



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

2 September 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.

FOOD (AMENDMENT) BILL 1998

MS TUCKER (10.31): I present the Food (Amendment) Bill 1998.

Title read by Clerk.

MS TUCKER: I move:

That this Bill be agreed to in principle.

Mr Speaker, this Bill addresses a growing consumer issue not just in Australia but globally, which is the issue of genetic modification of food. The Bill requires that irradiated or genetically modified food sold in the ACT be labelled to that effect so that consumers are able to make an informed choice about whether they want to buy such food.

This Bill is a slightly modified version of the Bill which members of the last Assembly will recall was presented to the Assembly by former MLA Terry Connolly in August 1995. The Bill was passed in principle in December 1995. Debate on the Bill was then adjourned at the detail stage, but unfortunately the Bill languished on the notice paper and was never brought back for debate. I am disappointed that nobody in the ALP was prepared to take up the issue after Mr Connolly's departure from the Assembly. I have decided therefore to push this Bill along myself as the situation with genetically modified food is becoming urgent.

Mr Connolly was aware, as I am, that there are national agreements in place through the Australia and New Zealand Food Authority for regulating the production and sale of food. However, his intention in presenting this Bill was to get support from the Assembly for the labelling of genetically modified or irradiated food because at that time there were no national agreements in place covering the issue. He wanted the ACT to send a clear message to the other States that they needed to take the issue of genetically modified food more seriously and to take a strong stand about the labelling of such food. In fact, he said that he hoped that the Bill would not need to be implemented because he would prefer the National Food Authority to adopt mandatory labelling on a national scale.

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I would agree with Mr Connolly's intentions with this Bill. Unfortunately, the Australia and New Zealand Food Authority has so far not taken a strong stand on labelling, so it is necessary to continue to pursue this legislation in the ACT.

The 10 Health Ministers which make up the Australia and New Zealand Food Authority met at the end of July this year and decided that genetically modified foods that are substantially different from their conventional counterparts in their properties such as taste or nutrition would have to be labelled. For example, a tomato which is genetically modified to taste sweeter or to contain more vitamins would have to be labelled. I understand that there are no such foods in this category currently being sold in Australia.

However, the Ministers did not agree to labelling of genetically modified foods that are what they call substantially equivalent to normal foods. For example, a genetically modified tomato that includes toxins to kill insects, or has been made virus resistant, or has been given antibiotic resistance, or has been made herbicide tolerant, would not be labelled because it may still taste and look the same as an ordinary tomato. The Ministers decided to consider this aspect of labelling again at their next meeting in December this year.

This outcome was very disappointing as the Ministers have avoided making a decision over genetically modified foodstuffs that are already starting to come into Australia. At the end of 1996 importation of genetically modified soybeans from the United States commenced. These beans, called "roundup ready soybeans", have been produced by the United States multinational Monsanto to be resistant to the company's Roundup herbicide. Weeds in conventional soybean crops can only be sprayed lightly so as not to affect the crop, whereas roundup ready soybeans can be sprayed regularly and indiscriminately. The roundup ready beans, therefore, have up to 200 times the herbicide residue found on normal beans.

Soybeans, in such forms as flour, oil, protein concentrate, lecithin and thickeners, are used in over 60 per cent of all processed foods, including bread, chocolate, cakes, margarine, meat substitutes, ice-cream and baby food. For example, tests have recently confirmed that two brands of baby food sold in Australia, Wyeth Infasoy Progress and Heinz High Protein cereal, contain genetically modified soybeans.

Roundup ready soybeans are only the first genetically engineered food to reach our shores. There are sure to be many more to follow as I understand that some 30 genetically modified crops are currently being grown in the United States. However, Mr Speaker, we would have no way of knowing whether we are eating any of these soybeans, or other genetically modified food, because of the totally inadequate labelling requirements in Australia.

In proposing this Bill, I am not asking the Assembly to make a judgment on whether genetic engineering of food is good or bad, because I do not think that the evidence either way is clear yet. However, due to the importance of this issue to public health, I think that all governments should be taking a precautionary approach and making every effort to keep consumers informed about the health implications of what they are eating. I think that consumers have a right to know what is in the food they buy so that they can make an informed choice.

Labelling of food is an ideal way of achieving this. There are already labelling requirements in place for food, such as requirements to list the ingredients of the food and any chemicals added to the food. Labelling to indicate whether the food itself or any ingredients in the food have been genetically modified is just an enhancement of existing labelling principles. In fact, if the makers of genetically modified food are so certain about the quality of their products, they should have no objection to labelling.

This issue is becoming increasingly urgent, not just in Australia but across the world. Since the export of the roundup ready beans started to Europe at the end of 1996, there have been widespread protests there by consumer and environmental groups concerned about the possible adverse effect on human health and the environment.

It could be argued by some people that labelling for genetic modification is too impractical because of the difficulties of detecting the genetically modified ingredients, but surely these problems can be overcome, as they have with the labelling of chemical additives to foods. It should really be the responsibility of the food producers to know what is in their products and to pass on this information to consumers via labelling.

The problems of labelling individual fruit and vegetables have also been addressed in the Bill by specifying that information does not have to be printed on the food itself but can be done by a notice displayed next to the food.

I think the ACT Government should take a stronger stand than what the Food Authority has done and require all food containing genetically modified ingredients to be labelled. I acknowledge that the current Minister for Health has taken a lively and strong interest in this issue and is supportive. The Government may raise the argument that the ACT always has to stay in line with what the other States are doing. However, this approach can only lead to the lowest common denominator approach to issues, which is a real barrier to innovation and reform, and a somewhat depressing stance. Someone has to take the lead and push the other States along, and we think it should be the ACT. The Government has taken a stand on other issues where it believes that the ACT should be able to control its own affairs, and we see no reason why it should not take a stand on food labelling.

I therefore urge the Assembly to progress this important Bill, particularly now that genetically modified food is starting to be imported into Australia, and that Health Ministers are being asked to reconsider this very serious issue at the end of this year.

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

AUTHORITY TO BROADCAST PROCEEDINGS
Paper

MR SPEAKER: Pursuant to subsection 8(4) of the Legislative Assembly (Broadcasting of Proceedings) Act 1997, I present an authorisation to broadcast given to a number of television and radio networks in relation to proceedings of the Assembly for today, 2 September 1998, concerning debate on the motion relating to the Health Regulation (Abortions) Bill 1998.

HEALTH REGULATION (ABORTIONS) BILL 1998
Motion

MR BERRY (10.41): I move:

That this Assembly requests Mr Osborne move to withdraw the Health Regulation (Abortions) Bill 1998.

Yesterday, Mr Speaker, I gave formal notice of this motion. We have requested Mr Osborne to move to withdraw the Health Regulation (Abortions) Bill. On drafting that motion I was very careful to consult widely on the issue. I consulted with the Women's Electoral Lobby, the Family Planning Association and the Women's Legal Service. I also talked to various MLAs around this place, including some amongst the Liberal Party. I am sure that Mr Moore will not mind me mentioning that I consulted with him. I consulted also with Ms Tucker. I also consulted with my Labor colleagues. We have a policy position that we have a conscience vote in relation to this matter, and the leader of the party announced that Labor would be supporting this request at the rally yesterday.

Mr Speaker, at the outset I think it is important to raise the issue of where the motion comes from, to ensure that people understand what this is about. I saw a press release from the Chief Minister which I should deal with at the outset. It talks about "Berry's backflip on abortion". Those who saw the Chief Minister yesterday accepting warm congratulations from the thousands gathered in the square on her statement that she was pro-choice could believe today that they might have been misled as the Chief Minister has made it clear that she will not be supporting this move to seek that Mr Osborne withdraw this Bill.

Mr Speaker, the most often repeated request at yesterday's gathering of thousands was: "Withdraw the Bill, Mr Osborne". As I said, that was the most often repeated request. This Bill that is before the house has been put forward without consultation. In fact, it sets out to turn back the clock. The overwhelming majority of people in the Canberra community are opposed to this Bill. It creates a level of disquiet that we have not experienced in the recent past, and probably in the life of this Assembly, because of the draconian moves that it seeks to implement.

I am giving Mr Osborne the chance to listen to the community. It was, after all, Mr Osborne who said to the community, "I will not turn back the clock". His recent actions are, of course, quite contrary to the promise that he made to the electors. People in the ACT community are entitled to form the view that they have been deliberately misled by the introduction of this Bill. Mr Osborne, you have the chance now to confirm your promise that you would not turn back the clock. This motion will surely do this. It will affect the 1,700 ACT women who seek terminations in the ACT. It will affect the 2,000 women from the ACT and the region who seek terminations in the ACT. It will not stop terminations of pregnancy. It will merely force them to go somewhere else.

