



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

27 August 1998

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

DEATH OF JOHN BRUCE GILCHRIST

MR MOORE (Minister for Health and Community Care): Mr Speaker, I move:

That the Assembly expresses its deep regret at the death of John Bruce Gilchrist, who made a significant contribution to the planning of Canberra and tenders its profound sympathy to his widow, children and grandchildren in their bereavement.

Mr Speaker, John Gilchrist, former Director of Town Planning with the National Capital Development Commission, surveyor and town planner, died at his home on 18 August 1998. He was born in Trimdon Colliery, a small mining village in County Durham in the north-east of England. His family were coalminers of Irish, Scots and Welsh descent. His early education was fairly rudimentary, at the small, two-classroom village school and later at the district grammar school, where he showed an aptitude for mathematics, science and art.

He recalled in later life the poverty and the hardship of the miners and the ugly village, with its tightly terraced streets and dominated by the pit heaps and the winding gear. He also recalled the miners coming off night shift, still in their working clothes, miners' helmets on their weary heads, wearing leather kneecaps and black with coaldust. There were no facilities at the pit for changing or washing, and men tubbed at home in a tin bath. No doubt, this early experience of John Gilchrist helped him to establish a vision for a city that is just the opposite.

In 1952 his family came to Australia as £10 migrants and settled near Wollongong. They lived in a fibro Housing Commission house which John described as spartan. He went to high school for a year and then, after passing his Intermediate Certificate, he left to work at the BHP steelworks in Port Kembla. He went through engineering, surveying and other courses, and in 1968 he joined the National Capital Development Commission, taking a junior position as a surveyor and neighbourhood designer. He enjoyed his new job, where he was free to utilise his artistic and design skills, creating what he called people places rather than designing and building industrial plants, as had been his background.

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He was progressively promoted to senior town planning positions with the NCDC which utilised his wide professional knowledge, his methodical approach to problem solving and his creative skills to their full advantage. He became the commission's Director of District Planning and later Director of Metropolitan Planning and Policy. He was the author of quite a number of NCDC technical papers and contributed articles to professional journals as well. A copy of his masters thesis on the planning of the Woden-Weston Creek new town, Canberra's first new town, is in the Australian collection of the National Library. As one of the people who have read that thesis, Mr Speaker, I know that the contribution John made and his understanding of planning and planning concepts in creating Canberra are incredibly important.

John was also responsible for the 1984 report on the Metropolitan Plan, usually referred to as the Y plan and was a staunch defender of the NCDC's policies. It was through his passionate defence of its policies that I first met him. I was introduced by former town planner, Peter Harrison, for whom a previous Assembly expressed its condolences on his death. John was a man of passion, a man of drive and a man of great influence. That is to be admired. There is no doubt that from the time this Assembly was created planning issues have been controversial and we have argued about them. People like John Gilchrist had a clear vision of what they thought the city ought to be about. Their contribution, I think we are all aware, has been significant.

In 1989, as this Assembly began its first days, John Gilchrist began a successful private practice as a consultant specialising in planning, project management and property. He did a number of major consultancies, including a review of the campus of the Australian National University. He was recognised by his peers as a significant contributor to town planning. Those of us who were at his funeral late last week would be aware that the attendance was a measure of who's who in town planning in Australia. Sir John Overall spoke at the funeral. Sir John, the first commissioner with the NCDC, wrote in his book, *Canberra Yesterday, Today and Tomorrow*, that John Gilchrist was one of the people who had made an outstanding contribution to Canberra's planning. Mr Speaker, every member of this Assembly is very proud of the way Canberra is designed. It provides a contrast to John Gilchrist's early life. I am proud to move this motion.

John was a very interesting person. He wanted to be described as a Pommy who left his mark and became a fair dinkum Australian. From my experience of dealing with him, he was certainly a fair dinkum Australian. He told it exactly as it was. I must say that I have been on the receiving end of John Gilchrist at times when he thought I was not doing the job the way he thought it ought to be done, and I am sure other members here have been as well. Through all that, you knew it was not personal. It was about beliefs; it was about direction; it was about ensuring the best possible outcomes in planning, the best possible outcomes for the people of the ACT. He is a man I admired greatly.

Mr Speaker, John is survived by his wife, Marijke; his sons, Peter and Tony; and his daughters, Sharon and Elsa. We have in the gallery today his wife, Marijke, and his daughter Elsa. I share with them this loss. I hope members will join with me in expressing sympathy for the family and ensuring that we record the contribution that this man has made to Canberra.

MR WOOD: Mr Speaker, John Gilchrist was a fine, dedicated public servant. He was foremost a dedicated and powerful citizen of Canberra. From humble beginnings, he became a great authority, highly skilled in the work he did. More than that, he worked diligently and enthusiastically. He had a strong commitment to what he did. His job was his dedication in the interests of Canberra. John Gilchrist is one of our citizens - we spoke of another earlier this week - from whom Canberra has benefited so much. It is not a job for them; it is a life. John's life was a life for Canberra.

John's particular interest, as we all know, was in planning. To me, he was a planner who recognised that people mattered. I realised in my term as a Minister that that was something that could be overlooked, forgotten. John Gilchrist realised that planning was not an exercise to be carried out in a room in a building somewhere; that it was to be carried out with people - the people who were affected by planning decisions or principles that were to be put in place. I know that he was strong in presenting his view. I know that, because as a Minister I was always aware of his views, although he may not have sometimes known that, as in the early days of self-government we worked to develop a planning regime in the new environment of this Assembly.

His dedication continued after his work with the NCDC, when he went on to work with people on planning and the environment. He was not acting in an official administrative capacity but working with the people who were continually affected by planning decisions that we were making in this place. That shows where his dedication was. We are poorer for his passing, but we are very much richer for the time that he spent working for our community. I join with other members in expressing my sympathy to his family.

MR SMYTH (Minister for Urban Services): Mr Speaker, I rise on behalf of the Government to acknowledge the work and the great endeavours of John Gilchrist, former Director of Town Planning with the National Capital Development Commission. As both Mr Moore and Mr Wood have said, it is great to have this opportunity to stand here and acknowledge somebody who went about their job with the intention of creating people places. We here in Canberra are very lucky to have benefited from the zeal of John Gilchrist. His zeal came from his early days. He was born at Trimdon Colliery in County Durham. Obviously what he saw in his early days had a great influence on his life. It is great that he was able to take in what he saw as a young man, then turn that around to create something better, to create something wonderful. There is little doubt that his early village and home environments shaped his vision of what he wanted to do.

It is great that he was able to come to a country and be proud that, although he might have started life as a Pommy, he had become a fair dinkum Aussie. I think a great deal of goodness came to Australia from the £10 migrants. John settled with his family near Wollongong and, like so many in that region, ended up in the steel mills working for BHP. But that was not enough for a man of the calibre of John Gilchrist. He went to night school, did his matriculation and undertook a wide variety of drafting tasks on several major projects. This enabled him to become articled and eventually a registered land and mining surveyor. He then undertook, part time, corporate membership examinations for the Royal Australian Planning Institute and completed his degree as a master of science in architecture through the University of Sydney. He was to become a member of the Institution of Surveyors, Australia and a fellow of the Royal Australian Planning Institute.

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While he was doing that he also managed to become a senior engineering surveyor with BHP and broke new ground in the installation of things such as the high-speed rolling mills. Through his work at BHP he also contributed to many of the major projects that were going on around Australia in the 1950s and 1960s.

At 29, I am told, he became increasingly uncomfortable at the treatment that was meted out to workers in industry, the lack of basic facilities in industrial towns, poor community planning and the indifference of companies to the practices that led to serious health and environmental consequences. As a result of that, in 1968 he left Wollongong and came to Canberra, which is our great joy, and joined the National Capital Development Commission, starting in a junior position as surveyor and neighbourhood designer. He enjoyed his new job, where he was free to utilise his artistic and design skills to create what he called people places rather than designing and building industrial plants.

At that time he also taught mathematics and engineering surveying at Reid TAFE, saying that it gave him great satisfaction to work with talented young people who wanted to learn. In subsequent years he was also a visiting lecturer in town planning at the University of Sydney and the University of Canberra. Characteristic of so many great people, he not only drew on the things that influenced him to create change but was also willing to educate and pass on his knowledge.

He progressed through the NCDC to senior town planning positions and eventually became the commission's Director of District Planning and later the Director of Metropolitan Planning and Policy. In 1971 he was seconded from the NCDC to work on the Commonwealth Government's urban and regional development programs and provided advice on new urban centres throughout Australia. In 1982 he was seconded to Norfolk Island as the chief administrative officer and ran into the serious problems of maladministration on the island, particularly in regard to ministerial conflict of interest and contamination of the island's fresh water. John met these challenges head-on and always worked to benefit the people. In 1989 he left government service and commenced a successful private practice.

Asked how he would like to be remembered, he once said, "I hope I contributed something worth while to my adopted country and people recognise me as a fair dinkum Australian. If people remember me as that, I would be modestly proud". Others measured him much more highly in his own lifetime. Sir John Overall, first Commissioner of the NCDC, wrote in his book *Canberra Yesterday, Today and Tomorrow*, that John Gilchrist was one of the people who had made an outstanding contribution to Canberra's planning. Tom Uren said:

I have known John for a period of two decades. I have worked with him both in the NCDC and when I was Minister for the Department of Local Government and Administrative Services. I found him to be an outstandingly efficient and capable officer. He was a pleasure to work with.

Something that I can relate to more closely is that I am told that John had a wicked sense of humour, and that although he may have had a facade of conservatism there was a humorous streak underneath. He was an avid Goons, Monty Python, Blackadder and, of all things, Irish joke fan. During his years at the commission, he was one of the major contributors to the NCDC's annual *Spoilers* magazine. In that, he wrote many humorous poems about his close friends and associates.

I am told that John asked that his funeral be a celebration of life, not an occasion of mourning. "I have", he said, "been extremely fortunate to have worked with some of the best professionals in the world on tasks with international and national significance. I have been allowed to make a modest contribution, and for that I am extremely grateful. I have a wonderful family. What more can a man ask for?".

I join with other members in welcoming here today John's wife, Marijke, and his daughter Elsa. John is also survived by his sons, Peter and Tony; daughter Sharon; and grandchildren, Jacob, Cody, Leith and Tayla. It is with great respect and sympathy that I offer our best wishes to the family at this time.

MR CORBELL: Mr Speaker, I will be brief as I never met John Gilchrist. Late last week I was contacted by two people who specifically rang me to tell me that John Gilchrist had unfortunately passed away. These two people were significant people in the planning community of Canberra. The fact that they took the time to ring me, someone who had never met this man, to tell me that he had died and that he was a significant loss to the planning debate in this town impressed upon me the significance of the enormous contribution he must have made to this city.

Increasingly, many people who have been intimately involved in the planning and development of our town are leaving us in one way or another. I think it is important that at times like this we recognise the achievements of people like John Gilchrist in their communities. We should always remember the principles and the issues for which they strove. I am glad that the Assembly has this opportunity to pass this condolence motion, and I too tender my sincere sympathy to the family of John Gilchrist.

Question resolved in the affirmative, members standing in their places.

**ADMINISTRATION (INTERSTATE AGREEMENTS)
(AMENDMENT) BILL 1998**

MS CARNELL (Chief Minister and Treasurer) (10.51): Mr Speaker, I present the Administration (Interstate Agreements) (Amendment) Bill 1998, together with its explanatory memorandum.

Title read by Clerk.

MS CARNELL: I move:

That this Bill be agreed to in principle.

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Mr Speaker, on 9 December 1997, this Assembly passed the Administration (Interstate Agreements) Bill 1997. The principal Bill was introduced into the Assembly as a private members Bill by Mr Michael Moore, MLA, on 5 November 1997. The Government supports this Act. As part of our commitment to this legislation, the Government has chosen to complete a review of the Act, not to alter in any way its intent, but to address any matters of legal efficacy.

The Administration (Interstate Agreements) (Amendment) Bill 1998 provides for some minor technical amendments of the Act and for the restatement of other key sections of the Act. The Bill proposes to amend the long title of the Act to ensure consistency with its provisions and to amend the heading to Part II for a similar reason. It also proposes a minor amendment to the object of the Act to give additional efficacy to the object section by requiring courts to interpret the Act as a whole by having regard to its expressed object. The Bill proposes to replace the definition of "negotiation". The new definition simply states that for the purposes of this legislation a negotiation is "between a Minister and another Government or its representative". The definition in the Bill provides a very clear and concisely expressed statement and remains consistent with the intent of the Act.

The Bill also proposes to substitute section 6 of the Act about "Notification of negotiations" and to substitute section 7 about "Consultation regarding agreements". The new "Notification of negotiations" section seeks to remove the mixed tenses in this section of the Act and require the Minister to notify members as soon as practicable about the commencement of negotiations or proposed negotiations. The new "Consultation regarding agreements" section seeks to ensure that a Minister completes the consultative process, if possible, prior to the beginning of negotiations.

These proposed amendments do not alter the purpose of the Act. The Bill seeks to strengthen the technical aspects of the legislation and to bind the Executive to its obligations under the Act. I commend the Bill to the Assembly.

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

URBAN SERVICES - STANDING COMMITTEE Alteration to Reporting Date

MR HIRD (10.54): Mr Speaker, I move:

That the resolution of the Assembly of 25 June 1998 referring the exposure draft of the Environment Protection (Amendment) legislation to the Standing Committee on Urban Services for inquiry and report be amended by omitting "1 September 1998" and substituting "22 September 1998".

Mr Speaker, on 25 June this year the Assembly referred to my committee the exposure draft of the Environment Protection (Amendment) Bill and asked that the committee report on 1 September this year. The committee is unable to meet the deadline because several key organisations affected by the proposed legislation wish to submit detailed comments on the draft Bill but these organisations cannot do so in the short time available. The secretary of the committee expects these submissions to be available next week, and accordingly my committee is making arrangements for a possible public hearing on this matter on Friday, 11 September. After that hearing we hope to produce a report in quick time so as to be able to table a report in the parliament on 22 September. I thank members.

Question resolved in the affirmative.

ADMINISTRATION AND PROCEDURE - STANDING COMMITTEE **Reference**

MR CORBELL (10.56): Mr Speaker, I move:

That the development of a code of conduct for all Members of the Legislative Assembly be referred to the Standing Committee on Administration and Procedure for inquiry and report with particular reference to:

- (1) parliamentary and personal conduct;
- (2) conflict of interest, including a Member's affiliation or membership of any organisation or association that could potentially constitute a conflict of interest;
- (3) gifts;
- (4) use of public office;
- (5) the application of section 14 of the Australian Capital Territory (Self-Government) Act 1988 (Commonwealth); and
- (6) a complaints and investigation procedure.

This is an issue which has come before the previous Assemblies and was referred to the Administration and Procedure Committee for inquiry and report in the last Assembly. Unfortunately, due to the time constraints of that committee, it was not able to finalise a report for the Third Assembly, but the membership of the new Standing Committee on Administration and Procedure has felt it appropriate to request this Assembly to direct it again to investigate and report on this issue, simply because issues of parliamentary and personal conduct of members are issues of significant concern in our community. It is, we believe, appropriate that this Assembly develop a code of parliamentary and personal conduct for members of this place.

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Mr Speaker, I understand that as far back as 1989 Rosemary Follett, when she was Leader of the Opposition, proposed a code of conduct for members in this place, and in the last Assembly Mr Moore was prominent in urging the development of a code of conduct also. Issues to do with conflict of interest, gifts, use of public office and personal and parliamentary conduct are issues of significant concern, and we believe that it is appropriate that the Administration and Procedure Committee undertake this work.

Clearly there are difficult issues to be addressed here, most notably the issue of conflict of interest. Conflict of interest is a difficult issue to define at the best of times, and there will undoubtedly be much debate in our committee, if this referral is made, on exactly where the line should be drawn on the issue of conflict of interest. More controversial still is the issue of a complaints and investigations procedure for members. How do we ensure that the conduct of members in this place is appropriate and in accordance with the responsibilities that we all hold without impinging on the right of members to act independently and to raise issues of public concern?

This is the scope of issues that I believe the Standing Committee on Administration and Procedure should be undertaking, and I urge members to support this referral as it will allow this Assembly to develop a report on a code of conduct for members, which I think is becoming long overdue.

MS CARNELL (Chief Minister and Treasurer) (10.59): Mr Speaker, the Government supports this motion, as it supported an earlier referral of the same issue in September 1996. The ACT community expects high standards of conduct from its representatives. The community expects MLAs to act with integrity and to be seen to be acting with integrity. A code of conduct is an undertaking to the people of Canberra that their representatives will uphold certain standards of conduct. One of the first acts of this Government in coming to office in 1995 was to develop a code of conduct for Ministers. That code was tabled in April 1995, and the code was revised in light of comments by the Auditor-General in relation to issues raised in the report on the 1995 taxi plate auction. I tabled a revised version of that code in this Assembly yesterday.

The standing committee released an interim report on this issue in December 1997, recommending that a code be modelled on the Queensland code of conduct for public officials. I agree that the Queensland code is a worthwhile model. The revised code of conduct for Ministers is based upon that code. It contains values that are equally applicable to members and to Ministers. The values of respect for the law and the system of government; respect for persons; integrity; diligence; and economy and efficiency should form part of all such codes of conduct. I am convinced that all members of this Assembly would totally support these sorts of approaches. I am also convinced that the people of Canberra expect these codes of conduct to be in place and to be on the public record. They also want to be confident that members of this place understand what is expected of them.

It is very important that this code of conduct be brought forward as a matter of urgency. It would be unfortunate if again this issue ended up sinking down the priorities list of this Assembly. I hope that a code of conduct can be put on the table as soon as possible.

Question resolved in the affirmative.

JUSTICE AND COMMUNITY SAFETY - STANDING COMMITTEE

Reference

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (11.02): Mr Speaker, I move:

That the Assembly refer the Crimes (Amendment) Bill (No. 4) 1998 to the Standing Committee on Justice and Community Safety, for the Committee to consider whether the Bill provides an appropriate and effective response to the availability of the so-called “drunk’s defence” in the ACT criminal law.

Mr Speaker, members will be aware that this Bill is the Bill which deals with the availability in the ACT of the so-called drunk’s defence, allowing a person in certain situations of extreme intoxication to avoid the effect of a prosecution for certain crimes. Mr Speaker, in response to a decision in the ACT Magistrates Court last year, legislation has been prepared and is now before the Assembly as the Crimes (Amendment) Bill (No. 4). It is the view of the Government that this defence ought to be removed from the law of the ACT. Having said that, Mr Speaker, I acknowledge that there are different views about the way in which that might be effected. I make no bones about the fact that there are different views among lawyers as to the effectiveness of the legislation which the Government has presented. There are different views about the legal efficacy of legislation which deals with removal of an element of mens rea, or capacity to form a guilty mind. Those issues are legally complex and I think deserve further consideration.

Acknowledging that the view the Government has put in the Bill is not necessarily the only tenable view, I am moving today for the reference of this legislation to the Justice and Community Safety Committee, which might choose to have an inquiry into the matter or at least to canvass the views of a variety of lawyers and others on the effectiveness of the proposal the Government has put forward. I hope that it will shed some light on the process.

This is a reference which does, in a sense, involve the committee in an exercise of legal drafting. I am aware that it also has the role of operating as the scrutiny of Bills committee. Perhaps therefore that is appropriate, but in either circumstance this is the appropriate committee to refer it to so that we can resolve an outstanding debate in the ACT’s legal community about the most effective way of dealing with this particular hangover of ACT common law. I commend the motion to the Assembly.

Question resolved in the affirmative.

CHIEF MINISTER'S PORTFOLIO - STANDING COMMITTEE
Reference

MS TUCKER (11.05): I move:

That the Standing Committee for the Chief Minister's Portfolio inquire into and report on the recommendations of the February 1997 report of the Chief Minister's Department entitled *Implementation of service purchasing arrangements in the Australian Capital Territory* with particular reference to:

- (1) an evaluation of the progress on the implementation of the recommendations;
- (2) the resourcing requirements of the non-government partners to the agreement; and
- (3) any other related matter.

I have made this reference to Chief Minister's Portfolio Committee because of a number of incidents which have come up in this place, particularly in the estimates process, where we saw some very alarming examples of how the service purchasing arrangements are being implemented. The Pre-School Society was given virtually no notice at all that they would be required to have a different agreement with government for funds. There are different stories, totally contradictory stories in fact, from the Pre-School Society and the Government and bureaucrats concerned about how this process occurred. I am not really in a position to say here who I think is not being totally truthful on this matter, but let us just say that the confusion is worrying in itself and it is clearly the case that the Pre-School Society has not been supported adequately in coming to terms with the new arrangements, if in fact that is what they have to do.

The other significant example is how the Institute of the Arts has been treated and how they were told suddenly without notice that they had to describe their services according to government requirements and the output model. Unfortunately, I was not able to be here yesterday because my daughter was ill in hospital, but I am sure that the debate about the Institute of the Arts yesterday would have brought out the whole question of the length of time people are given to come to terms with this, whether or not it is appropriate at all to be using this model, how pricing of services is determined, how the contestability continuum is determined and where different services will fit on that continuum, if at all. That really important question of whether or not it is appropriate needs full discussion. Is it in fact appropriate to impose this output model of service and service purchasing and contestability? Is it appropriate at all for particular services?

The report that was put out by government on this matter attempted to address some of these concerns. The bottom line here is that, not just in the ACT but in all of Australia, in governments of both persuasions in fact, we are seeing what has become an obsession with financial accountability, to the point where I believe it is extremely dangerous and it is cutting at the very soul of our society.

This local report was attempting to ensure that at least there would be some dialogue, some debate, about the appropriateness of putting services into boxes. This report was attempting to ensure that the community would be supported if they were forced to do this; that they would be resourced appropriately. I guess what we need to see the Chief Minister's Portfolio Committee do through this reference is give the community an opportunity to say how they believe the recommendations of that report are being progressed and to give the committee an opportunity to evaluate how service purchasing is being implemented in the ACT and to evaluate how the recommendations of this report are being progressed.

I believe the issue of the resourcing of groups will come up a lot. The pricing of services is also controversial and, from my understanding of it, has not been given adequate attention from government. The partnership that is supposed to exist between providers and government does not seem to have great meaning for government if you look at the way some groups that I have become aware of have been treated as partners. I guess what we will find out through this inquiry is exactly the state of play in this issue. As I said, I believe it is one of the very important issues in the ACT.

It is an ideologically-driven approach, to a degree that we have this great obsession with financial clarity, transparency and accountability. Of course, no-one objects to that, but when it is at the expense of issues like quality we get worried. That is what we find coming up from communities around Canberra and around Australia at the moment. How are we describing quality in these contracts? How are we specifying in contracts the reality of the services that are being provided by the community sector? There is so much coming out of community services that will not necessarily fit into an output model.

We do not know how to describe quality. We are very unsophisticated at this point in doing that. That is why I believe this is a critical issue and that the Chief Minister's Portfolio Committee should involve the community in a meaningful way in discussion of this matter.

Question resolved in the affirmative.

ADMINISTRATION AND PROCEDURE - STANDING COMMITTEE Reference

MS CARNELL (Chief Minister and Treasurer) (11.11): Mr Speaker, I move:

That notwithstanding standing order 16(1)(a)(ii), the Protocol for Government Interaction with Assembly Committee Inquiries be referred to the Standing Committee for the Chief Minister's Portfolio for inquiry and report to the Assembly.

I present the Protocol for Government Interaction with Assembly Committee Inquiries. Mr Speaker, the protocol that I have tabled outlines processes and practices for Ministers and officials to follow in their contact with Assembly committees. Under our system of government the Executive is accountable to the Assembly. Accordingly, the protocol emphasises the role of Ministers in contact with committees. It is Ministers who should

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be expected to explain and defend the Government's policy and administration to the Assembly and its committees. Officials provide factual information on the operation and implementation of government policy. The protocol is intended to aid the open provision of information to committees. The protocol encourages Ministers to inform and consult committees on policy development issues. For example, Ministers are asked to consider whether matters under consideration should be referred to committees for inquiry.

The protocol is in many senses a shortened version of the Participation in Parliamentary Inquiries Handbook. The Government expects to revise the handbook after the Assembly's consideration of Mr Osborne's Legislative Assembly (Privileges) Bill. As the protocol deals with contact by members and committees with the Government, it is only appropriate that members and committees have an opportunity to comment on the protocol. It is for that reason that I have moved that the protocol be referred to the Standing Committee for the Chief Minister's Portfolio. Mr Speaker, I trust that all members will support this motion, although there might be an amendment.

MR KAINE (11.14): Mr Speaker, I move the following amendment to the Chief Minister's motion on this matter:

Omit all words after "That", substitute the following words: "the Protocol for Government Interaction with Assembly Committee Inquiries be referred to the Standing Committee on Administration and Procedure for inquiry and report."

I have moved this amendment because what the Chief Minister is attempting to do is suspend the standing orders of the Assembly for this particular occurrence. It might have been better had she moved a suspension of the standing orders rather than moving the motion that she has moved. Quite frankly, I do not support the notion of suspending the standing orders for a particular document such as this anyway.

The Standing Committee on Administration and Procedure has been established to serve the Assembly, and its responsibilities specifically include the clause which the Chief Minister is proposing to suspend, and that is that the committee is to inquire into and report on, as appropriate, the practices and procedures of the Assembly. In fact, the Chief Minister would have had to seek to suspend subclause (iii) as well, because it is also the responsibility of the standing committee to inquire into and report on matters affecting the standing orders of the Assembly. For some reason she has chosen not to seek to suspend or to set aside that particular part of the standing committee's responsibilities.

Mr Speaker, I believe that the Administration and Procedure Committee is the proper place for this document to be considered. The protocol not only talks about the Chief Minister's Portfolio Committee; it talks about all committees. The Administration and Procedure Committee is set up to deal with all-embracing matters of this kind affecting the way the Assembly functions, not only this protocol but the practices and procedures of the Assembly. That is one of the reasons why the Administration and Procedure Committee exists. It has representatives of all parties and factions in this place and can speak for the whole Assembly. The Chief Minister's Portfolio Committee cannot,

nor can any other committee. I would argue that the Chief Minister's Portfolio Committee is no more appropriate for consideration of this matter than is the Urban Services Committee or the Health Committee for that matter, because it is not properly representative of the interests of the Assembly.

Mr Speaker, I do not think that I need to say more than that. The Chief Minister has not explained what her objective is in setting aside the standing orders of the Assembly and seeking to refer this matter to a particular committee rather than the one that is established for the purpose of looking at such protocols. I urge members to support my amendment and refer the matter to the appropriate committee of the Assembly.

MR CORBELL (11.17): Mr Speaker, the Labor Party will be supporting Mr Kaine's amendment. This is quite an important point. Whilst for some it may not appear to be particularly important whether this matter goes to one committee or another, we feel quite strongly, as Mr Kaine has already indicated, that there is a committee in this place charged with the issues to do with the processes and practices of this place, the Standing Committee on Administration and Procedure. As Mr Kaine quite rightly points out, it is not the role of any other committee to look at issues affecting the operation of all committees in this place. That responsibility is quite rightly with the Standing Committee on Administration and Procedure, which reports to this Assembly, and this Assembly makes the final decisions as to how this place operates.

I think it is only appropriate that we do not have the Chief Minister's Portfolio Committee or, as Mr Kaine quite rightly points out, the Urban Services Committee or the Justice and Community Safety Committee look at this matter. None of those committees should be looking at how the Executive interacts with the parliament. That is an issue, quite rightly, for the Standing Committee on Administration and Procedure. As Mr Kaine points out, I think it would be useful if this Assembly could have some explanation as to why the Chief Minister has sought to suspend standing orders 16(1)(a)(ii) and (iii), because we are yet to understand her motivation. I urge members to support Mr Kaine's amendment. It is only appropriate that the Standing Committee on Administration and Procedure, which has representatives from all groupings in this place, consider this issue and report back to this Assembly for a decision.

MS CARNELL (Chief Minister and Treasurer) (11.19): Mr Speaker, just briefly, speaking on the amendment, I indicate that the Government does not mind what committee this reference goes to. That might circumvent the whole debate on that point.

MR BERRY (11.19): I must say at the outset that I would be surprised if this protocol was put forward to assist committees in their work in the scrutiny of the Government. I have not had much time to read it, but I will wager that somewhere in there are some provisions which would make it more difficult for the committees to work and to get hold of some information. It says:

Factual information may be provided to Committees at the discretion of the relevant Minister.

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That rings a few alarm bells with me. It seems to say that information that is not factual can be given to them but factual information can be given only at the discretion of the Minister. I reckon that there is something wrong. It also states that the secretary to a committee is to contact the Minister's office only. Committees will never get anything done if that is the case. The protocol also states:

Ministers determine whether the attendance of an official or officials before a Committee is appropriate.

The standing orders make provision for committees to call officers and to call for papers. What you seem to be saying to us is that Ministers will make up their mind whether they are going to respond to a committee's demands or not. It seems to me that what the Chief Minister is trying to do is to hobble the committees in some respects, but I did see one provision that I found at least superficially attractive and that was:

Officials are to maintain the highest standards of courtesy in their dealings with Committees.

I would have to say that in my last experience the overwhelming majority of officers who came before my committee were extremely courteous and helpful, but there were a couple who were not. They are becoming notorious, and they will not get away with it for much longer, let me warn you.

Ms Carnell: We are really scared, and I am sure they are too.

MR BERRY: They ought to be, because it gets close to contempt. That is one part of the protocol I have a superficial attraction to. I think it would be helpful if that at least was adopted. Committees can demand that in any event. I say again that I trust the committee has sufficient time to look at this, but I would send a message of caution that overall I would be surprised and many others in this place would be surprised if this was a move to assist the committees in their deliberations. In fact, on the basis of the Government's performance thus far, it would appear that it could be a move to restrict their ability to inquire.

MS CARNELL (Chief Minister and Treasurer) (11.23): I will close the debate, Mr Speaker. I am concerned about comments that Mr Berry has just made about officials. I have had no unofficial or official complaints about the performance of any officials. I think it is inappropriate to make comments like that if Mr Berry has not bothered to - - -

Mr Berry: It is situation normal when you are concerned about what I say.

MS CARNELL: Mr Speaker, this is important. Mr Berry has not bothered to complain either officially or unofficially about some officers of the Public Service, but stood up in this place and referred to "some" or "a couple of" public servants and threatened them. If you threaten a couple unnamed, you threaten them all. I do not think that is appropriate to a public service when there have been no complaints whatsoever, to my knowledge. Certainly there have been no complaints with my office.

Mr Berry: Do you want me to name them?

MS CARNELL: I would like you, Mr Berry, to put an official complaint forward and not just threaten public servants in this place without naming them. I do not think that is appropriate behaviour under any circumstances. If there are people who have not performed or have not performed appropriately, then we will have appropriate investigations publicly. Mr Berry has to be able to back up comments that he has made.

The approach that we have taken with this protocol is to ensure that everybody knows where they stand. I think it is extremely important, particularly for our public servants, to make sure that they know what is required of them and when it is required of them, to ensure that committees know the process that they need to follow to get information and to ensure that Ministers know what their responsibilities are. That is just good management and, I would say, good parliamentary practice as well. There are no other reasons for this protocol except that on a number of occasions people were not confident about the way they should handle this issue.

