answer on Tuesday about milk deregulation. Under the administrative arrangements, the Milk Authority Act is under my control, and I will just add a few points to her answer. There has been no change in regard to the New South Wales deregulation from the farm gate on 1 July 1998. The decision by New South Wales not to deregulate the dairy industry in New South Wales for another five years relates solely to milk quotas and farm gate prices. As neither are regulated in the ACT there is nothing that could be pointed to for the ACT to follow. What happens in New South Wales, as the Chief Minister said, is essential to what happens here. In the context of this decision, it means that the price paid by the ACT for its raw milk on the basis of a competitive tendering process will continue to be lower than the regulated farm gate price in New South Wales and Victoria. The national competition policy review that is currently being undertaken in the ACT relates to those areas, such as price fixing and vendor licensing and zoning, which are to be deregulated in New South Wales from 1 July. Mr Speaker, that is why we are conducting our review. That is why this morning we put legislation in this place to take the Milk Authority Act through to the end of December this year, so that we may look fairly and reasonably at how milk deregulation may or may not occur in the ACT.

STANDING ORDER 118 - ANSWERS TO QUESTIONS WITHOUT NOTICE
Statement by Speaker

MR SPEAKER: Members, on Tuesday, during questions without notice, I undertook to examine the *Hansard* in relation to a point of order raised by Mr Berry arising out of an answer given by the Chief Minister to a question asked by Mr Corbell. Immediately prior to Mr Berry's point of order, Mr Corbell had raised a point of order on the same matter. Standing order 118 provides:

The answer to a question without notice:

(a) shall be concise and confined to the subject matter of the question;
and

(b) shall not debate the subject to which the question refers,

and the Speaker may direct a Member to terminate an answer if of the opinion that these provisions are being contravened or that the Member has had a sufficient opportunity to answer the question.

On Tuesday, Mr Corbell addressed a question to the Chief Minister concerning the Government's approach to joint ventures on land development where that approach is taken. The Chief Minister gave an answer to the question. Mr Corbell then asked a supplementary question and, on what I understood to be the completion of the answer, Mr Corbell raised a point of order concerning the relevance of the answer. Mr Corbell's point was that, in her answer, the Chief Minister made no reference to the specific query he raised in his supplementary question. Later Mr Berry raised a similar point of order.

I have examined the *Hansard*, as undertaken, and have also re-examined the provisions of standing order 118. I have to reiterate that, unless and until the Assembly directs me otherwise, I cannot direct how a Minister must answer a question, other than to ensure that the provisions of standing order 118 are adhered to. If they are not being adhered to I will, as I recall I have done on occasion, ask the Minister to terminate his or her answer. The test of relevance can be difficult to apply and I have not insisted on a narrow interpretation.

Mr Corbell: You do not even try.

MR SPEAKER: This is the approach that I believe my predecessors have taken, and it is the approach I intend to follow with answers to questions without notice, unless, of course, the Assembly directs me otherwise.

Mr Humphries: Mr Speaker, as you were reading that ruling, and you made reference to your decisions on questions of relevance, Mr Corbell interjected, "You do not even try". That is a reflection on you as Speaker and it is unparliamentary, and I call on Mr Corbell to withdraw it.

MR SPEAKER: Mr Corbell, if you interjected accordingly, would you withdraw that. I did not hear you.

Mr Corbell: If you did not hear me, Mr Speaker, it probably did not offend you. But, Mr Speaker, if there is any offence taken, I do withdraw.

MR SPEAKER: Thank you.

ANNUAL REPORTS - DECLARATIONS AND DIRECTIONS FOR 1997-98

Papers

MS CARNELL (Chief Minister and Treasurer) (3.26): Mr Speaker, for the information of members, I present the Annual Reports Directions for 1997-98 and a declaration made under section 4 of the Annual Reports (Government Agencies) Act 1995. Pursuant to section 15 of the Act, I also present a declaration made under section 5 and directions made under paragraphs 6(2)(b) and 8(5)(a) and (b), subsections 7(2), 8(2), 8(6), 8(7) and 11(1), and section 10 of the Act. I move:

That the Assembly takes note of the papers.

Mr Speaker, these instruments are issued in accordance with section 15 of the Annual Reports (Government Agencies) Act 1995 and set in place the annual reporting requirements for the 1997-98 reporting year. The instruments include the Annual Reports Directions for this reporting year. Under the Act, these instruments must be tabled, although they are not disallowable. The instruments set the reporting requirements for all annual reports provided under this legislation. This provides a standard framework for comprehensive reporting across the ACT public sector.

There are also mandatory requirements in the directions, particularly for administrative units and reporting entities with financial reporting obligations. Overall, however, the directions should be seen as setting the baseline for reporting. Because of the range of reporting bodies covered, the directions must be sufficiently flexible to permit accurate and appropriate reporting across a range of operational requirements. As members will be aware, the directions cover Territory-owned corporations for the first time. The Government has taken note of the debate at the time annual reporting legislation was amended last year. The instructions that apply to TOCs are appropriate to more commercially-oriented annual reports. This approach brings the TOCs within the reporting framework but recognises their particular operational environment.

Under the Act, all reports must be presented to Ministers within 10 weeks of the end of the reporting year. This means that all financial reports must be presented to Ministers by 8 September 1998. Ministers have agreed to table reports in the Legislative Assembly by 24 September. This is in advance of the deadline for tabling set in the Act, which, on the current sitting schedule, would allow Ministers until 29 October to table annual reports. This ensures all reports will be available for scrutiny by the Assembly as soon as practicable after the end of the reporting year.

Question resolved in the affirmative.

21 May 1998

**CANBERRA TOURISM AND EVENTS CORPORATION
Paper**

MS CARNELL (Chief Minister and Treasurer): Mr Speaker, for the information of members, and pursuant to subsection 28(3) of the Canberra Tourism and Events Corporation Act 1997, I present the Canberra Tourism and Events Corporation quarterly report for October to December 1997.

**PATIENT ACTIVITY DATA
Papers**

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer): For the information of members, I present information bulletins relating to patient activity data for the Calvary Public Hospital and the Canberra Hospital for March 1998.

STANDING ORDER 118 - ANSWERS TO QUESTION WITHOUT NOTICE

MR CORBELL: Mr Speaker, with the leave of the Assembly, I was wondering whether I could address a question to you prior to discussion of the matter of public importance.

Leave granted.

MR CORBELL: I thank the Assembly. Mr Speaker, I would like to request that you undertake to look at Mrs Carnell's response to my final supplementary question in question time today, in which she indicated that she had already answered that question. I would invite you, Mr Speaker, to review the *Hansard*, in terms of the standing order that a question fully answered cannot be asked again, to see whether or not that is actually the case in relation to that supplementary question.

Mr Humphries: Mr Speaker, I rise on a point of order in respect of that matter. Mr Corbell obviously wants to prove some point here.

Mr Berry: Mr Speaker - - -

Mr Humphries: If I could finish my - - -

Mr Berry: He had leave to ask the question.

Mr Humphries: Yes, I am aware of that, Mr Berry. You can take your seat now. I am not questioning his leave to ask the question. I am putting to the Speaker that it is not appropriate to take this matter on notice to review it. Mr Corbell has posed the question of - - -

Mr Berry: He has leave.

Mr Humphries: Yes, he has leave. Fine, great, Mr Berry.

MR SPEAKER: Order! Mr Berry, we are not questioning that.

Mr Humphries: Catch up with what we are doing, Mr Berry. We have moved beyond that point now.

MR SPEAKER: Mr Corbell had leave and he has put something to me and Mr Humphries is now taking a point of order.

Mr Humphries: Get some advice, Mr Berry. Go and talk to somebody. Mr Speaker, Mr Corbell has proposed that you consider whether the rule that the question has already been answered and therefore cannot be asked again should have applied to this question that the Chief Minister answered. The point is that the Chief Minister did not rise and say, "I decline to answer the question on the basis of that particular standing order". In fact, she did respond to the question that was raised. She answered it by saying that it had been answered before; nonetheless, she responded to the question that was raised. There is no question of that standing order coming into play. The question was answered - not to Mr Corbell's liking, but it was answered. Mr Corbell is trying to abuse the process here to make some point. I suggest that it is not a matter which appropriately ought to be the subject of a further inquiry.

Mr Berry: Mr Speaker - - -

MR SPEAKER: Order! I am about to rule on the matter. The only way that I can satisfactorily answer the question is to examine the *Hansard*. It may very well be that the way it works out is as Mr Humphries has put it; but, to be fair to everybody, the only way I can possibly cover this is to examine the *Hansard*, and that is what I undertake to do.

Mr Berry: May I raise an issue? In the course of Mr Humphries's point of order he said that Mr Corbell was trying to abuse the system. Clearly, Mr Corbell had leave to do this. That is an unfair imputation against the member's motives in relation to the matter.

Mr Humphries: No, it is not. Rubbish!

MR SPEAKER: Did you say that, Mr Humphries?

Mr Humphries: I did not say anything that constituted an offence against standing orders, Mr Speaker - nothing whatsoever.

MR SPEAKER: I think you misunderstood, Mr Berry. I will undertake to examine the *Hansard*, and we will see what comes of that.

21 May 1998

**ARTS IN THE A.C.T.
Discussion of Matter of Public Importance**

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

The importance of the Arts in the ACT.

MR WOOD (3.34): Mr Speaker, this is an important subject. Last week I was at the launch of this book called *Extraordinary Talent*. It reminded me, and I am sure others, of how many talented artists, performers and arts people we have in Canberra. The Chief Minister had the privilege of launching this book - I think a rare privilege - and it is a book that I think should be acquired by many throughout Canberra. There are some fine photographs of some wonderful people in it. The book indicates the variety of activity that occurs in the arts in Canberra and the range of talent that exists in this city.