Ms Carnell: I take a point of order, Mr Speaker. Mr Berry is debating the Bill rather than the motion, which I suggest is out of order.

MR BERRY: No, I am talking about the effects on women and why they are upset.

Ms Carnell: The motion is quite clear. It is asking Mr Osborne to withdraw his Bill.

MR SPEAKER: I want to make this quite clear to all members of the Assembly. We are not debating the merits or demerits of abortion. We are debating a very narrow motion which requests Mr Osborne to move to withdraw his Health Regulation (Abortions) Bill. I would remind all members that that is what we are debating and I shall listen to the debate very carefully. Mr Berry, be very careful, please.

MR BERRY: I am going to the reasons why it should be withdrawn. It should be withdrawn because of the disquiet that it has created in the community. We saw an example - - -

MR SPEAKER: If you maintain that line that will be all right, but do not start canvassing the merits or demerits.

MR BERRY: Indeed. It should be withdrawn because of the disquiet that it would cause amongst the 1,700 women who might be seeking those services here in the ACT and who see those services as being in doubt. It should be withdrawn because of the disquiet that it is causing 2,000 women in the ACT and the region who anticipate that those services will no longer be available to them. Yesterday's demonstration was a clear example of community concern about this, and there were many of us out there supporting the cause because we are really pro-choice.

This motion is the contemporary view of the community. This is the view of the community as stated yesterday, not the view of the community as stated a week or two ago, or 12 months ago, or two years ago. It is the view of the community, as stated yesterday, who heard various members, not including me, expressing views similar to mine in relation to this matter. As I said, they heard the Chief Minister say that she was a pro-choice person and she would oppose the Bill.

Ms Carnell: That is true. Absolutely. And I will.

MR BERRY: Ms Carnell, this motion is about opposing the Bill as well. This is about ensuring that the Bill does not come forward. This is about asking Mr Osborne to withdraw the Bill. It is not about restricting Mr Osborne's right to debate the Bill as you have described it in your disingenuous press release today, among the many thousands of those that have been released to the community. This is not about prohibiting Mr Osborne's right to debate these issues in this place. This is about requesting Mr Osborne to recognise the community upset that his draconian Bill has caused. There is wide community upset about this issue. I trust that as a pro-choice person you will change your mind in the course of this debate, unless you have decided on political grounds to oppose the motion rather than adopt the moral grounds which you say you support. This motion is about reinforcing the community's view in this place. It is not - I will repeat this for your benefit, Ms Carnell - about stifling debate.

Ms Carnell: Excuse me; yes, it is.

MR BERRY: A week or so ago we saw a move by Mr Osborne, which you publicly supported, for an early debate on this Bill in the next day or so. We opposed that. That created a great deal of disquiet in the community. There was a massive meeting yesterday. The most often repeated request from that meeting was: "Withdraw the Bill". As somebody who bathed in the warm applause at that meeting I would have thought that you would have respected the views of the people who addressed that meeting and the cries from that demonstration. I would have thought that you would have respected their views. I would have thought that you would have supported this motion on those grounds - "Please withdraw this Bill". Mr Osborne has complete and utter freedom not to do so.

In relation to these sorts of requests and attempts by this Assembly, it is important to go back to some historical events and the behaviour of our Chief Minister on this issue. The Chief Minister in 1994 attempted to force a member to bring on a Bill against the member's will. That was me, I might add. She attempted to force a member to bring on a Bill so that it could be defeated. The Bill sought to have abortion decriminalised. This is the Chief Minister who yesterday said, "I am pro-choice". It was well known - - -

MR SPEAKER: Mr Berry, order! We are not discussing the Chief Minister in this debate. We are discussing Mr Osborne's motion.

MR BERRY: Indeed. I think it is important to reflect on some of the precedents that have been set in relation to these matters, Mr Speaker. The Chief Minister, knowing that the Bill to decriminalise abortion in the ACT would have been defeated had it been brought forward, supported a motion to force the member to bring it on against his wishes so that it could be defeated. This is the Chief Minister who said she is pro-choice. Now, let me go back to my position in relation to this motion. This is a request only. This Assembly is not forcing Mr Osborne to withdraw his Bill. This is the conveyance of a request from a 2,000 strong meeting representing disquiet in the community over the effects of this Bill.

Mr Osborne: I raise a point of order, Mr Speaker. I can save some time if it is only a request. No. Let us move on.

MR BERRY: That is fine. We will have to go to a vote.

MR SPEAKER: There is no point of order.

MR BERRY: I think Mr Osborne's treatment of the debate shows how much he holds this Assembly in contempt. Members in this Assembly, like him, are entitled to express a view, and that is why this motion was brought forward in accordance with the standing orders. Mr Osborne can play his part in the debate.

Ms Carnell: So what you are now saying is that if he does not pay any attention he is holding the Assembly in contempt.

MR BERRY: No, by leaping to his feet in the middle of the debate and saying, "You can go to hell". He can do what he likes.

Ms Carnell: So you say he can do anything he likes and now you are saying he is holding it in contempt.

Mr Corbell: Are you going to call them to order, Mr Speaker?

MR BERRY: No, he is not. I think there have been some decisions made about this. Mr Speaker, I merely want to re-emphasise that the laws that were concerning the people in the square yesterday were the paternalistic laws of centuries ago which treated women like chattels.

MR SPEAKER: Be careful, Mr Berry, that you do not start a debate on the issue.

MR BERRY: They were the laws that gave rise to the request that this Bill be withdrawn. They are the concerns that the community broadly hold. This Bill, according to the community, will not do anything about abortions; it will just force ACT women to go somewhere else. The community has formed - - -

MR SPEAKER: Order, Mr Berry! This is not the purpose of your motion.

MR BERRY: Mr Speaker, you are quite correct, but yesterday you could have gone amongst those 2,000 people who asked us to consider this request. You could have gone amongst that throng of people and said, "What do you think about this Bill?". They would have said it was cruel. That is why we want it withdrawn. We want Mr Osborne to stand by his election promise not to turn back the clock. We want Mr Osborne to demonstrate that he is not a cynical politician. He has been telling us he is not. Mr Speaker, the 2,000 concerned ACT residents yesterday were saying, "Please withdraw the Bill, Mr Osborne. Respect our views. Respect the promises that you made to us in the last election. Please show some respect for our right to choose".

MS CARNELL (Chief Minister and Treasurer) (10.56): Mr Speaker, I will not be supporting Mr Berry's motion which asks Mr Osborne to withdraw his proposed deregulation Bill. Mr Berry, although he made much of a play that this was only a request to Mr Osborne, indicated that if Mr Osborne happened to ignore the Assembly if this motion were passed he would be holding the Assembly in some form of contempt. They were his words, Mr Speaker.

Let me say for a start that I absolutely abhor Mr Osborne's Bill. I do not support it. However, I support his right to have this sensitive issue of abortion debated in this Assembly, as I support the right of every other member to have every issue that they choose debated in this place, no matter how big a percentage of the community support it or oppose it. Mr Moore has often brought forward issues that may not have the support of the majority of the community, but he has had a right to debate them in this place. Similarly, Ms Tucker has brought forward issues that may not have majority support in the community, as has the Labor Party; but we as an Assembly have never said to a member of this place, "You may not debate something that is important to you and possibly your constituency", no matter how big or small that constituency may be.

Mr Speaker, our system of democracy is built on many ideas, but one that is at the core is the right of citizens and their elected representatives to express their views and to have these opinions heard. I may not agree with Mr Osborne on abortion, but nobody in this place is surprised that Mr Osborne has come out with this piece of legislation. Mr Osborne has made it quite clear that he is against abortion. He has made it quite clear in the media and everywhere else. There is also no doubt that Mr Osborne does have a constituency. It does not matter, as Mr Berry said, whether Mr Osborne's constituency is a minority. It does not matter how small that minority may be. If Mr Osborne wants to have his Bill debated he must have the right to do that. I think Mr Berry made the point in his speech that what this motion is about is ensuring that this Bill does not come forward. They are his words, Mr Speaker, not mine.

I think it is important, Mr Speaker, to look at the history of this Assembly on issues like this. Mr Berry raised the issue in 1994. It is true that there was a motion to ask Mr Berry to bring on his Bill for debate. It did not say, "We do not want to debate this Bill"; we wanted to bring it on for debate. That motion lost. I think it is important, though, to quote Mr Berry. Mr Berry said in that debate:

Many would simply wish that the issue were not debated.