Mr Speaker, I think it is a bit rich for Mr Berry to make the comments that he did. When Mr Berry was Minister, his approach, from memory, was that shadow Ministers would not be briefed on anything under any circumstances or for any reason, regardless of how often they asked. I think I probably still have the letter that Mr Berry sent along those lines. That shows that in this place it is important to have protocols that work so that everyone knows what they are about. I am very happy for the protocol to be referred to the Administration and Procedure Committee if that is what the Assembly wants, but I think it is important to have this sort of good practice in this place.

Amendment agreed to.

Motion, as amended, agreed to.

PERSONAL EXPLANATION

MR BERRY: I would like to make a personal explanation, an enthusiastic personal explanation, pursuant to standing order 46. The Chief Minister said that whilst I was a Minister I refused to give shadow Ministers any briefings at all, if I may paraphrase her. The fact of the matter is that I did more than most. What I made sure of was that if I was not available a member of my personal staff was always at the briefings. In many cases, members of the Liberal Party lost interest once I offered the full bottle.

Ms Carnell: What you said was that every briefing had to come through your office and that you or someone from your office had to be at each one. That is exactly what this does.

MR BERRY: Indeed. To ensure that you got the fullest attention, I would make sure that a member of my personal staff was available if I was not available to deal with it. That generosity has not been provided to us.

URBAN SERVICES - STANDING COMMITTEE
Reference

MR CORBELL (11.27): Mr Speaker, I move:

That, notwithstanding the provisions of standing order 174:

- (1) the Water Resources Bill 1998, together with the amendments circulated by the Minister for Urban Services and Ms Tucker be referred to the Standing Committee on Urban Services; and
- (2) on the Committee presenting its report on the Bill to the Assembly the resumption of debate on the question "That this Bill be agreed to in principle" be set down as an order of the day for the next sitting.

I urge members to support this referral this morning. The Water Resources Bill is a significant piece of legislation. It is legislation which has quite wide-ranging consequences for the management of the Territory's water resources. It deals with a wide range of issues, and I would say it is of similar importance to the Environment Protection Bill which became law in this place last year. Like the Environment Protection Act, this Bill has significant direct consequences for a range of individuals in our community, particularly those people who use water in very large volumes. They need to have some opportunity to discuss this issue through an Assembly inquiry.

There are also issues in this Bill related to competition policy and the trading of water. Noting the Assembly's considerable concern with the consequences and implications of competition policy, I think it would be inappropriate for this Assembly to vote on this Bill without the benefit of a wide-ranging and significant Assembly inquiry. I would envisage that that inquiry with my colleagues on the Urban Services Committee would deal with a wide range of issues and would seek the input from as many people as possible on the consequences of this legislation so that everyone in this community has the opportunity to be fully informed of it before it comes to the floor of this Assembly for debate and presumably for passage.

Mr Speaker, the inquiry into the Environment Protection Act conducted by the Standing Committee on Planning and Environment in the last Assembly was an exemplary inquiry. I believe it achieved consensus on all but two or three issues. Those issues then came to the floor of this Assembly for debate and for resolution. During that inquiry, which I was fortunate enough to be part of, officers of Environment ACT provided public briefings to interested members of the community on the consequences of that Bill. I would hope that my colleagues on the Urban Services Committee would see a similar opportunity in relation to this Bill because this Bill, as I have already indicated, has impacts just as wide-ranging as the environment protection legislation had.

On a final matter I would add that, in moving this referral, I am very conscious of the already wide-ranging and comprehensive work that has been undertaken by officers of Environment ACT in the development of this legislation and also conscious of the work they will need to undertake, once this Bill is passed, in developing it and implementing it. For that reason, Mr Speaker, I indicate that certainly from this side of the house it is an issue that we want to treat with all due care and attention but not delay unnecessarily in any way. We would like to see it dealt with and resolved well before the end of this sitting year.

With that, I urge other members to support this referral. I believe it will provide for a good process and an effective process in dealing with what is perhaps the most significant piece of legislation on the Territory's water resources ever to come before this Assembly.

MR HIRD (11.31): Mr Speaker, as chair of the Urban Services Committee, I welcome Mr Corbell's motion. Mr Corbell and Mr Rugendyke are members of my committee. I must say that I share some of the concerns that Mr Corbell has indicated to the house. As chair, I have taken the liberty to have preliminary discussions with the Minister for Urban Services, Mr Brendan Smyth, who has informed me that officers of the department are looking forward with some enthusiasm to assisting our committee in its deliberations, and we will expedite the necessary procedure to bring a report to the parliament as soon as possible. I urge members to support the motion.

MR KAINE (11.32): Mr Speaker, I support the proposal to refer this Bill to a committee. I consider this to be a very significant Bill for the Territory. It is a matter that raises many issues. On reading the Bill carefully, I find that the Bill in fact raises more questions than it answers. I think there is a need to examine carefully some of the implications that arise from this Bill. I believe that those matters are so numerous and so wide-ranging in their ramifications that it is not appropriate that they be debated here. They need to be shredded out in a different environment without pressure and where the matters can be looked at dispassionately and objectively in order that this Bill will achieve the objectives which it would properly seek to achieve. I believe that the best place to do that is in a committee. For that reason I support the referral to the Urban Services Committee.

MS TUCKER (11.34): The Greens are happy to support the referral of this Bill to the Urban Services Committee as there are significant aspects of this Bill which I have major problems with. I think that Assembly members and the community would benefit from looking at this Bill in greater depth before a vote is taken on it. Until recently the management of water had been regarded as the prime responsibility of government. Government utilities built the dams and piped the water throughout the community. This idea has, however, been challenged in recent years by the rise of economic fundamentalism, which believes that it is more efficient to have water traded as a commodity through markets involving private companies.

This Bill reflects this approach by not only regulating the taking of water from ACT waterways, but also establishing a market for water where allocations of water can be sold off to the highest bidder, who can then trade their allocations with others not just in the ACT but interstate. Somebody could buy our water here but then take this water

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out of the Murrumbidgee River downstream from the ACT. The Greens do not believe that the availability of water should be handed over so completely to the marketplace and that private companies with commercial objectives should be making decisions which affect the health of our rivers and the availability of water to the community.

This whole Bill is really an attempt to integrate environmental and social concerns into the free market concept as applied to water, and we have grave doubts about how this attempt will work in the real world. There are still many issues to be resolved in managing water this way. For example, how do we ensure that sufficient flows are maintained in our rivers to protect the aquatic ecosystems? The issue of how interstate trading in water will work in practice has also still to be resolved. I am certainly not prepared to support this Bill in its current form until much more thought is given to determining the best way of managing water use to reduce environmental impacts and to ensure the equitable distribution of water across competing uses.

I have prepared a number of amendments to the Bill to remove all references to establishing a water market, leaving the control of water to be handled solely by the proposed licensing system. I think that such a regulatory system will work much more effectively in achieving the objectives of the Bill. I am glad that Mr Corbell has also referred my amendments to the committee to be considered alongside the Bill.

MS CARNELL (Chief Minister and Treasurer) (11.36): Mr Speaker, in the absence of the Minister, I will respond. The Government will obviously not be opposing the referral of the Bill to the committee, but I am pleased to take on board Mr Corbell's assurance and Mr Hird's assurance that the committee will look at this Bill very quickly. Mr Corbell made it clear that this Bill has been around for quite a long time. Comments by others, however, seem to have suggested that there has not been time for consultation on this Bill.

As we all know, this Bill has been around for a very long time. In fact, those members who were part of the last Assembly will remember that we came very close to passing it in the last Assembly. An agreement was reached not to put it through at that time but an agreement was reached, as I understand it, to set a timeframe so that it would be put through this year simply because of requirements under national agreements. I hope that those requirements or those obligations that the ACT has can be met. I hope that the significant amount of community consultation being done by the Government, by the departments, by community groups and so on can be put to good use and an outcome can be reached as quickly as possible.

As Mr Corbell rightly said, this Bill going through the Assembly is only the first stage of what is quite a long process in putting together regulations. The ACT, on my understanding, is behind other States in this area, so we have quite a significant amount of evidence from other States on the best way forward.

Question resolved in the affirmative.

ESTIMATES 1998-99 - SELECT COMMITTEE
Report on the Appropriation Bill 1998-99

MR BERRY (11.38): In presenting the report to the Assembly, I want, first of all, to thank the many people who have worked patiently and diligently to prepare this report. I thank my Assembly colleagues, deputy chair Paul Osborne, Simon Corbell, Harold Hird and Dave Rugendyke. It was - - -

MR SPEAKER: Before we proceed any further, Mr Berry, it being 45 minutes after commencement of Assembly business, the debate is interrupted in accordance with standing order 77.

MR MOORE (Minister for Health and Community Care) (11.39): Mr Speaker, I seek leave to move a motion that Assembly business has precedence of Executive business.

Leave granted.

MR MOORE: I move:

That Assembly business has precedence of Executive business until the sitting of the Assembly is suspended for lunch this day.

Question resolved in the affirmative.

MR BERRY: Mr Speaker, pursuant to order, I present the report of the Select Committee on Estimates 1998-99 on the Appropriation Bill 1998-99, including two dissenting reports and additional comments, together with the minutes of proceedings. This report was provided to the Speaker for circulation on Monday, 24 August 1998, pursuant to the resolution of the Assembly of 26 May 1998. I move:

That the report be noted.

At the outset I heard the Chief Minister giggling about the dissenting reports, et cetera, which are attached to this report. Of course, it has not been the objective of the committee process in this place since 1989 to bury the ideas of others on the basis of number crunching in committees. It never has been.

Mr Moore: No, it is about trying to get some consensus.

MR BERRY: And it is not about trading off the ideals of members just to get consensus. Mr Speaker, as I said, I thank the people who assisted me in the pursuit of this inquiry. Another group of people who have to be thanked emphatically are those who worked very hard to bring the report together in its final form. They are Bill Symington, the committee secretary, and his assistant secretaries - in this case, Fiona Clapin, Judith Henderson, Beth Irvin and Rod Power - and, of course, the administrative assistant, Kim Blackburn, who has been as accurate as ever in her dealings with committee matters.

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This was a new approach for the committee which came as an idea from Mr Symington, as I understand it, to involve the other secretaries in the process. That involvement was of great assistance to the committee. It assisted us to get through all of the work which was before the committee and in the development of the report. I thank all of those officers for their efforts on behalf of the committee. Finally, I would like to thank the community who responded well to the invitation to attend and have enhanced the report with their contributions. In her opening remarks when introducing the budget the Chief Minister said:

This Government has a vision for the future of Canberra as the clever, caring capital ...

The Estimates Committee has now scrutinised this “clever, caring budget” and come up with 50 recommendations to improve it. More importantly, the committee found that the budget has some uncaring and not very clever impacts on the Canberra community. If the Government is prepared to deal positively with the 50 recommendations and the multitude of concerns raised by the Estimates Committee, we may move in the direction that the Chief Minister’s vision suggests. There are many areas of the budget which came in for comments and recommendations. In the first hearing of the Estimates Committee the Chief Minister indicated her priorities when she said in relation to the operating loss:

The role of this Assembly and certainly the Government is to address that operating loss and not to give or to produce a debt that our children cannot afford to pay. Mr Chair, this Estimates Committee will not have any credibility whatsoever, I am sure, in the view of the people of Canberra if it does not look at the total budgetary position ...

As chair of the committee I responded:

I am sure that members around the table on this Estimates Committee would like to have their hands on the levers and be responsible for constructing the budget but, Chief Minister, that is your job. It is our job to scrutinise it and we hope that we will do a good job of that.

The role of the Estimates Committee has always been to scrutinise the budget. This is done by examining the proposed budget and associated papers, the past record, particularly in relation to the last budget. It is in this way that Assembly members are able to examine and judge the priorities of the Government and the impact of those priorities on the community.

The major group of problems are those either related to the lack of relevant information, such as program cuts and policy changes, or lack of comparable information.

Every year the Assembly has been asked to accept and support a budget on faith. The papers have been presented differently each year, and added to this has been the changing presentation time. It would appear to the casual observer that those thousands

of public servants who are in the employ of the Government, especially those preparing the budget, spend most of their time preparing their budget in a way that it cannot be read. Now, that is not the way to prepare budget papers. This means that members have had to take on faith the claims of Government Ministers.

With the budget now fixed to be considered before the annual reports are tabled it is even more important that the information be set out consistently from year to year to allow consideration of the proposed budget in the light of previous years. It is also important for Assembly members to be able to find program changes in the budget papers. It is a stunning indictment of the papers presented that the major issues causing comment in the community, the discredited Feel the Power plane, the cuts to the Institute of the Arts, the proposal to charge for entry to Floriade, were absent from the papers. And what about the Woodies?

Another serious concern encountered by the committee was the significant number of discrepancies between the budget papers and the ownership and purchase agreements. Recommendation 5, that the budget papers be formatted to provide extensive financial detail that is fully transparent, fully comparable and consistent between ownership agreements-purchasing agreements and the budget papers, should never have been required and would not have been had the promises and claims of the Chief Minister been delivered. All we have heard is: "We provide more information than anybody else" - that has been the excuse - or "We have provided more information than ever before". It is not quantity that we are looking for, Chief Minister; it is quality. That has not been provided in all respects. In a nutshell it identifies the problems with the budget papers supplied to the committee.

The recommendations to include a measures statement as part of the budget papers and for the Estimates Committee to continue to take evidence after its initial report will ensure members are better equipped to monitor the budget and its impacts. In fact, a measures statement would have alleviated a lot of the problems encountered by committee members seeking to understand fully what initiatives had taken place and how they would affect the community. My proposal to invite the community to participate in the Estimates Committee was well received by my fellow committee members and also well received by the community. The community members who appeared were articulate, well prepared and offered further insight into the impact of the proposed budget on a wide range of individuals and groups. The community presentations went well, with one exception - an unfortunate confrontation which led me to investigate ways to prevent such an occurrence in the future. Mr Speaker, I have put forward a proposal to amend the standing orders to give the chairs of committees more power to deal with such unfortunate confrontations.

In a number of areas, most notably in relation to the Belconnen pool, the issue of national competition policy arose. It is clear that there are a wide range of views on what the policy should involve and how it should be implemented. At the weekend there were reports that New South Wales may not be penalised for its refusal to strictly apply competition policy in relation to rice growing and it is certainly clear in the ACT that a majority do not believe that competition policy should be used to prevent the building of a community pool. Surely the rice growing industry is a more significant industry than is the Belconnen pool. It seems to me ridiculous that the building of a community pool

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is being held up for ideological reasons when in other States there are some flexibilities for a major industry such as the rice industry. For this reason the committee has recommended that the Chief Minister approach the Federal Government to raise the Assembly's concerns and seek to have the policy reviewed. The committee also recommends that the Belconnen pool be built.

Public servants and staffing became issues for the committee. In spite of commitments in agreements between the Chief Minister and agencies that full staffing profiles are to be provided, the committee was unable to get a complete set of profiles from all departments. Indeed it was said in some cases that that information could not be provided because it was an outputs budget, yet in other cases full profiles were provided. It was a ludicrous position for the Government to adopt. Their own departments shot holes in their proposal as a result.

Job insecurity is a major problem in Canberra for all public servants, a large sector of our work force, so the Chief Minister was given the opportunity to reiterate her election promise that there would be no more redundancies and that the provision for voluntary redundancies would be included in new enterprise bargaining agreements. The best we could get out of the Chief Minister was: "It is our preferred position. Voluntary redundancy is our preferred position". She would not commit to the clear election promise that she gave to the community. "It is our preferred position", the Chief Minister said over and over again, but she would not commit to the promise that she made before the election. What she meant was: "It is our preferred position for you to become redundant voluntarily, but if you do not volunteer it will be compulsory".

Mr Kaine: It is a bit like: "Joint ventures are not our preferred position".

MR BERRY: That is right. Unfortunately, we all recall the Chief Minister's statement: "The pain is over; the pain is over", but the budget and associated papers pointed to staff reductions and the Chief Minister refused to affirm her election promises in this respect.

A sleight of hand in the budget papers relates to the superannuation provision fund. The Government has made an issue of the need to increase provisioning for superannuation. In fact, it has created a great deal of hyperbole around the issue, as some sort of justification for cuts in other areas and the need to address the bottom line. But it also makes sure that it avoids drawing attention to the point that in its last term of government the Carnell Government decreased its efforts in this area.

It should, I suppose, be no surprise that most of the money identified for superannuation is not going back into the fund and this anomaly has been described as "leakage". When pressed, the Under Treasurer pointed us to an amount which was something like 50 per cent of the money taken off the agencies for superannuation leaks put back into the general budget for general provisioning. As I said, of the \$80m identified as set aside for superannuation, \$46m has leaked back into government coffers. When pressed again on what was a suitable percentage to be put aside for superannuation, the best that the Under Treasurer could come up with was: "Something less than 100 per cent".

So, somewhere between nothing and 100 per cent. That is just not good enough in the context of this debate about the superannuation difficulties the Government says it faces. It has to be clearer than that and it ought not be overstating the issue. I suspect at this stage that the Government is overstating this issue, to arm itself with a weapon to attack the superannuation benefits that might apply to future public servants.

In the last two months we have heard that the Civic and Woden youth centres have been singled out for harsh treatment. I am concerned that we have not got to the bottom of this, in spite of efforts in the Assembly and Estimates Committee. Another issue of concern in the community sector is the implementation of the SACS award. The allocation of funds to cover the implementation of the SACS award is not forthcoming and it seems that, at a time when the disadvantaged in our community are more dependent on community organisations than ever, those same organisations are being squeezed and may have to cut services. Mr Speaker, the Civic and Woden youth centres, in my view, and in my colleague Simon Corbell's view, should have their three-year funding restored. The reason they should have their funding restored is that it is very clear from the evidence that they were singled out for harsh treatment so that the Government could demonstrate that it was in control of things and that they were not going to truck any disagreement from anybody.

In the areas of mental health and police resources, the Minister for Health and the Deputy Chief Minister released misleading information as part of the budget package. It is expected that Government Ministers will put the best gloss on their areas of the budget, but these were going a bit too far. The issue of the cuts to the Institute of the Arts was a classic example of the failure of the Government to identify its plans openly and transparently for all to see. The cuts were made without notice, the rationale offered afterwards does not stand up to scrutiny and the opposition to the cuts has resulted in a vicious attack on the institute and its staff by the Chief Minister and other Government members.

The institute was able to take up the invitation to present its case to the Estimates Committee, and I am glad it did. I am not happy with the treatment it was forced to endure. I have had to apologise for the behaviour of Mr Hird, but it has left the Assembly with a new problem to deal with. I had always believed that, when we invite members of the public to come before committees, we are committed to treating them with courtesy and respect. I am committed to that. (*Extension of time granted*) I was embarrassed at the way they were treated and I have taken advice on new standing orders for committees so that next time we are prepared. I have put forward a notice on motion to deal with this problem.

Floriade is a major event in Canberra. It is 10 years old and Canberrans have taken it to their hearts. It has been a great success and brings in over \$20m a year in tourism. You would have thought that if any changes were in the wind the community would have been informed about it. Instead, the entry charge proposal was dumped on us at the last minute - not last November when the decision was taken, not before the election when people could make their views known, not in the budget, but halfway through the estimates, six weeks before the event, when most people from interstate had made their

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plans, when the businesses promoting the event had finalised their brochures, when people had already booked, when magazines had already been published. It is another disaster. It was poorly thought through, poorly planned and it could undermine a successful event. Meanwhile, the poor Canberra taxpayer is made to pay twice.

The business incentive scheme has already come under scrutiny and been criticised by the Assembly's Public Accounts Committee in 1997. There seems to be no improvement in the picture this year. The proposals supported are just as unsubstantiated as those assessed by the Public Accounts Committee. We have found, once again, that there was no way that the committee could scrutinise the operation of the business incentive scheme and judge whether it was successful and whether taxpayers were getting value for the money they invest in the scheme. We were also again treated to the commercial-in-confidence claim to ensure that committee members could not gain access to this information.

Inquiries in the tourism area have yielded a trifecta of duds and raised a series of questions about the processes and decision-making of the Government. First, we had a plane that does not fly. Then there was a tennis match on the futsal slab that cost \$33,000. We got that after the Chief Minister and her senior staff went to a social event in Sydney. The third dud of course was the discredited Feel the Power campaign. Between them they tell us a lot about this Government - people who play fast and are loose with taxpayers' money; people who think it is a lark to spend \$30,000 on a whim, without seeking any advice; people who think that it is all right to direct ACT Forests, which does not make a profit, to spend \$6,000 and then to have no paperwork to support it. These are the people who committed the ACT to a \$500,000 dud campaign to promote a despised slogan. These are the people who backed that up with another \$500,000 in this year's budget. The Chief Minister's incursions into tourism and promotion are the efforts of a person out of touch, out of her depth and out of control.

I turn to all those election promises, all those reassurances, that education will be maintained in real terms. What a con! Not only has there been a cut but also education has to help plug the Carnell black hole. The Chief Minister is borrowing from our children's future to pay for her bright ideas in tourism. There is a strong case for Mr Moore to vote against this budget, but I will bet he can rationalise black with white on this one as well.

Mr Speaker, a good example of the problems in health is the debacle of the Federal waiting list money. It was announced before the election, it was reiterated after the election and we have seen media release after media release about what a good deal it was. The Federal Health Minister kept telling us how lucky we were to get all this waiting list money, but it did not go to reducing waiting lists. It did not go to reducing the pain and suffering of those on waiting lists. When we asked during the committee hearings what it was spent on, we were told, "Instruments". Our waiting list money went because the hospital system was unable to plan for the proper replacement of surgical instruments. It was used to replace old instruments because the Government had not allocated sufficient money for equipment. Eight hundred people on the waiting list have

missed out because this Government - this Minister - has not spent waiting list money where it should have been spent. I do not know what would have happened had the other States signed up early, because if they had we would not have been given the extra money and we would have been short of equipment. We would most likely have had to cancel surgery in any case.

We spent some time on the VMO and salaried medical officers issue. The Minister was unable to tell us what impact the new contracts will have on the quantity or the cost of services provided by VMOs. We have asked that he report regularly to the Assembly so that we can find out. It was at this time that we discovered that our salaried medical officers have a status that no other worker in the ACT has. Some of them have had a retrospective pay rise of about 14 per cent, and it is not to be paid for out of productivity gains - the way that other workers in the ACT get pay rises. They have been sorted out for special treatment. What a revelation! During a week of questioning when other Ministers told us that the government policy was that all pay rises would be paid for by productivity offsets and that supplementation was not on, the Health Minister revealed, however reluctantly, that some of the most privileged workers in the health system were to be granted a major pay rise, backdated and supplemented, on the grounds of comparisons with workers in other jurisdictions. Comparative wage justice is alive and well in the Health Department! Many other workers will want to enjoy access to this. This represents another deviation from standards in place for other ACT Government workers. I believe that if this option is available to some workers, it should be available to all.

Another area dealt with in detail was that of operations at Karralika and the current review going on there. The committee is concerned that the community could reasonably form the opinion that a conflict of interest exists in the knowledge that the Minister for Health has appointed a former election running mate to conduct a consultancy concerning the performance of the board. (*Quorum formed*) The committee is concerned - - -

Mr Moore: Mr Speaker, I would like to ensure that the Minister is careful he does not mislead the house on this issue.

MR BERRY: The proposed changes to the criminal injuries compensation scheme raise a series of - - -

MR SPEAKER: The member's time has expired.

MR BERRY: I seek a short extension of time, Mr Speaker. (*Extension of time not granted*)

MR HIRD (12.04): Mr Speaker, in speaking to my dissenting report on the majority report by the Select Committee on Estimates, I believe it is appropriate to recall the words of someone universally accepted as one of the world's greatest ever statesmen, and I quote:

As an individual who undertakes to live by borrowing, soon finds his original means devoured by interest and next, no-one left to borrow from ... so must it be with a government.

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Those are the words of Abraham Lincoln. Although they were uttered by the great leader in the United States in 1843, they are no less credible and important today. Importantly, Mr Speaker, they are applicable to government in this great Territory. Governments, no more or less than individuals, cannot expect to live forever on a credit card. Sooner or later, reality takes over, with the realisation that financial constraint has to be applied to rein in the budget deficit. That is one reason why I rise to dissent from the irresponsible and misleading majority report of the Select Committee on Estimates.

I believe this is the first time that the chairman of the Estimates Committee has presented a dissenting report, with the support of his colleague Mr Corbell, to the committee's report to the parliament. I find it hard to believe that a committee chairman would stoop to disgusting practices of politicising the select committee's report on the Government's budget estimates. Not even when Ms Roberta McRae, also from the ALP, was the chair of the committee, did we see the report politicised. To her credit, Mr Speaker, Ms McRae made a conscious effort to ensure that the committee's hearings and the report to the parliament was apolitical, and I commend her for that.

The course that the current chairman, Mr Berry, has chosen is a despicable attempt by Mr Berry to use his personal dislike of the Chief Minister and Treasurer, Mrs Carnell, to influence the select committee into tabling such a report to promote his own political ends. Mr Speaker, as I pointed out in my dissenting report - - -

Mr Corbell: Mr Speaker, I raise a point of order. Mr Hird is imputing an improper motive to Mr Berry and that is quite outside standing orders. He suggested that Mr Berry was attempting improperly to influence the committee. That is clearly not the case. It is quite unparliamentary, and he should be asked to withdraw it.

Mr Moore: Mr Berry has made the same imputations about everybody else. The hypocrisy of raising a point of order like that is not to be missed.

MR SPEAKER: Order! Mr Hird, please be careful what you say.

MR HIRD: I take your guidance, as always, Mr Speaker. As I pointed out in my dissenting report, comments by the committee once again highlighted how little regard has been paid by some members to addressing the Territory's operating loss. Surprise, surprise! But we have come to expect that from Mr Berry and his colleagues opposite. Mr Speaker, I remind the parliament that, because of Mr Berry's party's neglect over the years it was in office, the Carnell Government inherited a \$344m black hole. Since coming to office in 1995, by diligent accounting and accountable expenditure, the Chief Minister, Mrs Carnell - the Carnell Government - has reduced this deficit to \$153m as at the 1997-98 budget. There is still some way to go to make this Territory self-supporting, but that, Mr Speaker, is what responsible government is all about. It is also of some concern that, after three budgets, some members of the Estimates Committee, particularly those opposite, still do not understand that the ACT runs an accrual budgeting financial management system.

Mr Berry: We started it, Harold. Don't be silly.

MR HIRD: There are many aspects of the Estimates Committee report and the attitudes of the committee chairman, Mr Berry, and his colleagues opposite so blatantly represented in the report that disturb me, not just as a member of this parliament but as an ordinary citizen of Canberra.

Mr Berry: A very ordinary citizen of Canberra.

MR HIRD: I believe I have covered those concerns in my dissenting report. I did not interject while Mr Berry was speaking, I must say.

MR SPEAKER: Interjections are out of order.

MR HIRD: I notice that he cannot help himself. I quote from an article in the *Canberra Times* of 20 June this year headed "Budget Comments":

If the Budget does attempt to reduce expenditure in some programs, the many critics who will step forward to voice their disapproval should have the decency to tell us how they would deal with the operating loss.

Guess who said that; who was the scribe? It was written by David Hughes, Associate Director of the Australian Centre for Regional and Local Government Studies at the University of Canberra, who was at that time a consultant to the ACT Labor Party. That is what he said.

In closing, Mr Speaker, I would like to quote from a great Canberran, a man that I met when I first came to Canberra - Stan Cusack, a retailer in Kingston. Stan Cusack said this to me, "Son, if you look after the pennies, the pounds will take care of themselves". That was a pretty wise statement. I commend my dissenting report.

MR RUGENDYKE (12.11): I will speak briefly. This first Estimates Committee hearing was for me, obviously, a very steep learning curve. I was quite happy to sit and listen and to take part where I could. But I also realised that the Estimates Committee does seem to be an opportunity for the Opposition to bash the Government. I suppose that is part of the process and, to that extent, it is a bit of a farce.

MS CARNELL (Chief Minister and Treasurer) (12.11): Mr Speaker, I think that Mr Rugendyke just hit the nail on the head. Unfortunately, Mr Rugendyke, that is not supposed to be the process. That is what the process was. Estimates committees are very important parts of the parliamentary process. They are an important part of the way we operate parliaments in this country. What do they do? What they do is scrutinise the budget, Mr Speaker. What did this Estimates Committee do? As Mr Rugendyke said, it bashed the Government on policy issues; not on the budget itself. I have to say, as Treasurer, and having sat through a day-and-a-half or whatever it was of the Estimates Committee - - -

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Mr Corbell: The budget is an instrument of policy. It is the instrument of policy.

MS CARNELL: Mr Speaker, I do not believe Mr Berry was interjected upon once, not once.

Mr Berry: He is not talking now either.

MS CARNELL: I do not think, Mr Speaker, anybody from this side interjected on Mr Berry.

MR SPEAKER: Settle down, everybody.

Mr Berry: I never said a word. Would you report that I never said a word?

Mr Hargreaves: There was nobody from that side over there. There was no-one here.

MS CARNELL: There you go. Mr Speaker, this Estimates Committee report is an absolute farce because, as Treasurer - the person, you would assume, who would be asked lots of questions about the budget - I think I was asked one question in a day-and-a-half of estimates. What used to happen - Mr Moore would agree with me - is that we would have the budget papers and would say, "Okay, turn over the page. What is the line? What are those expenses being spent on? Why have you purchased this number of services? What have they cost? Why has it cost this much?". You ask all those normal questions in estimates to assess whether the government of the day is proposing to spend taxpayers' money appropriately.

Mr Speaker, almost none of those questions were asked. So what was the process about? It was a prolonged question time. That is how I saw it. Mr Berry was the most experienced person on that Estimates Committee and the chair. Therefore, he had a responsibility to direct the committee down the path of doing what an estimates committee is supposed to do. Unfortunately, he did not do so. The recommendations are predominantly about policy direction. Very few of them have anything to do with the budget at all, Mr Speaker. They are policy directions, or recommendations, for government.

Mr Hird made some comments about accrual accounting versus cash-based accounting. I agree with Mr Hird that when I read recommendation No. 4, which suggested that they actually wanted future budgets to be presented like the Federal budget, which of course is a cash-based budget - - -

Mr Berry: No. We never said that.

MS CARNELL: The report did. It says here:

The committee recommends that future budgets include both outlays measures and revenue measures, similar to those provided in the Federal budget.

Mr Berry: A measures statement.

MS CARNELL: That is exactly what it says, Mr Berry.

Mr Berry: It says a measures statement.

MS CARNELL: That is a cash-based budget, Mr Speaker. Now, the only thing - - -

Mr Moore: Wayne does not understand it, Kate. He has never understood it.

MS CARNELL: He has never understood; you are quite right. I think Mr Moore will agree with me that it is a silly recommendation, but at least it is about the budget. I have put a tick beside that one, not because I agree but because we said, "At least we have one that is about the budget".

Mr Speaker, the thing that was a concern to me and I think to my colleagues was the number of recommendations or comments in the report on which there was actually no questioning in the Estimates Committee. If no questions were asked, how could the Estimates Committee draw any conclusions? Time and again in this report there are examples of that. Mr Speaker, in this report there are a huge number of issues which come with extra expenditure. I do not in any way blame Mr Rugendyke or Mr Osborne for this. This was Mr Rugendyke's first opportunity to have a look at this. I have to say that in the past Mr Osborne has not been closely involved in the finances of government either. But Mr Berry has, and he should have known better.