This book is only a sample. There could be many similar volumes on people of equal talent to those whose photographs appear in this publication. The book is a good reminder to us of how diverse the arts scene is in this place and just how many people are involved. The book is a tribute to those special people. More broadly, it recognises how important the arts are. It tells me, and I am sure it tells others, how much we rely on artists and performers generally. We rely on them for an enormous enrichment of our culture and for pleasure and entertainment. We rely on them for challenge, and that is very important. Of course, they are very important in our education in a whole range of areas.

I think we do not always realise just how important the arts are and how much we depend on them. If someone here buys an item of jewellery they are attending to the arts. I would ask, of course, why you cannot buy an item of jewellery from some Canberra craftsperson. If you go home at night and read a book you are attending to what writers, artists, are doing. Think of the paintings you put on your wall. I was very disappointed to learn yesterday of one very reputable establishment in this city which only recently purchased six framed prints of European artists at about \$350 or more each. What a disappointment that was. They could have had quality originals at that price, or probably a little more, from Canberra artists. I thought that establishment was a bit off the track. Music plays a major part in our life; yet, as we hear it, do we always understand just where it comes from and the artistic role it plays for us? I could go on, of course, about drama, dance and so on. Arts is our life. It is there. It is not a part of it; it is our life.

On behalf of the people of this Territory, the ACT Government is the major sponsor of the arts, and that is as it should be. I would argue that it should be a greater sponsor, as I did with the Follett Government, with some success, and as I will with the present Government, I hope with some success. The former Minister, who is listening attentively, promised and claimed to deliver an additional \$3m to the arts during the life of the last parliament. The money came from different sources and was expended in a variety of ways, so I never checked it out to the last dollar. So, Mr Humphries, I accept your claim.

Mr Humphries did indicate in the course of the last election campaign that some of that increase would be lost. However, I suspect, because of some of the decisions that the Chief Minister is taking, that the budget will actually increase; that there will not be a loss. Chief Minister, you will not have any complaint from me if the arts budget is overspent.

Ms Carnell: Everyone else would complain.

MR WOOD: That is a fair point too. This morning I stood up in a debate and pointed to deficiencies in the delivery of some of the social services in this place, so there is an overriding budget imperative. There are competing priorities, and I must acknowledge that.

The book I referred to was launched across the way here in the Playhouse, which is next to the museum. These are significant new venues. I take this opportunity to congratulate all those people who have been responsible for their construction. I think it shows that the architects, the engineers, the project managers, the construction people, the managers, and the proprietors of those firms in Canberra are capable of doing a wonderful job. I think we have two outstanding facilities there. They were part of a very substantial public works program arising out of the casino premium, which I think is pretty substantially completed. Perhaps there is some money to be expended on an Aboriginal heritage centre. There are also works at Tuggeranong, Woden and Hawker as a result of that money.

That works program is complete; but, in fact, it opens up for us a challenge because, after all, they are only buildings. I am confident that the people who work in those buildings, the people who manage them and the performers who move into them will see that they are fully and completely used. But let us remember that they are but buildings. At the same time I want to suggest that over the future period some more capital works in the arts areas ought to be considered. Let me first hasten to tell people, lest some say there has already been a lot of capital expenditure on the arts, that expenditure on the arts nowhere near matches expenditure on sports. It nowhere near matches it even though we have been spending a deal on it recently. That is the case with government expenditure, as it is, sadly, with private sponsorship. People seem to move very strongly into sport sponsorships but, with only a few exceptions, do not do so to the same degree in the arts.

I think that in the future, on our capital works program, we could look at a recital hall at the School of Music. That proposal has been around. It has been tentatively on the list at some stage or other for some time, I am told. We recently funded to the extent of \$2m an exhibition gallery at the National Gallery of Australia. We are providing \$12m, or something like that, for the Museum of Australia; so we do set a precedent of providing funds to national bodies. When I go to concerts at the Llewellyn Hall I think 90 per cent or more of the people attending are Canberra citizens or people who live near Canberra.

There have been plans around for a long time for a combined arts access facility. I think that will emerge in due course. I understand that there are discussions about that under way now at some level. Let me give a plug to Studio-One. I think it is one of the outstanding print-making facilities in Australia. It does some wonderful work.

21 May 1998

Poor old PhotoAccess does a great job, but it is really not in the best circumstances over there at the ANU. I think we need to find a better site for that. I was saying that too when I was Minister for the Arts. The Crafts Council would benefit if it had a better building - one that did not flood periodically and one that was closer to mainstream activity. So I put in a plug for some more capital works.

Nevertheless, our focus must be on the extraordinary talent that is so well highlighted in this book. Capital expenditure is fine, but it is not all that we have to do. We have to support individual artists and performers, and their organisations and their companies. In doing so, we have to respond to the community which wants that entertainment and which wants those experiences. At the same time we have to challenge that community because it is a two-way process. We are entertained, so we must respond. If we want this entertainment, we have to back it up. For example, we have to turn some of that large number of people who go to the NGA blockbusters to our own gallery and to our own commercial galleries in Canberra, which are of a very high standard. We have to encourage a buy local campaign.

Let me commend what the Crafts Council has been doing. It has put out some excellent publications, significant works as well as smaller stuff, including last year a pamphlet indicating where Canberra's commercial galleries are. They have done a very good job. The School of Art does a good job. I think our own arts bureaucrats also, over a long period, have done a good job. Mr Humphries, when he was Minister, saw to it that we had a writers centre established. That was a relatively small project; but, given the importance of writers in the ACT, and there are a very large number of would-be writers, that was a very important initiative.

Of course, most of what has to be done to get audiences, to get local people more involved, to go and to see and to listen, has to be done by the performers, the artists, the groups themselves, and that is by producing quality work. That is the first requirement. But quality work alone is no guarantee of public support. I am sure we have all been to some great performances that have fallen through with poor attendances. There is a backup by the Government. We have to see that those organisational structures, the philosophical foundations and appropriate funding are all there. The Cultural Council must be coming towards the end of its process of review of its cultural policies. That cannot be too far away now. That is a very good and important process to have been working through. We will be most interested to see the result in the end.

There is one other area of importance, and that is administration. I have seen, and I am sure others have seen, very good creative efforts by groups or by individuals not backed up by good administration, so a company may fall through. That may have been the case with Skylark. I know the Chief Minister and the arts people are looking at whether we can save something from the ashes of Skylark. I thought their management was good - they were good people - but somehow most significant difficulties emerged.

The Muse magazine has a very good management, in my view. Perhaps confusion between messages has created a temporary problem for it whereby it is likely to lose some of its funding. I hear, on the one hand, that bureaucrats believe that Muse had been told that funding would be diminished. On the other hand, Muse tells me they did not know

about that, so somewhere there is a problem. We see that Paige Gordon is leaving Canberra. That is a normal thing in Canberra. We get good people, as any city does, and they move on. That will be a disappointment. I thought the Paige Gordon management group was doing a very good, constructive job. I hope that they can find someone to take that place. In the dance area we have had some excellent people here, and they do move on. There are always creative people to come through.

I have spoken in recent times about this Assembly, through one of its committees, looking at what we can further do for artists and performers in Canberra. I would like to see some group from here go out and talk to this fine body of people, this very knowledgeable body of people, and see how better we may refine what is happening for the arts in this city. I believe that in this Assembly, as in the city generally, we have great respect for the arts. We need to be attentive to that community and, as far as we can, we need to be responsive to that community.

MS CARNELL (Chief Minister and Treasurer) (3.48): Mr Speaker, this Government's commitment to the development of the arts in the ACT can be demonstrated through numerous examples. I have to say that I think the commitment of all parts of this Assembly is very definitely there. Throughout the 1990s ACT governments have provided significant support to the arts. As a result of this and the city's role as the national capital, we have an incredibly diverse, rich and extremely talented arts industry. I think the comments Mr Wood made about the book that I launched last week really show the huge depth that we have. I suppose any government must realise the potential that this industry has to play a major role in Canberra's future cultural and economic development. We see it as a very important part of the direction of the city and not as something that should be kept to the side.

Perhaps our commitment, though, was best demonstrated by our determination to ensure that moneys flowing from the casino premium were actually spent on facilities more than five years after they were first allocated. That was done by this Government, Mr Speaker, and we are very proud of that. We are also very pleased about the support that Mr Wood gave us in this pursuit. There were times when it was very difficult to get these facilities up and running and to get the sorts of agreement that we needed to have to get these great facilities open. That can be said, too, for the new multipurpose arts centre constructed at Tuggeranong. They really are great facilities.

When we look out the door here we can see that the fountain is going. That is something really special. Apart from that, this particular area of Canberra - our cultural precinct, as we call it - with the new Museum and Gallery and the new Playhouse, has enormous potential. All in all, the cost was quite substantial. All these facilities, including Tuggeranong, cost some \$22m. It amounted to the single biggest investment in infrastructure for arts and heritage facilities since self-government, and we are very proud of that. On top of that, as Mr Wood said, there was an extra \$3m invested in the arts over the life of the last Government, for cultural development, public art and the upgrade of the Canberra Theatre. I should also mention, Mr Speaker, that it was this Government which kicked in \$2m to help the extension of the National Gallery. I am sure all members will agree that this has been a worthwhile investment for the future of the city. I think it greatly improves the National Gallery. I know that those people who are working at the gallery agree with that.

It is clear that the arts in Australia have undergone significant changes in the past decade. It is for this reason that, while the initial *Sharing the Vision: A Framework for Cultural Development* developed by the Cultural Council nearly 10 years ago was an excellent start in developing an arts and cultural development framework for the Territory, the changes that we have undergone require a change in focus. That is why this Government is developing a new arts development strategy which will outline the Government's priorities for arts over the next three years and how we will implement specific strategies to support these priorities. The wealth of our artistic talent presents us with an opportunity to position Canberra as a vibrant, young and, I think importantly, contemporary city. To maximise the potential of the ACT arts industries the priorities are to develop new audiences - that is absolutely essential, I am sure Mr Wood would agree - to support excellence in arts practice and best practice in management, and to develop cultural tourism through strategic partnerships. A significant component of the Government's funding for the arts will be directed to the creation, presentation and promotion of excellence to the broadest possible audience. Support will be directed to product and activities that are of high quality, innovative and marketable. The Government will support arts projects and organisations that add value to existing strengths and have a capacity to build linkages with major cultural events that enhance Canberra's image as a national attraction.