It looks like that is what Mr Berry believes now. He continued:

May I say to you that for too long many have been saying that this issue should not be debated. May I also say, with some regret, that throughout the years it has been mostly men -

look at those opposite -

who have said that it should not be debated.

But again, Mr Speaker, men. Men, Mr Speaker.

Mr Hargreaves: You are the most insulting woman I have ever struck in my born days.

Mr Corbell: That is pathetic.

MS CARNELL: Mr Berry - - -

Mr Hargreaves: You are not only scurrilous, you are insulting. You are scurrilous.

MS CARNELL: Mr Speaker, I am quoting Mr Berry's own words.

MR SPEAKER: Order! The house will come to order.

MS CARNELL: Mr Speaker, I am quoting Mr Berry's own words. Mr Berry continued:

A grave responsibility falls on the shoulders of men, male legislators, for failing to do their duty in the past. Wishing that the issue would go away will not help.

Mr Speaker, to quote Mr Berry: "Wishing that the issue would go away will not help". Mr Speaker, why has Mr Berry changed his mind so dramatically? Why have those men opposite decided, as I understand it, to vote for this motion? Could it be that Mr Berry was right in 1994 when he made the point that men were unwilling to debate this issue? Mr Speaker, I do not support Mr Osborne's Bill in any way, but I believe very strongly, as do my colleagues, that this is an issue that should be debated. Surely, by forcing the Bill to be withdrawn, Mr Berry and his male colleagues are "failing to do their duty", to quote Mr Berry, on an important issue, and that is to have a debate on this issue.

I think it is also important to quote some of those incredibly pious comments we heard in this place last week when Mr Berry, at that stage, was suggesting that Mr Osborne's Bill should be left on the table for debate until at least December. Mr Berry said last week:

This Bill deserves a proper airing.

That appears on page 59 of the uncorrected proof copy of *Hansard*.

Mr Humphries: Really? Who said that?

MS CARNELL: Mr Berry said:

This Bill deserves a proper airing.

That was not in 1994; it was last week. Mr Stanhope last week said:

It is appropriate, now that Mr Osborne has chosen to raise the issue, for it to be debated properly and fully, and appropriately. I do not think it is a debate we can run away from.

So, Mr Speaker, last week Mr Stanhope was saying that this is a debate we cannot run away from. We have to debate it fully, properly and appropriately, to use his words. What has happened this week, Mr Speaker? Mr Stanhope, again last week, also said this:

It appals me that we could even contemplate debating and passing this sort of legislation without due, careful, considered and detailed community debate and consultation.

Mr Speaker, I repeat: "Due, careful, considered and detailed community debate and consultation". Mr Stanhope said that last week. Mr Berry last week said this:

I thought Mr Osborne had more guts than this, but apparently not. He wants to avoid the public debate that goes with these sorts of moves.

Mr Speaker, where is the guts now? Mr Berry said last week that Mr Osborne did not have any guts because he wanted to debate it quickly. This week Mr Berry does not want it debated at all. Yes, it is a difficult issue, Mr Speaker. Mr Berry, last week, was making comments about Mr Humphries, I think, not wanting to have the debate. The fact is, Mr Speaker, that this side of the house will not run away from what is a difficult debate - one on which there are many views on this side of the house, and one on which there are many views in the community. Last week those opposite said quite definitely that this is a debate that we must have.

Mr Berry: No, they did not.

MS CARNELL: Sorry; yes, you did. You said that this is a debate we must have. Mr Speaker, Mr Berry said in 1994 that he believed it was a debate that male legislators had a tendency to run away from. We will not be running away from this debate. It seems that Mr Berry, Mr Stanhope and his male colleagues will.

MR STANHOPE (Leader of the Opposition) (11.05): The members of the Labor team are not at all afraid of this debate. There is a range of views within the Labor caucus, just as there is within the Liberal Party. This is not a debate we are afraid to have, and this is not a debate we seek to deny to Mr Osborne. The Labor Party has absolutely no intention or desire to inhibit any debate on this subject, and has expressed no such intention. The ALP - - -

Ms Carnell: Well, what does taking it off the notice paper do?

MR STANHOPE: To put it into some context, the motion requests Mr Osborne to reconsider the wisdom of his Bill. The motion requests him to withdraw it, just as a motion which the ALP moved last week requested the Government to reconsider its decision in relation to funding of the Institute of the Arts. It was a request which the Government ignored. This motion is in exactly the same terms. It is a motion requesting Mr Osborne to reconsider the wisdom of introducing - - -

Ms Carnell: It does not say that. It says, “request him to withdraw the Bill”.

MR STANHOPE: Of course it suggests that he withdraw the Bill, which actually is a request of - - -

Mr Corbell: I raise a point of order, Mr Speaker. The Chief Minister is continually interjecting and she is out of order.

MR SPEAKER: Order! I uphold the point of order. Thank you.

MR STANHOPE: It is a request to Mr Osborne by those within the Labor Party to reconsider the wisdom of what he has done. We cannot direct Mr Osborne to withdraw his Bill. We do not seek to direct Mr Osborne to withdraw his Bill. We do not seek to inhibit debate. We are quite happy to have this debate. I will debate this issue anywhere and at any time.

Ms Carnell: You cannot debate it if it is not on the notice paper.

MR STANHOPE: If this motion is successful today and if Mr Osborne ignores the request, of course the matter will come forward and we will debate it, and each of us will debate it according to our conscience. Each of us will debate it according to our individual positions on it. This is a matter of conscience within the Labor Party and it will be debated by members of the Labor Party on that basis. None of us is afraid of the debate. Each of us will stand up and express our heartfelt views on the issue. We are responding to the very clear message which has been delivered over the last week by the people of Canberra about this motion. I do not question Mr Osborne’s right to bring this Bill forward. I do not question it for a minute. I respect his right to bring this motion forward.

Mr Stefaniak: Let him do it.

Mr Humphries: Why are you moving this motion?

MR STANHOPE: I have said that from the start. I respect that right. I disagree with him and I will oppose him, and he knows that; but I in no way question his right, and I in no way seek to inhibit his right, to have the matter debated. Nor does the Labor Party. We are simply - - -

Ms Carnell: Then why have you got a motion to stop him doing it?

MR SPEAKER: Order, please! Interjections are out of order from either side of the house.

MR STANHOPE: On that point of order: In this instance, Mr Speaker, could you address your remarks to the other side and not this side?

MR SPEAKER: It is all right. I am just warning everybody.

MR STANHOPE: The motion simply encapsulates the view of the six members of the Labor team, each of whom has a different perspective on this issue, that there is nothing to be gained in continuing to divide the Canberra community on this issue. There is nothing whatsoever to be gained by creating the division that this Bill has created.

We think the message from the community is clear. We think the community has responded over the last week. We think they have responded overwhelmingly. We believe, on those measures available to us - letters to the editor, the rally held yesterday, and the polling conducted by the *Canberra Times*, by commercial television stations and radio stations throughout Canberra - that the message is clear and overwhelming. The people of Canberra do not want this legislation, and I do not think the people of Canberra wanted this debate. They think the time has moved on.

We are not suggesting that we inhibit debate, and we are not seeking to inhibit debate. We will welcome the debate if it has to come. We simply do not think it needs to come. We think it is in Mr Osborne's hands to end this matter now. We think it is in Mr Osborne's hands to end the division that he has created within the community. We do not think there is any need to drag it out or stretch it out.

It is suggested that we are trying to inhibit debate; that in some way, through this motion, we are acting against the interests of democracy or acting against Mr Osborne's right to bring whatever he wishes before this house. We will defend to the utmost, to the end, to the death, the right of any member to bring any matter they wish before this place. We defend that right absolutely. To suggest that we are in any way seeking to curtail that right is just outrageous politicking and grandstanding. It misses the entire point. It is just outrageous politicking. That is not what the motion says. That is not what it intends, and that is not what it achieves. It is just simple grandstanding nonsense.

The motion is quite sensible. The motion has the support, I think, of almost everybody in Canberra. The motion has the support, I think, of that overwhelming majority of people who do not want this Bill and who do not want this community divided. I think Mr Osborne knows that in his heart. I think Mr Osborne can ease the pain that he is suffering simply by gracefully withdrawing and admitting that he has made a mistake.