This report is predominantly about policy. It says very little about the budget. It contains lots of recommendations or comments about which no questions were asked. The recommendations, if implemented, would produce a huge extra expenditure for the ACT without any knowledge of how to address it. Mr Berry will say, "Oh, yes, there is". In his and Mr Corbell's supplementary comments they do make some comments about where they would find the money. Poor old Mr Quinlan must have been horrified when he read them, absolutely horrified, because I think Mr Quinlan does know the difference between one-off capital expenditure and recurrent expenditure. Unfortunately, Mr Corbell and Mr Berry did not.

Mr Speaker, time and again in this place we have explained to those opposite that, regarding the \$10m that we have to pay the Federal Government for the black hole, we do not pay them at all. In fact, Mr Berry, you are right; we did not pay them. We did not give them one cent, and nor did New South Wales, nor did Victoria, nor did the Northern Territory, nor did anybody. I have said it time and time again, Mr Speaker, but he - - -

Mr Moore: Did he ask you about it?

MS CARNELL: Not in the Estimates Committee, no.

Mr Berry: Yes, he did.

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MS CARNELL: And what was the answer? The answer is that we do not pay any money.

Mr Berry: How do they get it then?

MS CARNELL: They take it off our FAGs payment, so we do not ever get it actually.

Mr Moore: You had better tell him what the FAGs payment is.

MS CARNELL: It is the financial assistance grants payment. I should have been much more specific. Mr Speaker, you can really see Mr Howard going to Bob Carr and saying, "Now, Bob, I want you to pay \$200m. Could I please have the cheque?". What would Bob Carr have done? Would he have said, "Sorry, John, piss off."? I am sure he would not have said that. He might have actually! Mr Speaker, what he would have said was: "No, I am not going to pay". That is exactly what we and every other State said. As I have said time and again, we do not pay it; it is taken off our FAGs - our financial assistance grants payment. So why on earth have they said again that the way they would have found the money was by not paying back the money? They knew that the money was not to be paid back.

Mr Corbell got up in this place yesterday and took a point of order that he did support the Business Development Fund and that it was horrifying for me to have suggested that he did not. In your report you suggest that we spend the \$2m allocated for the Business Development Fund to somehow fund other things in the budget. Yesterday Mr Corbell stood up and said, "Of course we support the Business Development Fund", but you support using the money somewhere else. You cannot have it both ways. It is also one-off expenditure; it is not recurrent.

The Opposition have also not supported the Bruce Stadium development. Quite seriously, for anyone in this place to rule a line through Olympic soccer for Canberra, to rule a line through the Raiders, the Brumbies and the Cosmos in this city, is simply unacceptable, but that is what they have done. But, most importantly, Mr Speaker, it is capital expenditure. I know that I will never get this through Mr Berry's head, but it is one-off expenditure. You cannot use it as recurrent or you would have to find another Bruce Stadium next year. You cannot use it the way they have which shows, again, the chair of our Estimates Committee not only did not ask very many questions about the budget but also does not know the difference between cash accounting, recurrent accounting, capital expenditure and other one-off expenditure. He wants to use capital expenditure to fund recurrent - - -

Mr Berry: Oh, dear!

MS CARNELL: That is what you said in the report, Mr Berry. Mr Speaker, the concern with this report is that, in the few areas where questions were asked and answers were given, the committee has totally ignored the answers. For example, concerning superannuation payments, the issue was explained at length and was explained

again in Mr Hird's comments. That leakage does not mean money going back to the central budget. Mr Speaker, this is the worst Estimates Committee report I have ever seen because it does not do what the Estimates Committee is supposed to do, and that is scrutinise the budget.

MR MOORE (Minister for Health and Community Care) (12.22): Mrs Carnell was right when she said that the best description of this process that we have heard so far came from a new observer, Mr Rugendyke, who used the word "farce". Mr Speaker, there has never been an estimates process like this one. There has never been a presiding member who has failed so dismally to deliver a reasonable estimates committee report than this presiding member. Standing order 247 states:

It shall be the duty of the Presiding Member of every committee to prepare a draft report.

That draft report is prepared by the presiding member and then dealt with by other members. Clearly what has happened is that this presiding member has been unable to deliver in the way that his leader, Jon Stanhope, said that he would deliver in terms of the new Labor Party and the way they were going to operate. Yesterday in this house I quoted what Mr Stanhope said about a new approach, a cooperative approach, and so on.

Mr Quinlan: Mr Moore, you are one of the most adversarial people in this chamber.

MR MOORE: Mr Quinlan interjects - - -

Mr Quinlan: It is not possible to work with people like you if you are going to keep doing this - taking this form of attack.

MR MOORE: Mr Quinlan interjects and sees me as one of the most adversarial people in this place but, Mr Speaker, as chair of the committee on one of the most controversial matters, of the 52 times that we reported to the Assembly there were only four occasions when we did not bring down unanimous reports. On two of those occasions the report was written up in these terms: "Two members say this" and "Two members give this opinion".

Mr Hargreaves: So what?

MR MOORE: The interjection is: "So what?". It is about the role of committees in trying to find consensus, in trying to get an Assembly that can work together. That is the so what. That is what is important. That is the most important thing - but only the first thing - that Mr Berry has failed on. That is where he has failed and that is why it is that somebody standing on the outside and looking in would say, "This is a farce". But there are other reasons why the process is a farce in this particular Estimates Committee.

The next issue is about evidence, Mr Speaker. I was flabbergasted when I read this committee report because I thought, "There are a whole string of things in here that affect the area that I have responsibility for in health that simply were not questioned. There is evidence in there and there are conclusions drawn that are simply based on factual errors".

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In addition, Mr Berry, in drafting this report - and other members in going along with him - has been prepared to slur the names of other people based on incorrect facts, based on things that are simply incorrect. What is worse, he has done this without asking questions. Mr Berry, had you asked about the particular situation, not of me but of the public servants who were with me, you would actually know the answer to the question concerning the person that you slurred and accused of cronyism. In fact, I had nothing whatsoever to do with the appointment, as the officers would tell you. You have also got the date of when that particular person ran with me wrong. The evidence is wrong.

That is not the only example. On many occasions in that report things are simply wrong. They would not be incorrect had you asked the questions and run with the issues. Mr Speaker, when we went in there my officers and I had a clear direction that we would be open and would answer whatever questions were asked by the committee. They simply were not asked. For the chair then to prepare a draft that sets up a situation where there are errors that slur people, that blacken somebody's name, is simply disgusting. Mr Speaker, I am very disappointed about that.

There was one financial issue that the committee dealt with and that was education. But they did get one small matter messed up, and that was the \$1.9m that was taken out of education. The line that appears in the budget is the level of funding for education. There is no cut there. If you then took the \$1.9m from that, you had an argument. But it was taken out first. Mr Berry feels he has got a handle on this so he is going to go at it tenaciously and, like everything else, he will not worry about the facts. He simply will not worry about the evidence because the evidence has never been an important part for Mr Berry. His political method is very simple. The method is: You just keep saying the same thing over and over and over and over again.

Mr Speaker, this is the single most appalling committee report that we have ever seen. Had I been associated with this Estimates Committee report, I would be embarrassed. I believe that the Assembly should look at the chair of the Select Committee on Estimates and recognise that he is not an appropriate person to chair a committee which is trying to get some consensus, to get evidence and to expose issues. It simply has not been done in a reasonable and rational way based on evidence, as we would expect in this Assembly.

Mr Speaker, I can give many examples of things that the Estimates Committee has told us to continue to do that are already happening - for example, reporting regularly on waiting lists. How much more regularly can you report than once a month? How much more reporting do you want? Of course, Mr Berry knows that; he knows that better than anybody. I simply cannot understand that, Mr Speaker.

In our formal response we will manage to respond specifically to a number of these details. I must say that I feel reluctant to do so. I will do it because it is appropriate for the Assembly, but it is such a poor report. It is such an appalling effort on the part of this Assembly that it takes us to a new low. Nowhere is that new low demonstrated more clearly, Mr Speaker, than by the diverse range of opinions that are in the report.

Why do we bother with it in the first place if we are just going to have everybody involved in the Estimates Committee saying what they think? That is not the role of the committee. The role of the committee is to try to get some ideas, to put them together, to work out what you have in common and to deal with that.

Mr Berry: There are 50 recommendations there, Michael - more than ever.

MR MOORE: Mr Speaker, of course there are some recommendations in the committee's report that I agree with, and that is fine, but there are some that I disagree with. That has always been the case. This is not just about whether or not you agree or disagree with the report. This is about the fact that in so many cases it is not based on the evidence that was presented; in so many cases the evidence has just been ignored; in so many cases it is about the way people feel. On top of that, Mr Speaker, we have a situation where the committee's report - I think I can sum it up most neatly by quoting Mr Rugendyke - is just a farce.

MR SMYTH (Minister for Urban Services) (12.31): I seek leave to move that the debate be adjourned and the resumption of debate be made an order of the day for a later hour this day and have precedence over Executive business notices and orders of the day.

Leave granted.

MR SMYTH: I move:

That the debate be adjourned and the resumption of debate be made an order of the day for a later hour this day and have precedence over Executive business notices and orders of the day.

Question resolved in the affirmative.

Sitting suspended from 12.31 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Abortion legislation

MR STANHOPE: Mr Speaker, my question is to the Minister for Health and Community Care. The Minister has indicated that if the Health Regulation (Abortions) Bill introduced by Mr Osborne to this Assembly yesterday is passed it will effectively stop abortion in the ACT. The Minister has expressed his absolute opposition to the Bill. Noting that the Bill is a health Bill and will, if passed, be administered by him, will the Minister affirm to this Assembly that he will faithfully administer the specific responsibilities the legislation assigns to him and thereby effectively end abortion in the ACT, or would he resign instead?

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MR MOORE: Like every Minister in Australia, I will respond to my responsibilities in the appropriate way. Of the highest level order is the fact that we have a democratic system and if this Assembly passes any piece of legislation I will administer it as a Minister in exactly the same way as when I was on the crossbenches and was responsible for legislation that got through this Assembly I expected the responsible Minister to administer it. I would think, Mr Stanhope, that how I would administer this issue would be the same for every Minister around Australia, no matter what their colour or code, whether they were Labor Ministers or Liberal Ministers.

MR STANHOPE: I ask a supplementary question. Thank you, Minister. If you propose to address the public rally organised for next Tuesday night by women's groups, will you explain to them the basis on which you will administer the Bill if it is passed?

MR MOORE: That is speculative. I do not know whether I will be addressing that rally or not, but I have no problems in presenting my position on this. Mr Stanhope, I believe that you and I should work to ensure that this Bill simply does not pass through the Assembly. The Bill is a disgusting piece of scurrilous legislation that has so many problems with it. The process that was used attacks the very democracy of this place and the way it operates. The Bill itself attacks women's rights. It is an attacking Bill. It attacks fundamentals that we are dealing with.

I believe that when members have the opportunity to look at this piece of legislation properly, no matter what their view on abortion is, they will realise that it does not deliver anything other than huge extra costs and pain to people. I have just had a meeting in my office with a range of people, including three psychiatrists from the ACT who say that the Bill is impossible for them as psychiatrists. I believe that a statement will be made by the College of Psychiatrists in due time, before next week, when the legislation is likely to be debated. The problem they have raised with me as Health Minister is that the way the Bill is set out people would come to them on an emergency basis. They currently make room in their practices to try to deal with emergencies. The vast majority of them have waiting lists of between six and eight weeks. The number of people involved would eliminate all real emergencies that psychiatrists would have to deal with. On top of that there is a double jeopardy. A woman will have to go through a supposed counselling process. Mr Osborne says, "Yes, we want to encourage women to go through a counselling process". The counselling process under this legislation is such that they will have to say, "Please, psychiatrist, certify that I am a nut. Please psychiatrist, certify that I am mentally ill; that I am going to have a severe mental problem". That is in some way supposed to assist a woman in dealing with the issue.

This is an appalling piece of legislation that will not work. No matter what your view on abortion is, what you should be doing is looking at the Bill with great care and realising just how bad it is. The more I look at it, the more problems I see with it. At the same time, more and more problems are being brought to me from officers of the Department of Health. I would just like to add something. On this particular issue I have written to the chief executive officer of the Department of Health and drawn his attention to the fact that this is a matter on which people have strong beliefs and stating that when I have requests for information or for people to work on this Bill they should be able to stand aside with no penalty at all. I understand that Mr Humphries is doing the same thing. I think that is a proper way for this issue to be dealt with.

Federal Government Contracts

MR HIRD: Mr Speaker, my question is to the Chief Minister, Mrs Carnell. It relates to how local businesses have performed in winning their share of Federal Government contracts. Chief Minister, given the increasing trend by the Commonwealth towards outsourcing, can you advise the parliament how our local business sector has fared over the past two years?

MS CARNELL: Thank you very much, Mr Hird. I do thank you for the question. Mr Speaker, we all know that governments, local, State and Federal, not just in Australia but all around the world, are opening up more and more of their businesses and their service requirements to the marketplace. This has certainly been the case with the current Federal Government, which soon after it was elected in 1996 announced its intention to outsource a much greater share of its business.

Many people in this place expressed concern about that, as did we. The challenge that has been faced by every Canberra business on how best to cope with this changing environment has been real. The challenge has been to meet the requirement for competition in the supply of goods and services to Federal agencies whereas in the old days Commonwealth departments used to ring up a few suppliers and ask them to put a bid forward and they would get the business. Those days are certainly gone. With the advent of the Internet and revised purchasing policy, every agency is seeking to maximise its opportunities to obtain the lowest possible price and at the same time the highest possible quality and reliability. That means real competition from Commonwealth businesses, from every State around Australia, from businesses both here in Australia and offshore - huge amounts of competition for our local businesses.

Mr Speaker, the ACT Government too has done what it can and played our part in helping local businesses to adjust to this new environment. In fact, I would have to say that everybody has done what they could, except possibly those opposite, who have just been negative. Mr Speaker, you would recall that we set up the ACT Supplier Development Committee to maximise the potential benefits to local firms from Commonwealth Government outsourcing programs generally. We established CanDeliver in partnership with the private sector. We encouraged businesses bidding for government work to relocate to Canberra to ensure that they were employing people here in the ACT. This Government has also undertaken many other initiatives too numerous to spend time here today talking about. Mr Speaker, I would have to say that just about every one of those initiatives has been opposed by those opposite.

I would like to come back to Mr Hird's question. How have ACT businesses fared? To answer that, I can refer to an article which appeared in the *Business Review Weekly* earlier this month. The article by Robert Skeffington provided information about who won Federal Government contracts in 1996-97 and how much the business was worth. I have to say that I was both surprised and absolutely delighted and proud, because, according to the article, in 1996-97 businesses in the ACT were awarded 32,351 contracts. That was second in number only to New South Wales. Most importantly,

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the value of those contracts was \$1.5 billion. Mr Speaker, that figure represents 29 per cent of the value of all contracts that were awarded and put the ACT ahead of any other State or Territory. That is right, Mr Speaker. The little old ACT, with just over 300,000 people, with traditionally a very small private sector, managed to pick up \$1.5 billion worth of Commonwealth business, over 32,000 contracts. In dollar terms that was more than any other State - more than New South Wales, more than Victoria. I think that result is a real feather in the cap for the business sector here in the ACT and shows the absolutely remarkable resilience that they have shown in the face of what has been serious competition from around Australia. What it shows is that the private sector here in Canberra has real capacity.

It is worth noting that private consumption expenditure grew by more than 6 per cent in the last 12 months; that is, private sector growth here was more than 6 per cent higher than in any other State or Territory. Not only did our local businesses pick up \$1.5 billion worth of Federal contracts, in dollar terms more than any other State, in number terms second only to New South Wales, but also private consumption expenditure grew faster than in any other State. I think that everyone in this place should congratulate the private sector here in Canberra for showing their resilience and the confidence and the capacity to beat companies not just from around Australia but from around the world.

Possession of Document

MR KAINE: Mr Speaker, yesterday I raised with our chief law officer the case of the purloined papers. I ask the Attorney-General, through you, Mr Speaker, whether or not, with the benefit of sober reflection overnight, he has foreshortened his thinking and consideration of this matter and has now returned the stolen document to its rightful owner, the Commonwealth Government. If not, why not?

MR HUMPHRIES: Mr Speaker, no, I have not changed my mind particularly. I have had some preliminary advice from my department, however, on the subject. This advice has not been reduced to writing as yet so I cannot provide the advice to the Assembly as yet. But I will say what the advice to me orally has been. It is that not only are the documents not illegally in my possession, but that the documents actually attract privilege in my possession, such that if for argument's sake a warrant were attempted to be executed on my office to recover the document I would have a case in law to resist the handing over of the document. We are happy to supply Mr Kaine and others with further advice if it comes to hand.

MR KAINE: I ask a supplementary question, Mr Speaker. I understand that there may be some privilege in the hands of the Minister, but will the Minister, as chief law officer of the Territory, take action against the person or persons implicated in providing him with these purloined papers, and will he apologise for sure to the Commonwealth Minister for Justice for his part in this affair?

MR HUMPHRIES: No and no.

Canberra Hospital - Director of Intensive Care

MR QUINLAN: My question is to the Minister for Health and Community Care. Can the Minister say whether it fits within the ambit of common practice for a director of intensive care at a public hospital to simultaneously assume the position of director of intensive care at a private hospital, as is the current practice, we understand, at the Canberra Hospital and the newly opened National Capital Private Hospital? Can this be justified?

MR MOORE: The relationship between the National Capital Private Hospital and the Canberra Hospital is quite interesting. A number of contractual arrangements in place cross a range of areas and facilities. For example, there is a contract whereby the National Capital Private Hospital is purchasing its pathology services from the Canberra Hospital. This is a good news story which I am sure will be reported widely in the media. It is a good news story about the Canberra Hospital. The Canberra Hospital's pathology services are of such a high standard that the National Capital Private Hospital, having the opportunity to buy such services from everywhere else, decided that they are going to get them from the group headed by Professor Herdson. There are a series of other arrangements between the National Capital Private Hospital and the Canberra Hospital. For example, quite a number of the surgeons that operate to the Canberra Hospital also operate to the National Capital Private Hospital. They include cardiac and a range of other surgeons.

To identify intensive care in particular is interesting. I am not personally aware of the exact contractual nature of that relationship. I do know that some concerns have been raised by the AMA about the relationship between the National Capital Private Hospital and the Canberra Hospital, and that is not surprising, because quite a number of the members of the AMA are also very involved in the John James Hospital, and some of the people at John James Hospital were not at all happy with the advent of the National Capital Private Hospital and having some competition. Nevertheless, that competition now exists and I believe matters will settle down.

I would draw Mr Quinlan's attention to the fact that having co-located private and public hospitals works very well. We have quite a number of examples of that. St Vincent's in Sydney is a good example. An even better example still is Calvary Hospital, where the private and public hospitals are actually in the very same building, on different floors, and where the theatres are shared between the private hospital and the public hospital and doctors work to both. It can be done, and I believe that it will operate effectively at Canberra Hospital and I believe that it will give a better health outcome for the people of Canberra.

I would like to make one final point on this, Mr Quinlan. When I tabled "Setting the Agenda" in the Assembly earlier this week, I was interested in demonstrating to members that we are interested in developing good cooperative partnerships right across the health sector. I do not mind whether that involves GPs in the private sector or a private hospital or public hospitals. Whatever it is, it is time for us to turn around the health system and get people working together, with the main focus being on the patient, the customer,

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the client, depending on where the person fits in the health continuum. I think that the National Capital Private Hospital and the Canberra Hospital will be able to add to the range of choice and that with effective partnerships we can manage to get even better health care for our patients.

MR QUINLAN: I ask a supplementary question. Minister, you would be aware that on the daily program today there are a couple of reports to come down, public accounts committee reports relating to Auditor-General's reports No. 6 of 1997 and No. 8 of 1997, which relate to - - -

Ms Carnell: Which you cannot refer to, because it would be a breach of standing orders.

MR QUINLAN: I will just say that they are contextual. Can you assure this Assembly that there are sufficient controls in place to ensure that the objectives of public health and the public health system receive priority and are at least satisfied?

MR MOORE: Mr Quinlan, since you are the chair of the public accounts committee and will be presenting the report "The Canberra Hospital management - Control of salaried specialists private practice" and other reports today, it seems to me that you probably would be as well positioned as I am to answer that question. I assure you that I am doing what I can - - -

Mr Berry: You might as well be the Minister, Ted.

MR MOORE: It depends whether he takes his responsibilities seriously as chairman of the public accounts committee. I am sure Mr Quinlan does, unlike the chairman of the Estimates Committee, who uses his position purely for politics. It seems to me, Mr Quinlan, that it is absolutely critical that we ensure that our public health system is second to none - it is second to none - and that no matter what contracts are issued and no matter what relationship is established between the National Capital Private Hospital and the Canberra Hospital they ought not undermine public patients. I will do whatever I can to ensure that they do not in any way undermine public patients.

Manuka - Car Parking

MS TUCKER: My question is directed to the Minister for Urban Services. Minister, you are no doubt aware of the decision handed down today by Justice Higgins regarding the application by Manuka businesses for a review of Mr Humphries's decision to approve the Manuka car park redevelopment, in which Justice Higgins found that the development approval was contrary to the Territory Plan because of insufficient car parking spaces. Could you please explain to the Assembly how your department, in calculating the adequacy of the car parking proposed by Mr Morris in his development application, did not realise that there is a big difference between car spaces provided in a McDonald's drive-through queue and permanent car parking provided for shoppers and that you just cannot add them together to get a total car parking provision?

MR HUMPHRIES: Mr Speaker, I will field that question on the basis that the matter Ms Tucker has referred to is still before the courts. The decision is still in the course of being made and it would be better if as Attorney-General I were to respond to those issues on that basis. I need to say first of all that today's decision by Justice Higgins is not yet complete, so it is not appropriate to comment on all the aspects of that matter, at least insofar as it is not complete, or to speculate on those areas of decision which remain for the judge to determine. His decision, however, is not - and I repeat "not" - to set aside the granting of the lease. He says it is consistent with the Territory Plan. I want to repeat that for members who may not have gathered fully what it was that Justice Higgins had to say. He has not set aside the granting of the lease. He says that the lease is consistent with the Territory Plan. He says, in fact:

The terms of the lease granted are therefore not inconsistent with the plan nor was it granted otherwise than lawfully.

He does find deficiency in the development approval in one respect, and that is in an undersupply of car parking by between 11 and 13 spaces, to which Ms Tucker referred. His Honour finds that on the basis that the space for cars in a drive-through at a fast food outlet is not car parking that deficiency occurs. Mr Speaker, Ms Tucker has characterised that as a miscalculation or as some problem or flaw in the calculation of car parking spaces. I can advise members that the decision to treat those areas in the drive-through lane as car parking is not based on any ad hoc decision within PALM but is rather based on a case in which the Administrative Appeals Tribunal actually ruled that car parking was held to include drive-through space for a fast food outlet. It had actually been determined by the Administrative Appeals Tribunal.

Mr Moore: That has been overturned now? The effect has been to overturn that?

MR HUMPHRIES: The effect may be to overturn it.

Ms Tucker: It does not mean it is right.

MR HUMPHRIES: It does not mean it is right, but it does mean that what is right and what is wrong is a determination by the court. The decision by PALM was based on the best legal authority available at the time. To claim that the system is deficient in taking into account a decision by the Administrative Appeals Tribunal is quite wrong. Justice Higgins's decision today gives planners guidance on that issue. It may be said to overturn an earlier decision of the AAT but cannot be characterised as saying that the planners had made a capricious decision or that the system was deficient. They were relying on an earlier quite valid authority.

The judge has recommended that parties return to court and seek orders. The Government will, of course, be examining its options in that context and is cooperating entirely with His Honour's ruling. It is inappropriate in this place to debate what those orders might be, but I point out to those who have said so far that the lease was contrary to the Territory Plan, Mr Speaker - and there have been a number of so-called experts who have been making that statement fairly volubly in the media in the

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last few hours; there are a few self-appointed experts in this area - that Justice Higgins has dealt with that issue, and I would simply refer people to his statements that quite emphatically indicate that the terms of the lease are not inconsistent with the plan nor was it granted otherwise than lawfully.

It seems that in one case one of those self-appointed experts has had as much success today as she had on 21 February. Mr Speaker, it probably cost her more money on 21 February than it would have today, but either way I think we need to await the final resolution of that matter in the court before we jump to any conclusions about what it means.

MS TUCKER: I ask a supplementary question. Talking of money, could you inform us what the cost to the ACT Government has been in defending this court case, in both the legal expenses involved and the time taken by PALM officials?

MR HUMPHRIES: I obviously could not off the top of my head, Mr Speaker. The matter is still not concluded, so I could not give you any figure on a final outcome. I will refer the matter to Mr Smyth, and any information that comes will come via him.

Rural Residential Development

MR CORBELL: Mr Speaker, my question is to the Minister for Justice and Community Safety. On 9 January this year the Minister, who was then the Minister for Planning, wrote to Mr Phil McBride, director of Hughes Trueman Reinhold, consulting engineers and planners acting for Woden Contractors, concerning an application by that company to develop a rural residential estate at Kinlyside near Hall. In that letter, obtained under a freedom of information request, you set out reasons for the Government refusing the application. Can the Minister tell the Assembly why it took nearly two years to deal with the issue?

Mr Moore: On a point of order, Mr Speaker: I would draw your attention to standing order 117(e)(i). Questions shall not refer to debates that have taken place during that calendar year.

Mr Berry: Mr Speaker, there has never been a debate about Mr Phil McBride, director of Hughes Trueman and Reinhold, consulting engineers, or any other company related to them. This is a question specifically in relation to that company. It has nothing to do with the debate.

MR SPEAKER: I will allow the question, but I do draw the Minister's attention to standing order 117(e)(i) in relation to any debates. I am not sure just how the question can be answered, if it can be answered at all. I will have to leave it to your discretion, Mr Humphries.

MR HUMPHRIES: Mr Speaker, I have my doubts about that as well. My recollection is that the Cabinet decision of the beginning of this year approximately or late last year, whenever it was - late December, I think - indicated that I should write to a number of other parties who, at various stages, had expressed an interest in rural residential development around Hall to indicate to them information about the Government's decision-making process. Beyond that, Mr Speaker, I cannot give information on that matter. I am no longer the Minister responsible for that area, but I take on notice any other issues in the question of Mr Corbell which are not answered.

MR CORBELL: I ask a supplementary question, Mr Speaker. The question was: Why did it take two years to refuse the application? Perhaps the Minister can take that on notice if he cannot answer it now. I draw the Minister's attention to a paragraph he wrote which reads:

I can assure you that, if such development proceeds -

that is, rural residential -

the Government is keen to see the highest quality outcome and that the processes put in place in assessing the various proposals will be open and designed to achieve that end.

Can the Minister say why he did not inform Mr McBride that the Government had already agreed to enter an exclusive preliminary agreement with Mr Whitcombe for a similar development on a neighbouring site?

MR HUMPHRIES: Mr Speaker, you have ruled that the first question did not breach standing order 117(e)(i), but the supplementary question certainly does. It refers to an earlier debate about this matter and it does breach that standing order.

Mr Berry: Mr Speaker, I would like to respond to that point of order.

MR SPEAKER: You cannot respond to the point of order. You can certainly take another point of order if you wish.

Mr Berry: I would like you to consider, Mr Speaker, that the matter which has been raised by my colleague Mr Corbell is in relation to a proposal from Mr McBride. The question he asked was: Why was Mr McBride not told that there was another arrangement in place with Mr Whitcombe? Surely that is a legitimate question.

MR SPEAKER: I am not aware whether this was raised by Mr McBride or not.

Mr Corbell: Further to the point of order, Mr Speaker: If you are going to rule that these questions are out of order, does that mean we cannot discuss rural residential in this place at all ever again? It would be an absurd ruling. If you listened to my supplementary question, it quite simply dealt with the issue of Mr McBride's approach to the Government and the Government's response to Mr McBride. Mr McBride's name has not been raised in this place ever before. The question is entirely in order, I put it to you.

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MR SPEAKER: Order! I am referring to *House of Representatives Practice*, which, as you know, we tend to refer to from time to time if our own standing orders are inadequate. It states:

References to debates and committee proceedings

References in questions to debates in the current session, concluded or adjourned, are out of order. The Chair has interpreted this rule as applying equally to debates in the Senate. The rule does not preclude questions on the subject matter of such debates, which may be so broad as to cover, for example, the country's whole foreign policy, but rather precludes reference to the debate itself and to specific statements made in it.

I am in no position to judge whether specific statements have been made in it or not. The Minister has offered to take the question on notice. I simply suggest to him that he answer what he can of the question in conformity with *House of Representatives Practice*.

MR HUMPHRIES: Mr Speaker, I am not quite clear where that leaves me.

MR SPEAKER: I am not sure where it does either, Mr Humphries.

MR HUMPHRIES: I will take on notice any part of this question that I cannot answer now, but let me say first of all that, in writing to the person to whom Mr Corbell has referred, I referred in my letter to the fact that further consideration was being given to rural residential development in the ACT. I do not believe I heard anything that Mr Corbell read out which was inconsistent with the decision the Government had made on 22 December concerning rural residential development. It was also very obvious from the public debate about this matter that there had been an approach to the Government by Mr Whitcombe and that the outcome of that was very much on the public record as well. It had been very much ventilated. There have been public meetings about it. The Government's position had been very clearly stated. I do not believe that the person to whom I wrote could have been under any illusion at all about what the process was or that there was at that stage already a preliminary process under way to deal with Mr Whitcombe on that particular proposal around Hall.

Possession of Document

MR BERRY: Mr Speaker, I would like the Minister for Justice and Community Safety to be very careful when he answers this question. When did the Minister obtain a copy of the Ayers report and when did he read it?

MR HUMPHRIES: Mr Speaker, I obtained the report some time after the meeting of the Estimates Committee. It is a pity, Mr Berry, that you had not asked that question before you put out a press release implying that I had it before the Estimates Committee had met. Why do you want an answer to this question? You have already made

a decision about this. You have accused me already of lying about this. Now you are saying, "You must have had it at the time you went before the Estimates Committee but I think I had probably better ask you whether you actually did have it at the time the Estimates Committee was meeting". No, I did not.

MR BERRY: Many thanks. He told me he had it. That is all I really wanted to know. I ask whether the Minister has explained to the Chief Minister why he breached the code of conduct for Ministers, which states on page 2:

Ministers shall uphold the laws of the Australian Capital Territory and Australia, and shall not be party to their breach, evasion or subversion.

If not, will you explain what you intend to do about this breach?

MR HUMPHRIES: Mr Speaker, first of all, I answered this question yesterday when it was asked in another form by Mr Kaine. Secondly, if Mr Berry is telling me that he would not do precisely the same thing in precisely the same circumstances, then I will be a monkey's uncle.

Woden Police Station

MR HARGREAVES: Mr Speaker, my question is to the Minister for Justice and Community Safety. It does not refer to the Ayers report. Can the Minister say whether the Government has agreed with the Australian Federal Police Association that there should be a trial to test the assumption surrounding the proposed redeveloped Woden Police Station? If so, what are the timelines associated with such a trial, and who will conduct the trial?

MR HUMPHRIES: Mr Speaker, I have put the proposal both to the AFP hierarchy and to the AFPA. At this stage I have not had a formal response from either group as to what it proposes to do. I must say that I sense a certain reluctance to embark on the trial from one or both parties.

MR HARGREAVES: I ask a supplementary question, Mr Speaker. Will the Minister table the terms of reference for the trial when they are developed? I accept the Minister's response to my question, but I assume that a formal set of references will be established. Will you advise whether, in the Government's view, the trial will be open to public input?