In the short term, this will include events such as those in the lead-up to the 2000 Olympics and the 2001 Centenary of Federation. Government support has already resulted in the ACT being represented nationally and internationally by organisations such as Craft ACT, Studio-One and, of course, Company Skylark. The season of professional theatre at the Street Theatre follows decisive Government action to foster a consistent quality product and to develop the industry. The season supports excellence and offers the community a balanced program of attractive local theatre, and that is part of getting that broader audience. Critical to the development of theatre audiences are an improvement in marketing, consolidation of the number of project companies, the choice of product and quality production. So, Mr Speaker, it comes down again to making sure that what we are providing is a quality product. Funding for local professional theatre will be the subject of a review in the very near future.

There is a need for the arts to develop operating models which are innovative and focus on performance enhancement. Those organisations that are flexible and responsive to change will be better placed to meet the challenges ahead. These are the sorts of organisations that the Government is interested in supporting, as they will be best placed to maximise their effectiveness. The visual arts are the ACT's strongest arts sector. The quality and diversity of ACT visual arts and craft practice is recognised nationally and, particularly in contemporary craft, internationally.

The need to relocate Craft ACT, Megalo, Studio-One and PhotoAccess has been recognised for some time, Mr Wood. We acknowledge that there is a need for this. It is desirable that these organisations be more centrally located, close to or maybe even in Civic, and clustered more closely. Better and higher profile locations for these organisations will enhance the profile of the ACT as a national centre of excellence in the visual arts, the access opportunities for the community, the cultural tourism opportunities relating to the visual arts, and the opportunities for growth in commercial ventures.

Again, this is a way of maximising the effectiveness of the funding that we already provide. Craft ACT has been identified in the Civic revitalisation “Our City” proposal as potentially playing a major role. Its presence in Civic would complement the role and profile of the Canberra Museum and Gallery. It will also strengthen the profile of Civic as a cultural precinct and make a significant contribution to the revitalisation of our Civic Centre. A range of accommodation options for these organisations is currently being explored.

The public art program has also been very successful. Over the next few years the public art program will extend to ventures with the private sector and will undertake some new initiatives which fit within the context of Civic revitalisation through such things as art in vacant spaces type projects. Audience development is about improving the reach that the arts has in the community and enhancing the quality of experience for existing audiences. Maximising audiences is good arts practice, and it is not just about achieving good financial outcomes.

Effective marketing is essential to increasing the number and the satisfaction of audiences, and marketing starts from the recognition of the importance of the customer. Marketing does not involve the marginalisation of artistic quality. Not everyone will respond to the arts product or activity in the same way; and, Mr Deputy Speaker, nor should they. The Government will support appropriate arts marketing activity that best meets the current needs and emerging opportunities. To justify significant funding, arts organisations must be able to demonstrate that they are adding value to the arts.

The Canberra Tourism and Events Corporation will also be developing new initiatives for cultural tourism, while the new Museum and Gallery will develop programs in partnership with local arts organisations and other major exhibition spaces in Canberra to promote local artists to the region and to the nation. It will also establish strategic partnerships with major collecting and exhibiting institutions.

The ACT arts development funding program will be directed to implementing the arts development strategy. Arts funding will be applied to achieve the most effective use of the Government’s investment for the benefit of the community through a number of ways. We will be making sure that there is adequate funding for the major local arts organisations; funding less activity and funding it to succeed; in other words, Mr Deputy Speaker, not spreading the funding too broadly, and funding activity that is likely to succeed. Experience has demonstrated that the most effective way to contribute to the development of community arts is by supporting the professional artists to work on community-initiated products.

I must emphasise that the recent demise of a number of ACT arts organisations has not been the result of lack of funding. In the case of Padma Menon, Ms Menon has been forced to cease dancing for health reasons. Paige Gordon has been lured to Perth as the director of a dance company. Company Skylark’s demise has come about through hidden financial problems that date back several years, although, Mr Deputy Speaker, we are working very hard to ensure that we do not lose Peter Wilson’s great capacity.

21 May 1998

Mr Deputy Speaker, finally, this Government acknowledges the importance of fostering excellence in the arts through support for development and innovation. This will continue to be supported through the arts development funding program. I welcome Mr Wood's initiative in bringing forward this MPI today. Sometimes many people forget just how central the arts are to any community, particularly to any community that is growing, that is evolving and that is becoming more mature. I think sometimes, too, people forget the huge financial benefits that can flow from the arts in a city, particularly a national capital. The opportunities that exist for packaging weekend events as tourist attractions for people coming in from Sydney and other places, I believe, have not even started to be tapped. People could spend weekends or even longer in the national capital and see visual arts and theatre, and possibly visit a winery. They could experience really great arts, from performing arts through to visual arts. That is a market that I believe we need to do a lot of work on, but it is one that will benefit the arts community, the ACT Government and the community quite dramatically.

Mr Deputy Speaker, we have spent an enormous amount of money on arts facilities over the last few years. It is now up to us, up to this Assembly, to ensure that that money has been well spent and to ensure that those facilities are appropriately used. One of the things that it is very easy for governments to do is to build buildings. Sometimes things tend to fall over in regard to making sure that those buildings make a return to the city that built them. That will be a challenge for us over the next few years. I am sure that all of us who were at the Playhouse opening, and the Museum and Gallery opening fairly recently, would agree that our facilities are second to none. They are unique; they are special. They are wonderful facilities and they must be properly managed.

MR DEPUTY SPEAKER: Mr Hargreaves, we are to have four speakers in 30 minutes. If we keep it to seven minutes each we can get four speakers in.

MR HARGREAVES (4.03): Mr Deputy Speaker, this will not take very long at all. I would like to express my gratitude to the Chief Minister for that expose on what we are doing for the arts. It is very encouraging indeed. I would like to direct attention from the Territorial level to the local level. Often society does not acknowledge the value of arts as an expression of community growth, community development and community maturity and as a vehicle for the expression of history and the history of a community. It is all very well, Mr Deputy Speaker, to recognise the revitalisation of Civic, and I am happy to encourage that; but Civic is not the only mature part of the ACT. There are satellite cities which are maturing at a great rate. Belconnen is doing very well. There is Weston, and, of course, Tuggeranong, the heart of my own electorate.

Mr Corbell: Woden.

MR HARGREAVES: And Woden. Thank you very much, Mr Corbell. Mr Deputy Speaker, we acknowledge the provision of the Tuggeranong Community Arts Centre. We need also to understand, though, as the Chief Minister just said, that building buildings is very easy. Just whack it into the capital works program and there it is. We need to make sure, however, that these facilities have ongoing support for maintenance and future expansion, and sometimes I wonder whether that support is sufficient.

We need to recognise the roles of community festivals. These festivals are often regarded by government as small things out in the suburbs. When I speak about this I do not refer to the biggies like the Canberra Festival, Floriade and things like that. I talk about the smaller ones, like the Tuggeranong Community Festival, and like the Belconnen Community Festival which received funding this year for the first time for a long time. I wish them all the very best in their festival for this year. We need to understand that these festivals are an artistic expression. They bring together the range of arts activities. They give expression to the arts connected with multiculturalism, the local arts talents which are about. They create opportunities for emerging artists and musicians which often the big festivals do not do.

Mr Deputy Speaker, this Government needs to recognise, indeed, the Assembly needs to recognise, the role of volunteers in these smaller festivals. They perform those roles without remuneration but with commitment because they are committed to their community. An example of what I was saying a moment ago about the role of festivals furthering the arts can be seen in the Tuggeranong Community Festival Rotary arts prizes. I noticed earlier that there is major expenditure on the provision of prints. The Rotary arts prize sponsored by the Tuggeranong Community Festival provides a couple of hundred originals from original artists on original scenery and original activities within the Tuggeranong Valley, and I am sure this is mirrored elsewhere. I would be encouraging those purchasers of artworks to visit these smaller ones.

When we talk about the many millions of dollars put into the arts, I am a little concerned that it is at the top level. I am concerned that we spend millions of dollars on male elite sports such as the Brumbies. I recognise that the Government puts money into large-scale arts events, as I have mentioned, such as the Canberra Festival, the Multicultural Festival and Floriade. I include Floriade as an artistic expression. I would question the allocation to the smaller activities such as the community festivals, and also to such activities as junior sports, girls and women's sports, and the smaller arts activities. Perhaps we as a government could do a little bit better. I put myself and my side of the house together with the Government on this. I just wonder whether our minds are really applied to the amount of support that we give to the smaller-scale activities.

I realise that many dollars go to Tuggeranong community arts for the provision of a community arts officer, and we are particularly grateful for that. But I wonder whether or not the level of those funds is sufficient. I sometimes wonder whether the process could not be looked at in terms of how those funds are allocated with regard to the community festival type of stuff. Mr Deputy Speaker, we need also to recognise that arts is a tourism thing, and I think there has already been mention of that. The Tuggeranong community is developing a pamphlet to attract people to come and see the wonderful arts and crafts in our area. I would urge us all to think seriously about the level of resources to smaller activities.

MR DEPUTY SPEAKER: Thank you, Mr Hargreaves; you kept to that time limit nicely. I think we will get our speakers in.

MS TUCKER (4.09): I was really interested to see that Mr Wood brought this on this afternoon. I was particularly interested in listening to Mrs Carnell, as the new Minister responsible, to see what was the direction and, if it was going to change, what was her vision for the arts. It is great to hear such enthusiasm coming from both sides of the house on the matter of the arts.

I am not really surprised, but I am concerned about the tone of the Chief Minister's position. I noted down some of the words used, such as "effective marketing", "quality products" and "adding value to the arts". I guess she means dollar value by that. I am assuming that, but Mr Humphries might like to correct that if I have the wrong impression. There were also phrases like "funding less activity", "funding it to succeed" and "funding what is likely to succeed". Obviously, if it is a money spinner it is great. The arts brings in money and we do need to encourage the industry and that aspect of it.