MR STEFANIAK (Minister for Education) (11.11): Mr Speaker, I asked my colleague Mr Humphries, who has been here a couple of years longer than I have, if he could recall a situation where we had a motion like this. He could not. I certainly cannot in all the years I have been in this place. I can recall one instance when we had a very similar situation to what is occurring now. A crowd of people who were demonstrating against a particular Bill that had been introduced to the Assembly had called on the mover - in that case it was me - to withdraw it. The Labor colleagues opposite did not resort to a motion such as this. That Bill was the move-on powers Bill back in 1989, Mr Speaker, and there was a very large rally outside the old Assembly at the ACTAC building. There was a big crowd too, probably very similar to the crowd out here - a crowd of trade unionists. I recall addressing that rally and indicating to them, like Mr Osborne did today in this house, that I would not withdraw that Bill. That Bill was
contentious.

The numbers in the Assembly caused it to be referred to a committee. No-one in the Assembly brought forward a motion such as this calling on a member to remove the Bill. The committee in that case duly came up with a different Bill which was subsequently passed. It became law for some four years. It was reintroduced by Mr Osborne not that many months ago and was passed again into law. That was a contentious issue. People felt very strongly one way or the other about it.

We are not going to escape the fact that in this place there will be contentious issues debated from time to time. That is the nature of politics. That is the nature of the responsibility that falls on us as legislators. But I cannot recall, and I do not think any of my colleagues on this side of the house can recall, a situation where a member of the house moved a motion calling on another member to withdraw a Bill. Whatever people might think of that Bill, the member has every right to have it debated.

I am not going to reiterate what the Chief Minister has said. Mr Berry himself has indicated that this is a difficult issue, but we would be failing in our duty if we did not debate it. The issue simply will not go away. Members can exert on each other whatever means they wish to ask members to reconsider. We had a recent incident when Mr Rugendyke was foreshadowing legislation and, as a result of various consultations and points put to him by a number of people around this place and others, he decided not to proceed. That was entirely legitimate and sensible. But to move a motion like this, I think, goes against the very spirit of what legislation is all about, especially what private members legislation is all about. I think the Chief Minister has encapsulated the essence in terms of democracy and what that is all about, and I will not elaborate. I say again, Mr Speaker, that I think this is the first time I can recall a motion like this being brought forward in this house. It should be defeated.

MR RUGENDYKE (11.14): Mr Speaker, I will not be supporting Mr Berry's motion. It is clear to me that, if successful, this motion would set an unfortunate precedent, as described by previous speakers. Mr Osborne tabled this Bill last week amid a furore that he was intending to stifle debate. It was his right as an elected member of this Assembly, and it is a right that should not be denied. Last week we also listened to a chorus inside this chamber calling for the debate to go ahead. Mr Speaker, I believe that we should now let the process take its course. Therefore, I will not be supporting the motion.

MR HIRD (11.15): Mr Speaker, I find it very interesting that Mr Berry, not a week ago, was asking that the Bill be not dealt with forthwith, or that it stay on the table - I think they were his words - until December. Now he comes into this chamber and wants a different approach. I find that very interesting. Individuals in this place have rights. This is the ACT parliament. It represents its constituents. Mr Moore, for instance, on numerous occasions in the time that I have been in this parliament, has brought forward matters that I have disagreed with. However, I would defend his right to bring those matters into this chamber, and would do so very vigorously - that is what we are about - just as I will defend Mr Osborne's right to bring this legislation forward. Whether the subject is hard to deal with or it is a difficult problem that the community has to come to grips with, this is the place where the determination is made. We as legislators are charged with that responsibility.

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Mr Berry: I take a point of order, Mr Speaker. Mr Hird is talking about a hypothetical case. There is no move to stop Mr Osborne from bringing this Bill on.

MR SPEAKER: There is no point of order.

Mr Berry: Mr Speaker, I insist that he is dealing with a hypothetical question. It is not a matter that is before the chamber.

Mr Humphries: Mr Speaker, on the point of order: Mr Berry's motion calls for the Bill to be taken off the notice paper. That is what his motion calls for.

Mr Berry: No, I am sorry. Mr Humphries is incorrect. It requests.

Mr Humphries: Requests or calls for, what is the difference, Mr Speaker?

MR SPEAKER: The nomenclature used in this place amazes me at times. There is no point of order.

MR HIRD: It is our obligation as legislators, as people who have been elected to this chamber, to bring on or deal with legislation or motions that we wish to deal with without pressure from other members. Mr Berry, of all people, should know that. Considering Mr Berry's background - he fought for the rights of workers - I find this interesting to say the least. He puts himself forward as someone who is trying to push forward the rights of women, but he denies the right of Mr Osborne to bring in this legislation, to place this Bill on the table. I find that very interesting. I will be supporting, as I dare say my colleagues will, the right of Mr Osborne to bring forward this matter.

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (11.17): Mr Speaker, I want to contribute briefly to the debate as well. Mr Stefaniak raised the lack of any precedent for this, and I think that is true. I do recall that in 1994, when Mr Berry introduced legislation which was at the other end of the spectrum, legislation which effectively decriminalised any abortion, even up to nine months - - -

Mr Berry: Damn fine legislation, too.

MR HUMPHRIES: Well, it certainly was, in Mr Berry's eyes at least. When he introduced that legislation there was a move afoot in the Assembly to call - - -

Mr Berry: By you and Kate Carnell.

MR HUMPHRIES: No. This was an issue being discussed by others. There was a move afoot to bring the legislation forward for early debate, or at least to bring it on for debate when it was clear that Mr Berry did not want to bring it on for debate. I am pleased to say that I and, as far as I am aware, all the other people in the Assembly who opposed that Bill believed that bringing Mr Berry's Bill forward against his will was not consistent with democratic justice. My party, I admit, considered the idea, but decided it would not support such a move.

Mr Speaker, this is a slightly different matter today. This is a matter of requesting that a Bill be dumped, not calling for a Bill to be dumped. Apparently there is a difference. I am jiggered if I know what it is, but there is a difference, apparently. Mr Speaker, this is different in some respect, but in essence it is very similar.

In the rush to oppose Mr Osborne's abortion Bill, some are willing to trample on free speech. I think that is a very regrettable step. In the heat of the moment, after the heat of a large rally outside yesterday, it is very easy to come into this place and move motions to require, or to call for, or to request - using a great deal of moral pressure, I might say - individual members to pull pieces of legislation which are before the chamber. That is not our duty as members of this place. Our duty as members of this place is to debate issues which are legitimate issues in the community. Whatever we might say about this Bill, it is an issue in this community. It is a real issue. It is an issue of great concern to a great many people and it deserves to be considered.

Let me pay tribute to Mr Berry. Mr Berry is a single-minded individual. Mr Berry has a very focused idea of what he wants to do. Today he is focusing again on the issue that he has focused on practically since the first day he entered this place, and that is to attack what he calls the conservatives. Mr Berry has seen a chance here to split a few conservatives from others who have been opponents of Mr Osborne's legislation. He sees a chance to split Ms Carnell, in particular, who was an opponent of this Bill, from other opponents of the Bill. Now, that is a great achievement, is it not? He comes into this place and moves a motion which has the effect of splitting the pro-abortion lobby. A spectacular achievement.

Mr Moore: No. There is nobody here who is pro-abortion. There is nobody here that I know is pro-abortion. We are pro-choice.

MR HUMPHRIES: All right. Okay. Pro-choice, as Mr Moore puts it. I think it is a rather dubious achievement, but, nonetheless, Mr Berry is focusing on what he has always focused on since day one in this place. Mr Speaker, I do not propose to ask any member, however much I might disagree with their views, to suppress those views because they are unpalatable to be heard in this place. That is not my job as a member of parliament. My job is to face arguments, to debate them, to argue against them if I disagree with them, and to put them to the test of the democratic process. It is not to suppress them.

MR SMYTH (Minister for Urban Services) (11.22): Mr Speaker, the inconsistency that has been displayed by the Labor Party over the last two weeks is unparalleled, I think, in the history of this place. Last week Mr Osborne was being berated because it was all happening too quickly. This week it should not happen at all.

I think that all in this place have to agree that Mr Osborne is well within his rights in bringing forward his Bill when he wants to. In fact, he would be remiss in representing his constituency if he did not bring forward the issues that they think are important. I think this Assembly should support him in his right to present his Bill and represent those people who have elected him. Anyone here who wishes to oppose the content of

that Bill will be quite within their rights. On this side of the house, some of us would be in favour of it and some of us would be against it. But that is not the issue. The issue here is an attempt by the Labor Party to deny Mr Osborne his fundamental right as an MLA to present legislation to this place, and they should be ashamed of themselves.

MS TUCKER (11.23): Mr Speaker, the Greens will not be able to support this motion. I understand that Mr Berry has the very best of intentions in putting it forward in regard to the Bill and what he is trying to achieve. However, after considering it overnight and this morning I am not able to be consistent with what I said at the rally yesterday, which was that I would support this motion. Of course, I am totally opposed to the Bill. I have made that quite clear. For that reason, initially, it did seem an acceptable mechanism to be used in this place. But the issue we are discussing here is not abortion. What we are discussing here is the democratic process.