MR HUMPHRIES: About the first part of the question, as I say, I have not had a response yet from the two parties I proposed the trial to, so it is a bit hard for me to tell you what I have to agree with them about in respect of the trial. They have not indicated to me what they wish to do with the proposal, so I cannot really tell you what we are going to do with it. Secondly, as for public input, this is proposed as a trial of police procedures to test a number of propositions. For example, does the reconfiguration of the police districts in the ACT result in quicker response times? I am not quite sure what public input can contribute to that process. Measuring police response times is an empirical matter which has to be done by checking records of incidents rather than

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by asking people what they think about the quality of service that they receive. That may be a factor, but it is not the issue that we have proposed in the trial. I have to take the questions Mr Hargreaves has raised and consider them again at the point when progress is made on the question of whether there should be a trial and, in those circumstances, what form it should take.

Floriade Family Pass

MR OSBORNE: My question to the Chief Minister is about the Floriade family pass. Chief Minister, when you announced details of the Floriade fee a few weeks ago you also made reference to a free family pass which would be issued to every Canberra household for this year and in subsequent years. The definition of a family in order to qualify for the free pass is either one adult and up to three children or two adults and up to two children. My children are not old enough yet so it does not matter to me, Mr Speaker.

Mr Moore: I was wondering about the conflict of interest.

MR OSBORNE: There is no conflict yet but there could be. Children under 12 are free, so I am all right. Children over 16 are excluded, so obviously I will get to the stage, when I will have four kids in that four-year age bracket. Chief Minister, this working definition of a family will prejudice the chance that many Canberra families have of attending this year's event, because it is too restrictive.

Mr Moore: Not many, just one.

MR OSBORNE: Mr Rugendyke's family too, all 78 of them. I saw Mr Rugendyke turn up at the Raiders launch at the start of the year with his throng, 400 kids. I am pleased I can laugh today, Mr Speaker. David Marshall, the head of the Canberra Tourism and Events Corporation, gave an assurance in the *Canberra Times* that the gatekeepers would be flexible in their approach to what they considered to be genuine families. Chief Minister, can you give us an assurance today that genuine families with more children than fit this definition will be allowed to use their free family pass? If the gatekeepers at Floriade can come up with a working definition of what constitutes a family, why is it that you and CTEC cannot? Another issue, Mrs Carnell, is the issue of grandparents and people like that. Could you give us an assurance that families like Mr Rugendyke's will not be jeopardised?

MS CARNELL: Mr Speaker, first and foremost, I did not actually announce it. On that basis, I could stop the answer right now but I will not. The decision to go down the path of a charge for Floriade and the associated conditions was made by CTEC and the CTEC board and announced by CTEC and the CTEC board, not the Government at all. But of course the Government totally supports their position.

Mr Corbell: You are the responsible Minister. You are responsible.

MS CARNELL: Absolutely, no doubt. Mr Osborne started by saying "when you announced it, Chief Minister". We did not.

Mr Osborne: I concede that, so just give me the assurance and sit down.

MS CARNELL: No, I will answer the question. As CTEC tells us, or has recommended to us, a family that is a legitimate family, shall we say, or maybe an illegitimate family, as the case may be, will be allowed in on a family pass. That probably does not mean, I have to say, the aunts, the uncles, the cousins and the great nephews. I suspect that the people at the gate may be a little bit concerned if a bus turns up with 57 people.

Mr Smyth: Mr Rugendyke has a bus.

MS CARNELL: Mr Rugendyke's family is in trouble. It looks like Mr Rugendyke's family is out but Mr Osborne's is in. Mr Speaker, quite seriously, there is an effort from CTEC to ensure that families do get in on a family pass.

Taking into account that under-12s are free and over-16s are adults, we are talking about only four years. You have to have more than two kids in that four-year age group. I do not think there are terribly many people who do manage more than two kids in four years. Obviously, Mr Osborne has done very well in that particular area. Mr Speaker, to answer the question seriously, yes, there will be flexibility; yes, legitimate families will be allowed in. What we want to do is make sure that Canberrans enjoy Floriade, and I think they will. Mr Speaker, the weather is coming together beautifully. It is going to be a great Floriade.

MR OSBORNE: I just want to clarify one thing, Mr Speaker. I said I had four kids in four years. It is actually four kids in 4½ years. I just wanted to get that clear.

Watson Hostel

MR WOOD: Mr Speaker, my question is to Mr Moore. Mr Moore, I think there will be something on the top of your papers since this matter is the subject of a newspaper report today. In recent times there have been concerns about the processes around the closure of Watson Hostel and the impact of that on residents. Today the *Canberra Times* reports a guardian as saying that she has never received written advice of the pending closure date; nor, she says, was she aware of the intention to assist remaining residents with relocation. Minister, in view of the priority that must be given to the care and comfort of those whose lives have been disrupted, will you spell out all the measures being taken, first, in the residents' relocation and, secondly, in support while that occurs and after?

MR MOORE: Thank you, Mr Wood. I must say that I found the article quite interesting, Mr Wood, because I had been approached myself about somebody who was concerned about a resident of Watson Hostel and the fact that there had been an effort to move this particular person into a nursing home. When I pursued the issue for quite some time, I found that in that particular case the person whom the family either refused to

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take back home or refused to have in a nursing home was somebody who had actually been on at least one overseas trip during the time they had spent in the nursing home. Sometimes the stories we read in the *Canberra Times*, particularly health stories, do not necessarily tell the full story, but you do raise important concerns, Mr Wood.

Currently 13 clients remaining at Watson Hostel are immediately affected by the closure. Three clients will move into a group home in the Dickson area when it becomes available and the remaining 10 will move to Hennessy House. Four of the 10 clients are waiting for a nursing home or a hostel placement. There are currently 32 clients at Hennessy House. Of these, seven are moving into alternative forms of community-based supported accommodation. As a result, Hennessy House will be able to temporarily accommodate clients until nursing home placements are available.

A small number of clients have been difficult to place in accommodation more suitable to their needs. This is mainly due to the following factors: The reluctance of some services to take on clients currently accommodated within the mental health service, despite the inappropriateness of the current placement; lengthy waiting lists in aged care hostels and nursing homes; and difficulty in finding houses in the community suitable for the establishment of supported group homes. Despite these impediments, we remain confident that all clients will be appropriately relocated by the end of September 1998. ACT Mental Health Services staff have been working closely with residents, carers and ACT Disability Aged and Carer Advocacy Service, ADACAS, to ensure that those residents wishing or able to live in alternative forms of accommodation are able to do so. As Watson Hostel nears its closure date, some clients and staff are feeling a sense of loss. Management is aware of this and are working to support the clients and staff through this period.

Mr Wood, it seems to me that there were very good reasons why we would close Watson Hostel, although the decision was made before I became Minister, and I am sure you recognise those. This is a difficult process. It is a process of change that affects people fundamentally. I believe the appropriate effort is being made to ensure that all steps are taken to help people through it in the best way possible.

MR WOOD: I ask a supplementary question. I thank Mr Moore for his assurances. I fully accept that the *Canberra Times* is not always accurate. In respect of these cases, Mr Moore would acknowledge that it was my practice to see him rather than make any public issue out of matters of this nature. Minister, you said that you were confident that everybody would be appropriately accommodated. Is that generally with the agreement of all those concerned, or are there still some outstanding disagreements?

MR MOORE: Unfortunately, there will be some disagreement. In the particular case I mentioned, I understood there was some disagreement. Mental Health Services believed the person would be appropriately accommodated in a nursing home but the person's family believed that basically every nursing home place that was found was inappropriate. The answer to your question is that there will be some situations where there is not total agreement, and we will use the normal methods of resolving those problems. I hope we can do it in a way that is least disruptive to the people involved.

There is a concern we have right across the health system. I became aware of a patient with an Alzheimer's problem who had been in the hospital since early April and was still in an acute bed. Two places were found for this person in appropriate nursing homes and the family said no, they did not want the person to go to those places because they did not like the places in the nursing homes. I have asked the hospital to review this process because it seems to me that if a family decide they do not like a particular place the community ought not to bear the cost of an acute bed and exclude other people from that acute bed when other options are available. Part of the problem associated with this of course is the relationship between the Commonwealth and the Territory and who pays for which service, but we are trying to work our way through those things.

Casino Canberra - Licensed Club

MR RUGENDYKE: I have another question about betterment tax. I have got a fair swag of them but nowhere near as many as on Hall, I can guarantee you, Minister.

Mr Moore: I am glad the crossbenchers are still doing work on change of use charges.

MR RUGENDYKE: Yes, up to date. My question is to the Urban Services Minister, Mr Smyth, and it relates to the change of use charge. In regard to that charge, to enable Casino Canberra to have a licensed club on its premises, the original estimate last year was \$75,000. Is it unusual for a change of use charge to be reduced by more than half of the original ballpark estimate?

MR SMYTH: Mr Speaker, I thank the member for his question. As I think I explained to Mr Rugendyke in a response to him, the way in which the change of use charge on this site was originally calculated was changed. A new formula came in quite close to the date that the decision was made. Originally, yes, it was estimated that, I think, \$75,000 would be the change of use charge. It was then processed under the new rule at \$30,000. That is a valuation that the AVO has made.

MR RUGENDYKE: I ask a supplementary question. Minister, could you let us know how many other change of use charges were reduced by more than half the original ballpark estimate in the period 1997-98?

MR SMYTH: Certainly, I would be delighted to find out. I am unaware but I will find out for you whether there were any more in that period.

Ms Carnell: I ask that all further questions be placed on the notice paper. I have a number of answers to questions that were asked during this week, Mr Speaker.

ACT Survey Office

MS CARNELL: Mr Speaker, earlier this week Mr Osborne asked the Urban Services Minister whether the Government was considering selling the ACT Survey Office. Mr Smyth indicated that he understood that there was talk of a staff buyout and that he would get more information for Mr Osborne. As Totalcare falls in my portfolio area, Mr Speaker, I will give that information.

The survey business has been an element of Totalcare Industries Ltd since the transfer of the survey function to Totalcare on 1 January 1997. As members will be aware, Totalcare is a Territory-owned corporation with an independent board of management. I am advised that yesterday or the day before Totalcare management received a proposal from the majority of survey staff for a staff buyout of the survey business. I understand that Totalcare management is examining the proposal and that it has not yet been considered by the Totalcare board. The Totalcare board has considered the commercial viability of the survey business and has determined that it was not viable within the corporate structure. Totalcare management has been considering various options and in this context has received an expression of interest from a group of staff interested in taking over the business following a consultative process involving the AMWU.

The Government is not considering any proposal to sell the survey business on the open market. Such consideration would only occur if the company requested the voting shareholders to give their approval for the sale in accordance with the provisions of the TOC Act. Of course, Mr Speaker, members of this Assembly would have to be involved as well. If the voting shareholders thought the sale was in the best interest of the company in the broader ACT community, then, in accordance with the requirement of the TOC Act, the agreement of the Legislative Assembly would also be sought. I am sure members of this Assembly would not, as a matter of policy, stand in the way of a staff buyout.

Mr Humphries: Mr Berry might.

MS CARNELL: Mr Berry might, by the sound of things, even if the staff want to buy it.

Marketing and Promotion Campaign Contract

MS CARNELL: Mr Speaker, there was a question from Mr Kaine earlier this week asking whether any person acting for the ACT Government and involved in negotiation of the contract with J. Walter Thompson was paid any fee for doing so. He also asked whether any person working on the side of the Government in negotiations with J. Walter Thompson was paid any fee for being involved in those negotiations, and if so, who was paid and how much. Mr Kaine also asked me how much the licence fee was up to on, I think, the day the question was asked.

I am advised that contract negotiations with J. Walter Thompson were undertaken by ACT Government officers. No external persons acted for or on behalf of the Government in these negotiations. ACT Government officers were paid their normal salary. No fee for service above normal salaries was paid by the Government, so that means that nothing was paid. As I think I indicated at the end of question time on Tuesday, the amount of licence fee paid by the Government to date is \$11,000.

Wine Industry

MS CARNELL: Mr Speaker, Mr Wood asked me a question with regard to a feasibility study into the wine industry. The answer to that question is that the Canberra district wine industry feasibility study was commissioned by ACT AusIndustry. The purpose of the study was to identify network business opportunities throughout the ACT and region to promote Canberra district wineries, and to identify markets and products to fill market needs and trends.

The recommendation of the wine industry feasibility study included the development of a strategic marketing and development plan for the Canberra district wine industry; the formation of a multisectorial wine industry marketing and networking organisation; the development of industry training packages; continued support and development of regional wine industry festivals and events; facilitation of sustainable investment and development in the region by identifying and creating an inventory of existing growers; addressing regulatory and legislative issues, including wholesale sales tax; and the issuing of irrigation licences by the New South Wales Government.

The feasibility study did not specifically recommend the formation of an ACT-wide wine industry network that would market wines from an inner city shopfront. However, it did recommend the formation of a multisectorial wine industry marketing and networking organisation. There was no proposal to establish a wine industry network in the feasibility study. However, the Canberra region wine industry was very supportive during the preparation of the feasibility study, and it provided significant input into the report. An executive summary was made available for contributors following completion of the study. I can advise the Assembly that the person who managed the feasibility study on behalf of ACT AusIndustry recently resigned his contract with the ACT Government, following his declaration of a financial interest in a new business called the ACT Wine Industry Network.

CABINET DOCUMENTS - COMMENTS BY MEMBER

MS CARNELL (Chief Minister and Treasurer): Mr Speaker, I seek leave to make a short statement on comments made yesterday in the Assembly with regard to Cabinet documents.

Leave granted.

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MS CARNELL: Mr Speaker, yesterday in the house Mr Kaine spoke about some comments made, I think, by Mr Humphries and me with regard to Cabinet documents. Mr Kaine said this:

... the Deputy Chief Minister and Attorney-General may not be aware that a comprehensive check was made by officers of the Chief Minister's Department some months ago when there was a witch-hunt on for some allegedly missing Cabinet documents. They did a very careful check of my office and they found irrefutable records to the effect that all such documents had been accounted for and had been returned to the Chief Minister's Department.

Mr Speaker, I am advised that when Mr Kaine was asked by officers of the Chief Minister's Department as to whether he had any Cabinet submissions in his possession, he replied, "No". When Mr Kaine was asked whether he would give permission for a search to be undertaken of his office, he refused. Mr Speaker, I am advised that currently there are at least 13 Cabinet documents outstanding from Mr Kaine's list of documents, and about 46 documents outstanding from Mr Woolley's Cabinet submissions. So, Mr Speaker, the comment made yesterday by Mr Kaine that my department had searched his office is wrong. The comment that all documents have been accounted for is also wrong.

MR KAINE: Mr Speaker, I seek leave to make a statement on that matter.

Leave granted.

MR KAINE: Mr Speaker, I find it quite astonishing that the Chief Minister would come into this place and even attempt to suggest that I have Cabinet documents in my possession that I should not have. Mr Speaker, that simply is not the case. In connection with the records which I presume the Chief Minister is basing that comment on, she might care to comment on the fact that after I had been in the office of the Minister on the second floor for nearly a year I found a cabinet drawer full of Cabinet documents which had been there since Mr De Domenico was the Minister and which had not been returned. I insisted that they be packed up, inventoried, and returned to the Chief Minister's Department. The indications are, Mr Speaker, that the records of the Chief Minister's Department are totally hopeless and that they are no basis on which to allege that documents are accounted for or not accounted for. If the Chief Minister is going to throw stones she had better make sure she is not living in a glass house.

Mr Speaker, I reaffirm that when an officer of the Chief Minister's Department asked me, after an extensive search, whether I had any documents remaining in my possession, I did say no because I was absolutely confident that I did not. I took it as a total affront when that same officer then asked me, "Do you mind if I search your office?". After having said that I had no such documents in my possession, after having said that I personally had verified that there were no such documents in my possession or in my office, I was then asked by an officer of the Chief Minister's Department, "Do you mind if I check the veracity of your statement by doing a search of your office?". I happen to be a member of this Assembly, Mr Speaker, and for that even to be suggested is totally out of order, and of course I said no.

I stand by what I said to that public officer then, and I stand by the statement that I made in this place yesterday. I did not then, nor do I now, have in my possession any Cabinet document; nor have I given any such document to any person who was not entitled to it. If the Chief Minister is going to insist on this sort of an attack, I say the same thing to her as I said to Mr Humphries yesterday: "Step outside this place and make that accusation and I will put it to the test any day". I am quite happy to put that contest in the courts of law if that is what the Chief Minister and the honourable Deputy Chief Minister choose to do.

Mr Humphries: Where are the 46 Cabinet documents?

Mr Stanhope: Hear, hear!

MR SPEAKER: Thank you, Mr Kaine.

Mr Kaine: You are a couple of scumbags.

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

MR SPEAKER: Mr Humphries, are you speaking on the same subject as Mr Kaine and the Chief Minister?

Mr Kaine: Yes, I think the scumbag wants to come back with a response, Mr Speaker.

Mr Humphries: I am on the subject of Mr Kaine's abuse of parliamentary privilege. I would ask him to withdraw, Mr Speaker.

MR SPEAKER: Order! Is leave granted for Mr Humphries - - -

Mr Humphries: No, Mr Speaker, I do not want leave; I want to ask, under a point of order, Mr Kaine to withdraw the word "scumbag" in reference to me and the Chief Minister.

Mr Berry: I would like to hear you defend the case.

MR SPEAKER: Order! If the word was used, I ask that it be withdrawn. Mr Kaine, did you use the word?

MR KAINE: I certainly did, Mr Speaker, and I do not resile from it. But again, like yesterday, in deference to you, I will withdraw the word.

MR SPEAKER: And the Assembly. Thank you, Mr Kaine.

QUESTIONS WITHOUT NOTICE

Canberra Hospital - Director of Intensive Care

MR SPEAKER: Mr Moore, would you like to add to your answer to Mr Quinlan?

MR MOORE: I wish, very calmly, to add to the answer to the question Mr Quinlan asked me about the National Capital Private Hospital and the intensive care unit because I have now taken further advice on it. Separate to the service agreement contract between Health Care of Australia and the Canberra Hospital - remember Health Care of Australia, Mr Speaker, is the group that owns the National Capital Private Hospital - Health Care of Australia approached the Canberra Hospital separately asking them to provide an intensive care unit service for the private hospital. In the interests of not further fragmenting intensive care unit services in the ACT, the Canberra Hospital agreed and there is to be one management structure for the combined unit. Payment for intensivists and registrars and management of the unit is still under final negotiation, but the intent is for full cost recovery, including part of the manager's salary.

NATIONAL SMALL BUSINESS SUMMIT - OUTCOMES AND A.C.T. BUDGET INITIATIVES Ministerial Statement

MS CARNELL (Chief Minister and Treasurer): Mr Speaker, I ask for leave of the Assembly to make a ministerial statement on the outcomes of the National Small Business Summit and the ACT budget initiatives for small business.

Leave granted.

MS CARNELL: The ACT Government is committed to the creation of a strong and diverse small business sector in the ACT. Currently, there are more than 13,000 small- and medium-sized businesses operating in Canberra, employing more than half the work force. The National Small Business Summit that was held in Perth on 9 and 10 July provided an opportunity for State and Territory small business Ministers to listen to the concerns of small business, discuss key issues and develop strategies to improve the small business environment. The ACT Government was represented at the summit and it was encouraging to see that, in relation to a number of issues discussed, we are already well on track to achieving a positive environment for small business in the ACT.

A number of issues were identified to progress regulatory reform initiatives and further reduce the red tape and compliance burdens placed on small business. In particular, the summit found that there is extensive use of business-related quasi-regulation in Commonwealth, State and Territory jurisdictions, which is likely to result in significant costs to business. The term "quasi-regulation" refers to the range of rules, instruments and standards that business is encouraged to comply with, even though compliance is not legally required. To address this issue, the summit agreed that where quasi-regulation leads to significant costs to business it should be subject to scrutiny and review processes similar to mandatory regulation. Also, where government agencies are responsible

for quasi-regulation, they should take adequate responsibility for publicising and providing access to information to help small businesses meet their compliance obligations. Regulation reform agencies in each jurisdiction should also provide advice to regulators on the potential advantages and disadvantages of quasi-regulation and the circumstances in which it may be an appropriate regulatory option.

The summit also recognised that monitoring regulatory performance is an important element of reform of business regulation and agreed to a framework for jurisdictions to report annually against six key objectives. These objectives aim to ensure, among other things, that regulatory decision-making processes are transparent and lead to fair outcomes, and that detailed information on regulation and how to comply is accessible to and understood by business.

Mr Speaker, the summit welcomed the delivery of phase 1 of the Commonwealth Government's business entry point that commenced operation on 1 July 1998. This initiative provides an improved access to government business information products through the development of the national Business Information Service and represents the first phase of the substantial enhancement of the current Business Licence Information Service and BizLink products. The business entry point also offers a single process for the initial business registration requirements of small business of the Australian Taxation Office and the Australian Security and Investment Commission.

All jurisdictions have made a commitment to work closely with the Commonwealth in the development of phase 2 of the business entry point. One aspect of this is the work that is being done in all jurisdictions in streamlining and simplifying current licensing and approval processes to reduce the time, paperwork and compliance burden on small business. In the ACT, work will soon commence on an analysis of the tourism and hospitality industry to review and reduce some of the regulatory burdens placed on businesses in this area. We are also participating in the establishment of a regulation complaints signpost hotline service. This service, which is expected to commence operation on 1 September 1998, will direct businesses with a regulatory-type complaint to the appropriate contact within government. The service will be delivered in the ACT through the Business Licence Information Service.

An important issue raised at the summit was the year 2000 date problem, known as the Y2K or millennium bug. This issue is of particular concern for small business operators, many of whom perceive that this problem only affects big business. The Commonwealth strategy that is currently being implemented targets small businesses to raise their awareness and to take action. The ACT Government, in conjunction with the Y2K industry program and the ACT and Region Chamber of Commerce and Industry, recently hosted an awareness seminar for small business. Advice can also be obtained from the Y2K hotline, which is delivered in the ACT through the ACT Business Licence Information Service.

Mr Speaker, many of the issues discussed at the summit are being addressed through the Government's regulatory reform program and are enhanced by programs announced in the 1998-99 ACT budget. Over the past two years the implementation of the recommendations of the Red Tape Task Force has ensured that the process of removing red tape and excessive regulation is now built into the mainstream business of

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government agencies. For example, agencies are now required to undertake a regulatory needs analysis and a business impact assessment when proposing new regulatory measures or reviewing existing legislation. The regulatory needs analysis enables the agency to determine whether a regulatory approach is the best or only way to achieve a particular outcome. The business impact assessment is used to ensure that any regulatory measure will have the minimum possible impact on business while still fully achieving its objective.

Agencies are also required to develop annual regulatory plans. The plans, which are tabled in the Assembly by 30 September each year, provide the Government and the business community with advance notice of proposals for new regulations or regulatory reform. Agencies are required to report against their regulatory plans at the end of each financial year.

Mr Speaker, in June this year I announced a suite of budget initiatives for employment and business growth. A number of business support programs have been specifically developed to help remove obstacles for businesses in Canberra and to help them become more efficient and more effective organisations. This year, 1998-99, will see significant steps being made in the development of an ACT business channel that will provide an operator and Internet-based information service on business programs. Business channel will provide an entry point for businesses wishing to deal with the ACT Government, including an ability to undertake a number of electronic transactions with government agencies. It will also be linked with the Commonwealth's business entry point to enable businesses to access information from all jurisdictions at one entry point.

As part of this initiative, the stage 2 development of the ACT Business Licence Information Service will enable access to licence information via the Internet. Since its launch in November last year, ACT BLIS has proven to be successful in cutting the red tape businesses face when dealing with the Government through the provision of a "one-stop shop" for information on all ACT Government licensing requirements. In the last nine months BLIS has dealt with over 3,000 inquiries on business licensing issues and has distributed over 1,300 information packs to both prospective and existing small business operators.

The establishment of a new ACT Industrial Supplies Office is a service to government and to private sector purchasers and suppliers to encourage sourcing of goods and services within Australia and New Zealand. An Industrial Supplies Office in Canberra will help ACT suppliers be considered for contracts elsewhere in Australia and for purchasers to understand our local business capabilities. Funding has also been allocated to establish the Australian electronic business network which is aimed at assisting and encouraging local businesses to use electronic commerce.

A number of business assistance programs will provide financial support for business activities that have the potential for growth. For example, the small business loans guarantee scheme will offer small loans to graduates from approved mentoring or small business planning programs to assist them in establishing their own businesses. The highly successful new futures in small business program will continue to assist mature-aged unemployed people, particularly those who have been retrenched or made redundant, who wish to go into business to gain fundamental business skills and access business mentoring support.

Mr Speaker, ongoing funding has also been provided to the ACT business incentive scheme to support interest payments on business loans and to assist businesses wishing to relocate to the ACT or seeking to expand their existing ACT operations and employment base. As a part of its commitment to the "Creating our Future" strategy, the Government will develop strategies to support specific industries that offer substantial jobs growth potential in the future, such as in the areas of information and advanced technology, environmental industries and the services sector. For example, the Government will further develop its proactive strategy aimed at raising awareness of the benefits of establishing call centres in Canberra - an industry that is projected to grow by 25 per cent per year over the next five years.

Through the ACT Business Link, the ACT Government will continue to fund the provision of business information, referral and advisory services to small- and medium-sized business operators, and potential business operators, in the ACT. ACT Business Link will support the establishment, operation and development of business enterprises in the Territory.

Mr Speaker, the number of initiatives and programs under way in the ACT to support and improve the environment for small business means that the future of small business in the ACT region is an exciting one. I move:

That the Assembly takes note of the paper.

MR MOORE (Minister for Health and Community Care) (3.46): Mr Speaker, I am surprised that neither the crossbenches nor the Opposition are interested in small business.

Mr Stanhope: Speak for yourself, Minister.

MR MOORE: I would have thought that a response would be forthcoming on small business. Perhaps I was too quick. Perhaps Mr Stanhope was seeking to adjourn the debate and to debate the subject properly in due time. It seems to me, Mr Speaker, that the proposition put up by the Government and the Chief Minister on small business, on this range of issues, is something - - -

Mr Stanhope: You are not being adversarial, are you, Michael?

MR MOORE: No, I am not, Mr Stanhope. This is something we should be able to share. We should be able to get a nonpartisan approach to it. That is why I am making sure that we do not miss the opportunity to invite you to share in this. We are all very conscious that, according to the notice paper, we have a very busy day, so I am going to be brief. I invite you, Mr Stanhope, to adjourn this debate. Then we can discuss it and ensure that we get a nonpartisan approach to the issues of small business, because they are so critical to this Territory.

Question resolved in the affirmative.

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**COMPETITION POLICY - IMPLEMENTATION OF
INDEPENDENT COUNCIL
Ministerial Statement - Reference to Standing Committee**

MS CARNELL (Chief Minister and Treasurer): Mr Speaker, I seek leave of the Assembly to make a ministerial statement on the implementation of an independent council on competition policy.

Leave granted.

MS CARNELL: Thank you very much. Mr Speaker, on 24 June 1998 the Legislative Assembly passed a motion recommending that the Government bring forward in these August sittings a model for an independent council to monitor the implementation of competition policy in the ACT. The motion recognised that the current arrangements for the independent monitoring of competition policy have not met the Assembly's or the Government's expectations. In short, the Assembly was saying to the Government, "Have another look at the way competition policy is assessed in order to ensure that the interests of the broader community are paramount". There is, quite rightly, an expectation in this Assembly and in the community that reforms aimed at producing a more competitive, efficient economy should always be tested to ensure that the overall impact is positive.

This is not, nor has it ever been, reform for the sake of it. The benefits of changes that have occurred over the past decade in major industries such as telecommunications and electricity are very real. They include lower prices, more choice, better customer service and a broader range of products. There are also downsides to these changes, and that is why independent oversight is important. In the current budgetary climate the monitoring arrangements must also deliver a broad range of regulatory services at a cost that is efficient and consistent with a high level of effectiveness.

In addressing the Assembly's recommendation to establish an independent council, the Government has had to balance these and other difficult issues. It seems clear that such a body should have the following characteristics: First, independence from the direct influence of Government, Ministers or MLAs; secondly, capacity to receive references from the Government, MLAs, the administration and the community or to self-refer; thirdly, capacity to initiate inquiries in an appropriate form, including the capacity to undertake public inquiries where necessary; fourthly, accountability for the quality of the outputs delivered, including exposure to accountability mechanisms of the Assembly; fifthly, responsibility toward and awareness of the position of the Government on a range of issues; sixthly, linkages with regulatory and supervisory bodies nationally; seventhly, knowledge, skills and experience relevant to the functions being undertaken; eighthly, capacity to effectively consult across a broad spectrum of interests, including the Assembly, administration, professional bodies, social welfare and community groups; and lastly, the capacity to exercise judgment free of constraints or conflicts of interest.

In considering these matters the Government weighed a number of options. One option clearly met these criteria and had the advantage of being in existence, under legislation and fulfilling a closely related function. The Government is persuaded therefore that, subject to the Assembly's endorsement, the best model for an independent council is the Independent Pricing and Regulatory Commission established under the Independent Pricing and Regulatory Commission Act 1997. The Government acknowledges the role of Mr Paul Osborne in moving the amendments that established the Independent Pricing and Regulatory Commission. Enhancing the role of the commission will entail some modifications to provide for a more flexible range of activities. Briefly these would include amending the IPARC legislation to permit a wider source of references, including self-referencing powers, to operate in a more flexible way and to undertake a broader spectrum of responsibilities; transferring some regulatory functions within the Chief Minister's Department to the commission to clarify the separation of regulatory and service and policy functions; providing a small, high-level secretariat to manage the regulatory program and to promote an understanding of the regulator's role; and transferring the competitive neutrality complaints function to the regulator to effectively separate it from the policy function in my department. These issues aside, the commission is able to assume a broader regulatory role under its existing legislation.

With the Assembly's support, I would propose to bring forward legislative amendments to formally recognise the broader role later this year or early in 1999. Naturally, these changes will come at a cost. Some of the increased cost will be met from the existing budget of the Office of Financial Management. Some staff will also possibly transfer from the department to the commission. Other costs will be borne from the Treasurer's Advance in 1998-99 and from appropriation in future years.

The Government has agreed that the new organisation should be clearly differentiated from the existing commission to reflect the broadened scope of the regulatory regime being put in place, but retain visible links between the old body and the new.

To that end, the Independent Pricing and Regulatory Commission will be known as the Independent Competition and Regulatory Commission, the ICRC. The commission will retain and strengthen its links with national regulatory bodies, such as the National Competition Council and the Australian Competition and Consumer Commission. The Government proposes that a single part-time commissioner remain at the helm of the new Independent Competition and Regulatory Commission, but with the support of a permanent secretariat and with the capacity to contract external expertise as required.

These changes will also reflect the development in the States of permanent regulatory authorities with the power to speak fearlessly on issues and to act independently in the community's interest. In New South Wales, for example, the Independent Pricing and Regulatory Tribunal, IPART, under a single part-time commissioner, has taken on a number of quite sensitive legislation reviews, including a review of the taxi and hire car industry. As a consequence of these proposed changes, the existing Competition Policy Forum would cease to operate. In addition, competitive neutrality complaints would be handled by the new ICRC. I publicly acknowledge the contribution of the members of the Competition Policy Forum who have given their services voluntarily over the past year-and-a-half.