I am totally supportive of cultural tourism or whatever it is called at the moment. I am, of course, supportive of excellence in the arts, and I am supportive of developing new audiences. But the danger is that the focus has gone so far to that side that we are losing the really fundamental understanding of the value of the arts to the community. It is not just about listening and being an audience and a spectator and bringing in tourist dollars and value adding. It is about our society as a whole being involved in artistic expression. It is about our being able to develop as a community our creative abilities, because it is such a fantastic opportunity to allow the community to develop. It is about community development. It is about the identity of individuals and groups in our society. It is about articulating a vision of how we want our society to move. It is about articulating what is not working in our society.

None of this will necessarily sell. That is my concern. You cannot say that there is not a valid place for this side of the arts. I am not saying that Mrs Carnell said there was not a place for it. I did hear her refer at one point to community arts and that you will actually see that enhanced if you make the industry part of it strong. But I am concerned because there was so little reference to that really fundamental importance of the arts to our society as a whole. It is not just about the industry; it is about who we are as human beings and whether or not we are allowed to develop that part of ourselves.

There is a strong environmental argument for that, by the way, as well, because, as is often said to explain the current consumer mentality, so much of our identity is based around ourselves as consumers. It is the "I shop; therefore I am" approach, and so on, which I have certainly gone over in this place before. Actually seeing humans as more than consumers or clients is very important, and I will continue to raise this as a matter of concern in this house when I hear it brought up over and over again in different debates about different issues of government service and government policy.

The Chief Minister also referred to the arts development strategy. I am not sure what has happened to that. It seems to have been on the drawing board for over a year now. I understand that it has gone back to the new Arts Minister. It still has not been released. She sort of gave us a hint about what it is going to be when she outlined her three focuses, which were the development of new audiences, supporting excellence and the

development of cultural tourism. The problem with that, of course, is that the grant round closes next week. I would not be surprised if the arts community was a little concerned, if they are applying for funding, that they have not yet actually seen the direction in which the new Minister wants to take the arts. I think the timing there has been a little bit unfortunate.

I agree wholeheartedly with the sentiments of Mr Hargreaves when he raised the issue of the regional arts and ensuring that we do not totally centralise what is happening. If you live in Tuggeranong it needs to be possible for you to access the arts too and to be able to participate in various arts functions or arts opportunities.

It also is very important to make sure that we integrate the arts into all government agencies. There are so many possibilities to do that. We have made suggestions in the past in the Social Policy Committee about how you can use the arts with the community for all sorts of good outcomes. For example, we have seen how the arts is used in mental health when people are suffering mental illness. Becoming involved in the arts can be a fantastic way for them to express their situation, to be creative, to heal, as well as to produce fantastic arts. We have to be really careful, now that the Chief Minister has taken over the arts, that we do not see it boxed up in the Chief Minister's Department and controlled with a fundamental, economic rationalist approach to the whole business.

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (4.14): Mr Deputy Speaker, I am grateful to have a chance to contribute to this debate and to make a few comments of my own. The ACT Government made a quite conscious decision after the last election to appoint a new Minister for the Arts. I think that choosing the Chief Minister as Minister for the Arts is an important exercise. If you look at Arts Ministers across Australia, in fact, you will see that many of them are either Premiers or Deputy Premiers, or very close to the top of the political hierarchy of their particular jurisdiction. It helps create a situation where the arts is central to the way governments think, rather than being on the periphery. I think that is a welcome development. It is also useful having around a Cabinet table a second person who understands the dynamics of the arts and is able to contribute to promoting its benefit to the community.

Let me say a little bit about what my vision for the arts is. It is a cliché to talk about the arts as a mirror to society, but it is true that the arts are there to demonstrate both the best and the worst about our society. Why do we need the arts? In a society or in a community where emphasis is placed on getting our operating loss down to zero, reducing waiting lists, making sure employment is high, and making sure that the trains run on time, it is useful, indeed vital, that we ask ourselves the question, "What does it profit us to know that these things are happening if the human dimension of successful or fruitful lives is not also revealed at the same time?". The arts transcend the merely mechanical process of going from A to B. They also demonstrate to us why we are going from A to B and help us ask the question whether we should not be going to C instead. Mr Deputy Speaker, we need the arts to be able to temper our activities and to help us to decide on what we should be doing as a community to advance the spiritual as well as the physical wellbeing of our community.

Mr Deputy Speaker, I have just finished three years as Arts Minister and I have some comments to make about what we should be doing in the arts in the ACT. I will offer some advice to the arts community as well as indicate some directions the Government proposes to take. First of all, on the latter question, the Government has indicated already some of its proposed directions on the arts in the next three years. Ms Tucker, I think, talked about integrating the arts into ordinary everyday life, and that is very much at the heart of what the Government is trying to do.

Public art is a very good illustration of that - not just public art in grand buildings like the new Playhouse or the new Magistrates Court, but public art in buildings of day-to-day importance to people, such as the Tuggeranong Police Station, and, indeed, on things as mundane as the paving stones that people walk on when they travel along the footpath. It is the idea of bringing the arts down to that level which is vital to the importance of a healthy community. We also hope to create a situation where the arts reaches a broader audience; to make sure that everybody at some point in their lives, hopefully at many points in their lives, intersects with the best that the arts community has to offer and is able to partake of that particular very rich and diverse cup. That is a very brief summary of the sorts of things we hope to be doing in the next three years.

I also want to touch on what I think the arts community needs to do over those next three years. It needs, I think, to be a little less elitist. Going hand in hand with the concept of having a more broad-based activity and participation in the arts is a requirement for artists themselves, and those who are consumers of the arts, to consciously help to move that process out into the broader marketplace. I use that word advisedly, Ms Tucker. It is important that we be able to have that process of widening the base happening both from within and from outside the arts community.

Secondly, Mr Deputy Speaker, I think the arts community needs to plan better and to work together, both within themselves and with the political processes. It is true that during the last Assembly \$3m extra was allocated to the arts. Some of that money will continue. Much of it will not. In particular, it is very likely that the additional money, some \$1m, pumped into the cultural development funding program, will not continue. It was intended as a one-off injection to promote the objectives that we have talked about. It is unlikely to be available on an ongoing and permanent basis. I think, with great respect, that, the money having been spent, there is a question before us of whether we have actually achieved anything with that extra money. I am not sure that everything we have spent the money on has been successful, and I hope that we can plan a little better for future injections of funds so that they are harnessed in an effective way.

The third point is that I would urge the arts community to develop stronger links with the broader community, particularly with groups along the political spectrum. It is important to be able to say that, if the arts really are part of everyday life, they reflect the views of a large number of organisations and individuals, the basis of which is the membership of this place. People from different walks of life come forward to represent their community in this place, and that is a reason why we need to have a broad-based representation here and across the arts community and activities that they provide.

Mr Deputy Speaker, I want to briefly mention on behalf of the Chief Minister the membership of the three advisory committees which have now been established to assist the Cultural Facilities Corporation conduct its work. There are three committees. The first is the Performing Arts Advisory Committee. It is to be led by Jenny Deves, who is the executive director of Craft ACT and has extensive experience in the performing arts, including the Nimrod Theatre. Other members are Peter Wilkins, Jenny Kingma, Jenny Battenally, Eulea Kiraly, Jim Cotter and Des Jordan.

The Museum and Gallery Advisory Committee is to be chaired by Mr Len Goodman, who was a member of the former steering committee for the Museum and Gallery and who has also been active in a large number of community organisations. Members of that committee are Louise Douglas, Wendy Teakel, Rob Russell, Susie Beaver, Roberta McRae and Berenice Hetherington. Obviously, that committee has a primary responsibility to make sure that that building across the way is meeting the objectives that the community has funded it for.

The Historic Places Advisory Committee, which will embrace bodies such as Lanyon and Calthorpes House and other important cultural and historic facilities of the ACT, will be chaired by Charles Campbell, formerly the chair of the Lanyon Advisory Panel and a council member of the Australiana Fund. Members of that committee are Professor Colin Pearson, Dr James Broadbent, Professor Ken Taylor, Jim Constance and Helen Geier.

Some of those committees have already met for the first time, and others will be meeting very shortly. I believe that they will constitute a valuable way of the Cultural Facilities Corporation linking in with the rest of the community. In particular, members will recall the debate about the Cultural Facilities Corporation and its Bill, and the need to make sure that those committees were broadly based to involve the corporation in all of those activities at the one time.

MR DEPUTY SPEAKER: Mr Berry, I understand that you are sharing the last eight minutes with Mr Smyth.

MR BERRY (4.22): Okay. I will not be long. My contribution will be brief. I do not pretend to have the expertise or experience in the arts of my colleague Mr Wood or Mr Humphries, as I have never been involved in an arts portfolio yet; but I will be around for a while and you never know. An interest which I have developed, particularly over my time in this Assembly, is the contribution that the arts make to the development of our society. I want to talk about funding for the arts and how arts need to be independent of their benefactors.

The difficulty for the development of the arts is always about finding sufficient funds to develop new and exciting forms of art for exposure out there in the community. Art has been a very important vehicle for the delivery of all sorts of messages in the community. Some protest against the status quo and some endorse the status quo, depending on what the status quo might be from time to time. A significant amount of funding will always come from government, or should always come from government, because if government is interested in the development of our society it will be interested in the development of the arts. This is where I get to the point of the independence of the arts.

There should never be strings attached too tightly to arts funding. It struck me a few years ago when I had the opportunity to visit the Prado in Madrid. It was very interesting to walk through that great edifice and see all of the masters on display. The thing that most impressed me was how they were the captives of their benefactors. For many of them that was the church and they were, in effect, the vehicle for the message from the church. That impressed upon me the need to ensure that at any time that I have anything to say about the arts I say something about the need for independence in order to ensure that the arts are able to express themselves as they develop. Their messages might not always be consistent with their government benefactors, but that should never impede the level of funding that goes to the arts. They have to have a level of independence that might not be provided to any other bodies in society. For very different reasons, their independence needs to be secured.