Mr Osborne did not support the democratic process, I believe, in the way he tabled that Bill without consulting with us. Certainly, it was not respectful of the democratic process to want to see it not only tabled without consultation, but also debated quickly. I was not present for the debate last Wednesday because my daughter was sick. Labor apparently did try to ask the Assembly to insist that, at least, the second stage of the debate should be delayed until there was time for consultation and further discussion in the community. I would have supported that, I believe. Obviously a strong statement was being made about how inappropriate it would have been, in fact, if we had been forced to have the second stage of that debate occur within a few days.

Yesterday at that rally I believe that 2,000 people opposed the Bill, except, obviously, for the Christian group that was there and maybe others. The majority of those 2,000 people yesterday opposed Mr Osborne's Bill, so, obviously, they were applauding anything that they thought was going to have that Bill rejected. Withdrawal of the Bill was one of the mechanisms suggested. However, after due consideration and careful thinking, I do not believe that this would be an effective way of seeing this Bill go down.

If the Bill is just withdrawn it can easily be tabled again. It could be tabled in a different form. If we have a full debate people have to stand and be counted on this, and they will have to vote one way or the other. If Mr Osborne's Bill goes down at least we will know that there has been a debate on this. Under standing orders, I believe he could not raise it again for another year. That would deal with the matter in a way that is much more effective and is what the community wants to see happen.

I was concerned that Ms Carnell apparently was not respecting the democratic process. If she wants to clarify that this was not the case, I invite her to do so. I understand that on the morning after the move by Mr Berry for the debate to be adjourned, which was not supported by the Government, as I understand it, Ms Carnell said on 2CN that she thought there should not need to be a long time given to the discussion because people basically knew the issues. I think that at that time seven men in this Assembly were undecided about the vote. Obviously there was a need for the issues to be given greater airing. I do not think people know all the issues. More time was very appropriate in that situation when so many members of this Assembly were undecided.

Obviously, Ms Carnell is taking a very different line today and I would like her to explain the inconsistency of her position. Without that explanation, her protestations in today's debate are a little less than convincing. I acknowledge again that I have been inconsistent also in that I did say yesterday that I would support Mr Berry's motion, but I am explaining to members now why I believe I had to change my mind on that. Heaven knows, I ask the Government often enough to be prepared to change their minds on particular issues. Changing your mind should not be seen as the most mortal sin that a politician can commit. I think it shows that we have to admit, yes, that we are human, and sometimes we get it wrong.

Basically, after considering this, I do not believe, in good conscience, that I can support this motion. The debate has started. The Bill has been tabled. Mr Osborne, as is his right, has tabled that Bill. He believes he is representing his constituency or his personal faith. This motion is about asking a majority of members of this place to persuade him that he does not have that right because many people are opposed to his Bill. That is where I think the flaw is in this motion.

As a member of a minor party which still is a fairly lonely voice on a number of issues that we see as absolutely vital, I would not like to see our right to challenge the majority view diminished in any way within the democratic process. It has just happened in Tasmania, of course. Labor and Liberal conspired together to do that very thing. They did that by changing the electoral system in order to silence the voices that will challenge the majority view.

MR SPEAKER: Relevance, Ms Tucker.

MS TUCKER: It is about democracy. I maintain that this is quite relevant.

MR SPEAKER: No, it is not.

MS TUCKER: This is about the right of a person in a democracy to challenge the majority view, which is what Mr Osborne is doing. The rationale of this motion is that he does not have the right to do that because most people are opposed to the essence of his Bill. For that reason I believe it is perfectly relevant, Mr Speaker, but I am concluding. We cannot support any diminution of this important right in our democracy.

MR MOORE (Minister for Health and Community Care) (11.30): Mr Speaker, I feel very passionately about this issue. I feel very passionately about the issue of abortion because I believe it is about the removal of the democratic right of a woman to make her own choice. Indeed, when I was approached by Mr Berry yesterday about putting this motion to request Mr Osborne to withdraw his legislation, I responded in quite an enthusiastic way.

I have become very uneasy, Mr Speaker, while listening to this debate, and I was uneasy while thinking about it, like Ms Tucker, over the evening. I finally decided why I am going to vote against this motion when Mr Berry said of Mr Osborne that if he does not accept this request he will hold the Assembly in contempt. Any sense of holding somebody in contempt over a request is simply unacceptable.

Mr Speaker, the abortion debate is about the democratic right of women to choose. The legislation, as I see it, attacks that fundamental right. I feel very passionately about that. I cannot make the same mistake as Mr Osborne is making with his legislation and take away his fundamental right to introduce legislation into this Assembly - a right that is backed by the fact that he has been elected here. It is a very difficult situation, Mr Speaker, because there are two issues that are effectively in conflict. One is the intensity with which I feel that Mr Osborne ought not attack women's rights, and the other is the need for members of this Assembly to protect Mr Osborne's rights in dealing with this legislation. Mr Speaker, I will not make the same mistake as Mr Osborne is making.

MS CARNELL (Chief Minister and Treasurer): I seek leave to speak again.

Leave granted.

MS CARNELL: Thank you very much. I will be very brief, Mr Speaker. Twice before in this place, to my knowledge, motions have been put forward asking for Bills to be brought on that the movers were not keen to bring on. One of them related to Mr Berry's Bill in 1994 when there was a motion in the Assembly to ask Mr Berry to bring that Bill on. Mr Berry had had that Bill on the table from August to November. He had had it on the table for quite a long time. A motion was brought forward in the Assembly asking Mr Berry to bring that Bill on for debate. It was defeated, Mr Speaker. It was defeated quite stunningly. That was not a motion asking Mr Berry to take the Bill off the notice paper and not debate it at all. It was one asking Mr Berry, after a number of months, to debate it. This Assembly, I think rightly - I think the position that the Liberal Party took at the time was wrong - suggested that that Bill should be brought on for debate.

There was one other time, Mr Speaker, and that related to the citizens-initiated referenda Bill. It was my piece of legislation, Mr Speaker, and the Assembly moved to bring it on for debate against my wishes. Mr Speaker, in that circumstance - - -

Mr Moore: It was on the daily program. There is a difference.

MS CARNELL: Actually, so was Mr Berry's. Mr Speaker, I think, in both circumstances, that the Assembly made a mistake. I believe that the Assembly should not request that a private members Bill or a Bill be brought on against the will of the particular mover. But, Mr Speaker, that is not what we are talking about here. What we are talking about here is a motion in this Assembly to ask a member not to debate their legislation at all. This is fundamentally different. I think it was wrong for members of the Assembly to ask that Bills be brought on against the will of the mover, but this is a hundred times worse. This is about having no debate at all. I thought it was important to clarify those two issues, Mr Speaker, because I think some members may have got some of the facts wrong.

MR OSBORNE (11.34): As I indicated earlier, I will not be withdrawing the Bill. This certainly is an issue that I have not taken lightly. I was accused, I think by Ms Tucker, of being antidemocratic by introducing the Bill the way that I did, but I would like to remind members that I did seek leave to introduce the Bill, and it was only at 9.30 that morning that we decided to table the Bill.

Mr Speaker, I thank members for the support that they have shown to me to have this issue debated in this place. As I said, it has not been an easy time for anybody because this is such an emotional issue. I would ask, though, that in the next few weeks or months that they have a look at the Bill and have a look at how the law is at the moment.

Mr Berry: I take a point of order, Mr Speaker.

MR SPEAKER: I uphold the point of order, Mr Osborne. Do not canvass the Bill.

MR OSBORNE: Yes, Mr Speaker. Okay, Mr Speaker, I will take that on board. I think it is important that this Bill stay on the table because I am not prepared to give the cowards in this place excuses not to support the Bill for any reason other than they are too scared. The Bill has been there for a week now. Things have been said to me, such as: "I am against abortion - I think that life starts from day one - but your Bill is flawed". That was exposed yesterday in our scrutiny of Bills meeting when the legal adviser - - -

Mr Moore: No, it was not.

Mr Berry: No, it was not.

MR OSBORNE: The Bill is flawed if you do not support it, Mr Speaker.

Mr Berry: The Bill is socially faulty.

Mr Moore: Relevance, Mr Speaker.

MR OSBORNE: The Bill is flawed if you do not accept it, Mr Speaker.

Mr Berry: A point of order, Mr Speaker.

MR SPEAKER: Do not canvass the Bill.