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Another issue which has arisen in the national context and which the new regulator will address is how people appeal decisions of the regulator. At present there are restricted avenues of appeal. Issues that need to be considered include the arbitration of disputes between the regulator and persons subject to regulation, and appeals on pricing and access issues.

I canvass this matter in the context of the legislative amendments to be brought forward at a later date should this model be acceptable to the Assembly. I am more than happy to provide briefings to crossbench and Opposition members on the proposal I have outlined today. I believe it will satisfy the expectation for an independent, resourced body that can monitor the implementation of competition policy issues without creating an additional layer of regulation. Under its current commissioner, IPARC has established a reputation for independence and for taking into account the views of the broader community in its pricing inquiries.

I propose, therefore, to move that the Assembly endorse the ICRC model I have outlined today to meet the Assembly's request for an independent council on competition policy issues. Mr Speaker, I intend to bring forward a motion next week that, hopefully, will be passed so that we can get on with putting together the legislation or the amendments that will be required to bring this to fruition. If members would like any briefings over the next few days, we would be more than happy to provide them.

MR SPEAKER: Chief Minister, I have had a request that, rather than you move to have the Assembly take note of the paper, which is one of the two options under standing order 214, you move that the paper be referred to the Chief Minister's Portfolio Committee.

MS CARNELL: What sort of timeframe? It is fine with us. It just means that we do not have an independent entity in place for a very long time. Can you report by next week?

Mr Quinlan: No. We have the existing forum now, have we not?

MS CARNELL: Yes, but it is not doing anything. It is basically inactive.

Mr Quinlan: It does not get any referrals.

Ms Tucker: Mr Speaker, may I speak to this, or are we just having an internal chat across the chamber?

MS CARNELL: Sorry. Mr Speaker, I ask for a moment because that had not been put to me.

Ms Tucker: We did not know. This was not put to us.

Mr Kaine: It was not put to me either.

Mr Humphries: It was on the program.

MS CARNELL: No. Sorry. A ministerial statement - - -

MR SPEAKER: Order! Just a moment. We are still in debate.

MS CARNELL: Mr Speaker, I just make the point that it was the Assembly itself which asked us to come back with a model in August.

Ms Tucker: In consultation with the Chief Minister's Committee.

MR SPEAKER: Just a moment, please.

MS CARNELL: Mr Speaker, it was the Assembly itself that asked us to come back in these sittings with a proposed model for an independent council. That is what we have done. The Assembly was very keen to ensure that an independent body that did have resourcing and so on was put in place. I am suggesting to the Assembly that possibly the best approach would be to be briefed and to determine whether there is a need for a referral.

MR SPEAKER: In which case I suggest that you move that the Assembly takes note of the paper.

MS CARNELL: I move:

That the Assembly takes note of the paper.

MS TUCKER (4.00): I was fascinated to hear Mrs Carnell say, on the spot, "What timeframe?". Basically, what this debate is about now is whether or not the Chief Minister's Committee has the opportunity to look at this issue. How can they possibly tell what the timeframe will be before they even realise that this is what is happening? We have just read this. It was my understanding from the debate that there would be consultation with the Chief Minister's Committee. It was certainly the will of a number of members of this Assembly even if it was not what actually got up at the end.

The point is that this is just so typical of the processes in this place. Suddenly the Chief Minister says, "We have to do this quickly. There is an urgency to it". We have been trying to get appropriate resourcing and so on for quite some time. It is time that the Government took this forum seriously. We now have an opportunity to get it right.

I am congratulating the Chief Minister on coming up with a model. It may be a very good model, and I hope that it is; but what we do have the right to do in this Assembly is to let an Assembly committee look at it. Maybe it will be a very short inquiry. At least the existing Competition Policy Forum needs an opportunity to talk about what they think about this. I would suggest that they are the people who have the greatest expertise. I am certainly interested in hearing what they would say. It may be a short inquiry, but the Chief Minister needs to give the committee an opportunity to talk about what they think the timeframe would be. It is certainly appropriate that they have an opportunity to work with this.

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MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (4.01): I might just explain what it is that we are proposing here. We realise that there is an idea on the table, presented in the form of the paper which the Chief Minister has just tabled. We are not asking the Assembly, in noting the paper today, to agree in any way to its contents. As a matter of courtesy in this place, when someone presents a paper and they move to have the paper noted, it is usually passed simply as an acknowledgment of - - -

Ms Tucker: The standing order says it can be referred to a committee as well.

MR HUMPHRIES: I did not interrupt you, Ms Tucker, and I ask you to extend the same courtesy. We are not saying that you should - - -

Ms Tucker: I do not interject often but I will today. You do it when you want to.

MR HUMPHRIES: Okay. Fine, Ms Tucker. Mr Speaker, all we are asking members to do today is to note that the Chief Minister has brought this proposal down. It is there on the table. The Chief Minister need not have moved that the Assembly takes note of the paper. She could have just presented it, given her speech and sat down again, but she has not done that. Members, I think, have been offered a chance to be briefed on what the proposal actually entails in the next few days.

The Chief Minister has also said that next week she will bring a motion forward to propose some course of action that follows on from what is in the paper. That is the juncture at which, with respect, members ought to decide what they want to do with this idea. If, because of the briefings or otherwise, they happen to like the idea and think it is a good idea to go ahead with it straightaway, they could pass a motion then and there. If they are not sure about the idea or do not like it at all, they could have it referred, as has been suggested, to the Chief Minister's Committee. At that point that course of action could be followed and consideration could be given to it.

All that the Chief Minister is saying today is: "Please just look at the report". It may not be necessary to refer it to the Chief Minister's Committee, given what is in it and what is available by way of a briefing. The problem with referring the matter now to the Chief Minister's Committee is that it probably locks us into a timeframe of consideration in late September rather than earlier. That is the problem with this. The chair of the committee, Mr Quinlan, has indicated across the floor that he does not believe it could be dealt with by next week. Maybe it could be, but he does not think it could necessarily be dealt with by next week. I am only relying on what the chair of the committee is telling me across the chamber. All we are suggesting is that we do what we normally do for 99 per cent of the papers in this place - simply note it at this stage, and, if you want to refer it to the Chief Minister's Committee, do it later. Do not do it right now. We are not asking you to do anything other than note that the Chief Minister has presented this report. That is all we are asking the Assembly to do.

MR KAINE (4.04): Mr Speaker, I endorse Ms Tucker's remarks on this matter. The Deputy Chief Minister has just said that this document - it is not a report, it is a statement - contains an idea. That is all it is. It is an idea. Yet the Chief Minister and the Deputy Chief Minister expect this place to take their idea and run with it. I do not buy that, Mr Speaker. I think there are some aspects of this idea that I would want to proceed to look at in some depth. For example, I am told on page 5 that "briefly" this idea would include a number of things. One of them is the "provision of a small, high level secretariat". What does that mean? Does that mean one assistant secretary, one first assistant secretary, a deputy secretary? I do not know what that means, and I would like to pursue that and other matters.

Mr Humphries: I rise on a point of order, Mr Speaker. The Government is not proposing that Mr Kaine accept this report today. It is not proposing that any part of it be implemented. Mr Kaine said we want to run with it. The motion before the house is - - -

Mr Corbell: Is this a point of order, Mr Speaker?

MR KAINE: This is not a point of order. Tell him to sit down.

MR SPEAKER: There is no point of order.

MR KAINE: Thank you, Mr Speaker. I repeat: This is not a report. As the Deputy Chief Minister says, it is a ministerial statement that refers to an idea. I am not in the business of picking up an idea on the run, without knowing completely and fully what that idea entails. The Chief Minister suggests, "Because I put it on the table, you should adopt it now". I am not persuaded.

Ms Tucker is correct. This idea needs to be referred to a committee of this Assembly that can look at it objectively and dispassionately and decide whether it is good enough and whether it is properly spelt out and fleshed out for us to understand what it is and how the Chief Minister expects it to operate. That is a perfectly legitimate function. The standing orders allow for this to occur. Mr Quinlan should not have to put forward an amendment to the motion to have it done. It makes you wonder what is so urgent about the Chief Minister's idea that it has to be pushed through without discussion. I do not buy it. I endorse the comments made by Ms Tucker. I know that Mr Quinlan has a foreshadowed amendment, which I can indicate now I fully support.

MR SPEAKER: Mr Quinlan, would you like to move your amendment now? Excuse me, Mr Stanhope, but it seems to me that we might progress things a little bit if he does that.

MR QUINLAN (4.07): I move:

Omit all words after "That", substitute "the paper be referred to the Standing Committee for the Chief Minister's Portfolio for inquiry and report."

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I think everybody has a copy. As with previous speakers, I would really like the framework and the content of this to be examined quite thoroughly. This is a very important issue. The structure, and competition policy itself, has been an issue that has been applied to very many of the decisions taken in this place. We have heard many things done by government rationalised, justified or explained under the banner of competition policy. It therefore follows that whatever we do is going to impinge upon many of the decisions that will be taken in the future in this place. If the Government is in a hurry to put this through, I suggest to them that, given that there is a clear desire on the part of many of the members of this place for it to be referred, we cut out one stage of that; that we accelerate the process by cutting out the process of noting and we go straight to referral.

MR STANHOPE (Leader of the Opposition) (4.09): I similarly endorse the need for this matter to be referred. I see no reason to not do it today rather than wait a week. I think there are some quite interesting ideas in the paper. I am not suggesting, by my desire to have it referred to the Chief Minister's Committee, that I necessarily think it is a matter that is not worthy of consideration. I think it is quite an interesting proposal. Somebody obviously has done some significant lateral thinking on the issue of competition policy. There are aspects of it, too, that I would question. I am a little concerned that it perhaps narrows the focus of the attention that would be given to competition policy issues by reducing it to a single commissioner rather than the arrangement we currently have, which I think is quite a good model, to the extent that it allows a wide range of community input. So, there are significant issues that would need to be addressed.

Competition policy is important. We have a number of issues raging at the moment. I think that there is no reason why the Competition Policy Forum cannot continue to work now, if it were only better resourced and treated a little bit more seriously. There are serious matters that the forum could and should consider, and I hope it is considering them now. I note that the Government - - -

Ms Carnell: You told us to come forward with a new model.

MR STANHOPE: We did. We supported a motion. I was quite happy to see the Competition Policy Forum continue. I think the forum has tremendous potential. It is just that it has not been appropriately resourced or appropriately used or valued. I would like to see it continue. I can see no reason why, in the interim, it cannot be more appropriately resourced and used as originally intended.

Having regard to the problems that have been experienced with the Competition Policy Forum and the Government's reluctance to use it, all we are suggesting is that we make sure we get it right next time; that it is a model that everybody is comfortable to work with. We want a forum that has the capacity to facilitate the debate on competition issues in a way that meets the needs of the community in terms of the debate that we must have on privatisation and competition. There is widespread concern within the community about the way competition policy is being implemented. In the minds of a lot of people it is being abused. We must get the model right.

There is simply nothing to be lost by referring this to the committee now. Most of the people who would support that today will have the same view next week. We might as well do it now. I am not suggesting that I disagree with this paper. I think there are some interesting and good ideas in it. We are not obstructing the purpose of it. Let the committee look at it. Let us generate and facilitate a debate.

MS CARNELL (Chief Minister and Treasurer) (4.12): Mr Speaker, if the Assembly wants to slow down the process, that is fine. It is not a problem. Our view was that the Assembly wanted an operational independent entity, and that is what we were attempting to provide in as fast a timeframe as possible. I think we could probably pull the Assembly together now and maybe get a different outcome, but if those opposite want to spend a lot of time looking at this, taking into account that that will elongate the timeframe, it is no skin off our nose.

MR CORBELL (4.12): Mr Speaker, I think the Chief Minister is being a little bit loose with the debate that occurred in the Assembly back in June. You can see quite clearly that the Assembly wanted the Government to come back with a report by August, but for the Chief Minister then to suggest that that means that we must act on it immediately, like next week - - -

Ms Carnell: No, I did not say that.

Mr Humphries: She did not say that.

Ms Carnell: I have not asked you to act. What did I say? Come on.

MR CORBELL: That is what she did say when Mr Quinlan initially suggested that it be referred to his committee. She said, "Well, it had better report by next week". That clearly shows to me that the Government has an agenda here that they really would like everyone else to move along with.

Mr Speaker, the whole point of the independent body, as proposed by Ms Tucker and others in this place, is that the agenda on competition policy is not driven from any one quarter in this Assembly, particularly from the Government. We have already seen, from the Government side of things, the so-called independent complaints process used as an excuse to ditch the Belconnen pool idea, and we do not want to see that sort of process hijacked by the Executive or by any other party again. So, it is entirely appropriate, Mr Speaker, that, instead of that, there is a referral, quite sensibly, to the Chief Minister's Committee because that committee has representation from all sides of this Assembly. They can seriously and responsibly reflect on the proposition put to us by the Chief Minister, and then this Assembly can decide, after that examination, what the most appropriate course of action should be. I think that is entirely responsible. It is entirely in keeping with the proposition that was put and agreed to by this Assembly back in June. For the Chief Minister to suggest otherwise is simply untrue.

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MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (4.14): Mr Speaker, the whole of Mr Corbell's remarks just now are completely irrelevant since the Chief Minister did not say what he suggested she said. He should listen to the debate rather than come in and just throw a punch at the Chief Minister's head on the assumption that that is all right; that it is par for the course or it is good enough. It is not what she said. He should listen to what was said.

Mr Corbell: It is. I was here for her statement.

MR HUMPHRIES: It is not. You listen, Mr Corbell. Go back and read what was said.

Amendment agreed to.

Motion, as amended, agreed to.

**COMMERCIAL AND RETAIL TENANCY LEGISLATION -
WORKING PARTY'S REVIEW
Government Response**

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (4.15): Mr Speaker, for the information of members, I present the Government's response to the report of the ACT Government working party's review of commercial and retail tenancy legislation, entitled "Commercial and Retail Tenancy Legislation into the 21st Century", and I move:

That the Assembly takes note of the paper.

I can always refer this report to a committee, I suppose, Mr Speaker, but I just move that we take note of the paper. Mr Speaker, the Government has now had the opportunity to consider the report of the ACT Government working party's review of commercial and retail tenancy legislation. The report, which is called "Commercial and Retail Tenancy Legislation into the 21st Century", was presented to me in November last year. The review of the legislation was sought by the Government as part of its commitment to review legislation and regulations governing business and industry in the Territory. The Government has had a longstanding commitment to ensuring a fair balance between the interests of lessors and commercial and retail tenants. The Government's objectives have been and continue to be fourfold: Ensuring that all parties, but especially tenants, are able to make fully informed decisions; ensuring that there is a proper balance in the respective bargaining power of lessors and tenants, particularly at the negotiation stages; ensuring that, once established, there is equity in the relationship between lessors and tenants; and ensuring that there is an effective dispute resolution process.

Late last year I attended a special meeting of the Commonwealth, State and Territory Ministers responsible for retail tenancy matters, which committed each jurisdiction to work together with the others to provide national minimum standards for retail tenancy laws. I was able to say at that meeting that the ACT's laws not only met those minimum standards but in many respects offered additional protections to ensure an even balance

in commercial and retail tenancy relationships. Indeed, in December last year the ACT was the first jurisdiction to enact an enhanced definition of “unconscionable conduct” as recommended by the House of Representatives Standing Committee on Industry, Science and Technology in its report “Finding a Balance: Towards Fair Trading in Australia”. However, the Government does not propose to rest there and sees the implementation of the working party’s report as a means of improving the effectiveness of the existing laws so that the ACT remains at the forefront in this important area.

The review of the existing legislation was conducted over an 18-month period by a working party consisting of landlord and tenant representatives and representatives from other interested organisations, including the Law Society of the ACT, the ACT Bar Association, the ACT Tenancy Tribunal, the Australian Retailers Association and the ACT Chamber of Commerce. The working party’s report covers over 200 recommendations for changes to the Act and the code. Considering its broadly representative nature, it is a measure of the working party’s commitment to genuine reform that over 150 of those recommendations were agreed to unanimously.

In response to the working party’s report, I am pleased to say that the Government has been able to accept the overwhelming majority of the working party’s recommendations. Extensive amendment to the legislation will be necessary as a result and, given the Government’s acceptance of one of the key recommendations, that the Tenancy Tribunal Act 1994 and the commercial and retail leases code of practice be consolidated, it is proposed that a new Act be drafted. Such a consolidation will also overcome many of the inconsistencies identified between provisions of the Act and the code.

Details of the Government’s response to each recommendation in the report are contained in the accompanying document which I have tabled with this statement. However, I would like to mention specifically the Government’s view on some of its key recommendations which were primarily concerned with procedural and jurisdictional matters. The working party identified a range of problems with the present operation of the Tenancy Tribunal and expressed concern about the lack of clear procedures to assist parties appearing before the tribunal. The working party made a series of unanimous recommendations for procedural reform, particularly the need for more formal procedural rules and for machinery provisions similar to those of the Magistrates Court. A majority of the working party also recommended that the Tenancy Tribunal should become part of the Magistrates Court as a separate division of that court. I note also the working party’s call for better resourcing for commercial and retail tenancy matters.

The Government generally accepts those recommendations. At present the Tenancy Tribunal is physically located in the same building as the Magistrates Court and shares its support staff and facilities, although having its own specified jurisdiction. The Government notes that in practice the majority of disputes which go to hearing are complex, often involving substantial amounts of money. In such cases full disclosure and identification of issues in dispute is important and parties should not be taken by ambush.

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A framework of procedural rules is appropriate for these cases, as it is for other commercial disputes which proceed to litigation. On the other hand, many persons who appear before the tribunal, especially tenants, are unrepresented and accordingly the original intention of the legislation, that is, to establish an informal, low-cost and potentially speedy means of resolving disputes, remains valid. The Government notes that the Magistrates Court already has the capacity, for example in its small claims jurisdiction, to provide an informal and speedy means of resolving disputes.

In agreeing that the Tenancy Tribunal become part of the Magistrates Court, the Government proposes that modified procedures apply in cases not involving complex issues of fact or law. In these cases the court will be given the capacity to deal with disputes on a more informal basis. The court will therefore have the flexibility to respond equally to a range of different needs, including those of unrepresented parties with limited financial resources and those of parties who are fully represented and where more formal procedures may be appropriate.

To ensure that appropriate forms of procedures for the court's commercial and retail tenancy jurisdiction are in place by the time the new Act commences, the Government is establishing a procedural committee consisting of the Registrar of the Tenancy Tribunal, the two magistrates who presently deal with Tenancy Tribunal matters and four other persons representing lessors, tenants, the Law Society and the Consumer Affairs Bureau, respectively, to develop new procedural rules.

We are also concerned at the potential for parties and their lawyers to cause unnecessary delays in proceedings. The Government has accepted the working party's recommendation that costs should ordinarily follow the event rather than, as presently, be borne equally by the parties. This will help to address this problem. However, we also propose to investigate the possibility of imposing additional sanctions on those who delay or otherwise frustrate proceedings, with any such provision having general applicability across the broad spectrum of litigation.

There are many advantages in the approach I have outlined. Placing the commercial and retail tenancy jurisdiction squarely within the court's jurisdiction will, first, increase the court's capacity to manage its resources across the range of matters before it; and, given the recent appointment of an additional magistrate, assist the allocation of resources more readily to commercial and retail tenancy hearings, especially in the exercise of its more informal jurisdiction. Secondly, it will substantially overcome doubts and uncertainties identified by the working party in relation to the jurisdiction of the Tenancy Tribunal. Parties will be able to bring commercial and retail tenancy matters to the court, confident that it will have the jurisdiction to deal with them. Thirdly, it will ensure tenants have access to a speedy dispute resolution process; and lastly, it will continue to place emphasis on mediation as a first step in resolving disputes.

Examining the code of practice, the working party made a range of recommendations which seek to clarify the meaning and intent of provisions and are largely of a technical nature, relating to matters of drafting. Although some recommendations contain quite specific suggestions for amendments to the Act, these will necessarily be subject to review

by the Parliamentary Counsel's Office in the context of its consolidation of the Act and the code. Among the recommendations accepted by the Government for amendment to provisions currently located in the code are recommendations with respect to the market rent, valuations and the definition of commercial premises and retail premises.

There is one area, however, where the Government has not accepted the working party's recommendations. Under the code, lessors are presently required to provide prospective tenants with a disclosure statement which sets out the tenants' obligations as to costs and outgoings under the proposed lease. The working party made a number of recommendations with respect to the provision of disclosure statements which the Government believes have the potential to erode a valuable protection afforded to tenants. A disclosure statement plays a critical part in protecting tenants, who often fail to appreciate what is contained in these documents when they find the formal wording of such documents difficult to comprehend. It is essential that tenants be made fully aware of their obligations under a lease in a readily understood format so that they do not overcommit themselves. The need for small business to adequately estimate their chances of commercial success was specifically recognised as the important aim of the nationally agreed minimum standards for retail tenancy laws.

Mr Speaker, the Government is aware of the high level of interest in the recommendations of the report and the Government response to them. I am confident that the implementation of the recommendations which have been accepted by the Government will significantly improve the regulation of commercial and retail tenancies in the Territory, to the advantage of all stakeholders, be they lessors or tenants.

Question resolved in the affirmative.

PAPERS

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

Calvary Public Hospital - Information Bulletin - Patient Activity Data - May and June 1998.

The Canberra Hospital - Information Bulletin - Patient Activity Data - May and June 1998.

Department of Health and Community Care - Activity report - 1997-98 financial year.

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INSTITUTE OF THE ARTS - GOVERNMENT FUNDING

MR SPEAKER: Ms Tucker, I understand that you are seeking leave to make a statement relating to the arts debate yesterday.

MS TUCKER: Thank you, Mr Speaker. Yes, I am.

Leave granted.

MS TUCKER: As members are aware, I was not able to be here for the debate yesterday because my daughter was critically ill in hospital. I want to make the comment that I was quite disappointed when Mr Wood explained to me that members were not prepared to adjourn that debate until I was available, knowing that I have an extremely strong interest in the issue, and that particularly Mrs Carnell and Mr Humphries said that it was not of concern; that what was most important to them was to get the issue off the paper. In this place, as politicians, we are all put in a position where obviously if our family are ill we ask to be considered. It is the first time I have ever asked for that, and I was quite disappointed, because I certainly would have supported that if another member had asked for it. It may be off the paper, Mr Speaker, but I can assure you that the cuts to the Institute of the Arts are not off the agenda of the community. They are extremely concerned about this, and it is not going to go away.

The motion of Mr Wood yesterday, in its original form, was a very important motion. The Greens would have supported it in its original form because we believe the arts matter. The arts matter a lot, Mr Speaker. When Mr Wood raised as a matter of public importance in the last sitting period the importance of arts in the ACT, I took the opportunity then to sound a warning. I said at that time:

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 Speaker, recently one member of the community, after reading the *Hansard* on that debate, said how prophetic my words were. Yes, Mr Speaker, but I am not claiming to have special powers here. It is not exactly surprising to see the economic rationalist axe coming in on the arts. It is predictable, in fact. Mrs Carnell's own speech in that debate on the importance of the arts was interesting. In her speech, the market and the arts were obviously very closely linked. The concept of value adding often appears. Other characteristic phrases included "funding less activity", "funding it to succeed" and "funding what is likely to succeed". What does the Chief Minister and her Government mean by "succeed"? What is their view of success? Is it mainly to do with economic gain? Of course, there is money to be made from the arts, but the emphasis on value adding and economic gain does, for me, sound alarm bells. How well do community arts fit into this? Only to a point do they fit into this. Mr Speaker, while there is money to be made from the arts, the other very significant added value we all enjoy if we have vibrant and well-supported arts activities in our community is not about money. It is about unquantifiable qualities, about social benefits which do not show up on a balance sheet but which nevertheless matter a lot.

The budget cut to the Institute of the Arts was not totally surprising to me, considering the general philosophy of the Chief Minister and her Government. It was totally surprising to many in the music community, though. They did think they had the support of this Government, and the rhetoric would have led them to believe that - for example, the concert program of the Canberra Symphony Orchestra from Mrs Carnell, which waxes lyrical about the importance of music and the arts.

The cut to the Institute of the Arts funding is going to have a very significant impact on its ability to deliver its very valuable services. The community campaign, which has been so strong and well supported since the cuts were announced, shows that the Canberra community is indeed outraged, and so they should be. It is not only the cut itself that is so outrageous; it is as much the manner in which it was delivered. How can Mrs Carnell stand here and defend a process which would be laughable if it was not quite frightening?

I say it is frightening for two reasons. Firstly, it is irrational, and it is serious when governments are irrational. It is irrational to cut support by over \$1m without consulting or giving notice to the organisations concerned, but when it is said afterwards that the cut was made because government did not know what they were buying with the money most of us would think the appropriate response was to find out first what has been purchased and then discuss cuts if it was thought appropriate.

Mrs Carnell sent us all a letter saying that in fact the institute had been asked two years ago to describe their services differently. No-one at the institute knows about that. It was certainly flagged that there would be changes in requirements later, but flagged only, not directly requested, not followed up, not, dare I suggest, supported in making this change. This is frightening, because it is either accusing the Institute of the Arts of lying, or in fact government itself is presenting an untrue picture of events. That is frightening as well.

It is very interesting to look at the report into implementation of service purchasing arrangements. This is a report released by government which was supposed to address a lot of concerns about service purchasing and how it would impact and how it would be implemented. I would like to read a couple of parts from the executive summary at the beginning of it. I think they are very relevant to how the Institute of the Arts has been treated in the way it was ordered to suddenly redescribe its services according to the output model that government said it required. In the implementation of service purchasing arrangements one point was made clearly:

In some programs, standards for quality are not yet defined and the Government and service providers have no benchmarks or process for evaluating effectiveness or confirming compliance with standards. The Government should embark on a process to consider and develop its approach to quality and accreditation.

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We have an acknowledgment in this report that maybe government does not know quite how to do that. This, of course, has been one of the main objections coming from the community about the way the implementation of service purchasing has been imposed on the institute. The issue of quality is very hard to describe. Another point in this executive summary comes under the heading "Appropriate introduction of contestability", which is down the line for the Institute of the Arts. It always is the next step with this particular ideology. The report states:

However, there are special features of human services in the not-for-profit sector which should be taken into account in deciding where contestability should be introduced.

We hope to see that applied here but we are not so certain it will happen. Another point is made under the heading "A staged approach". The report states:

The time frame for implementation of service purchasing should be realistic and allow the necessary building blocks to be put in to place in advance of change being introduced. Implementation should be staged over three years and guided by an inter-departmental working group. Ideally, the task of driving reform should be attached to a senior manager with grants management experience, seconded to work within Chief Minister's Department.

A staged approach to change will provide time for internal stakeholders (program staff across agencies) and external stakeholders (consumers and current and prospective providers) to develop relevant knowledge and awareness of the new environment, to be involved in decisions about key aspects of the reform process and to develop confidence in the new approach.

I think it is pretty clear the Institute of the Arts would have very little confidence in the new approach. In very short time they had to employ accountants to fulfil the commands from above, from this Government, to describe their services in the way that was required in a totally inappropriate timeframe. Another quote reads:

The Government was therefore of the view that the purchaser/provider model be implemented in a considered and managed way.

Sorry, that has not happened either. Key features of the review process were supposed to mean that the model "could be developed to avoid adhocery, inconsistencies and uncertainty". It needed to be "inclusive, both in respect to public sector program managers (potential purchasers) and non-government stakeholders (potential providers)". That is not happening. It was to be "predicated on a partnership with potential providers, especially as brokered by the ACT Council of Social Service". That is not happening. It was to be "sensitive to the special characteristics of the human services industry in the Territory". Sorry, that is not happening either. That is why I am pleased to see this whole issue referred to the Chief Minister's Portfolio Committee. I believe that it is something that has been manipulated and abused by this Government.

I want to make another point before I conclude. I notice that the Chief Minister is not here, but maybe she is listening upstairs, although I doubt it, but it is on the record. Yesterday, when I was here for the early part of the debate, I noticed that when Mr Wood was talking Mrs Carnell was mocking him because he was talking about the heartfelt concerns of the community. Mrs Carnell put her hands to her heart in a mocking way. I found that incredibly inappropriate and offensive. I was interested to find on my email yesterday morning a letter from a constituent. I would like to read the last part of it because it relates to heart:

... you can have my vote in the next election, if and only if you vote against the cut to the Institute of the Arts.

Naturally, that seems a comparatively small matter on which to decide the entire election (it's only \$1.6 million, after all) ... What about urban services? What about the environment? What about health? As I see it, this is a kind of indicator: if an MLA values the views of their people enough, and values the cultural life of the city enough, I believe I can trust them with bigger issues such as the environment, health and so on.

If I can trust you with the heart of Canberra, then I can trust you with the rest of it. Canberra is a wonderful city - I trust each and every one of you will do your duty to keep it that way.

Mr Wood, I am absolutely appalled at how the debate went yesterday. I am appalled that Mrs Carnell is acting as if she has a majority government on this. Obviously, Mr Rugendyke and Mr Osborne have been lobbied on this. I believe they have a genuine concern about what has happened to the arts, but because they are not willing to challenge the Government on this issue Mrs Carnell appears to be able to be totally arrogant about how she manages this.

When Mr Wood asked her - not commanded, not directed but asked - to please consider what she is doing with this cut, once again there was a mocking response from Mrs Carnell, basically saying, "Forget it. There is no way you would get back \$1.6m".

In conclusion, I want to say that I believe the community does care about this a lot. Even if this Government does not care about the arts, I know they care about votes and they should know that they will pay for this.

ESTIMATES 1998-99 - SELECT COMMITTEE
Report on the Appropriation Bill 1998-99

Debate resumed.

MR SMYTH (Minister for Urban Services) (4.39): Mr Temporary Deputy Speaker, I think what the report from the Estimates Committee shows is that we now have a new low standard set for committee reports from this Assembly. I have seen many estimates done at the Federal level. This is the first that I have been personally involved in at the Assembly level. When the committee has come up with a report that is actually three reports and the chairman has dissented from his own report, it strikes me that there was terrible mismanagement in this whole process. Instead of having an Estimates Committee look at the forward spending of the Government to ensure that the ratepayers' money was spent appropriately and on matters of concern, we had a mini, week-long extension of question time. Instead of looking at the estimates, instead of going to the budget, we spent much of our time on non-budget matters like Kinlyside, the plane and many others. The Estimates Committee process is meant to be a proper examination of the Government's finances. To allow it to descend to the low level that it did, the chairman created a precedent that very few of us would like to follow. I think Mr Rugendyke got it quite correct the other day when he called the whole thing a total farce.

It not only did not get to the question of what the Government was doing with taxpayers' money; it was a monumental waste of taxpayers' time and taxpayers' money. The officers from PALM, Planning and Land Management, in my department had to come back to the Assembly on three occasions. That senior executives and officers should be called to the Assembly is appropriate. That they should be called three times to sit around waiting to be questioned supposedly on the budget and not have that occur I think is quite shameful. You have to ask: How can you claim to represent the community through the Estimates Committee when you have no interest in how the taxpayers' money is being spent?