It is fundamental to the development of the arts for them to be independent. If they are funded from private sector sources it is quite likely that they will be the captives of their benefactor, and you would somehow expect that. But, when it comes to the Government, we have to be extremely careful that in our dealings with the arts we do not tie the strings too tightly. If we do, I think we will restrict the development of the arts, and therefore we will restrict the development of our community.

MR DEPUTY SPEAKER: Mr Smyth, you have about seven minutes.

MR SMYTH (Minister for Urban Services) (4.26): Mr Deputy Speaker, I thank you for the seven minutes. I would like to start by acknowledging that I think the future of the arts in the ACT is tremendous, simply because in this place they have so many champions. It would be fair to say that the new Arts Minister will put all her energy into that portfolio, as she normally does. I acknowledge that the previous Arts Minister, Mr Humphries, was able to complete the Tuggeranong Community Arts Centre.

I acknowledge the mover of this motion and thank him for giving all of us here in the Assembly the opportunity to speak of the arts. I have seen Bill at functions for many years, from the smallest of poetry launches to the opening of the Playhouse, and I acknowledge his contribution there. John Hargreaves, over the years, has put a lot of effort into things like the Tuggeranong Community Festival, which has always had an arts component. Already I see newcomers like Mr Rugendyke being sucked into the arts here in the ACT. You see Dave at functions like the Smith Family art launch last night, and I have seen him at other functions.

I would acknowledge Kerrie's interest in the way that community building is done through the arts. Kerrie raised an interesting point when she said that we should integrate the arts into other departments. I think that actually happens in the ACT. You only have to look at the new Tuggeranong Police Station. Instead of being something out of Port Arthur, with steel bars and much foreboding, when you walk into the entrance there is this wonderful mural. I think that is a great attempt to integrate art. I would assume that Urban Services built the Tuggeranong Town Park footpath, which is quite artistic in that members of the community were allowed to make their own pavers. Some of these pavers have messages scratched onto them and some of them have pictures scanned onto them somehow. I am not sure what the process was, but we have this community footpath which is great.

Like John Hargreaves, I will take the approach of going down to the level of the electorate of Brindabella, where I think we have a wonderful arts community. Clearly, you have the flagship of the fleet down at the Community Arts Centre, such as Domenic Mico, Jenny Scheele and all the folk involved with that. There was a barbecue there two weeks ago. There is a meeting there next Monday to discuss arts and the promotion of arts and culture in the Tuggeranong Valley in particular, and I would urge all Canberrans to be there.

Even beyond the physical buildings, you then go to Taylor Primary School, which recently had its annual music festival. It runs for three days. I know that Mr Wood and his staff are all involved with that. There you have a community looking after itself and making sure that we foster in our children that love and respect of the arts, of music and of culture, which is the basis of much greater further learning. For me there was an opportunity at the far end of the city the other night at Watson, at Aspinall Street, at the Craft Centre. I opened Tivaevae, a display of Cook Islands quilts. There we saw a lot of people who were willing to travel to far Watson on a quite cool night and we had these quilts on display.

Mr Corbell: It is only far for you.

MR SMYTH: It is far from Tuggeranong. It is a long way from home, I can assure you. A lot of people were willing to go out there on a Wednesday night. What we had there was another nation's culture and arts on display, gratefully embraced by the local community who were treated to a wonderful choir that sang for several minutes. It was a quite spectacular evening, right across the board. We call them the arty crowd, but they were just ordinary Canberrans who were very interested in how that affected their own perception of community, and they were willing to learn from other communities which are significant in our country.

Mr Quinlan and Mr Corbell are here listening to this debate. Here in the Assembly we have a lot of people who have a great respect for the arts. I acknowledge Mr Berry's words. We allow the community access and allow the community many voices on a subject which, by the sound of it, we are all quite in agreement with. We have some unique opportunities. In Brindabella I understand that the Muslim community have scattered throughout the garages of Tuggeranong and, indeed, all of Canberra one of the largest collections, if not the largest collection in the Southern Hemisphere, of Muslim literature in the form of books, magazines and videos. They are now looking at building their own cultural centre, which will add to the art framework of the ACT and which, I think, will enhance us all. There is another ace in the deck that will allow us to learn more about ourselves through our understanding of others, and I think that is very important.

The future of the arts in Brindabella will receive a huge boost, I think, next Monday night. I acknowledge Trevor Kaine's presence now. I think Trevor, with John and Domenic Mico, has worked to put this function on next Monday night so that the whole valley can get involved with the discussion of how we promote the arts and cultural activity in the Tuggeranong Valley. Hopefully, in the next few months, we will see

21 May 1998

what will happen to the Tuggeranong Homestead and we will see the development of the lake foreshore plan. All this will combine to enhance arts in general and the promotion of culture, certainly in Tuggeranong in the electorate of Brindabella; but that is a good cornerstone for the whole of the ACT, Mr Deputy Speaker.

Mr Kaine, do you want to say a few words on your meeting next Monday night? No. I think that all of the views that have been expressed here are in the positive. I think we can always look at the funding. We can do comparisons between sport and the arts and all those sorts of things; but, whilst a large number of members in this Assembly make the effort to come and speak on an issue like the arts, the future of the arts in the ACT is a great future.

MR DEPUTY SPEAKER: Mr Smyth, thank you for that. That concludes this debate on the importance of the arts in the ACT.

ACTEW CORPORATION LTD - RISKS AND STRATEGIC ISSUES Final Report

Debate resumed from 29 April 1998, on motion by **Ms Carnell**:

That the Assembly takes note of the paper.

MR CORBELL (4.34): Mr Deputy Speaker, the ALP has looked very closely at the report by the firm Fay Richwhite in relation to risks and strategic issues in a changing business environment, which the Government issued a number of weeks ago. The Labor Party has always expressed its very grave concerns about the current Government's agenda in relation to the future ownership of ACTEW. I must admit that, in the last Assembly, when the Labor Party discovered that the firm Fay Richwhite was undertaking this analysis, our concerns were not in any way relieved. This is because the firm Fay Richwhite has been involved in a number of privatisations. I am not sure about here in Australia, but certainly in New Zealand, where I understand the firm is based, it has undertaken a wide range of analyses which have led to the privatisation of public utilities, where Fay Richwhite has actually been involved in the sale process in some way. So, we certainly approach this report with a degree of scepticism and concern. I think that is a responsible approach.

Mr Deputy Speaker, to put this report into some context, I would like to outline the history of the privatisation debate in the Territory to date. It is quite clear that, up until 30 April this year, the Chief Minister consistently ruled out the option of privatisation, which she said was not on the Government's agenda. But, on 30 April this year, a *Canberra Times* article reported that for the first time the Chief Minister had indicated that an ACTEW sale or merger was a real option. That comes to the nub of our concerns on this issue. ACTEW is a very valuable Territory-owned corporation. It has total assets worth \$1.4 billion; it had revenue of \$351m in the last financial year; and it employs close to 1,200 Canberrans. It is a very important asset. Indeed, it is one of the Territory's most valuable assets. It is appropriate that the Government take every step possible to ensure that it is managed in a responsible and appropriate way.

It is important that in this debate we focus on a range of issues in relation to ACTEW. One which I am deeply concerned about, and which my colleagues are also deeply concerned about, is the issue of social responsibility. Governments have many responsibilities. Obviously, they have responsibilities for good financial management. They have responsibilities for ensuring that an asset is protected and enhanced. They have a range of responsibilities. But one of them about which we on this side of house feel very strongly is the issue of social responsibility. Indeed, the Fay Richwhite report highlights the notion of social responsibility when it refers to the Territory Owned Corporations Act, which is the piece of legislation that establishes ACTEW as a Territory-owned corporation. The report quotes the Territory Owned Corporations Act where it says that ACTEW shall “exhibit a sense of social responsibility by having regard to the interests of the community in which it operates”. Mr Deputy Speaker, this is a very important tenet which ACTEW must operate under in regard to the Territory Owned Corporations Act. I would argue that it is also an important tenet on which the Government must operate when it is assessing the future ownership prospects and the future operation prospects of such a valuable asset as ACTEW.

Mr Deputy Speaker, central to the Fay Richwhite report’s outline of issues to be addressed is the issue of risk and ACTEW’s capability to manage risk. The concern I have with this report is in a comment made on page 6 of the report, where it says:

Given the difficulty of Governments in funding equity injections into their businesses, a high level of debt in ACTEW’s capital structure will reduce its capacity to pursue growth options and thereby potentially reduce the long term value of the firm.

Mr Deputy Speaker, I am concerned about this assumption that governments are unable effectively to fund Territory-owned corporations. ACTEW has a very low level of debt in comparison with many other electricity providers and many other government-owned businesses around Australia. It also has a quite high level of cash reserves. So, Mr Deputy Speaker, I wonder why the assumption was made that governments face greater risk in injecting capital. Indeed, looking through the report, I do not really see anything in it which explains why a government faces greater difficulty in injecting capital than does the private sector. The only thing that comes up in the report, from my reading of it, is that governments face an additional risk which the private sector does not face, which is a political risk. Mr Deputy Speaker, to my way of thinking, that comes down to an issue of leadership, an issue of good management and an issue of how governments believe government business enterprises should operate and should be managed and what leadership role a government plays in setting that direction. So, Mr Deputy Speaker, that is one concern that we have in the Fay Richwhite report.

It is important that I emphasise that point, because there should be the capacity for a government to make a long-term investment which ensures that there will be a return to the Territory. You have to make sure that there is a real return to the Territory. Mr Deputy Speaker, the report highlights that there are clear, new opportunities that exist for ACTEW in the market that it competes in and that ACTEW, and thus the Government, must be better at pursuing these growth opportunities in a responsible manner.