MR OSBORNE: Yes, Mr Speaker. I am very keen for the Bill to stay there because, as I said, I want people to be exposed. If they do not want to support the Bill because they are too cowardly, I accept that. I grudgingly respect the Michael Moores, and even the Wayne Berrys and the Kate Carnells, who have come out and said quite clearly that they do not believe this. I accept that, Mr Speaker. What I do not accept is people who are too scared to have a look at themselves.

Anyway, Mr Speaker, I am pleased that the majority of members will not be supporting this motion moved by Mr Berry. It is pathetic. As Ms Carnell quoted from 1994, and even from last week when Mr Berry tried to set a date in December, I think, for the Bill to be discussed, Mr Speaker - - -

Mr Berry: We won that debate, Paul. You went to water, in the end.

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MR OSBORNE: Anyway, as I said, I thank members for their support on this issue of me having the right to discuss and debate the matter.

MR BERRY (11.37), in reply: Mrs Carnell has probably clarified this, but I think Mr Humphries needs to address a statement that he made in the Assembly in relation to a 1994 debate. He said that the Liberals opposed moves to force me to bring on a certain Bill. I am referring to page 3903 of *Hansard* which demonstrates - - -

Ms Carnell: I take a point of order, Mr Speaker. I think I clarified that in my speech.

MR BERRY: No, that is up to Mr Humphries. He is the one who made the statement, Mr Speaker. If he turns to page 3907 of *Hansard* he will see that all the Liberals, including Mrs Carnell, attempted to force me to bring on a Bill - - -

Ms Carnell: And, Mr Speaker, I made it clear that I think it was a mistake.

MR BERRY: Mr Humphries has to clarify his position. The reason why they were attempting to force me to bring on the Bill was that it could be defeated because they knew that I did not have the numbers. Mrs Carnell's intention was to see that Bill defeated. That issue is quite clear. The circumstances were quite different from the circumstances today. I am not trying to force Mr Osborne not to bring on his Bill or to do anything with his Bill. As I pointed out earlier, I am merely conveying to this Assembly the repeated requests from the assembled opponents of the legislation out in the square yesterday. The most often-repeated request was: "Withdraw the Bill". I heard Ms Tucker say that she had indicated that she would support this approach but will not do so now on the basis of her concern about the democratic processes being interfered with in some way or another. Well, her enthusiasm yesterday was quite emphatic. So too was Mr Moore's enthusiasm. They were quite emphatic for this approach and I am disappointed that they have changed their minds. But they have changed their minds for the wrong reasons.

This is not about forcing Paul Osborne to do anything with his Bill. This is about a community request being passed on to Paul Osborne. Paul Osborne need not heed it, but he has to understand that there is an implication from that that the community will notice.

Mr Moore said I said something about Mr Osborne holding this place in contempt. It appears, Mr Moore, that you have forgotten that Mr Osborne rose in the course of my speech and wrongly used the standing orders to say that he would not agree with it. That is what I thought was holding this place in contempt. Without even listening to the debate he was telling us no before anybody else had spoken. So, Mr Speaker, those are a couple of issues.

I will go back to another point that was raised in the course of debate. Some references were made to me and to Mr Stanhope in relation to the debate of last week in which we raised the issue of the deal we thought existed or that we thought we had exposed between the Government and Mr Osborne to bring on this legislation.

Mr Rugendyke: I take a point of order, Mr Speaker. I believe that that accusation was debunked last week.

MR BERRY: That is not a point of order.

Mr Rugendyke: It is an allegation that was spuriously brought by Mr Berry and it was debunked.

MR SPEAKER: Yes, that is true, Mr Rugendyke. However, Mr Berry said that they believed. He qualified the accusation.

MR BERRY: Mr Speaker, it was clear that there was an arrangement which would have permitted Mr Osborne to bring his Bill on quickly.

MR SPEAKER: Now, you are going beyond the comments.

Mr Rugendyke: Once again, Mr Speaker. That goes overboard.

MR BERRY: There was an arrangement - I have not said with whom - that would allow Mr Osborne to bring it on at an early moment. Mrs Carnell publicly - - -

MR SPEAKER: Order, please! Mr Berry, let us qualify this. The fact is that Mr Osborne was given leave to introduce the Bill. As for an arrangement, I think that is as far as you can go. What else may have happened is only hearsay. I would caution you.

MR BERRY: Indeed, Mr Speaker. You should join the debate. You are doing well.

MR SPEAKER: I am.

Mr Rugendyke: Withdraw. That is scandalous.

MR BERRY: Mr Speaker, I withdraw that.

MR SPEAKER: Thank you.

MR BERRY: Mr Speaker, the issue was then supported by Mrs Carnell publicly. She agreed with Mr Paul Osborne bringing on his Bill at an early moment because everybody knew what the issues were; there should not be a lengthy debate. Well, Labor won that argument because in the end Mr Osborne went to water because of the public outcry against what he was doing and it was delayed. Right. Having won that debate, let us move on.

Yesterday, as part of that community demonstration of outrage, there was another position taken by the community and they requested that Mr Osborne withdraw the Bill. That is the point that we are raising here. There is no obligation on Osborne to do anything with the matter. As I said in my opening remarks, this is asking Paul Osborne to consider the request. I am disappointed that some of my colleagues have gone to water on this, but it is clearly no more than that.

I think it is also important that we raise the issue of when certain Bills were attempted to be forced on by elements of this Assembly. Mrs Carnell raised the issue of a matter, a CIR Bill I think, which was on the daily program and the Assembly would not give leave for it to be ditched. It was as simple as that. This is quite a different matter from a Bill that somebody had not even brought forward. Indeed, Mr Osborne is not being prohibited from doing anything if that is the case. We have won the debate so far as preventing Mr Osborne from ramming his legislation through is concerned. That is over and done with. It is irrelevant to refer to it in the context of this debate. It is over. We have won it. He went to water. He put it off.

MR SPEAKER: Then why are you talking about it now? Relevance, please.

MR BERRY: These are issues that were raised by others in the course of the debate, Mr Speaker. The most relevant point now is the community request as of yesterday. I am disappointed that insufficient of my colleagues will support the view put by people in the community yesterday. That is clearly disappointing for me. At the end of the day, even if it had been successful, or, indeed, unsuccessful, it makes the point very clearly that the overwhelming majority of the community are strenuously opposed to the draconian legislation that has been brought forward by Mr Osborne.

Mr Speaker, I will leave it at that. It is disappointing for me personally that this request has not been put forward to Mr Osborne, but I go back to his remarks before the debate was even decided. In conclusion, Mr Osborne said, "I do not care what the Assembly says, I am not taking any notice". That is the message that needs to go out to the community. Mr Osborne said, "I will not turn back the clock", in very clear and unequivocal terms. He then proceeded to turn back the clock.

Mr Osborne: Who raised it?

MR BERRY: I am glad that you raised that. Mr Osborne said, "Who raised it?". I heard him say on the radio this morning, "Wayne Berry fired the first shot by writing a note to each member in the Assembly advising them of what he was doing". There were no sneaky actions on my part. If you want to use that as some sort of a feeble excuse to introduce draconian legislation, I think you are scraping the bottom of the barrel, old son. I would have thought you could do a little bit better than that. It is pretty clear that you cannot. It is a pretty feeble excuse and everybody recognises it. "Wayne Berry said I support abortion, so I am going to move draconian legislation". What a joke. Mr Osborne, please. You can do better than that.

Mr Speaker, there we have it. This is a reasonable request from the community. I am disappointed that the majority of members of this Assembly are now going to oppose it. I know that the community will be disappointed with the Assembly's decision as well.

Question resolved in the negative.

ACTION FARE STRUCTURE

MS TUCKER (11.47): I move:

That this Assembly:

- (1) does not support the ACTION fare structure announced by the Government in the 1998-99 Budget;
- (2) calls on the Government to develop and introduce a new fare structure, which will not increase fare revenue, based on a single time-based fare for all journeys regardless of any bus transfers, and including appropriately discounted student and concession fares.

Mr Speaker, I have put forward this motion because I am very concerned about the future of public transport in Canberra. It has been obvious to anyone who lives in Canberra that the ACTION bus system has been getting worse over the last decade. Patronage has been steadily falling, fares have risen and service levels have declined. Most people in Canberra rely on cars for transport and very few journeys are taken by bus. Very few people travel on buses by choice. As a result of all this, ACTION has become caught in a downward spiral that needs some radical action to arrest.