I have a whole list here. It is an absolute mystery to me but I will go to something that Mr Stanhope said earlier today. Mr Stanhope, in responding to the Chief Minister's proposal on what we do with competition policy, said that competition policy was important, was of interest to all of us, had great effect and was arousing great concerns in the community. In the Department of Urban Services budget, under some of the outputs that I control, we look at industry regulation and how the Government conducts business. This of course is getting very close to the heart of some of the competition policy issues. I certainly expected, and I told my senior officers to expect, and to be prepared for, questions on very important issues like the reform of the milk industry, electricity, gas and water regulation. Yet, when we got to that section in the Urban Services budget, Mr Temporary Deputy Speaker, I am sure you will be stunned to know the overwhelming number of questions that we got on these issues that, according to Mr Stanhope just half an hour ago - - - (*Quorum formed*)

I will quickly take up where I left off, Mr Temporary Deputy Speaker. The Estimates Committee investigates the important matter of the expenditure of taxpayers' money. Mr Stanhope earlier raised the importance of competition policy. The Department of Urban Services has responsibility for so many areas of industry regulation and government business, things like milk, electricity, gas and water, all of which are issues that have been canvassed since I came here. Yet when we got to outputs for the Department of Urban Services there was not a single question, not one, about how we were going to address those, what the budget implications were and where information on them was contained in the budget. I think that shows you quite clearly the farce that the Estimates Committee was under the current chairman.

The report does not address any key budget issues at all. It recommends nothing but populist spending measures and tax-cutting measures. I remind all here that Mr Hughes, who was a consultant to the Opposition during the budget process, said that those who would suggest amendments to the budget should come up with options. Yet all we have heard from the Labor Party, through the chairman of the committee, is: "Let us stop raising revenue and let us suggest increased expenditure, but we do not have to tell you how it should be funded, because we are not the Government".

We see the mask of cooperation slipping. On the very first day of sitting of this Assembly Mr Stanhope spoke about how we were going to work together and how the new face of Labor would be a cooperative one. Yet all we simply get is more of the same. If they do not have to give any idea at all of where the money should come from, it is very easy for them to say, "Yes, we will stop revenue raising and yes, we will increase expenditure because that is easy and it is popular". I think Mr Rugendyke got it quite right. This year the Estimates Committee was just a farce.

MR CORBELL (4.47): Mr Temporary Deputy Speaker, it seems that the Government do not understand that the budget is the instrument of government policy; it is where you spend the money that affects what your policy priorities are. For the Government to stand up in this place and suggest that it is inappropriate for the Estimates Committee to question government policy clearly demonstrates that they are not prepared to accept the budget as the instrument that implements the Government's legislative and other policy programs. That is exactly what the budget does. The budget is the tool that the Government uses to implement its policy priorities. I do not resile for one moment, nor should any other member of the Estimates Committee, from questioning the policy priorities of this Government. That is exactly what the Estimates Committee did.

Members on the other side of the house should consider that we have a report here with over 50 recommendations, all of which were accepted by all members, with the exception of Mr Hird. Mr Hird put in a significant dissenting report, as is his right. When those on that side of the house decide they are going to bash Mr Berry over the head because he was chairing the Estimates Committee, they should think about who else they are bashing. They are also bashing the other three members of that committee, including two members of the crossbenches who accepted those recommendations. They have no credibility - - -

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Ms Carnell: It was their first time.

MR CORBELL: It was not Mr Osborne's first time, was it? They have an excuse, do they? The Chief Minister says that it was their first time.

Mr Berry: It was my first time as chair.

MR CORBELL: It was Mr Berry's first time as chair. Maybe you should let him off as well. What an absurd argument! The fact is that the Osborne group - Mr Rugendyke and Mr Osborne - were in a balance of power position in the committee and all of the recommendations in the majority report are recommendations that they accept. When the Government stands up here and slaps Mr Berry around the face, they are really slapping the Osborne group around the face as well, because the recommendations are theirs too.

I want to move on to some of the substantive issues in the report. Mr Smyth, in his comments, made the point that he felt that the estimates process did not question his officials, those from PALM particularly, in an appropriate fashion. I think Mr Smyth is perhaps being a little bit precious. We all understand that the process for estimates is a busy process and the questioning can take a significant period of time. Yes, it was unfortunate that officials from PALM had to be asked back three times before we were able to question them, but certainly the officers from PALM accepted that with good grace. They accepted as part of the estimates process that they may have to come back a few times before they actually got to their spot on the agenda. That is just the way it goes. I think it is a bit churlish of Mr Smyth to make that the subject of one of his stinging rebukes of the Estimates Committee process.

When we did get to PALM we found, as we did when we got to many other departments, some very interesting things. Many people in Canberra would be very interested to know, for instance, that in the Chief Minister's area we paid quite a bit of money - the exact figure is not in front of me but it was approximately \$15,000 - to paint a plane to promote Canberra at air shows, but the plane does not fly. For heaven's sake, is that not an issue of public interest? Is that not an issue that is entirely appropriate to raise in the context of the Estimates Committee? It seems to me that the Government's rabid attack against the Estimates Committee has more to do with the rather embarrassing things that were found as a part of those inquiries than with the conduct of the committee itself. Now, \$15,000 for a plane - - -

Ms Carnell: I raise a point of order, Mr Temporary Deputy Speaker. I am advised that the aeroplane in question now has a licence to fly in air shows.

MR TEMPORARY DEPUTY SPEAKER (Mr Hird): There is no point of order.

MR CORBELL: That is fantastic. I am so pleased that that plane finally flies, but the point I wanted to make is that it took the Estimates Committee process to find that out before the Chief Minister was even willing to look at the issue of whether or not the thing actually flew. I am glad that we have finally got it into the air, another achievement of Mr Berry's Estimates Committee process.

The other very significant first-time achievement for this committee process was the calling of witnesses from the community. I think that Mr Berry is to be commended for that action, as are the rest of the members of the committee for endorsing it. For the first time, members of the public were able to come into this place and directly present evidence on how the budget was going to affect them. In terms of making the Assembly a more responsive and open institution, allowing citizens to come forward and present evidence on how the budget would affect them was a very positive move. Mr Berry is to be commended for initiating that. I hope that future committees look at that process very carefully, because it is one that I believe should be repeated. Who would forget the strong evidence presented by the people from the Institute of the Arts when they clearly demonstrated the overwhelmingly negative impact that the arbitrary decision taken in the budget by the Chief Minister would have on their institution and the groups that it supports? Who would forget the disgraceful behaviour of Mr Hird? That is no reflection on you, Mr Temporary Deputy Speaker, but who would forget that? Quite frankly, it showed up how important it was to allow public scrutiny of our processes.

Lots of other useful things came from that public submission process. For instance, evidence was presented from the Motorcycle Riders Association. We had in this budget an argument presented by the Government that the increase in registration fees was an environmental measure that punished people who drove larger cars which caused more damage on our roads and which contributed to higher greenhouse gas emissions. The Motorcycle Riders Association was able to present to us that motorcycle riders had had a disproportionate increase in their registration fee despite the fact that they caused the least damage on our roads and the least output of greenhouse gas emissions. On that point alone, Mr Berry is vindicated in allowing community groups to have their say in submissions to the Estimates Committee.

I found the Estimates Committee process a very valuable way to highlight the wrong priorities of this Government, where they were spending money inappropriately, where their administration was wasteful and where their priorities were misdirected. I must say that it is not the role of the Estimates Committee to determine the budget. It is the role of the Estimates Committee to say what we think the priorities should be and where the Government needs to direct its energies in addressing and fixing those priorities. The overall management of the budget is not the role of the committee and it is not the role of this Assembly. It is the role of the Executive, and that is why the recommendations are very specific in a whole range of areas. I commend this report to the Assembly. It is a strong report. If the Government is uncomfortable with it, it is because they got shown up for all of the failings that are presented in the report.

MR QUINLAN (4.57): I attended a fair number of the Estimates Committee hearings and I found them very useful. I gleaned some information, encountered some blatant resistance and gained a greater insight into how the Government works, particularly with its administration. I must say that since I came to the Assembly there has been one surprise. That is the difficulty in getting information and the obstacles one has to overcome. I commend the expansive approach taken by the committee, including its chairman, and its transient members. It is one of the few avenues we have had to obtain a knowledge and understanding of how the Government is working with its administration.

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I was a little put out by Mr Moore's attack on the chairman, my shrinking violet colleague over here, and even more disappointed at the snide reference to Jon Stanhope and Jon's desire to operate cooperatively. This followed Mr Moore's orgy of self-admiration and self-congratulation yesterday, along with an earlier attack on Mr Stanhope. I think Mr Stanhope must be really getting to Mr Moore. Mr Moore attacked Mr Berry for having an adversarial approach. From my observation in my limited time here, I rate Mr Moore as one of the top three or four in this place in the adversarial stakes, and that side of the house outnumbers this side of the house in that respect.

Mr Rugendyke: I raise a point of order, Mr Temporary Deputy Speaker. I must ask how this is relevant to the Estimates Committee report and relevant to this debate.

Mr Berry: On a further point of order: Mr Quinlan is responding to some of the things that Mr Moore said. That was accepted on the record. Mr Quinlan ought to be allowed to respond.

MR TEMPORARY DEPUTY SPEAKER: I ask Mr Quinlan to be relevant.

MR QUINLAN: Certainly I have been nothing but relevant to the debate so far.

MR TEMPORARY DEPUTY SPEAKER: The Chair is paying attention.

Debate interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

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

Question resolved in the negative.

ESTIMATES 1998-99 - SELECT COMMITTEE Report on the Appropriation Bill 1998-99

Debate resumed.

MR QUINLAN: Given the difficulty that we have had in gaining information in this place and given the quite obvious adversarial approach that emanates from the other side with inane dorothy dixers that we have to put up with every day we are in this place, it is little wonder that there are challenging dimensions in this report. I see it as a good examination of policies, actions and expenditures of the Government, and I think the committee has excelled itself in that regard.

I wish to address myself to Mr Rugendyke's comments that the estimates process is a farce. Mr Rugendyke was part of the committee. As far as I know, he endorsed the report. He did not submit a dissenting report, so I remain astounded. I commend Mr Rugendyke for starting out in this Assembly as he is meant to continue - with a great fanfare, a coloured photo on a front-page article about circus animals and a backflip, dollar charges on police searches and a backflip - - -

Mr Humphries: Mr Temporary Deputy Speaker, colourful as circus animals might be, they are not relevant to any matter that was before the Estimates Committee. Mr Quinlan is straying into no doubt more interesting but somewhat irrelevant territory.

MR TEMPORARY DEPUTY SPEAKER: Mr Quinlan, I would ask you to remain relevant to the matter before the Chair.

MR QUINLAN: Mr Speaker, I am addressing matters that have been raised and condoned by the Speaker himself in the course of this debate.

Mr Humphries: But they are not relevant.

MR QUINLAN: They are relevant to the claim that this process was a farce. There is a member of the committee who had an opportunity to put in a dissenting report and who is starting to get known for backflips. This is just another, as was his approach to the Institute of the Arts.

I would like to make some comments in relation to the format and presentation of the budget and the issue of comparability from one budget to another. The introduction of a new section to show budget neutral changes resulting from Administrative Arrangement Orders is welcomed. However, the only financial statements that show some degree of direct comparability are those of Health and those of Urban Services. This lack of transparency is not acceptable. I am sure we will hear some rhetoric about the ACT having the highest level of transparency in Australia. Nevertheless, there are shifting sands and constant changes to Administrative Arrangement Orders and no facility for anybody other than the Office of Financial Management to make reasonable comparisons between this year and last year and discern exactly what the budget is doing to the ACT.

We would like, and expect, the Government to take this problem seriously. We would like to see it as a goal of the Government to make sure that the budget is so framed as to allow us to make intertemporal comparisons of the figures contained therein. I strongly support recommendation 3 of the committee that any budgetary changes that are to be made be released prior to the budget. Any particular presentation changes or any accounting-style changes that are being brought into the budget should be made public before the budget is brought down, so that people are warned and people know how to approach the budget. I strongly support the recommendations for changing the budget structure, not the concepts - the concepts are quite good - to allow comparability and testability of the numbers that are presented.

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This year's budget was better prepared than last year's but it still has a long way to go. I recommend and support the continuation of the extension of access by community groups to the Estimates Committee to allow the people a voice and to allow them to face administrators and those of us in government who are shaping the city in which they live.

I will close by making some reference to a matter that the Chief Minister brought up, Bruce Stadium, and the questioning on that. Bruce Stadium is shaping up as a fiasco. It has been placed in a black-and-white frame by the Minister. It is not sufficient to say, "If you do not like what is happening at Bruce Stadium, you are against the Raiders, you are against the Brumbies, you are against Olympic soccer". We are in favour of all those things. We are just not in favour of cock-ups. This reference to the Raiders and the Brumbies is a screen behind which the Government wishes to hide. I think it was Samuel Johnson who said, "Patriotism is the last refuge of a scoundrel".

MR STANHOPE (Leader of the Opposition) (5.07): I also took a very keen interest in the Estimates Committee hearings this year. As Mr Quinlan has just said, I found it an extremely useful process. I am surprised that members of the Government and others have described the process and the report as a farce. They have made fairly extreme criticisms of the way in which the meetings were conducted. I was extremely interested. I found the hearings very useful. I found them too short. I quite genuinely believe the estimates process could be expanded. I did not feel there was enough time to question officials on the range of issues that I wished to question officials on.

I would have liked much more time to question officials in depth on issues related to administration and policies. I would have liked Ministers to interfere far less than they did in the questioning process. To some extent it pains me to have to admit it, but Mr Moore was the Minister most inclined to allow his officials to answer for themselves. Other Ministers, I found, basically badgered, cadged and jumped in on top of their officials, squashing them and not allowing them the opportunity to be involved in detailed questioning. Mr Stefaniak is here. The sessions that I did not attend were those involving Mr Stefaniak's portfolio, so I do not know how Mr Stefaniak performed in the Estimates Committee.

I formally acknowledge the Chief Minister's scathing criticisms of the report. The fact that it is a farce is a reflection very much on Mr Osborne and Mr Rugendyke. It intrigues me that Mr Rugendyke has accepted the Chief Minister's condemnation of the report as a farce. I think it is quite bizarre that members of the majority not only accept the Government's criticisms of a report which they signed off on but actually endorsed the very wording. I am not quite sure what that says, but it is bizarre.

Far from the very shallow criticisms which the Government has made of the report, the committee raised quite legitimate questions upon a wide range of issues which go to the administration of the Government of the ACT. It is hardly to be expected that after close scrutiny the committee would not raise a wide range of issues of real concern to the community. This report certainly does that. I find peculiar the suggestion that the Estimates Committee should not look at the administration of departments. Surely that goes to the heart of budgets and the expenditure of money. Budgets are about the way in which moneys are administered, departments are administered and things are done. Budgets are about the processes that are utilised by an administration.

The estimates process goes to the heart of good government and to the effectiveness of budgets. It is all about how the Public Service is administered, how the money is spent and the way decisions are made. This report goes to a whole range of issues that are concerned with public administration, the decision-making process and due process. The report - this is, of course, why the Government is so sensitive about the report - goes to a whole raft of issues which highlight the lack of due process, the lack of good process, which ultimately always leads to a lack of good government. They certainly are a wide range of issues and they are issues of real embarrassment to this Government.

The Bruce Stadium fiasco is all about the expenditure of significant amounts of money. I cannot imagine that anybody could criticise the Estimates Committee for looking into and reporting on a blow-out of about 100 per cent in the budget on Bruce Stadium. If that is not what the Estimates Committee should be looking at, then what should they be looking at? Floriade is another debacle. This report is full of governmental and administrative debacles. That is why it is embarrassing to the Government. Floriade, an absolute disaster for the Government, was not mentioned in the budget, and that is a point in itself.

The Feel the Power campaign was rejected absolutely by the people of Canberra. The decision-making processes entered into by the Government in relation to the Feel the Power campaign deserve close scrutiny. It goes to the expenditure of public moneys; it goes to the waste of public moneys. The fact that the Minister for Urban Services felt the need to include a completely discredited slogan on numberplates, and expended ratepayers' money to effect an absolutely flawed policy, is a matter of legitimate interest to the Estimates Committee.

The Hall/Kinlyside issue is approaching the proportions of scandal. Yet there are serious suggestions being made by people in this place that it is not a subject worthy of consideration by the Estimates Committee. That is an absolute nonsense. Hundreds of thousands of dollars of ratepayers' money was wasted on a process that was completely non-existent. In response to some of the inane comments made by the Minister for Urban Services in relation to the conduct of the Estimates Committee, I have to say that 20 or so pages of the *Hansard* transcript that relate to the attempts by members of the committee to get an answer from Mr Rod Gilmour and Mr Lincoln Hawkins and the Minister on the state of their knowledge of dealings in relation to the preliminary agreement warrant further investigations. There are over 20 pages of transcript of repeated questioning from three or four members of the Estimates Committee, yet Mr Gilmour never did get around to answering a question on the extent of the knowledge of PALM about the arrangements. That is a matter that requires further investigation.

The list of issues goes on and on. They are all legitimate issues of interest to the Estimates Committee, to the Assembly and to the people of Canberra. I think the committee has done an excellent job. There are issues in the report that one hopes the Government will respond to in a meaningful way. For instance, I discovered through the estimates process that prisoners, including indigenous prisoners, at the Belconnen Remand Centre who suffer or present with substance abuse or addictions are required to wait up to seven weeks before they can go on the methadone program.

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I do not think that would have been realised by anybody, except for the Estimates Committee. I think that is an issue that demands urgent attention, having regard to our alleged or professed commitment in respect of black deaths in custody and the need for us to address issues affecting indigenous Australians. Substance abusers going into the Belconnen Remand Centre are forced to go cold turkey. That is a matter that requires urgent attention. I hope that the Minister for Health, Mr Moore, can address that issue without any delay. I think it should be addressed today. I think the issue is that serious. But for the Estimates Committee we would not know about it.

The Estimates Committee has raised some interesting questions about the hospice and the palliative care service. These are issues that should also be addressed. There is no doubt that there has been a serious diminution in services in Canberra for terminally ill people as a result of the restructuring of the after-hours palliative care service. That is irrefutable. It is a fact. It is an issue that should be addressed by the Minister immediately.

We also discovered some interesting information in relation to a whole range of other issues that go to the heart of administration and the expenditure of public moneys. A discussion with the Legal Aid Commission highlighted deficiencies in relation to the provision of legal aid, particularly to children requiring representation in family law matters. The debacle with the Tidbinbilla Nature Reserve, the problems with ACTION, the terrible problems that this Government has created for families in Canberra as a result of its charges on vehicles - all these issues go to the heart of administration and the expenditure of moneys. These are the issues that the Estimates Committee is meant to look at. That is what the Estimates Committee exists for. The absolutely spurious claims made by the Government and others about this process indicate the extent to which the Government has been embarrassed by its deficiencies in these areas.

MR WOOD (5.17): Mr Temporary Deputy Speaker, I heard the attack. I will not say it qualifies as a concerted attack by the Government on the processes of the Estimates Committee. The Chief Minister and others who followed in train have claimed that we did not talk about the budget; that we did not go into facts and figures. I have been here in this Assembly now for over nine years, and that is nine estimates committees that I have been involved in, some as a full-time, continuous member of the committee. I have been in the Minister's chair on a number of occasions at three or four of those estimates committees.

Mr Stefaniak: A very experienced chap.

MR WOOD: I have not served as chair of the committee, Mr Stefaniak, but I have sat in the Minister's chair.

Mr Stefaniak: Maybe next time.

MR WOOD: Next time? I am glad you concede that I will be in the Minister's chair. The Chief Minister is talking nonsense here. I can remember sitting in the Minister's chair when the now Chief Minister asked exactly the same sorts of questions that we asked on this occasion. Her shadow Ministers - now they are Ministers - did the same.

I can remember Mr Cornwell, Mr De Domenico, Mrs Carnell and Mr Humphries all approaching the estimates in exactly the same way as we did this time. I do not know whether the Chief Minister and others have forgotten. Or is it more likely that this is just a political attack on the outcome of the Estimates Committee report because they do not like it?

I can remember the time when the then Opposition leader, Mrs Carnell, gazumped Helen Szuty who was chairman of the committee. The day that Ms Szuty was going to go out and present the report publicly, Mrs Carnell got in some hours beforehand. So I do not want to hear pious statements from that side of the house about how the committee system should work. They just do not hold up.

In fact, I was saying during the process, after the process, and well before today that I thought the best chair I have seen in those nine years was Wayne Berry. I thought he managed it very well. He gave everybody a chance to ask their questions, without getting impatient and trying to cut them off, while still keeping it moving. I thought he did a very good job in the chair. He got information out in the best possible way, although he did not get all that was required, and I was very impressed with the depth of his knowledge in a lot of that technical, detailed questioning about figures that the Chief Minister said never occurred. I was very impressed with that. The upshot is that this is as good a report, if not a better report, as any we have seen in the nine years of self-government. So I would commend Mr Berry for the quality of his work and the quality of the report.

That praise goes also to Mr Osborne, Mr Rugendyke, Mr Hird and Mr Corbell, who were on the committee. Anybody who wants to say that this was a poor process or a farce is simply talking nonsense. I congratulate Mr Berry, and I congratulate you all for what was, I think, a very good process and a very good outcome.

Ms Carnell: Hopeless.

MR WOOD: Now I want to express some gripes.

Mr Stanhope: The Chief Minister just called you hopeless, Mr Rugendyke. I think that should be withdrawn, Chief Minister.

Ms Carnell: Sorry. I did not call Mr Rugendyke - - -

Mr Stanhope: You said it was hopeless. You are hopeless, are you?

MR TEMPORARY DEPUTY SPEAKER: I did not hear. Order! The Leader of the Opposition will come to order.

MR WOOD: I have been one of those who have stood up over the years and said, "We are going to accrual accounting. That is great. Yes, we will know more about it. It will enable more comprehensive and better reporting". I start to wonder sometimes whether that is the case. I have found it more difficult this year to find out exactly what is happening with those figures than I have in any other of the years, even when I was a raw beginner in this place. I have found it more difficult. There was no comparative data this year, and we heard reasons for that, or inadequate comparative data, and maybe that will

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be improved and will be better next year. We do need to make assessments from one year to the next and it has been very difficult. There have been some other years when it has been difficult as we have changed from one system to another as we have progressed. But it was certainly no easier this year to understand fully what is happening.

Then we get on to other problems. You ask the question: "What is going to happen here?", and you get as an answer: "That is outputs related; we cannot tell you", or, "We will find out later", or, "The agencies are doing that". I think someone was asking questions about jobs. We were told, "We cannot tell you how many jobs will go. We cannot even tell you whether jobs will go". Did members hear that? Of course you did. Is that not something that you would expect to be an outcome of an Estimates Committee hearing? "No, we cannot tell you; we do not know". I am sure people do know, but it was not forthcoming. I think I have a fair complaint when I say we have not been as well served in that regard from the way that the papers are presented or the answers that we are getting.

Associated with that was the response that I heard on many occasions, whether I was down there in the room or up in my office listening in. The response was: "Well, it is not in our control". "It is not for me to decide". "It is not in our control". When do we find out? Perhaps a year later in an annual report, if it is dared to be revealed. There is a lot to do to improve things and some of the recommendations in this report go in that direction. The Government, as a policy, is deliberately trying to bag this report.

There were occasions when I was embarrassed in the committee room or upstairs when there was clear and deliberate evasion. There was a refusal to give answers. There were too many of those occasions. There was one in particular when it got acutely discomfiting for the people who were evasive, and awkward for the people who were asking the questions. So the process has to get a lot better. The approach from the Government and some bureaucrats has to get a lot better. I would hope that next year the Government might take some steps in that direction. If a lot of the recommendations in this report this year are implemented it will get better, but there also needs to be a change of attitude. Notwithstanding those circumstances, Mr Berry did a good job, and I congratulate him.

I want to put on the record a correction. I do not expect that the Chief Minister expected to give a little bit of information over the airwaves, but I certainly heard it. It relates to incidents when people from the Institute of the Arts came and gave evidence. I will say what happened, and everybody here will confirm what I say is correct. The gallery was packed and it was a quiet gallery. People sat listening intently to the presentation and to the questions and answers. They clapped when one of the presentations was completed and they clapped again at the end. Does anybody want to dispute that? So there was no disorderly audience on that day. It was a very polite and well-behaved audience. Let us make that clear. I say that because there was a suggestion that somehow they were disorderly and were encouraged.

Mr Corbell: Hostile.

MR WOOD: Yes, hostile. Was that the word? That is simply not the case. They were fine people doing a good job there, as elsewhere, and I want to defend their reputation.

MS TUCKER (5.26): I was not a member of the committee this time, but I was there for quite a number of the committee hearings, and I was interested in the proceedings, as always. With reference to the issues that have been raised today, particularly about the function of the Estimates Committee, I have to support entirely what Simon Corbell and others from Labor have said on that matter. Obviously, the budget is the ultimate policy statement of government, and it is an opportunity for us to scrutinise not only the financial arrangements of government but also how those financial arrangements fit into policy. Obviously you cannot separate the two.

I disagree that Ms McRae handled it differently. She had a different style, yes, definitely; but on the question of whether or not members of the committee or visiting members were able to ask questions which were not strictly related to numbers, I remember Ms McRae saying on many occasions in previous Estimates Committee hearings, "Of course you can ask questions on policy; that is part of what the Estimates Committee is about". That, of course, is what we did again.

I would also like to comment on the way the budget is presented. The output map in the front of Budget Paper No. 4, I think it was, from memory, was very interesting in terms of how much less detail the Government gave this year. It was also interesting to see how inconsistent it was across government. Obviously there is no real coordination of how departments are determining how they will present their information, or how departments determine that through government.

This is what I found interesting when I challenged some of the officials about the decrease in the number of individual outputs and details that were listed. It was said that this was a useful thing because it would make the whole process, from memory, "transparent" and "simple". I remember saying at the time, "Hang on, we want information. We do not object to getting information. We want it. You cannot use the words 'transparent' and 'simple' as euphemisms for clear and good therefore".

In fact it was the diminution of the amount of information which made it quite difficult. You had to then look back at previous years' budgets when you were given more outputs, and then you would be able to say, "Well, we used to have this output. Now I want to ask what happened to that". I can remember one example related to child-care licences. There used to be an output that looked at breaches of licences or something like that. It no longer exists, so I would ask, "Well, what has happened there?". Of course, the information was not readily available and it would have to be sought. I think that is quite worrying from the point of view of accountability. The questions on outputs are obviously the way we understand what government is doing, and what it is doing compared to last year.

That was the other issue. We did not have the same ability - I agree with the report's recommendations on this - this year to actually compare easily. Some government departments did provide past years information in the back of the purchase agreement, I think it was from memory, and some did not. So, once again, it was inconsistent, and it certainly was not convenient.

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Then, of course, we still get the different ways that the financial information is presented. It was different again this year, which makes a comparison between financial years more difficult. It is possible but it is extremely difficult. It is very difficult for people in the community, and very difficult for members here as well.

There is one other thing I would like to comment on - I find it a bit amusing, if anything - and that is how wonderfully sweet Mrs Carnell is to Mr Rugendyke in his first year. I really cannot help but remember in my first year when we were asking questions about how systems worked. We were not treated nearly so kindly. I think that was because we were not needed by the Government. Now, why would I think that? In fact, I can recall one particular question that Ms Horodny asked about how budgets worked. I think it was even talked about at a speech by the Chief Minister. If not, it was certainly widely known publicly that we had asked, or Ms Horodny had asked, that question. Anyway, it just goes to show the difference it makes if you are needed by the Government. One of the other issues - - -

Mr Kaine: Needed and loved.

MS TUCKER: Needed and what?

Mr Kaine: Loved.

MS TUCKER: Mr Kaine says, "Needed and loved". Of course, Mr Osborne was let off really kindly as well because, even though he has been here for three years, he has never been on an Estimates Committee. So he gets let off, too. It really is quite funny.

There is a general comment I would like to make about the process and the involvement of the community. I think that was a very good thing. I support the recommendation that that continue. I think it was very enlightening.

I also did not have a problem with how Mr Berry chaired. It was different, as I said, in style from Ms McRae, but I thought we did get through a lot of business. I think the Estimates Committee can be seen as a place where you do gather information. It is not all adversarial. You can get a greater understanding of processes and how individual departments work, and I think it is quite appropriate that the Estimates Committee is used that way as well. That is a positive and constructive thing, in fact, because it helps us all if we are all informed about how these issues are dealt with.

Most of the recommendations that came out of this report are sensible. I have always raised the issue of competition policy in support of concerns about that. I was supportive of the recommendations about the SACS award. I am obviously concerned about the Institute of the Arts funding cut. I was very concerned about the process. I did not cover that in my last speech on that process, so I will cover it now. I well remember asking the Education Minister for his view of the services in his department which the School of Music is providing and which would fall, and asking him whether he considered that to be a failure. The reason I asked that was because the heads of the School of Music and the

School of Art had been sent by Chief Minister's on a wild goose chase talking to officials of his department to see whether they could get some arrangement whereby services would be bought. But, of course, there was no money given to Education for that. In fact, the Minister did not even seem to be aware of it. It is, once again, one of the really unacceptable ways that that whole issue was handled.

I want to mention Floriade. I am really amazed that the tourism experts in this town did not know that maybe people had sold prepackaged tours which would have included a visit to Floriade without charge. I think it is quite appropriate that that should be raised in this report.

I also am very supportive of the concerns about behaviour management and education. It is not a recommendation of this report that was fully supported, but I do share the concerns of members who felt that there has been a rather unfair blow to education as a result of this budget. I made that point in estimates as well. The service purchasing inquiry, which was successfully moved today, was reported on in this report, which is good.

The recommendations I mention now are particularly important. The Tenants Advice Service and the Welfare Rights and Legal Service recommendation is very important as well, and I will look with interest at the report that was tabled today on how that legislation is going. The issue of children in the ACT who are missing out on representation in Family Court matters is another very important matter that was raised. The insurance levy is another process that is practically unbelievable and very worrying. I am very supportive of that being raised. Of course, the fare structure of ACTION is another matter close to my heart. I was focusing on figures in my questioning on Tidbinbilla and was very alarmed to see just how much money is going to have to be raised to repay the loan that has been taken out for the visitors centre. I was also glad to see the issue of water raised. It is very important that we get some kind of approach to the water issues and ensure that any region, including our own, has the absolute highest standard and best practice in terms of water management. (*Extension of time granted*)

In conclusion, I do hope to see a positive response to the recommendations in this report. Obviously, after hearing the Government this afternoon, it does not seem very likely. I would like to say to Mr Rugendyke and to Mr Osborne that they did support these recommendations. I believe they need to give very serious consideration to what sort of government they are supporting here if it does not respond in a positive way to these recommendations.

MR BERRY (5.38), in reply: There was some complaint by members opposite, in particular from Mr Moore and, I think, the Minister for Urban Services and the Chief Minister, about the Estimates Committee looking at matters which were not strictly dollar matters. Well, that is not surprising because the Estimates Committee process here is fashioned from that which existed in the Senate before it was restructured. I will read to you a paragraph from *Odgers' Australian Senate Practice*. It says:

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These committees provide the principal opportunity for senators to scrutinise, not only the expenditure proposals of the government, but the operations and activities of government departments and agencies.

I will repeat that for emphasis:

... the operations and activities of government departments and agencies. In effect, they have become twice-yearly general inquiries into government operations. As such, they are regarded by senators as among the most valuable of the Senate's activities.

It is not surprising that the Government is agitated about this Estimates Committee report because there are some criticisms of the Government. There are 50 recommendations which, to one degree or another, are critical of the Government. Also, there are five dissenting recommendations which are critical of the Government. You can always test how effective you have been in opposition by the jitters on the Government benches, and I think today's response by the Government was a fairly good barometer of the success of the Estimates Committee process.