Mr Deputy Speaker, I agreed with that. I looked at what was in the report; I saw that mentioned; and I said, "That is right. There are opportunities for ACTEW to grow. There are opportunities for ACTEW to compete in better ways". I went on to read in the report that ACTEW had some real strengths that enabled it to compete in the marketplace. These included the fact that it was one of Australia's first multi-utilities. Mr Deputy Speaker, that means that it was not just an electricity provider; it was also a provider of water and sewerage services. This gave it some inherent strengths compared to some of its competitors, who were purely electricity providers.

Mr Deputy Speaker, what is concerning again, when you look at that quote, is the direction the current Government has set in relation to one aspect of ACTEW's business enterprises - Ecowise Services. We have already had an indication in this place that the Government believes that there should be the opportunity for the sale of Ecowise Services. It argues that it is not core business. But what Fay Richwhite underscores again and again is that a diversity of services within ACTEW is actually what gives ACTEW its strength. For that reason, Mr Deputy Speaker, I must question why the Government has already taken the decision basically to proceed with the sale of one aspect of ACTEW, when it has yet to even consider fully the implications of the Fay Richwhite report and, further, when it has not even received the report of the body which is following on from Fay Richwhite. Why make that decision when they themselves are saying that these issues are still up for review? It does not make sense, Mr Deputy Speaker. It certainly does not make sense when you see in the Fay Richwhite report that diversity is ACTEW's strength.

Mr Deputy Speaker, what is certainly concerning - and my colleague Mr Quinlan will, I think, elaborate on this point when he has an opportunity to speak in this debate - is that the Government seems to be pursuing a course which, I think, a lot of people in the Territory would be concerned is going to lead to the privatisation of one of the Territory's most valuable assets. What is concerning is that it is pursuing this course when the area which is identified by Fay Richwhite as the area of greatest risk is the retail electricity market. The retail electricity market, as identified in the Fay Richwhite report, is less than 3 per cent of ACTEW's total business. That says a lot about the sorts of issues we are dealing with here. I will allow my colleague Mr Quinlan to address those issues in a little more detail.

Mr Deputy Speaker, we believe quite strongly that there is the capacity for ACTEW to operate effectively. This is an issue that we want the Government to have in the front of its mind when it continues to consider these issues. We recognise that there are concerns and new challenges to be faced in the era of competition that is now upon us; that ACTEW must learn to work better; that ACTEW must learn to be more effective in what is an increasingly predatory market and a market which has a real possibility of becoming again a monopolistic market, except that instead of being in public hands it will be in private hands, without many of the safety checks that were in place when the electricity provider was a public monopoly.

Mr Deputy Speaker, risk covers a lot of things. The Fay Richwhite report outlines a range of risks, including equity, non-performance, regulatory and policy risks. It fails to mention other risks, like the risk of loss of economic sovereignty. This is an issue of serious concern to the people of Canberra. The people of Canberra do not want to have companies that provide essential services in hands that are outside their control. That is a real concern - that an investment that they have made for many decades will potentially be lost and will be outside their control. These are very valid arguments. They are not arguments that can be swept under the table simply because competition policy is now in place. They are issues that must continue to be addressed. We should not throw them out simply because we made one decision several years ago. They continue to be issues of relevance. They continue to be issues that must be addressed in this debate about ACTEW and its future.

Mr Deputy Speaker, there are a number of other points that I want to outline in this debate. The first is in relation to a comment in the report about the interpretation of the documents which establish ACTEW as a Territory-owned corporation. The report states quite clearly:

ACTEW's establishment documents could be interpreted as establishing a restrictive scope of business which may materially inhibit the ability of the Board to maximise the value of the business to the owner.

Mr Speaker, I regard this comment as nonsense. The establishment documents make it quite clear that ACTEW has a broad capacity to enter into a whole range of businesses, not purely the electricity supply business, not purely the water supply business, not purely the sewerage service business. There is a range of options that ACTEW may be able to pursue. I question why that comment is even in the report, except that perhaps it provides the Government with an opportunity to look at and eventually change provisions of the Territory Owned Corporations Act - conditions that underlie the very establishment of ACTEW. We raise our concerns about that in noting this paper today.

Finally, Mr Speaker, there is an issue here about what ACTEW has been doing, about how ACTEW has been managing its business to date. This is relevant when we look at the performance of this organisation. Earlier this month, on 16 May, when the Independent Pricing and Regulatory Commission brought down its views on electricity pricing in the ACT, the headline in the *Canberra Times* was, "ACTEW rapped for 'unwise' buying". The commission said:

In retrospect, the commission is not convinced that ACTEW has purchased wisely in the competitive market. It is possible that ACTEW's customers may have benefited further had ACTEW chosen to purchase its electricity in alternative ways to those now in place.

Mr Speaker, this is an issue of management. This is an issue of how we can best manage ACTEW as a Territory-owned corporation. The Fay Richwhite report says that Fay Richwhite "has not undertaken a performance review of ACTEW as part of this assignment". Mr Speaker, when you think about the commission's views that I have just quoted, there could be very good grounds for a performance review of ACTEW. That is just as important as assessing all the other issues that have been put forward in this report.

(Extension of time granted) It is just as important to look at the performance of ACTEW to date, the performance of management to date, the performance of the shareholders and the directions they give to management, as it is to look at issues to do with ownership and as it is to deal with issues of risk.

This is a complex debate. It is not an easy debate. It is a debate that we have to have. But I would like to see options that are not currently being pursued heavily by this Government being pursued with more seriousness, because at stake is the ownership and the effectiveness of an asset that is worth many millions of dollars to the Territory and an asset that is very valuable to the economic future of the Territory.

MS TUCKER (4.50): Mr Speaker, I must say that I did not find this a very inspiring report, in terms of providing any analysis of the options that are available to ACTEW to become more innovative in the new competitive environment. As Ms Carnell noted, the report says:

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.

However, I would have found the report much more informative in terms of debating the future of ACTEW if there had been some discussion about the nature of those growth opportunities and how those growth opportunities could be pursued. I note that the report does not really make any recommendations - not overt ones, anyway, though one can read between the lines - that ACTEW should be sold, as the report states:

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.

In any debates about ACTEW's future, we seem to come down to an ideological debate about whether the company should be in private or public ownership. In my opinion, this pre-empts a very important debate we should be having about how we can make ACTEW a thriving, profitable company. Why can ACTEW not remain in public hands and respond positively to the new challenges? We do not have to say, "It is all hopeless; so, we may as well sell off our biggest public asset". As other members are aware, I have been advocating for some time the need for ACTEW to expand its horizons. While there is some innovative work taking place on the water side, in energy management we could be doing a lot better.

ACTEW's current energy management policy is reactive, defensive and, quite frankly, backward looking. ACTEW has not taken up the challenge that was thrown to it in 1995, when its name was changed to "ACT Energy and Water". It is still too narrowly focused on selling electricity. While the Fay Richwhite report seems to think ACTEW is constrained by the objectives the Greens added to ACTEW's corporate objectives, in relation to ecological sustainability, I believe that this is where the opportunities lie - in offering new energy services.

The new electricity market throws up many challenges, and I acknowledge that. Despite being only a small part of ACTEW's overall profits, electricity retailing is where all the risks are held. That is why the company needs to look to growth not from selling electricity, but from selling energy services. As members are aware, I was threatened with defamation action last year for criticising ACTEW's hedging contract with Yallourn. I noted with some interest the comment from the pricing commissioner that he is not convinced that ACTEW has purchased wisely in the competitive market.

The flawed implementation of a green choice scheme is another case in point. ACTEW has also been very slow to join the greenhouse challenge. While other retailers around the country are seizing the opportunities in the new environment, ACTEW is letting business slip through its fingers. For example, the University of Canberra entered into an energy management program not with ACTEW, but with Energy Australia. We are not even capturing areas where we should have a comparative advantage.

Obviously, ACTEW's management structure is also relevant to ACTEW capturing new market opportunities. The Fay Richwhite report does make the comment that, while ACTEW's small home market is disadvantaged in terms of achieving scale economies, its multi-utility nature means that it should be able to capture economies of scope. It is, therefore, surprising that ACTEW has recently restructured its management structure to separate water and electricity, as this may jeopardise the capacity of the company to achieve these economies of scope. In conclusion, I look forward to a lot more debate about how ACTEW can be redirected to focus on the opportunities of the next century - clean energy, energy efficiency, and other new energy services - as well as to maximise the potential of the world-class water technology that it has already developed.

MR QUINLAN (4.54): Mr Speaker, as Mr Corbell mentioned earlier, we recognise that Fay Richwhite has experience to bring to bear on this question. However, that experience does include direct involvement and participation in privatised electricity supply, and that is a bit of a worry in terms of just how objectively it might have come to the question. The report does paint a negative picture of ACTEW's prospects of survival in the big, bad commercial world. I might add, as Mr Corbell has said, that the comments on ACTEW by the independent regulator are also disturbing and indicate that ACTEW might not be measuring up, or might not be able to measure up, in that market.

I am concerned that the report writes off altogether ACTEW's ability to compete. If Fay Richwhite is right, then that is a commentary on the overall competition policy. That seems to imply that at least the electricity supply industry is heading towards oligopoly, much as the oil industry is today, and that consumers will end up to some extent being at the whim of a few suppliers that will work in concert - those that have deep pockets and are killing off the competition now. I would recommend to the Government that, through our participation in COAG, we bring this to the table; that we actually challenge the breakneck speed at which we are heading towards a market economy, when, in fact, most of us believe that we are going to live, and do live, in a mixed economy. There is a hell of a difference when it comes to essential services.

21 May 1998

But, meanwhile, we have to face the report squarely. I have some concerns. If we do privatise ACTEW completely and we head towards market-based pricing, which is the term Fay Richwhite used, if we are absorbed into a larger utility, it is inevitable that electricity prices in the ACT will increase. It is particularly inevitable that prices in the retail domestic market will increase substantially, impacting upon families, impacting upon people on low incomes and impacting upon the frail aged, who, unfortunately, have an inability to pay large energy bills and who, because they do not leave home much, have a particularly high dependence upon electricity supply.