This came to a head with the review of ACTION services by Roger Graham in 1997. This review presented a damning assessment of ACTION and recommended a major overhaul of just about all aspects of its operations. We are yet to see the details of how all the recommendations of the Graham report will be implemented, particularly the new route structure. The Government has, however, told us what the new fare structure will be, which is the focus of this motion. This is not to say that I am happy with other aspects of the ACTION service, but fares are a critical factor in the attractiveness of public transport and I want to make sure that the Government gets this right.

Roger Graham rightly pointed out that the existing fare structure, where people who have to change buses at interchanges to complete a journey have to pay a second fare, was quite inconsistent and inequitable when compared with the single fare for journeys of a similar distance on one bus. The Government has responded to this by introducing a three-zone system. The standard fare remains at \$2, but there have been increases for concessions and students in the faresaver fares and in the term fares across two or more zones. Much of the public attention has focused on the increase to student fares, where students who have to travel outside a zone to their school are particularly affected, but we should not lose sight of the question of whether we want this zonal system at all and how it is going to impact on the whole community.

I am appalled at the illogicality of the proposed zonal system and the increased bus fares for many people. The Government seems to be doing its best to discourage people from using buses, even though increased bus use will reduce traffic congestion and air pollution and give Canberrans more transport choice. Commuters who face higher fares will just be encouraged to start using their cars, particularly given the fact that in many cases it is cheaper to drive a car and pay low or no parking fees than to catch a bus.

The increase in student and concession fares, in the order of 20 to 33 per cent, does not seem to be connected with the introduction of the zonal system and appears simply to be a way of raising more revenue from young people who have the least choice in their transport options.

The zonal system does not even meet the Government's objective, as stated in the budget papers, of making similar length trips equal in cost. People who live close to zone boundaries are particularly disadvantaged if they regularly have to cross into another zone, even though their journeys may be shorter than a trip within one zone. The treatment of Gungahlin is a major anomaly, with travel from Gungahlin to Civic regarded as a two-zone fare but Gungahlin to Belconnen is a one-zone fare.

My motion affirms the recommendation of the Estimates Committee which stated that the intended new fare structure be reassessed as a matter of priority to ensure equity for all users of ACTION, but it goes further in suggesting an alternative fare structure based on a single, time-based fare. The Greens believe that there should be a single, time-based fare across Canberra which is no higher than the current fare and with appropriate concessions. I am not suggesting that the cost of current fares, whether on one or two buses, be averaged out at something like \$3, and I ask Mr Rugendyke and Mr Osborne to take note of that because I understand they have been told that is what we are suggesting. We are not suggesting that it be averaged out at something like \$3. What we are saying is that the current fare of \$2 be applied to all journeys, regardless of length.

I recognise that this would result in a short-term loss in revenue for ACTION because those people who currently catch two buses would effectively have their fare cut by half. However, I expect that over time the revenue levels will be restored as more people are attracted to using buses because of the lower fares. If we do not make buses affordable, and more affordable than cars, obviously we are not going to get very far.

I think the Assembly has to make it clear what it wants to achieve with our bus system. Do we want our buses to be mostly empty, with those few people catching buses paying high fares, or do we want our buses full, with people paying low fares? The revenue achieved may be the same, but the public benefit of having full buses far outweighs having empty buses driving around Canberra. It is interesting, Mr Speaker, how, when we hear discussion and debate about public transport and we hear talk of money, the government of the day usually says, "We are investing in roads". But, when we talk about buses, the Government says, "We are subsidising buses". It is a very interesting use of language and it just shows how government does not actually understand how putting money into public transport is indeed an investment, not just a subsidy. How on earth you can say that investment in roads is in the long-term interest compared with investment in public transport very questionable.

While this proposal does not meet the Government's objective of making similar length trips equal in cost, it has the advantage of being administratively simple and encourages the use of buses by people who drive long distances, which is good for both the local and global environment. It is also good, of course, for social justice, because when you have more people using buses you have better bus services and so those people who do not have a choice actually have a reasonable transport option in our city.

I recognise that my proposal does involve an element of cross-subsidisation between people who travel short distances and those who travel longer distances, but public transport by its nature incorporates a range of cross-subsidies that can never be entirely eliminated. The only way you could have a system where people pay by the distance travelled would be to charge according to the number of bus stops passed, which I think everyone would agree would be very impractical and costly to implement.

The zonal system is meant to be a compromise between a pure “pay by distance travelled” fare system and the need to have an administratively simple system, and it is true that zonal systems have been adopted in some other cities. However, the question must be asked as to whether it is the best system for Canberra. My view is that it is not. Canberra is much smaller and planned differently from other cities with zonal systems, so the complexities of applying a zonal system here far outweigh the economic efficiency of a “pay by distance” structure.

Canberra has been planned specifically to be a decentralised city based around a number of town centres for the purpose of spreading the transport load across Canberra. Transport journeys are, therefore, more diverse in distance and direction. This is quite unlike traditionally planned cities where there tends to be a majority of journeys into and out of the central business districts. Public transport systems in those cities tend to be radially based around the central business district, which makes it relatively easy to work out appropriate zone boundaries based on distance from that CBD. However, the Canberra public transport system, having to deal with the town centres, has a hub and spoke route system with express links between the hubs. The Government has, to its cost, found out that the zone boundaries are not so clear cut here.

Zonal systems in other cities also have gradations in the fare structure based on the number of zones travelled through. In Canberra, however, if you go over the zone boundary your fare immediately doubles in price, regardless of whether you are getting off at the next stop or travelling to the other end of the zone. This certainly is not an equitable system, as the Government claims.

The Government’s attempt to apply a zonal system to Canberra has thrown up a range of anomalies which clearly bring into question whether the zonal system will really work in practice and whether it will just discourage more people from using ACTION. For the sake of the future of public transport in Canberra we cannot allow any further decrease in passenger numbers on ACTION.

In my motion I am calling on the Government to rethink its new fare structure. The second part of my motion sets out the principles by which I think the ACTION fare structure should be based. Surely there are sufficient public servants in Urban Services and ACTION who can work out the detail. I would welcome the support of the Assembly in working towards a viable, attractive, popular and dynamic public transport system for Canberra.

MR HARGREAVES (11.57): Mr Speaker, it was mentioned on a number of occasions that the Labor Party supported the Graham report, and indeed it did, but members who were here at the time will recall that the Labor Party expressed grave concerns about the inherent inequities in the zonal system. Our reservations were soundly based and we now see how true those predictions were. It should be obvious to all of those who want to see that the public have reacted to the zonal system. It has been roundly rejected. And who are the big losers? The big losers are those who live on the borders because zonal systems, by their very definition, create inequities. Those who travel interzone as commuters have copped an increase and those who have to travel interzone to go to school have also copped an increase. Along with, I am sure, many other members, I have had an enormous amount of representation from people who have to travel interzone to go to school. For the purposes of *Hansard*, I am holding up a whole stack of papers here and they represent just some of them.

Ms Carnell: From three schools? Actually from one school.

MR HARGREAVES: The Chief Minister interjects that it is from just one school. The Chief Minister clearly has to have a lesson in counting. There are at least four schools represented in that packet that I have just demonstrated. A number of other schools in the public sector have also made representations to me. The system is socially irresponsible, it is unresponsive to need, it is commercially suspect and it is decidedly uncaring.

My office - and those of other members, as I have said - has been inundated with complaints from families whose domestic budget has been significantly reduced. The family budget has been hit with significant increases as a result of the new system as well as increases in motor registration fees because the family, through a limited budget, has to run a larger, older motor vehicle. Also, because people have the good fortune to be able to buy their own home, they are hit with an insurance levy. And you wonder why they are upset!

Some of the dismissive comments on the system have been outrageous. One example is a statement in the *Canberra Times*. I am happy to make it available to those members who do not have the *Canberra Times* delivered to their offices. I quote:

With means-tested assistance to families with at least three children travelling between zones, 88 per cent of students would be no worse off under the zonal system.

Let us look at that statement. "Means-tested assistance" is just another creation of yet another lower class of citizen. People have to go along and declare their income to get something, which they did not have to do before. The statement also says that 88 per cent of students will be no worse off. I recall John Howard saying that no-one will be worse off under his new industrial relations regime.

Ms Carnell: And “No child will live in poverty”.

MR HARGREAVES: There were draconian workplace agreements. You can quote those until the cows come home, Chief Minister, but the simple fact is that the words are exactly the same, not roughly the same. Mr Howard said, “No-one will be worse off” and there is a quote in the *Canberra Times* that 88 per cent will be no worse off - exactly the same words. It is exactly the same fabrication. But let us take it a little step further. The phrase “no worse off” is interesting. It implies that, if 88 per cent are no worse off, 12 per cent are going to be worse off - that is, one person in eight. Also, it does not say that anyone will better off.