I heard some moaning as well - I think it was from Mr Moore - about the adversarial nature of things. Mr Moore might recall, if he cares to, an instance when Labor was in office. I checked with my office a moment ago and I said, "I seem to remember being in the hot seat as a Minister for a long time once; I think it was for about 18 hours". We seemed to think it was about 18 hours all-up, as the Health Minister, and at one stage we were up until about one o'clock in the morning being harried by, guess who? This lot opposite. So let us not kid ourselves about adversarial politics. Now, adversarial. Adversary; opponent; oppose; disagree. I think this is what that boils down to. We disagree with them. If you happen to be a control freak, anybody who disagrees with you becomes the enemy, and some respond better than others. Mr Moore responds rather badly to criticism.

All of the criticism and constructive criticism that is mentioned in these reports was mentioned in good faith and was endorsed by the majority of committee members. Fifty recommendations were endorsed by the majority of us, Mr Rugendyke and Mr Osborne included, and the end result has been a committee report which has given the Government the jitters. Well, that is life. Maybe, in the short time that five people had available to them, with the support of the secretariat, to look at the entire budget, there might be a couple of sentences that are wrong, a couple of numbers wrong, and maybe even a couple of words wrong, but at the end of the day it is the principle of the recommendations that has to be looked at. That is the most important thing. I think the principles which are behind these recommendations right across the board are pretty sound.

The issue of not looking at the budget was completely exaggerated by the Chief Minister. She knows that over the years these estimates committees have broadened their scope far beyond looking just at the budget papers. No better example of that would be herself. I think it is the height of hypocrisy for the Chief Minister to come in here and bleat about the broadening of the operations of the Estimates Committee.

My only reservation about this Estimates Committee was that I do not think we had enough time to properly examine all the areas that we would have wished to examine. Bear in mind, as I said earlier, that hundreds, perhaps even thousands, of public servants have worked in one way or another to put together the budget process. A whole heap of public relations experts and senior officers have also worked to make sure that nobody can find anything to criticise the Government about, so that means things are buried.

Mr Hargreaves: The spin doctors.

MR BERRY: My colleague interjects and mentions the spin doctors. That is true because a lot of work goes into making sure that there is nothing to criticise the Government about. That means, in essence, that basic information quite often is hard to find. It is not always easy to find it immediately.

Mrs Carnell was heavily critical of us for suggesting a budget measures statement as appears in the Federal budget. I have in front of me the budget measures statement for 1998-99 and I will give you some examples of the sorts of measures that they produce in this report. It has nothing to do with endorsing the approach which is taken by the Commonwealth in relation to their budget. This is about providing adequate information for estimates committees or scrutiny committees, like our own, to be able to determine how the budget is going. Here we go. I refer to item 86 on page 112:

Extend eligibility for Youth Allowance - Definition of independence.

There is \$7.7m in 1998-99, and it goes right through the outyears to 2001-02.

If the Government had this sort of measures statement it would have said in relation to the Institute of the Arts exactly what was happening with the grants process, and we would be able to search through a much smaller document than this and discover exactly what had been happening with government expenditure. What has been suggested to the Government is that they come up with a measures statement that makes it easier for people to get immediate access to budget information. I do not care what the Chief Minister calls it; she can call it what she likes. She can call it the "Kate Carnell Miracle Booklet" as far as I am concerned. It does not matter, as long as when we open it we are able to get to the information more easily. That is all the committee was interested in. So, the underlying principles in relation to this are the most important issues.

Once again, I would like to thank all of those colleagues who participated in the Estimates Committee process, not just the members of the committee but those other members who put time aside to come down and actively participate in it. I have already thanked the secretariat for their participation. They need to be mentioned again because theirs was a sterling effort. They had a short timeframe to put something sensible together as a recommendation to the Government, and we trust that the Government will take it seriously. We got all the push and shove today about people howling in an

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adversarial manner across the chamber - shock, horror - because they have the jitters about some of the recommendations. They probably would have liked to write the report themselves. All governments would like that, but that is life; that is the way it is. It is disappointing that some of the aggro responses have been thrown into this debate.

Mr Speaker, I will close on the recommendation that future committees look at the involvement of the community again. It is really up to the committee at the time to consider that issue. I think it was a good thing. Maybe we could have given more community members more time to have their input, but at least next time they will be more practised and I am sure they will be able to have a more practical input into the process. I have to say that this time it was extremely helpful. It was a damn fine example, if I can put it that way, of how the community can get themselves involved in the budget process. The people who are supporters of the arts were able to come along and make their input in a civilised way. They were not treated in as civilised a way as they themselves have behaved, but they were in fact treated in a civilised way, and I welcome those community people. I have enjoyed it.

By the way, for those people who have been saying it is so-and-so's first time on the committee and so-and-so's first time, have a little bit of time for me; it was my first time as chair. Nobody said that, no; not one of you. So, enough of that. I think it is a reasonable report. It will not suit everybody, but I hope the Government responds to it in a positive way.

Question resolved in the affirmative.

PAPER

MR BERRY: Mr Speaker, I seek leave to table a paper which I overlooked tabling earlier.

Leave granted.

MR BERRY: I present the following paper:

Estimates 1998-99 - Select Committee - Report - Appropriation Bill 1998-99
- Minutes of proceedings.

CONSIDERATION OF ASSEMBLY BUSINESS **Suspension of Standing Orders**

MR WOOD (5.49): Mr Speaker, by agreement with those I have spoken to, I move:

That so much of the standing orders be suspended as would prevent Assembly business, order of the day No. 2, being called on forthwith.

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

HEALTH AND COMMUNITY CARE - STANDING COMMITTEE
Report No. 1 - Mental Health Services - Strategic Plan 1998-2001

MR WOOD (5.49): Mr Speaker, pursuant to order, I present the report of the Standing Committee on Health and Community Care entitled "The Future of Mental Health Services in the Australian Capital Territory - Moving Towards 2000 and Beyond - A Whole of Territory Strategic Plan 1998-2001", together with the minutes of proceedings. I move:

That the report be noted.

Mr Speaker, I think all concerned in this wanted to keep things moving. You will recall that Mr Moore referred this to the committee in the last session of parliament. The committee did not, after consideration, go to a full-scale review of it. We had a round table to try to expedite the matter so that things could keep moving. That has been done. I indicate that the report that has gone back to Mr Moore is not the committee's report; it is his report. We have made suggestions about it. They were taken up and accepted, but it remains very much the report from Mr Moore. We all trust that good action will be taken to see that mental health services are much improved.

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

ADMINISTRATION AND PROCEDURE - STANDING COMMITTEE
Report - Order of Private Members and Assembly Business

MR SPEAKER: I present a report of the Standing Committee on Administration and Procedure entitled "Order of Private Members and Assembly Business".

MS TUCKER (5.51): I move:

That the report be adopted.

The report is essentially concerned with addressing some inconsistencies in the standing orders and ensuring clarity in the interpretation of the Assembly's decisions. It makes two recommendations to the Assembly relating to the ordering of private members and Assembly business which, if the motion to adopt the report is passed, will make amendments to standing orders and clarify the Assembly's intentions in relation to private members notices that are moved in the morning and debate on which is subsequently adjourned due to the suspension for lunch. That clarification can be put into force by the Assembly passing a motion on the matter.

The two standing orders affected by the committee's recommendation No. 2 are 105 and 149. Standing order 105 gives instructions to the Clerk as to how notices should be entered on the notice paper, with the proviso that it is subject to the Manager of Government Business's prerogative to order Executive business, standing order 78.

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However, under standing order 16 the Standing Committee on Administration and Procedure has responsibility for ordering private members and Assembly business and, for uniformity, this should be reflected in standing order 105. Recommendation No. 2 makes that amendment.

Standing order 149 relates to the precedence given to orders of the day and is also subject to standing order 78 and not standing order 16. Recommendation No. 2 also effects a change to that standing order. Recommendation No. 1 relates to the precedence given to a private member's order of the day which commences the day as a notice and has been duly given precedence by a decision of the Standing Committee on Administration and Procedure. When the motion moves from the category of "Notices" and into the category of "Orders of the Day", the precedence given by the decision of the committee is lost. To adjourn debate until "a later hour this day" clearly signals the Assembly's intentions in relation to the matter, but the mechanism provided in standing orders to achieve this as a certainty would require a meeting of the Standing Committee on Administration and Procedure. As such a meeting would merely ratify something that is usually clearly the Assembly's intention, recommendation No. 1 suggests an alternative mechanism to achieve this - a standing resolution of the Assembly.

I will move the appropriate motion if the Assembly adopts the report. I commend the report to the Assembly.

Question resolved in the affirmative.

ORDER OF PRIVATE MEMBERS BUSINESS

MS TUCKER (5.54): I ask for leave to move a motion to put into force recommendation No. 1 of the report by the Standing Committee on Administration and Procedure entitled "Order of Private Members and Assembly Business".

Leave granted.

MS TUCKER: I move:

That the order of the day relating to a notice of motion under private Members' business having been moved and debate either:

- (1) adjourned pending the Assembly's suspension for lunch; or
- (2) interrupted pursuant to standing order 74 and the Speaker setting a later hour of the day for consideration of the matter;

such item of business has precedence over all other private Members' business, in accordance with standing orders 74 and 77, if debate has been adjourned by the Assembly until a later hour that day.

Question resolved in the affirmative.

ADMINISTRATION AND PROCEDURE - STANDING COMMITTEE
Report on Register of Members Interests

MR SPEAKER: I present a report of the Standing Committee on Administration and Procedure entitled "Register of Members Interests".

MR KAINE (5.55): Mr Speaker, I move:

That the report be adopted.

Mr Speaker, this does not require much explanation. Since 1992, in consequence of a resolution of this Assembly, members have been required to submit declarations of their various interests. It is appropriate of course that members be obliged to do so. What has happened in practice, however, is that the original resolution makes no reference to the destruction of those declarations, and over the six years since 1992 a number of members have left this place, for one reason or another. The committee considered whether or not the declarations of ex-members should be retained and concluded that they have value only while a person is a member of this place to determine whether or not there is any possible conflict of interest in the activities of a member. The conclusion was that when a person ceases to be a member of this place there is little point in having the Clerk build up a continually increasing roomful of declarations. The intent is to allow a sensible administrative act to take place and for the declarations of ex-members to be dispensed with.

MR CORBELL (5.56): I commend this recommendation to the Assembly. Having been involved in the discussions in the Administration and Procedure Committee, I thought it was important to highlight in the debate this evening that the decision of the committee to require that the register of interests declared by members not only for the current Assembly but also for previous Assemblies be retained was an important one. It is important because it makes sure that members of the community, members of the press and anyone else can review the actions of a particular member over the whole period of time for which they have been a member of the Assembly, not just for the current Assembly or the Assembly during which they made their most recent declaration of interests. I think that was an important accountability measure because someone can review the actions of a member during their whole period in this place and see whether when their register of interests changed there was - hopefully not - some shift in a decision they made in this place. I think it is a sensible proposition and I commend it to the Assembly.

Question resolved in the affirmative.

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REGISTER OF MEMBERS INTERESTS
Amendment of Resolution

MR KAINE (5.58): Mr Speaker, I seek leave to move a motion to put into force the recommendation of the Standing Committee on Administration and Procedure's Report "Register of Members Interests".

Leave granted.

MR KAINE: I move:

That the 1992 resolution concerning the declaration of private interests of Members be amended by:

(1) Inserting the following new paragraph:

“(1A) Under the general direction of the Speaker, the Clerk shall store the declarations of private interests made by each Member in a secure manner and shall include all declarations made by each Member. When a Member vacates his or her seat and is not re-elected at the next general election for the Assembly, the Clerk shall destroy all declarations made by that Member in his custody.”.

(2) Omitting from paragraph (2) “such declaration”, substitute “any declaration stored by the Clerk”.

Mr Speaker, those amendments have the effect of putting into force the recommendations of the committee.

Question resolved in the affirmative.

URBAN SERVICES - STANDING COMMITTEE
Report on 1998 National Conference of Parliamentary Public Works
and Environment Committees

MR HIRD (5.59): I present Report No. 5 of the Standing Committee on Urban Services, entitled “The 1998 National Conference of Parliamentary Public Works and Environment Committees”, together with a copy of the extracts of the minutes of the proceedings. I move:

That the report be noted.

Mr Speaker, I have pleasure in tabling the Urban Services Committee's report of the 1998 National Conference on Parliamentary Public Works and Environment Committees. The conference took place in Parliament House, Sydney, and was hosted by the New South Wales Public Works Committee. It was held over three days,

from 27 to 29 July this year. The organisation of the conference, Mr Speaker, was a credit to Mr Paul Crittenden, MP, chair of the New South Wales Public Works Committee, and to his parliamentary colleagues and staff of that committee of the New South Wales Parliament.

In keeping with past conferences, the conference was split into three components: A site inspection, a series of talks by experts in the areas of public works and the environment, and a session devoted to updates by each parliamentary committee on what it had been doing during the period since the last conference. Each session was both interesting and informative for all those members who attended, in particular my colleagues Mr Dave Rugendyke and Mr Simon Corbell.

The site inspection was at the Homebush Olympic site, which is truly impressive. Until recently it was described as the biggest building site in the world. Delegates to the conference were shown the showground facilities, the indoor pool, the massive Olympic stadium, the Olympic village and the associated environmental works. A feature of the site inspection was the widespread use of surveillance cameras in public places in New South Wales. A brief reference is made to this matter in the report I table today.

The session involving visiting experts was devoted to road and rail transport in the twenty-first century. Among other matters, it involved talks on trends in public transport, the role of private enterprise in land transport, and environmental imperatives in transport. I found it challenging. I might add that also challenging was the forthright expression of views by the chair of the Commonwealth Public Works Committee, Mr Wilson Tuckey. In his inimitable style, he stimulated debate and challenged conventional assumptions.

During the session on each committee's activities, I was struck by the extent to which environmental considerations affect decisions about public works. These two areas are very much interrelated in today's world. I was also interested in the diversity of work under way by the parliamentary committees across Australia. Some examples are uranium scrutiny, by the Northern Territory Environment Committee; and the design of school buildings in New South Wales and the nature of the State's development and approval process, by the New South Wales Public Works Committee. Members will note that New South Wales took the blueprint from the ACT in their efforts on this program. Further examples are analysis of the problems caused by weed and ballast water in Victoria, by the Victorian Environment Committee; challenging the Government to better justify public works, utilising net present value analysis, by the South Australian Public Works Committee; and the problems of financing the restoration costs of heritage public infrastructure in Tasmania.

In conclusion, I stress again the great value of the conference to me as a parliamentarian and as chair of the Urban Services Committee. I think I speak for my colleagues in saying that we learnt a tremendous amount in a short time. For each of the members of my committee, this was our first public works and environment conference, and we have no hesitation in recommending it in all respects.

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Mr Speaker, I have with me several publications that will be of interest to members. They are the Victorian Environment and Natural Resources Committee report "Weeds in Victoria", dated May 1998; a guide by the Olympic Co-ordination Authority on the Homebush Bay site; "Energy Smart Allies Directory 1997"; the Victorian Environment and Natural Resources Committee report "Ballast Water and Hull Fouling in Victoria", dated October 1997; the New South Wales Standing Committee on Public Works report "First Report on Development and Approval Processes for NSW Capital Works"; and the New South Wales Standing Committee on Public Works report on the national conference in Queensland in 1997, which Mr Moore, my predecessor, attended. I have decided to do something which is a first. With the approval of the house - - -

MR SPEAKER: Do you seek leave to table them?

MR HIRD: No. I want to do something for the first time, something which is not orthodox. Rather than table them I would like the approval of members to have them stored and taken care of in the Parliamentary Library, where the many committees we have will have easy access to them. I commend my report to members of the house.

Question resolved in the affirmative.

CHIEF MINISTER'S PORTFOLIO - STANDING COMMITTEE
Report on Review of Auditor-General's Report No. 6 of 1997

MR QUINLAN (6.06): Mr Speaker, I present Public Accounts Committee Report No. 4 of the Standing Committee for the Chief Minister's Portfolio, entitled "Review of Auditor-General's Report No. 6, 1997 - The Canberra Hospital Management - Control of Salaried Specialists' Private Practice", together with a copy of the extract of the minutes of proceedings. I move:

That the report be noted.

Mr Speaker, within this report the main findings were inadequate internal management controls on compliance by salaried specialists with private practice agreements and on billing, receipts and activity levels; no management policies for the use of hospital facilities; and no calculation of actual costs of specialists using hospitals. The auditor also checked the degree of implementation of recommendations arising from a 1994 audit review and found that few had been fully implemented. The committee consulted the Minister and the Salaried Medical Officers Federation. The outcome of that consultation is that the Government has accepted the validity of the audit findings and is acting to address shortcomings but has avoided commenting on the implementation of the 1994 audit recommendations. This is of concern to the committee, and its recommendations focus on rectifying this.

Other recommendations call for the Minister to assure the Assembly that other shortcomings identified by the audit are addressed. This is, I am sure, a matter that has been discussed many times in this Assembly over the last few years. We have a new Minister. I commend the report to the Assembly.

Question resolved in the affirmative.

CHIEF MINISTER'S PORTFOLIO - STANDING COMMITTEE
Report on Review of Auditor-General's Report No. 8 of 1997

MR QUINLAN (6.07): Mr Speaker, I present Public Accounts Committee Report No. 5 of the Standing Committee for the Chief Minister's Portfolio, entitled "Review of Auditor-General's Report No. 8, 1997 - Salaried Specialists' Use of Private Practice Privileges", together with a copy of the extracts of the minutes of proceedings. I move:

That the report be noted.

Mr Speaker, within this report, the main audit findings were that about a third of specialists practise externally but management does not know whether the time used is made up; that the hospital is constrained in effectively using many specialists because the old scheme for salaried specialists in private practice is rather loose and makes it difficult to manage the specialists' time; that management has not addressed inefficiencies in radiology services; and that productivity gains were not negotiated in the enterprise bargaining agreement made with salaried specialists.

The committee considered comment offered by the Minister of the time on the audit findings. Although the committee recognised that management of salaried specialists is complex, unresolved dispute between hospital management and the Audit Office on findings is of concern. The hospital is a major consumer of public funds, and it is vital that there be confidence in the integrity of management and the monitoring systems. Accordingly, the committee recommended that the Assembly be informed when these issues have been resolved.

The committee also recommended that the Assembly be informed on outcomes of various agreements and measures to be introduced as a result of the audit. In addition, the committee recommended that the Assembly be advised on what has been done to improve productivity within the imaging department. One of the recommendations also touched on the phasing out of the original salaried specialists agreement, which is so difficult to manage.

The committee appreciates that we have a new Minister who has committed himself to a lot of very hard work in this particular area. We wish him luck. Thank you, Minister.

Question resolved in the affirmative.

CHIEF MINISTER'S PORTFOLIO - STANDING COMMITTEE
Report on Review of Auditor-General's Report No. 13 of 1997

MR QUINLAN (6.10): Mr Speaker, I present Public Accounts Committee Report No. 6 of the Standing Committee for the Chief Minister's Portfolio, entitled "Review of Auditor-General's Report No. 13, 1997 - Management of Nursing Services", together with a copy of extracts of the minutes of proceedings. I move:

That the report be noted.

The main findings of this report, Mr Speaker, were that the costs of nursing services in the Canberra Hospital are adversely affected by the method of management and lack of planning of clinical services; that there is potential for a \$2m saving from organisational improvements; that a significant amount of the additional costs of nursing in the hospital is a function of low staff turnover, leading to a higher proportion of nurses on top salary rates and a lower proportion of enrolled or registered nurses; and that sick leave taken by nurses in the ACT is well above interstate averages and there is a need for management of unproductive time, including leave and special leave.

The committee considered comment offered by the Minister on the audit. The outcome is that the committee believes there is a need for effective overall management of nursing resources and the committee recommends that evidence of claimed improvements that are supposedly under way be brought to the Assembly. The committee also recommends that the Assembly be informed on progress in completing a strategic plan for health services to the year 2005.

To some extent, this report is at odds with some of the recent claims in relation to nursing staff numbers. Disturbingly, the report notes that a very high level of sick leave is taken, which to some extent may be an indicator of low morale, but that on the other hand there is a very low turnover of nurses. I think it is well worth the Minister looking through this report and acting upon it. I commend the report to the Assembly.

Question resolved in the affirmative.

URBAN SERVICES - STANDING COMMITTEE
Implementation of Variation No. 64 to the Territory Plan - Statement by Chair

MR HIRD: Pursuant to standing order 246A, I wish to inform the parliament that on 10 July this year the Standing Committee on Urban Services resolved to monitor the manner in which variation No. 64 to the Territory Plan is implemented, especially in relation to Aranda and Latham shopping centres. Further, it was agreed that we should advise the parliament of this decision.

It is appropriate to provide some background to the variation itself. It was proclaimed in July 1997 and extends the range of uses permitted in local shopping centres to make them more viable. For example, Mr Speaker, it permits redevelopment to residential or other use if a particular local centre is proven to be not viable, and it requires any redevelopment to be of an appropriate scale that is compatible with surrounding development. Also, the variation has guidelines setting out how viability is to be assessed. It is not enough simply to state that the shops are not viable. It must be proven against these guidelines. This entails scrutiny of shop turnover levels, rents, number of vacant shops and the degree of consultation with owners and tenants.

The guidelines stipulate that the local community should be consulted before a formal proposal for redevelopment of a local centre is lodged. Only after this consultation has been completed and taken into account by the developer can he or she submit a formal application to the department's Planning and Land Management Group. PALM is then required to institute a formal public notification process.

Against this background, Mr Speaker, I will now outline why members of the Urban Services Committee are interested in the variation. Members know that there is a significant degree of community concern in the Aranda and Latham areas about what might happen to their local shopping centres. This concern has arisen following the consultation process instituted by the developer in relation to redeveloping both centres, the consultation process required by the guidelines before any proposal is lodged. These mark the first use of variation No. 64.

Mr Speaker, in view of the potential for redevelopment to alter well-established land use patterns at local shopping centres such as those at Aranda and Latham, we want the public to know that an appropriate committee of the Assembly is monitoring the process. Therefore, we have issued a media release and placed advertisements in the local press inviting public comment on the future redevelopment of shopping centres such as Latham and Aranda in view of variation No. 64.

At a future stage the committee expects to advise the parliament about the manner in which variation No. 64 is implemented. This will enable all members of the parliament and especially the Executive to be informed about the manner in which the important planning change is being handled. As members would expect, I have advised the Minister for Urban Services of the committee's decision. I took the opportunity in my letter to the Minister to emphasise that the committee in no way wishes to cut across the existing processes which will see a formal redevelopment application come before PALM at some time. However, the committee wants it known that, if the application of variation No. 64 raises problems not foreseen by the members of the last parliament who passed it, then my committee may bring forward a recommendation that the Government revisit the variation. I commend this statement to the parliament.

MR CORBELL: Mr Speaker, I seek leave to make a statement on the same matter.

Leave granted.

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MR CORBELL: In speaking to Mr Hird's comments, I believe that this oversight inquiry by the Standing Committee on Urban Services is an appropriate and an important one, considering the level of concern in the Aranda and Latham communities over the redevelopment of their local shopping centres. I want to stress very strongly that in proposing this oversight inquiry to the Urban Services Committee initially and gaining the support of my two colleagues I was very conscious of the need to address a couple of factors. The first was to make sure that the various issues being raised by residents in Aranda and Latham were appropriately addressed in a forum where they felt that there was the opportunity to oversight and to make recommendations if the process was not proceeding in a way which was acceptable and which seemed to breach at least the spirit if not the intention of variation No. 64.

Variation No. 64 is a sensible attempt to reinvigorate local centres with a mix of uses, but we must be very conscious that the spirit and the intention of variation No. 64 are not pushed beyond the boundaries for which it was established. I think that was the concern coming from Aranda and Latham residents, and that was the reason for this oversight inquiry.

The oversight inquiry is an open-ended inquiry, in that it has no date by which to report to this Assembly. I would envisage, and hopefully my colleagues on the committee will agree, the opportunity for several reports from the committee at different stages as to what is occurring at Aranda and Latham, or indeed at other local centres that may emerge as areas for possible redevelopment under the provisions of variation No. 64.

I would like to stress that Aranda and Latham are being focused on by this committee only because they are the first two examples that are before PALM in any way, even informally, in relation to an application or a proposed application under variation No. 64. If other local centres emerge as areas for redevelopment under variation No. 64, then the Assembly's committee may very well turn to them too. We want to make sure the process works well. I am very interested in addressing the issue of how you measure liability and how those sorts of issues are dealt with in an appropriate manner.

I hope that through this oversight inquiry members of communities affected have the opportunity to put their concerns to the Urban Services Committee, which oversees the planning functions of PALM. If appropriate, I believe this committee should be able to step in and, if the evidence we are presented with warrants it, say that this process is not working and that variation No. 64 must be addressed in some way. Mr Hird, as chairman, flagged that in his statement earlier.

I think the process at the moment is a sensible one. This inquiry does not stop the process overall but it keeps a weather eye on it, and the committee reserves the right to look at the process again in total, with the consequences that that may have, if it is warranted on the evidence presented to the committee. I think that is an approach which gives residents some certainty but also recognises that variation No. 64 is an active variation and people can make applications under it.

MS TUCKER: I seek leave to make a short statement.

Leave granted.

MS TUCKER: I am pleased to see that the committee is looking at this issue. I did ask that they do this in respect of one centre where there was a great deal of concern in the community that variation No. 64 was going to be a mechanism for total developer-run development that did not take into account what the local community wanted to happen. I agree that the intention of the variation was to revitalise centres. That certainly needs to happen, but we really need to make sure that it happens in an appropriate way and that we are not just revitalising the pocket of some developer. I am glad to hear that the committee is looking at this, and I will take an ongoing interest in the work.

POSTPONEMENT OF ORDERS OF THE DAY

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

That orders of the day Nos 2 to 8, Executive business, be postponed until the next day of sitting.

WORKERS' COMPENSATION (AMENDMENT) BILL 1998

Debate resumed from 25 June 1998, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MR QUINLAN (6.22): Mr Speaker, the Opposition does not intend to oppose this Bill. We do not like to see any additional imposts upon business in the ACT. However, this tax, it appears, is being applied fairly and equitably. I have sought and been given a briefing, during which I was assured that the impact on workers compensation premiums is very marginal, a small fraction of one per cent. Therefore we do not oppose the Bill.

MR KAINE (6.23): Mr Speaker, I have no objection to this Bill but I have one question about it. I notice that the Minister, in tabling this Bill, indicated approximately how much the levy would raise, that is, about \$300,000 a year. What he did not do was tell us how much of that he expects to spend for the purposes for which the tax is being collected. In other words, is this a reasonable amount to collect in light of the expense that is likely to be incurred, or are we going to see a bank account within the department building up with the proceeds of this tax which in essence will become Consolidated Revenue? Perhaps the Minister could indicate whether that is the case or not.

MS TUCKER (6.23): The Greens will not be opposing this Bill either. Basically, we are reassured that it does not affect individual workers. Workers in receipt of compensation payments or in the process of claiming for them have enough of a task against them without having to worry about costs along the way. As this amendment directs costs to the other players, appropriate players hopefully, I support it.

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MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (6.24), in reply: Mr Speaker, I want to thank members for their support for the legislation. It is in effect one of the budget Bills, and I am pleased that it has the support of members across the chamber. I want to make just a couple of comments. Mr Speaker, first of all Mr Quinlan made reference to the impact being quite low on individual insurance companies and it not being a heavy burden in that respect. I think that is true; but, if one measures this in terms of the impact on policyholders of insurance companies, I suspect that the impact is quite similar in overall terms to the impact of the insurance levy which is being applied to other policyholders, non-workers compensation policyholders. In fact, the principle is very similar, if not the same, in both pieces of legislation. In both pieces of legislation there is a levy imposed on insurance companies which results in a burden, if you like, being passed on to policyholders. There are, of course, many more policyholders in the case of the insurance levy.

Mr Quinlan: I take a point of order, Mr Speaker. Are we debating this Bill or are we debating the Insurance Levy Bill?

MR HUMPHRIES: I am comparing two Bills which impose a burden on policyholders. I think it is valid to make a comparison between two budget Bills. Mr Speaker, I think it is a bit curious that there is support for this Bill but, I am told, there will not be support for the other Bill, which is effectively identical in its effect on other legislation.

Mr Quinlan: I raise a point of order, Mr Speaker. Are we anticipating a debate or what?

MR SPEAKER: No, this is only a comparison, and we will not get into a debate on the Insurance Levy Bill.

MR HUMPHRIES: I understand Mr Quinlan's sensitivity, Mr Speaker, so I will not further embarrass him on that point. Mr Kaine asked me a question about how much would be raised from the workers compensation levy, or taxation measure - whatever you want to call it - and whether it will be applied to the costs of the system. I should point out the reference in the explanatory memorandum to the likely effect of the Bill - that is \$300,000, as Mr Kaine pointed out - is not simply an estimate of the effect of the measure in terms of revenue; it is not simply a figure or a target that we have set as what we want to raise from the revenue; it is in fact set in the Bill as an amount which equals the cost of administration under the legislation. In effect, we collect \$300,000 only if we have to spend \$300,000 on administering the scheme under the legislation. If, for example, the scheme cost only \$200,000 to administer, then we would collect only approximately \$200,000 under the scheme.

Mr Speaker, I want to thank members for their support for the legislation.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

ADJOURNMENT

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

That the Assembly do now adjourn.

Chief Minister - Attack on Staff Member

MR KAINÉ (6.28): Mr Speaker, after question time today, the Chief Minister made an unjustified, unsubstantiated attack on an Assembly staff member. Such an attack, I think everybody will agree, is unconscionable and despicable since such people are in no position to defend themselves against such an attack made under privilege. I am well aware that a continuing, orchestrated campaign of denigration has been conducted against, in fact, both myself and my staffer over an extended period of time both here and elsewhere. I am also aware of from where and by whom that campaign is being directed. That the Chief Minister and Deputy Chief Minister should allow themselves to become part of that campaign under privilege is reprehensible to say the least. It is within the power of the Chief Minister to ensure this activity ceases once and for all. As a beginning, and as an expression of her good intent, I invite the Chief Minister to apologise unreservedly to my staffer for her intemperate, perhaps hasty attack.

Viagra - Approval in Australia

MR MOORE (Minister for Health and Community Care) (6.29): I have to tell members of the Assembly that things are looking up. I think that we have the opportunity now for members to stiffen their spine and get on with it. As I let you know about this, I do not want there to be any rush of blood to the head. Mr Speaker, today the Hon. Dr Michael Wooldridge, the Minister for Health and Family Services, announced that a new drug will be approved for sale in Australia. I was at a conference this morning when Dr Wooldridge announced this prior to his press conference. Viagra, Mr Speaker, is the drug that is now available in Australia. It is a new drug for the treatment of erectile dysfunction in males. It is undergoing further clinical trials in Australia and overseas for the treatment of female sexual dysfunction.

Mr Speaker, although we have long weeks in this Assembly and sometimes things seem too hard, it is possible for us to retain some sense of humour, and I believe that is the case. We may well want to take this seriously. Before I finish I refer to Dr Wooldridge's press release. One of the reasons a decision was reached as soon as possible was to prevent the growth in the black market or via the Internet of Viagra, a drug that is very popular in other parts of the world, for some reason.