I am also concerned about the reliability of service. The engineering of ACTEW was created in a conservative manner - over the years, engineers have tended to be conservative and have made us accountants look fairly good - but there is a high degree of redundancy in this system. That is why it is so reliable. That is why it can sustain blackouts. That is why it can sustain faulty substations. There is a history emerging now across the world that public utilities that have been privatised have, in fact, had their assets stripped - stripped largely by stealth, stripped by neglect, stripped through the owner relying on the current system even though the market might grow, and stripped by minimising the maintenance on it so that it is not kept in shipshape order and so that investment by the new owner is minimised.

I am also concerned about the environmental impacts, which Ms Tucker pointed out. The pricing structures in an open market are virtually the inverse of pricing structures that protect the environment and protect us. We, as a nation, are not stumping up in terms of our particular responsibilities in that regard. I will make a fearless prediction that, at some time in the future, erudite commentators will denounce the current headlong rush towards privatisation and will denounce the placement of essential services in the hands of risk takers, who tend to have shorter-term horizons than do the providers or the operators within the public sector.

While we are on the subject of risk, I would like to make some observations in relation to what really is at risk. Firstly, our water and sewerage supplies, in terms of the risks identified by Fay Richwhite, are not at risk, and should be quite clearly segmented and separated from the electricity supply in any evaluation as to whether they should be privatised or not. Secondly, the electricity supply hardware - the transmission mains, the substations, the distribution network - also is not at risk. Fay Richwhite passes over that and uses the term "at risk for network bypass"; but in the ACT that risk would be - - -

Debate interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

Ms Carnell: I require the question to be put forthwith without debate.

Question resolved in the negative.

ACTEW CORPORATION LTD - RISKS AND STRATEGIC ISSUES

Final Report

Debate resumed.

MR QUINLAN: What is at risk? The hardware is not at risk, because it is very unlikely - improbable in the extreme - that anybody would come in and duplicate it. The national grid provisions allow that network to be operated as a common carrier. Therefore, if we performed reasonably well, we would be able to operate that asset and maintain that asset until that great day when we find out that privatisation does not serve us well.

So, we are left with the retail marketing arm of ACTEW. That is what is at risk. But, then again, not a lot of that is at risk either, because it has already gone. The industrial market and the commercial market are contestable. They are on the open market. They are no longer ours to sell. I believe that that is the basis for Fay Richwhite's calculation of 3 per cent of the value of the business being at risk, because all that is at risk, that has not already passed into the completely contestable market, is the residual domestic market. That market could, I guess, be described as goodwill for ACTEW's relationship with its customers or as customer apathy. A lot of us still use Telecom because we never read the Optus brochures.

So, there is not a lot of ACTEW really at risk. Most of it is on the open market anyway. To bundle it up as one item for sale, to bundle it up under the risk mantle that Fay Richwhite has placed across it, would be misleading. I believe that we have to take note of what Fay Richwhite has said; but we have to be damned certain that we realise that it is only a very small part of ACTEW that is at risk in the open market. We can retain water, we can retain sewerage and we can retain all of the hardware used to distribute electricity. In terms of exclusive ownership, we have lost most of the electricity market already. It is not ours to sell. The last point I would leave you with is that, if we do consider selling that bit of ACTEW, then we would like to know, and the people have a right to know, where the money is going to go.

MR SMYTH (Minister for Urban Services) (5.04): Mr Speaker, ending up owning something that is worthless is not a good investment. The key issue facing the ACT in the asset that it has created in ACTEW is, as this Government has stated so many times: How do we protect the value of the asset that the ACT has accumulated, and how do we use that asset? We should use that asset to create jobs - new employment opportunities - Mr Speaker. The key issue that faces ACTEW into the next decade, into the next century, through the millennium, is whether it can enhance its viability as a business and therefore provide new jobs and employment opportunities for Canberrans. This Government and the community generally - with the Assembly, hopefully - need to decide how best we do that. What is the best structure for such an organisation in a rapidly changing marketplace? How can we make it as competitive as possible so as to create those jobs that it should create for all Canberrans? What can we do to save and protect its value, which ACT residents have worked very hard to accrue?

The Fay Richwhite report, which was recently tabled in the Assembly, shows that the answer to all of these questions does not lie in putting your head in the sand. It does not lie in trying to ignore the future. It does not lie in doing nothing. What is quite clear from the report is that the emergence of the national electricity market means that this Government, this Assembly, must pave the way for ACTEW to become more competitive. If we do not do that, we risk the value of the asset that we have created. It has to deliver efficient, low-cost energy to consumers; but at the same time it must compete effectively with visitors from out of State. What we know now is that members on the other side would disavow the decisions taken in 1991, which were signed up to by the Keating and Follett governments, to open up these markets. But these decisions on how to protect this asset are now in our hands; and there are obvious, positive measures that we can take to maximise ACTEW's value in many ways - in how it is structured, in how it is financed, in how it is managed and ultimately in how it is controlled.

Mr Corbell spoke of the ACT ownership of ACTEW. Owning something that is worthless in the new market is a waste of all the hard work that has been done. The value of the ACT's investment in ACTEW is exposed in many ways in its own new business ventures, in overseas activities and in its entry into telecommunications. We have to take all of this into account, Mr Speaker. If we do not, we put at risk the value of the asset. The business environment for ACTEW is now markedly different as a result of regulatory changes. It is no longer possible to protect ACTEW's market from competitors.

The issue before us, I think, was quite succinctly stated by the Fay Richwhite report. There is no need to paraphrase it; I will quote directly:

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 is something that, I notice, those on the Opposition benches fail to appreciate. Members walk away. The benches are empty. Their view of this is empty, their knowledge of this is empty, because they do not understand that we now have an open and competitive market. But I will continue. The Fay Richwhite report says:

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 the options available would assist this decision.

That is what this Liberal Government will do. It has started this process. The Chief Minister has announced the scoping study. We will get on with the job. This Government has consistently stated that what we will do is maintain the value of these assets. For us to do that, ACTEW has to improve its productivity; it has to improve

its productivity much faster than its competitors. This is the way that we will protect the value of the assets. Mr Speaker, it is not enough to put our heads in the sand and say, "We wish that we did not have an open market". It has started. The open market is here.

I heard Mr Quinlan say that those who are less well off will be disadvantaged. Yet what we have seen in Victoria is that electricity bills have gone down. Why is he afraid of cheaper electricity for ACT residents? I am not sure why, Mr Speaker. But it seems to me that, if we can protect the value of the asset of ACTEW; if we can provide better services in a more competitive market; more importantly, if we can, as this Liberal Government was elected to do, create more jobs for ACT residents - if we can do all of that and protect the value of our investment in ACTEW, then we should do that. It is not enough to put our heads in the sand and say, "It will go away if we ignore it for long enough". If we follow the approach that the Opposition is dictating that we should, what we will do is lose the value of the ACT's most valuable asset. We will end up owning a white elephant that is worthless to us, that will leave us at the mercy of outside competitors and that will not give those that Mr Quinlan spoke of the cheaper electricity that they deserve.

MS CARNELL (Chief Minister and Treasurer) (5.11), in reply: Let me say very briefly, Mr Speaker, that I think that this debate showed that those opposite are not open-minded at all. In fact, they are not willing to look at the very real problems and possible opportunities that exist for ACTEW. We are. The Fay Richwhite report suggests that we go into a scoping study. That is already under way. The tendering process is out there. In fact, I understand that some 20 organisations have put in tenders - and they are some of the biggest and most impressive organisations around. Mr Speaker, I am sure that that approach will bear fruit for all of us here in the Assembly, ensuring that all of the information is on the table when we finally make a decision on which way to go with ACTEW in the future.

Mr Speaker, there were a number of things in the Opposition speeches that, I suppose, made me cringe. One of them, and one of the most important ones, was the fact that they do not seem to understand risk from a Government perspective; yet in this house we are responsible for that risk. In the electricity market now, there are no guaranteed profits. If there were, then everybody would be in the market. The fact is that it is a competitive market. People are losing significant dollars. In fact, you just have to look at the Victorian situation to see companies that have got into that market and that are very close to bankruptcy. Other companies are making huge amounts of money.

The problem for us, as a Government, is: Can we trade in that environment? Do we have the expertise? But, also, are we willing to risk taxpayers' money? When we say "risk", we mean risk losing it. From my perspective, that is a very real decision we have to take. If we are to compete in the external market and compete with some of the biggest multinationals in the world, so be it; but we have to understand that there are obviously no guarantees, and we could lose big-time. That is what we are talking about. Mr Corbell seemed to believe that there was some sort of guarantee, that this is the amount you would get back every year. I am sorry; it does not work that way.

21 May 1998

So, we do have some very big decisions to make in this place about whether we are willing to take those sorts of risks; about whether we are willing to risk our biggest single asset; and about which direction we might take when all the information is on the table. It would be wrong to make any prejudgments on this, because it is a complicated area. It is an area that has many pitfalls, but also many benefits. I think that means that we all should wait - unfortunately, it appears that some have not waited - for the results of the scoping study to see what we are really talking about here for ACTEW and for its future.

The other single issue that interested me was that, for the first time, I heard those opposite talk about ACTEW becoming more efficient. I could not agree with that more. But every time there seems to be any effort to do so with ACTEW, in terms of restructuring the organisation, it is those opposite that are yelling and screaming. They are yelling and screaming about restructuring, about getting the structure more in line with that of the private sector competitors. It is interesting to note, Mr Speaker, in terms of the number of people who work, say, not just for ACTEW Electricity, but for ACTEW generally, that even our competitors over the border owned by the New South Wales Government have a significantly lower staff ratio than we do in the ACT.