Viagra - Approval in Australia : Chief Minister - Attack on Staff Member

MR BERRY (6.31): One of the things about Viagra that they said you should be careful of is that you should not take it if you have heart trouble. There is no heart over there. Those opposite certainly have heart trouble, so Viagra is something they will not be taking.

I want to express some sympathy regarding the comments that were made by Mr Kaine. I understand that the Liberals opposite would be agitated about losing one of their better performers and they might be a bit sour about Mr Kaine's departure from their ranks. It is all right for them to get stuck into Mr Kaine in this place or anywhere else because I am sure that he is big enough and hairy chested enough to deal with it himself. But I have had some experience in this place where my personal staff have been launched into by Mr Humphries, and you will recall that. It is not something new for personal staff to be ripped into here. I just think you ought not be ripping into the staff that are advising members on the performance of their duties because you do not like it. If you want to get stuck - - -

Mr Humphries: You are the last person in this place, Mr Berry, to lecture anybody about standards - the very last person.

MR BERRY: Mr Humphries interjects about standards. When public servants do not respond to the call adequately, there is a need to express a view about that performance. But when a Minister or a member is advised - - -

Mr Humphries: Why? Why is it all right to attack public servants and not personal servants?

MR BERRY: When a Minister or a member in this place is getting on with their duties, one way or another, and their adviser is seen as part of the success story, you do not go after the adviser. Go after the member or the Minister.

Chief Minister - Attack on Staff Member

MR STANHOPE (Leader of the Opposition) (6.33): I endorse Mr Berry's and Mr Kaine's comments. Mr Speaker, it has been a difficult week; we can probably acknowledge that. It has been quite fraught. Even in those circumstances it does behove members, if they feel the need to express some angst, to actually restrict it to those that do have the opportunity or the capacity to respond on their own behalf. Whilst I acknowledge that it has been a difficult week for everybody, the nature of the very direct attack on Mr Kaine's staff is regrettable. I hope that, even in difficult circumstances, members will pause and at least ensure that members of staff are protected from personal attacks or attacks that they do not have the capacity to respond to.

Bruce Stadium

MR QUINLAN (6.34): Mr Speaker, on a lighter side, I have a bit of news from the front. I have just heard, during an interview at Bruce Stadium with Capital 10 this evening, the sprinklers came on and they could not find the groundsman. So if you are talking to your bookie tonight, a wet track may favour Manly. Get on the phone now.

Chief Minister - Attack on Staff Member : *Hansard* - Changes to Proof Copy

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (6.35), in reply: Mr Speaker, I wish to raise a couple of matters. A question has been raised tonight about references to members' personal staff. I do not think any member in this place makes such references lightly but, Mr Speaker, I for one do not resile from anything that I have said about this matter. I note that Mr Kaine, when he rose to make reference to his not being responsible for any leaking of Cabinet documents or any handing around of Cabinet documents, was very careful not to include his staff in that reference. If he wants to come back on the next occasion and say he is also confident that his staff are not responsible for that, I would be interested to hear what he has to say. Mr Speaker, those are the comments on the record.

Mr Speaker, in the debate on the censure motion on Tuesday, there was a matter that Mr Wood raised about the difference between an uncorrected proof copy of *Hansard* dating back to 28 May and a weekly *Hansard* which was subsequently published which had quite different words used in respect of comments I made about the Kinlyside development. Mr Wood raised, I think fairly, a quite significant disparity between my words as used on 28 May and my words as published in the Weekly *Hansard*. I have consulted with Hansard about the difference between those words and I am assured that the variation was made at the behest of the staff of Hansard in order to clarify the meaning of the words. I have been assured that no member of my staff asked for that change to be made. I certainly made no change of that kind myself. I want to put it on the record that it is quite a significant variation. I do not think the variation is unfair in terms of the effect that was being achieved, but I think it is fair to put it on the record that there was no instigation by me or my office for that variation to occur.

Question resolved in the affirmative.

Assembly adjourned at 6.37 pm until Tuesday, 1 September 1998, at 10.30 am

27 August 1998

ANSWERS TO QUESTIONS

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION**

Question No. 20

**National Competition Policy Agreements -
Legislation and Monopolies Affected**

Mr Osborne - Asked the Chief Minister upon notice on 23 June 1998:

- (1) Can you provide a list, including timeframes, of any pieces of legislation and/or monopolies which (a) have been reviewed, (b) are currently under review or (c) need to be reviewed to determine how they are affected by national competition policy agreements.
- (2) What outcome or decision has been made for each piece of legislation or monopoly that has been reviewed.

Ms Carnell - The answer to the Member's question is as follows:

The tables at attachment one summarise the Territory's legislative review program. You will note that where reviews have been completed the outcomes are recorded in the sixth column.

In regard to monopolies the following action has been taken by the Government.

- ACTEW - an independent review of future options for ACTEW is expected to be delivered later in 1998. The review will examine regulatory issues.
- ACTTAB - the report of the consultants has been submitted and the Government is considering the recommendations.
- Milk Authority - the report on the review of the *Milk Authority Act 1971* is public and the Government is considering the recommendations.
- ACTION - The terms of reference for an independent pricing inquiry have been issued. The report of the Independent Pricing and Regulatory Commission is expected in early 1999.

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27 August 1998

MINISTER FOR JUSTICE AND COMMUNITY SAFETY
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 21

Firearms Act - Approved Clubs

MR OSBORNE: Asked the Attorney-General -

- (1) Can you provide a list of clubs which have been declared an "Approved Club" for the purposes of section 15 of the *Firearms Act 1996*.
- (2) Can you provide a list of the date each club was incorporated.

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

- (1) Approved Clubs as at 31 May 1998:

ACT Antique & Historical Arms Association

ACT Smallbore Club

Bungendore Rifle Club

Canberra National Pistol Club

Majura Park Gun Club

Sporting Shooters Association Australia ACT Incorporated

3rd RNSW Regiment Association

Australian Deer Association Southern Region & ACT

ACT Air Pistol Club

Air 2000 Olympic Target Club

ACT Black Powder Firearms Club

Canberra Fullbore Rifle Club

Canberra International Clay Target Club

Canberra Rapid Air Matches Club

Harmonie Air Rifle Club

(2) Date club incorporated:

ACT Antique & Historical Arms Association	21 June 1998
ACT Smallbore Club	31 August 1987
Bungendore Rifle Club	3 December 1997
Canberra National Pistol Club	10 February 1976
Majura Park Gun Club	15 June 1966 *1
Sporting Shooters Association Australia ACT Inc.	15 June 1966
3rd RNSW Regiment Association	14 March 1994
Australian Deer Association Southern Region & ACT	Associated in NSW *2
ACT Air Pistol Club	10 February 1976 *3
Air 2000 Olympic Target Club	10 February 1976 *3
ACT Black Powder Firearms Club	17 October 1984
Canberra Fullbore Rifle Club	28 February 1978
Canberra International Clay Target Club	25 June 1976
Canberra Rapid Air Matches Club	10 February 1976 *3
Harmonie Air Rifle Club	9 June 1961 *4

* 1 Affiliated under the registration of the sporting Shooters Association Australia ACT Inc.

*2 Affiliated under the registration of the Australian Deer Association Sydney Branch

*3 Affiliated under the registration of the Canberra National Pistol Club.

*4 Affiliated under the Harmonie German Club Inc.

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
Question No. 25**

Contractual Arrangements

MR STANHOPE - asked the Chief Minister upon notice on 23 June 1998:

In relation to ACT contractual arrangements entered into by the ACT -

- (1) How many contracts did it enter into using the "single select" method of tendering in the (a) 12 months to 30 June 1996 and (b) 12 months to 30 June 1997.
- (2) What was the total value of contracts entered into using the "single select" method of tendering in the (a) 12 months to 30 June 1996 and (b) 12 months to 30 June 1997.
- (3) How much money was paid to Totalcare Industries Ltd for services performed by the Works and Commercial Services Group from 1 January to 30 June 1997.

MRS CARNELL - The answer to the Member's question is as follows:

- (1) The ACT Government purchasing policy allows single select tenders to be entered into as an alternative to competitive tender for individual purchases greater than \$50,000 in certain circumstances. For purchases under \$50,000 formal competitive tender is not required, although, best value for money considerations apply. Circumstances for a "single select" tender for purchases greater than \$50,000 may include:
 - single source of supply or sole supplier;
 - standardisation upon a given item or product after public tenders have been called for the original equipment;
 - compatibility with existing systems;
 - specialist knowledge or expertise requirements; and
 - tied arrangements established with Territory Owned Corporations such as Totalcare Industries Ltd.

The number of contracts entered into using the "single select" method of tendering in respect to individual purchases of a value greater than \$50,000 in the (a) 12 months to 30 June 1996 was 47 and (b) 69 for the 12 months to 30 June 1997.

- (2) The total value of contracts entered into using the "single select" method of tendering in respect to individual purchases of a value greater than \$50,000 in the (a) 12 months to 30 June 1996 was \$13,699,149 and (b) \$23,197,724 for the 12 months to 30 June 1997.

- (3) Approximately \$55,961,147 was paid to Totalcare Industries Ltd for services performed by the Works and Commercial Services Group from 1 January to 30 June 1997.

27 August 1998

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
Question No. 29**

Ministerial Council on Aboriginal and Torres Strait Islander Affairs

MS TUCKER - Asked the Chief Minister upon notice on 24 June 1998:

In relation to the Ministerial Council on Aboriginal and Torres Strait Islander Affairs - Over the last five years, can the Minister provide (a) the dates of all meetings met by the Council and (b) the name of the Minister who represented the ACT at each of these meetings.

MS CARNELL - The answer to the Member's question is as follows:

Over the past five years, the Ministerial Council on Aboriginal and Torres Strait Islander Affairs has met seven times. These meetings and the Ministers who attended are:

22 October 1993	Brisbane	No Minister attended #
3 November 1994	Sydney	Ms Rosemary Follett MLA, Chief Minister
20 October 1995	Melbourne	Ms Kate Carnell MLA, Chief Minister
22 November 1996	Adelaide	No Minister attended # (Prior commitments)
15 August 1997	Perth	No Minister attended # (Prior commitments)
12 March 1998	Melbourne	No Minister attended (Caretaker period)
8 July 1998	Sydney	Mr Michael Moore MLA, Minister for Health and Community Services*

*joint meeting of Australian Health Ministers' Conference and Ministerial Council for Aboriginal and Torres Strait Islander Affairs.

a senior official represented the ACT on these occasions.

Where the Chief Minister did not attend a meeting, she was fully briefed on all agenda items and a government view prepared. The Chief Minister was also briefed after each meeting.

ACT LEGISLATIVE ASSEMBLY

QUESTION ON NOTICE NO 30

Sewerage Maintenance

Ms Tucker asked the Minister for Urban Services - in relation to sewerage maintenance in the ACT

- (1) What are the annual maintenance costs of the sewer mains from 1992 to 1998 (monthly figures for 1998) broken down by (a) size of main and (b) location of mains (ie. backyard, street) and include a detailed explanation of any changes in maintenance costs.
- (2) What is the annual maintenance program for sewer mains from 1992 to 1998 (monthly figures for 1998) broken down by (a) size of main and (b) location of mains (ie. backyard, street).
- (3) What is the number of sewerage disruptions per 100 properties for the period 1992-1998 (monthly figures for 1998).
- (4) Over the period 1992-1998: (a) has ACTEW in any way changed its maintenance program from a preventative maintenance system towards a maintenance on demand system, if so, what are the reasons for any changes; and (b) has ACTEW revised its allocation of funding for sewerage main maintenance over this period, and, if so, what are the details.

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

- (1) The annual maintenance costs of the sewer mains from July 1992 to June 1998 were as shown in the tables below:

Financial Year of Expenditure	Actual Expenditure
1992/93	\$2,466,834
1993/94	\$3,118,338
1994/95	\$3,131,464
1995/96	\$2,588,058
1996/97	\$3,114,509
1997/98	\$3,032,347

1997/98 Month of Expenditure	Actual Expenditure
July 1997	\$146,640
August 1997	\$355,862
September 1997	\$87,333
October 1997	\$306,159
November 1997	\$181,021
December 1997	\$196,212
January 1998	\$161,589
February 1998	\$164,161
March 1998	\$177,771
April 1998	\$149,352
May 1998	\$340,609
June 1998	\$765,638

Maintenance costs are not held in the format requested. Therefore the costs cannot be broken into the categories of (a) size of main, and (b) location of main.

Fluctuations from year to year and month to month are caused by variations in the volume and nature of reactive maintenance and the time in bringing costs to account. The figure for June 1998 includes all accruals for the financial year. Accruals are expenditures incurred on work performed during the financial year including such items as materials, plant hire, contract payments etc. for which invoices have not yet been received or payments actually made.

- (2) The annual maintenance programme includes preventive maintenance, repairs and replacement of pipes etc. Preventive maintenance includes CCTV inspection, hand and mechanical rodding of sewers, high pressure water jet cleaning and the application root inhibiting foam to control root intrusion.

Over the period concerned a number of new technologies and systems have been trialed and/or adopted in order to reduce reliance on expensive and often inefficient manual rodding which had traditionally been used and was associated with high injury rates.

In order to be cost effective, preventive programmes are targeted to known high incident areas rather than the system as a whole.

Expenditures on programmed maintenance are given in the table below:

Period	Programmed maintenance	Expenditure
1992/93	Preventive Programme	\$496,173
	Repairs and Replacements	\$1,087,084
	Urgent and Reactive Maintenance	\$883,577
1993/94	Preventive Programme	\$683,839
	Repairs and Replacements	\$1,454,308
	Urgent and Reactive Maintenance	\$980,191
1994/95	Preventive Programme	\$501,574
	Repairs and Replacements	\$1,449,405
	Urgent and Reactive Maintenance	\$1,180,485
1995/96	Preventive Programme	\$660,414
	Repairs and Replacements	\$783,982
	Urgent and Reactive Maintenance	\$1,143,662
1996/97	Preventive Programme	\$935,067
	Repairs and Replacements	\$955,375
	Urgent and Reactive Maintenance	\$1,224,067
1997/98	Preventive Programme	\$505,897
	Repairs and Replacements	\$920,675
	Urgent and Reactive Maintenance	\$1,605,775

- (3) Sewerage disruptions per hundred properties for the period 1992 to 1998 are as follows:

Period	Number of Disruptions per Hundred Properties
1992/93	4.18
1993/94	4.93
1994/95	6.75
1995/96	5.81
1996/97	6.41
1997/98	7.18

Period	Number of Disruptions per Hundred Properties
Ju1-97	0.81
Aug-97	0.67
Sep-97	0.68
Oct-97	0.46
Nov-97	0.34
Dec-97	0.43
Jan-98	0.48
Feb-98	0.49
Mar-98	0.54
Apr-98	0.64
May-98	0.89
Jun-98	0.75

Note: Each individual blockage is assumed to disrupt sewerage services to an average of 1.8 properties. To obtain the blockage rate, the disruptions need to be divided by 1.8.

- (4) Over the period from 1992 to 1998 the overall expenditure on preventative and reactive maintenance has increased by 50%. The balance of expenditure between preventative maintenance and reactive maintenance has been determined more by particular circumstances at a given time than by any other factor.

In this period a number of different maintenance techniques and equipment have been trialed. By and large more efficient, less hazardous, mechanically assisted methods have replaced the labour intensive manual methods of the past.

There seems to be little correlation between expenditure on preventative maintenance and the number of blockages experienced in the following year. Indeed the highest number of blockages in the period occurred in 1997/98, the year immediately following the largest expenditure on preventative maintenance.

A range of other external factors, in particular weather and ground conditions, seem to have the most significant influence on blockage rates. With this in mind ACTEW endeavours to apply its maintenance resources in the most efficient way to ensure minimal customer disruption.

MINISTER FOR JUSTICE AND COMMUNITY SAFETY

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 31

Diversiónary Conferencing

MR STANHOPE: Asked the Attorney-General -

In relation to the training of personnel engaged in diversionary conferencing -

- (1) What training is provided by your department, or the Australian Federal Police.
- (2) Have the training requirements of personnel been reviewed since the "I am a thief" T-shirt incident. If so, what are the results of the review. If not, will the Minister direct that such training be provided.

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

- (1) The Australian Federal Police provides a two day training course for diversionary conferencing facilitators which includes the history and philosophy of diversionary conferencing; its operation; the legal perspective; who should participate; how to facilitate a conference; observation of two conferences; and administrative functions. The first three conferences conducted by newly qualified facilitators are observed by a member of the Diversionary Conferencing Team who debriefs the facilitator.
- (2) Training was reviewed and training in relation to conference outcomes was expanded to specifically include the T-shirt incident as an example of an inappropriate outcome.

27 August 1998

MINISTER FOR EDUCATION
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 32

Accommodation for Lone Fathers in Crisis

MS TUCKER -asked the Minister for Education on notice on 25 June 1998 :

In relation to the proposed accommodation for lone fathers in crisis -

1. Has there been an evaluation of existing services for men in the ACT? If so, will the Minister provide details?
2. Will the Minister provide details of what processes have been followed to examine likely efficacy of the proposed model?
3. Will the Minister provide details of what consultation has taken place with existing service providers about service gaps for men and the most appropriate service delivery models?
4. Has the proposed accommodation been open to a public tender process
(a) if so, what are the details of the process; (b) if not, why not?
5. What conditions will be placed on the service provider in terms of (a) evaluation of client satisfaction, (b) service delivery standards, (c) participation on relevant community networks and (d) any other matter.

MR STEFANIAK - the answer to Ms Tucker's question is:

The accommodation service for lone fathers in crisis is shortly to be established. It will be a refuge-based service delivery model. The answers to the specific questions asked are:

1. A formal evaluation has not taken place. Over the last few years it has become evident through communication with the community with a range of interest groups, that there is a perceived gap in service delivery for crisis accommodation for single fathers. Available services which single fathers can access include family support programs operated by the ACT Regional Community Services, parenting courses through the Family Resource Centre, the Smith Family family support program, SAAP family sector services, Canberra One Parent Family Support service, Parent Support Service and Murringu Men's Drop-In Centre.

2. The model has been proposed by the service provider as one which is appropriate to meet the needs of the client group.
3. As previously mentioned, this gap has been identified in discussions with interest groups and individuals within the ACT community over the last few years.
4. Community organisations can apply at any time to ACT Housing for accommodation to operate community accommodation services. They are not required to go through a tender process.

ACT government accommodation is provided in response to needs identified by a range of different community sectors.

I would like to emphasize that this is an additional service which is being introduced in the ACT.

No funding has been taken away from any other community organisation in order to fund this new service.

5. The new service will be funded stringently in accordance with government accountability requirements within the ACT purchaser-provider environment.

The terms of the funding agreement between the Territory and the organisation in relation to service specifications and reporting structures will be developed and administered by my department.

These will include service strategies for client feedback, linkages with and referrals to and from other relevant organisations and service performance measurement.

27 August 1998

MINISTER FOR JUSTICE AND COMMUNITY SERVICE

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 33

Move-on Powers

MR STANHOPE: Asked the Attorney-General:

In reference to the collection and maintenance of data to assess the benefits and effects of move on powers -

- (1) What steps have been taken to facilitate an assessment of the effect of the introduction of move on powers.
- (2) What procedures will be used to record instances of use of the powers.
- (3) What directions, if any, will be issued in relation to the exercise of the powers.
- (4) How will the effectiveness of the use of the powers be assessed.
- (5) What records currently exist on the prevalence of assault in Canberra.
- (6) Will all police officers be authorised to use the powers.
- (7) Will the Minister table in the Legislative Assembly a breakdown of the location of all assaults and other violent crime in Canberra in each of the last three years, including location of incident by:
 - (a) street/footpath;
 - (b) open space;
 - (c) public transport;
 - (d) bus interchanges;
 - (e) car parks;
 - (f) areas in town centres other than street/footpath;
 - (g) other community facilities.

MR HUMPHRIES: The answers to Mr Stanhope's questions are as follows -

- (1) The Australian Federal Police (AFP) is currently developing a training package. A quarterly review, commencing in November 1998, will be undertaken to assess the effectiveness of the move on powers.

- (2) The AFP's offences database, Computerised Online Policing System (COPS), records offences reported or becoming known to the ACT Region of the AFP. COPS includes move on powers as key words when entering offences.
- (3) The training package being developed will include best practice guidelines for the exercise of move on powers.
- (4) Effectiveness of move on powers will be assessed by individual officers when deciding to apply the powers during actual incidents.
- (5) Assault offences are recorded within COPS.
- (6) Yes.
- (7) Yes. I table in the Legislative Assembly each year the AFP ACT Region's Annual Report which includes offences reported or becoming known in the ACT. The data, extracted from COPS, includes all assaults and other violent crime.

It is not possible to provide a breakdown as requested at (a) to (g) as the COPS database uses different parameters for recording the location of offences.

The following data is for the three years 1994/95, 1995/96 and 1996/97 and offence types within the category of offences against the person in "public places" where move on powers can be applied:

1994/95

	Public place includes street, footpath and bicycle path	Car park*	Bus depot and interchange	Recreational centre*	Other*	Total in "Public Place"	Percentage of Total Offences**
Murder		1				1	25%
Attempted Murder	1					1	25%
Conspiracy to Murder						0	
Manslaughter						0	
Assault							
Occasioning GBH	13	2				15	63%
Assault							
Occasioning ABH	145	17		3	8	173	46%
Assault, Other	495	43	9	14	38	599	53%
Sexual Assault	29	4	3		5	41	40%
Other Offences							
Against the Person	17	2	1			20	20%
Armed Robbery	11	3				14	50%
Other Robbery	60	8			1	69	84%
Total	771	80	13	17	52	933	50%

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1995/96

	Public place includes street, footpath and bicycle path	Car park*	Bus depot and interchange	Recreational centre*	Other*	Total in "Public Place"	Percentage of Total Offences**
Murder						0	
Attempted Murder	2					2	67%
Conspiracy to Murder					1	1	100%
Manslaughter						0	
Assault							
Occasioning GBH Assault	16	1				17	68%
Occasioning ABH	188	12	3	6	7	216	48%
Assault, Other	548	44	12	11	30	645	49%
Sexual Assault	51	6	2		5	64	23%
Other Offences							
Against the Person	12	2			6	20	25%
Armed Robbery	18	1			1	20	30%
Other Robbery	84	13	3		1	101	84%
Total	919	79	20	17	51	1086	46%

1996/97

	Public place includes street, footpath and bicycle path	Car park*	Bus depot and interchange	Recreational centre*	Other*	Total in "Public Place"	Percentage of Total Offences**
Murder						0	
Attempted Murder	2					2	67%
Conspiracy to Murder						0	
Manslaughter						0	
Assault							
Occasioning GBH Assault	4	1				5	26%
Occasioning ABH	163	17		3	8	191	49%
Assault, Other	670	60	12	13	39	794	49%
Sexual Assault	48	3	1	2	6	60	26%
Other Offences							
Against the Person	12	2		1	3	18	25%
Armed Robbery	11	8	1	1		21	27%
Other Robbery	90	14	1		1	106	80%
Total	1000	105	15	20	57	1197	47%

* May include offences committed in private facilities for which move on powers cannot be applied.

** Total number of the particular offence committed in "public places" as a percentage of the total number of the particular offence recorded in the ACT

CHIEF MINISTER FOR THE ACT LEGISLATIVE ASSEMBLY QUESTIONS

Question No 34

ACTEW Support to Organisations

Mr Hargreaves - Asked the Treasurer - in relation to the provision by ACTEW of support to community organisations, both (a) in cash and (b) in kind -

1. What organisations received support in 1997/98 and what was the value of the support provided; and
2. To which community organisations (a) has ACTEW provided support and (b) does ACTEW propose to provide support in 1998-99 and what is the value of the support provided or proposed to be provided

Mrs Carnell - The answer to the Member's question is as follows:

1. In 1997/98 ACTEW Corporation provided support to 40 organisations and activities totalling \$490,822.
2. A list of the community organisations and the amount of donation made is detailed in Attachment A.

For 1998/99 ACTEW is committed to providing support to 17 community organisations totalling \$498,900. The list of organisations and amount of support provided is detailed in Attachment B.

ACTEW may provide support for other community activities during 1998-99, but the level or nature of such support has not been determined at this time.

27 August 1998

ATTACHMENT 'A'

1997/98 Sponsorship - Community Organisations and Activities

ACT Enterprise Workshop	15,000
ACT Sports House - ACTEW Sports Hall Of Fame	5,000
Red Cross Ball	800
Barnardos	500
Crop a Cop	750
Canberra Institute Of Technology - Annual Student Award	400
Confederation Of Australian Sport - ACTEW Active Australian Games	250,000
ACT/Eden Monaro Cancer Support Group (mini bus)	15,000
ACTEW Diplomatic Reception/Briefing	7,794
Young Australian of the Year	9,159
Masters Games (ACTEW Advertising Logo on swim caps and chest numbers for athletes)	6,462
Old Parliament House - Refurbishment of Senate and House of Representatives Fountains	17,000
RSPCA	376
Royal Canberra Show	9,340
Capital TV Special Children's Xmas Function	1,000
Smith Family	10,600
Xmas Lights Civic	1,950
ACT Debating Society	2,800
Australian Cancer Society	500
Australian Science Festival	50,860
Solar Car Rally (to promote and televise Lake Tuggeranong's entry into Solar Rally in Akita, Japan)	30,550
Camp Quality	500
Community Aid Abroad	20,000
Conservation Council	1,500
Dickson College - Fuel Efficient Vehicle Challenge	2,050
Salvation Army	145
Karabar High School	750
Lions Club	250
The Cancerians	500
Muscular Dystrophy	500
Science Education	1,000
SIDS	1,500
Swim for Heart	36
Heart Foundation	10,000
University of Canberra - Graduate Corporate Affairs (PR) Scholarship	9,000
APESMA - Best of Engineering Graduate	1,000
Australian Institute of Technological Sciences and Engineering	3,000
Civil & Civic Charity Golf Day	1,000
IREE Society	250
National Press Club - Thredbo Charity Appeal	2,000

ATTACHMENT B**1998/99 Sponsorship - Community Organisations and Activities**

Canberra Cannons	300,000
ACT Festivals - Canberra Festival and Floriade	20,000
National Water Week	5,000
ACT Debating Society	2,900
Australian Science Festival - Amazing World of Science	80,000
Solar Car Rally	20,000
Royal Canberra Show - Children's Animal Nursery	10,000
Smith Family (2 nd year of a 3 year arrangement to provide scholarships for underprivileged school students)	8,000
Community Aid Abroad	10,000
Lend Lease Charity Golf Day	1,000
YMCA Carols by Candlelight	1,000
National Capital Xmas Tree	2,000
Apex Stop, Revive, Survive	1,000
Capital TV Special Children's Xmas Function	1,000
Variety Club	2,000
CLASP - Council for the Ageing - 2 nd Edition of 'Your Home Safety and Security Handbook'	30,000
ACT/Eden Monaro Cancer Support Group (mini bus)	5,000

MINISTER FOR HEALTH AND COMMUNITY CARE

QUESTION ON NOTICE: No. 35

Work Resources Centre

Mr Rugendyke, on 26 August 1998, asked the Minister for Health and Community Care the following questions in relation to the Work Resources Centre:

- (1) Can the Minister confirm that the Centre received a grant to provide mental health services for adults with mental illness?
- (2) If so, how much was the grant?
- (3) What criteria applied to the grant being awarded to the Centre?
- (4) What capacity does the Centre have to provide the contracted services?
- (5) Has the grant money been paid and if so, when?
- (6) How many clients with mental illness are currently accessing the service purchased?

Mr Moore - The answers to Mr Rugendyke's questions are as follows:

- (1) In 1997-98, Work Resources Centre was contracted to provide community based supported accommodation services to people with mental illness. This took effect from March 1998. This service was also purchased from the Centre in 1998-99.
- (2) For this, the Centre was paid \$43,333 in 1997-98, and should receive \$130,000 in 1998-99.
- (3) A competitive tender process was held in November 1997 to select service providers for community based supported accommodation services. Tender evaluation was based on an organisation's ability to meet specific criteria detailed in tender brief number 10. This included evidence of the organisation's ability to meet the proposed health outcomes, manage the service financially and qualitatively, establish working relationships with relevant service providers, and provide value for money. On this basis, the tender evaluation panel recommended two organisations be awarded contracts - Work Resources Centre and Centacare.
- (4) The Centre has the capacity to provide supported accommodation services to a minimum of 13 medium level care clients at any one time.
- (5) In 1997-98 the Centre was paid \$43,333 for the provision of services. So far in 1998-99, the Centre has received its first quarter payment of \$32,500 with \$97,500 to be paid in the remaining three quarters.

- (6) The Centre is currently providing accommodation support to 4 clients with medium level care needs and 2 with high level care needs. Another client referred to the Centre was due to start mid September, however, a relapse occurred and the client will not be able to access the service until early October. Supported accommodation in the mental health field is an area of fluctuating demand and it is not uncommon for clients to move back and forth between providers. On this basis, it was anticipated that the Centre, a new provider in the field, would experience some difficulties in meeting its target. The Department is currently working closely with the Centre and other mental health service providers to promote the new service and accelerate the referral process. It is expected that the Centre will be operating to full capacity in the longer term.

**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

QUESTION ON NOTICE

QUESTION NO. 36

Insurance Levies for Emergency Services

MR QUINLAN: Asked the Deputy Chief Minister -

- (1) Is it correct that a multi-titled residential property consisting of more than seventy townhouses and one body corporate will attract a 'business' classification for the purposes of the Emergency Services and associated insurance levies.
- (2) If so, why have these units attracted a business classification when they are clearly residential units.
- (3) Have other similar multi-titled properties received the same classification.
- (4) How many multi-titled properties are there in the ACT.
- (5) Will non-residential bodies corporate (eg Cooyong Centre) attract a business classification.
- (6) What is the estimated revenue split between the business and private classification.

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

- (1) There is no 'business' classification under the *Insurance Levy Bill 1998*. As in NSW, it is likely that some insurance companies will make a commercial decision to differentiate between:
 - . houseowners' and householders' insurance (eg, house, contents and public liability insurance);
 - . fire, industrial special risk or contractors all risks insurance policies; and
 - . insurance in relation to vehicles.
- (2) If the insurance policy in question falls into the first category in my response to question 1, it should attract the same rate as other houseowners' and householders' insurance policies. However, if the policy has been negotiated to take advantage of a particular premium rate, it may be regarded by the insurance company as coming within the second category.

- (3) The answer to this question is not known. This is a matter for insurance companies themselves to answer. As the member may be aware, the Insurance Council of Australia (ICA) has not provided the ACT Government with testable data to support claims of particular increases in premiums as a result of the imposition of this levy.
- (4) The Registrar-General's Office has advised that 1,696 unit plans have been approved in the ACT. Of these, approximately ten have been cancelled. A small number of developments encompass more than one unit plan.
- (5) If the insurance policy taken by the body corporate falls into the first category in my response to question 1, it should attract the same rate as other homeowners' and householders' insurance policies. However, if the policy has been negotiated to take advantage of a particular premium rate, it may be regarded by the insurance company as coming within the second category if that is their commercial decision. The Bill does not compel an insurance company to treat bodies corporate in a specific manner.
- (6) Until returns are provided by insurers and property owners (in the latter case, in respect of a policy taken out with a foreign insurer) or until the ICA complies with the Government's many requests to supply testable data, it will not be possible to provide an accurate split between the categories of insurance.