So, either way here, Mr Speaker, the decisions with regard to jobs and who employs those people are going to be very real ones. I do not believe that we have a capacity to maintain the current situation. I was very pleased to hear those opposite indicate that they accepted now that we could not afford to have a fat or inefficient organisation. I am pleased that I will not be hearing those sorts of complaints as ACTEW goes into a quite significant restructuring in an effort to make sure that its structure is competitive with those of its private sector competitors and also, of course, its public sector competitors.

Question resolved in the affirmative.

ADJOURNMENT

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

That the Assembly do now adjourn.

Health Services

MR BERRY (5.15): This morning, Mr Moore said that he was new in health and that he expected to get the problems under control by next week. I am sure that he was joking; but we will wait and see. Mr Moore has inherited some issues. Many of them have to do with the Government's obsession with the private sector. That has, of course, impacted on the delivery of health services in the Territory. I trust that he will move to address those issues as time passes. I suspect that he will not be able to get them all sorted out by next week.

I would like to put some problems onto his agenda. The first one is not a problem that he created for himself; but I would just like him to take it into account and deal with the matter as quickly as he can. This is not a comprehensive list of things; but there are just a couple of things I would like to highlight for his interest. The first is the issue of the Health Complaints Unit and the time it takes to finalise cases. That is a matter of resources, I feel. Of course, the unit has been loaded with additional duties. It has had some extra money, but a lot of additional work in relation to its community service responsibilities.

A good example of this is the case raised by a Mr Wood over the death of his daughter-in-law. A complaint was raised with the Medical Board in 1994. In late 1996, it was referred to the Health Complaints Commissioner. In February 1997, it was raised by Mr Wood with the *Canberra Times*, with Mr Moore and with me. In response, the Chief Minister promised that it would be dealt with as a priority. Late last year, the then Minister for Health reported to the Assembly that the Medical Board would be dealing with the issue the next month, October. In relation to the commissioner's inquiries, the Minister advised:

... he anticipates providing me with a final report early in 1998. Members should appreciate that the commissioner is currently examining 14 cases where health services were provided by the doctor in question. This has necessitated a careful, lengthy inquiry.

I would ask Mr Moore to take this matter up as a priority and report back to the Assembly. As I say, it is not a matter of his doing; it is a matter that he has inherited. I think it has gone on for far too long. I am sure that he will agree.

My second issue relates to the fact that the residents of Canberra are made to pay again and again for the most expensive health services in the country. Not only are our visiting medical officers more expensive, but our private services also are more expensive. We have a very low rate of bulk-billing. Yesterday, my office was contacted by a concerned resident whose wife was referred for some sort of a scan. The company to perform the scan advised his wife that she would have to pay \$600 up front before the scan would be performed. Further, she was told that, of the \$600 charged, she would be reimbursed only \$300 by her health insurance company.

Clearly, this type of policy makes high-quality health care a privilege of the rich, with those less fortunate in the community, who are also more likely to need health care, facing barriers to care. This story also is related in the knowledge that our public hospital levies charges and places restrictions on services such as scans in spite of its charter to provide health care services for all; that is, it encourages people to go to the private sector. That is consistent with the Government's ideology, I know. I trust that Mr Moore will bring some more sense back into the delivery of these sorts of services.

21 May 1998

The third health problem I would like to raise relates to a problem identified by Professor Kearney as long ago as 1990. In his report on the proposed new clinical school, he raised concerns that our public hospitals have a very low ratio of salaried medical officers to visiting medical officers. We know the problems of dealing with the visiting medical officers and their salary rates; we know that they are higher than in the rest of the country; and we know that efforts are under way to negotiate new contracts with these particular specialists. I must say at this point that there is no doubt about the quality of services that many of these specialists provide; but, at the end of the day, the community has to pay for them, and their services have to be delivered at a fair rate. A fair rate is not way in excess of the average around this country. So, I wish Mr Moore luck on that one, and I trust that his promise to get it sorted out by next week was made against the background of an understanding of those issues. I am sure that he wants to deal with it quickly; but next week, I think, is a bit of a tall order. I hope that the Health Minister moves to redress this problem. I think they are issues that have to be dealt with quickly, and I wish him luck again.

Tidy Towns Award

MR HIRD (5.20): Mr Speaker, I rise to inform the house that, in the recent Tidy Towns competition, Belconnen won the local competition - the first time ever it was successful - and in the national competition it was commended and was runner-up. I think this is a fine effort on the part of a lot of enthusiastic people in Belconnen, who have shown that they are dedicated to lifting Belconnen in the Tidy Towns competition. I believe that their efforts are to be commended. As I said, the judges of the national competition commended their efforts. I thought I would inform the house of what is happening in the electorate of Ginninderra with respect to the suburbs within Belconnen.

Question resolved in the affirmative.

Assembly adjourned at 5.21 pm until Tuesday, 26 May 1998, at 10.30 am

ANSWERS TO QUESTIONS

MINISTER FOR URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION ON NOTICE 10

Pest Control Chemicals

Ms Tucker - asked the Minister for Urban Services

In relation to the exemption list for the use of chemicals to control pests on Territory land:

- (1) What is (a) the current status of the list and (b) who manages the list.
- (2) How is the list advertised (ie. how would a member of the community become informed that such a list was available).
- (3) How can (a) a member of the community get on the list and (b) be assured they are still on the list.
- (4) How is the list communicated to workers who are using chemicals.

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

- (1)(a) A list of sites where the Department of Urban Services has agreed not to use chemicals for pest control adjacent to leasehold lands in the urban area is maintained by the ACT Government.
- (1)(b) The list is managed by Canberra Urban Parks and Places within the Department of Urban Services.
- (2) This list is not widely advertised, but Canberra Urban Parks and Places liaises with members of the Australian Chemical Trauma Alliance and other groups within the community who are concerned with possible chemical sensitivity from management activities on sites adjacent to their residences.
- (3)(a) Members of the community are placed on the list if they express concern with pesticides being sprayed in an area adjacent or close to their residence.
- (3)(b) The list is updated regularly by Canberra Urban Parks and Places. Members of the community can be assured that they are still on the list by telephoning Canberra Urban Parks and Places on 6207 2511.
- (4) The information on the list of sites is provided to CityScape Services whose field staff are notified by maps and listing of these areas.

21 May 1998

MINISTER FOR JUSTICE AND COMMUNITY SAFETY

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 4

Police Force - Statistics

MR RUGENDYKE: Asked the Attorney-General -

- *4 What is the (a) staff size and (b) annual budget of the ACT Region of the Australian Federal Police, per year, since 1989.

MR HUMPHRIES: The answer to Mr Rugendyke's question is as follows -

(a)	30 June 1989	720
	30 June 1990	735
	30 June 1991	Not available*
	30 June 1992	706
	30 June 1993	688
	30 June 1994	695
	30 June 1995	700
	30 June 1996	682
	30 June 1997	677**
	30 April 1998	684***

* ACT Region staff numbers were included in the ACT geographic total of 1,658. This includes national functions.

** Excludes 18 recruits who had commenced training in 1996/97 and were allocated to the ACT Region in July 1997.

*** On 20 May 1998, 20 recruits will commence training for later deployment to the ACT Region.

(b)	1989/90	\$31.425M
	1990/91	\$54.490M*
	1991/92	\$54.098M*
	1992/93	\$51.459M* #
	1993/94	\$53.665M* ##
	1994/95	\$51.829M*
	1995/96	\$52.172M*
	1996/97	\$53.623M*
	1997/98 (budget)	\$53.837M*

* These amounts are the contributions from the ACT Government plus receipts and do not include the costs of the personnel funded by the Commonwealth (currently 95) which equates to approximately 14% of the amounts listed.

This amount is net of a \$2.220M reduction of the budget to reflect the transfer of staffing from community policing arising from savings initiatives.

This amount is net of additional funds for the 27th pay period (\$1.500M), Belconnen Police Station (\$0.700M) and supplementation for pay rises (\$0.650M) less 2% efficiency dividend (\$1.000M).

APPENDIX 1: Incorporated in Hansard on 21 May 1998 at page 489

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**QUESTIONS BRIEF
20 MAY 1998**

**SUSTAINABLE ENERGY DEVELOPMENT AUTHORITY
GREEN POWER SCHEME - POSSIBLE ACTEW INVOLVEMENT**

POSSIBLE QUESTION

On 19 May 1998, Kerrie Tucker asked a question about the announcement by SEDA that it was expanding its Green Power scheme nationally.

SUGGESTED ANSWER

Yesterday Ms Tucker asked a question about the announcement by the NSW Sustainable Energy Development Authority that it was extending its Green Power Scheme nationally and about the involvement or otherwise of ACTEW in the Green Power scheme.

SEDA's announcement pre-empted work that is occurring nationally in the context of developing the National Greenhouse Strategy. This is work in which officers of my Department and of Environment ACT are actively participating.

Last week prior to the announcement by SEDA, Commonwealth, State and Territory officers agreed to continue to work towards developing nationally consistent standards for green power and its accreditation as part of the strategy.

The announcement by SEDA states that the NSW Green Power scheme sets a benchmark from which a national standard can be developed. It also notes the marketing advantages for electricity retailers of offering green power schemes.

The SEDA announcement also noted that ACTEW was undertaking discussions with SEDA about its scheme. Of particular interest to ACTEW are the administrative costs associated with involvement in the scheme and

21 May 1998

specific aspects arising from it being a NSW-based scheme rather than a coordinated national one.

In this context, I note that the SEDA scheme has as its aim to facilitate the installation of new green electricity generators in NSW. ACTEW, like the ACT Government, considers that green generation in other jurisdictions, including the ACT, has no less merit than NSW based activities.

Whilst the ACT Government encourages ACTEW to continue its discussions with SEDA, it will not encourage ACTEW to do things for cosmetic purposes that may not be in the best interests of ACTEW or the broader ACT community.

I also note that ACTEW has established a Green Power scheme, the benefits of which are captured in the ACT and all related expenditure is intended to be in the ACT.

Already ACTEW has contracted for landfill gas generated electricity as a major contribution to green power in the ACT and is developing mini-hydro generation as a further source of greenpower within the ACT.

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