The Labor Party at the last election undertook to introduce a time-based scheme. We are still committed to this system in preference to the zonal system. It does not create, by definition, inequities. It does not create disincentives for travelling on the buses. It does spread the cost based on time travelled, not perpetuating the furphy that we should pay for distance travelled. A bus route is developed according to demand. The costs will occur anyway. The way to reduce the costs is not to divide the costs among the number of travellers and accept that that is what you have. The way to reduce the cost is to encourage more travellers. The zonal system does not encourage more travellers - quite the opposite. When the Graham report was developed there were comparative costs between the existing system, the zonal system and the time-based system. The figures are already there. To develop a system to take into account developments since then would not be an onerous task, nor one which would take much time, and it should be done.

The Labor Party supports this motion because it relays to the Government the public demand for an equitable system. Ms Tucker has outlined quite a number of reasons why we ought to toss the zonal system away. You have to be deaf and blind not to have seen the number of people that have complained in newspapers and directly to us and in conversations amongst themselves. It is true to say, I guess, that a family that I know in Gilmore with 11 kids, most of them travelling to St Clare’s and St Eddie’s, will get the benefit of a couple of free travels - and they are grateful for that, too, because they are a struggling family. I congratulate the Government on responding in some way towards that. It does not help, however, the family who live in Richardson that have to travel into another zone because no school within the Tuggeranong Valley will take their kids. They have no choice at all and they are stuffed on the bus.

The object of having a good bus system is to give people a choice, and then we encourage them to make the right choice. We try to encourage them to get out of their cars because of the environmental damage, the fact that there are more people on the road and there are a greater number of accidents. There are a whole range of reasons and all of them are valid. We try to encourage people to go on buses because we are providing a service for people which, we hope, is an efficient one which also serves their needs. Also, the more people that travel in one vehicle from point A to point B, the less damage it does to our environment and to our infrastructure. We cannot keep putting up the fares for buses, making them inequitable and a disincentive, and then jacking up the prices on people’s motor vehicles and everything else they do. That is just inconsistent.

I urge the Government very seriously to support this motion for once and to say, “Okay, let us toss out this proposal”. The people do not like it; it is not doing anything. When you have a good look at what Ms Tucker’s motion says, you find that revenue will not be increased. Her proposal will not do any damage at all to the budget because the revenue target will be the same. I am absolutely certain that if the average fare goes from \$2 to \$2.70, which was the figure given to me at some stage, the system will be equitable.

I think members will be surprised how reasonably well this proposal will be embraced across the ACT. I understand the commitment of our crossbenchers not to vote against a budget Bill. Please remember that we are not affecting a budget Bill here. The revenue figure is exactly the same. All we are saying is that the people do not accept the Government’s proposal because there is so much unfairness in it. Please have a good look at that, listen to what your constituents are saying and support the motion.

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

PETROL SITES RESTORATION

MR HARGREAVES (12.07): I move:

- (1) that the Assembly calls on the Government to amend existing petrol sites policy, to require the owners of petrol station site leases upon vacation of such leases, to restore the site to as close to original condition as possible, with regard to the removal of contaminants in the soil, caused by leakage from fuel storage tanks and the removal of buildings and fittings no longer required;
- (2) the measures should require the site lessees to restore the site at the lessee’s expense to the satisfaction of the Commissioner for the Environment;
- (3) that the measures require all future leases to include provision for restoration as a term of the lease;
- (4) that the measures require all existing lease holders to prepare environment restoration plans and submit them to the Commissioner for the Environment for approval;
- (5) that the measures include financial penalty in the case of default. The penalty should include the restoration at public expense and the recovery of such expense from the site lessees and the imposition of significant fines for non restoration;
- (6) that these measures apply to all existing and new petrol station leases.

Mr Speaker, I congratulate the Government on the movement towards the protection of the small petrol station site owners, or lessees, against the predatory nature of the major oil companies. Indeed, in this regard the Government is going to introduce changes, as I understand it, to the land use legislation, which will require major oil companies to at least offer a site for sale generally and to give people who are operating a site an opportunity to buy it and operate it as an independent. That is a laudable move.

However, I draw the Government's attention to a couple of things which have surfaced recently. I know the Minister is interested in this because he has such a relationship with Col Parker at Farrer. In that particular case we discovered there were two issues involved, and I am sure the Minister will recall at least one of them. The first was the threat of the major oil company not to supply petrol even if the sale went ahead. He may recall in his conversations with Mr Parker and his lovely wife that the major oil company said, "No, we do not want to continue the franchise. We will pay you the value of the products that are there. See you later. Best of luck". It also said to the operator at Phillip that the deal was not on. In fact, it said, "Too bad. You walk away with nothing". I now understand that he has done that. I do not know whether he has actually gone. I have just been told that, so I have no verification. However, I understand his conversations with the oil company were absolutely fruitless.

Mr Smyth: Caltex?

MR HARGREAVES: Ampol-Caltex.

Mr Smyth: Caltex is still running, I think.

MR HARGREAVES: Yes. You know the one I am talking about. I understand that his deal was less advantageous to him, or with less recovery, than the one for Mr Parker. That has concerned me. There is probably a very good case for saying that the oil companies breached the Trade Practices Act by refusing to supply, but I have not pursued that with Mr Parker. Of course, what we are talking about here is a small operator who is a petrol station owner; he is not an accountant and he is not a lawyer. He would not be aware of the particular subtleties of law. When a major oil company says it is or it is not going to do something, the bullyboy antics come to the fore and, in nine cases out of 10, it gets away with it because nobody knows that they can challenge it.

I am sure that the major oil company succumbed to the pressures of the Minister and me concerning Mr Parker. I had conversations with Caltex-Ampol and I know the Minister, or the Minister's office, did. I am pretty sure that their willingness then to negotiate with Mr Parker to buy the site was as a result of that, and also the threat of the impending legislation. I think that is great. However, I have discovered that they have a way of getting out of this. We do not have a provision saying what is a fair price that has to be negotiated for the site.

The site at Farrer is valued at around \$120,000. When the proprietor started speaking to the oil company, naturally he put in an ambit bid of \$100,000, hoping to see a reasonable figure offered and countered and being met somewhere in the middle. Their opening bid, Mr Speaker, was \$240,000. What that means is that they have complied with the land use

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legislation changes, or the spirit of it, and have said, "Certainly you can have this site - for double its value". What we do not have is a mechanism in place to make them be reasonable in the negotiations. I pass on those points to the Minister because I know he would want to pick them up.

What the motion seeks to do is to put before you the next step - once we have, in fact, arrived at the stage where a site is no longer viable, it has no takers and it is up for land use change. When you think about it and have a look around town, you find a whole stack of dead petrol stations with chain wire around them and broken concrete. If you are not lucky, like the guy at Torrens, you will find a little bit of petroleum leaking up out of the soil. What this motion seeks to do is to sheet back the responsibility for restoration of that piece of ground to its original condition.

What we are talking about here is environmental responsibility, and I will address it in a couple of ways. The first is contamination. When it is determined that a petrol station is no longer viable and nobody else wants it, in nine out of 10 times the tanks are still in the ground. They are filled with a fluid which actually keeps them in the ground because when you empty them they rise up out of it. However, if they sit there long enough, the seal is eaten away and the residual petroleum product in those tanks leaks into the soil. Also, an enormous amount of fuel oil products are left lying about from vehicles going in and out of the workshop and in and out of the bowsers.

It is not unreasonable to suggest that those sites are seriously contaminated. What happens now is that people just walk away. The franchisee at Torrens was told to get lost, which he did. They put in a manager, who ran it down, and the company said, "We do not want it". They boarded it up and walked away. Under the current legislation we can resume the land and change the land use. If we feel like it, we can offer it for sale. It could be used for residential or commercial development - shops or whatever. But we would be building structures on contaminated land.

What this motion seeks to do is to get the Government to introduce imperatives, either through changes to the land use legislation or any other measure they feel is binding upon these people, to get them to accept their responsibility. There is also the visual pollution, if you like. They look dreadful. How many times have we driven around and thought, "My God, look at that". The petrol station at Page is another one. The one at Torrens is an absolute disgrace and it has been a disgrace for well over 12 months.

What I seek to do by this motion, Mr Speaker, is to have the responsibility for restoration put down to the owners so that, as part of accepting the lease, they accept responsibility for putting the site back the way it was at the beginning. If that means digging up the soil and carting it away, so be it. If that means going to an enormous expense to get rid of the buildings and the concrete, so be it. We need to require that all future leases include provision for restoration.

Mr Speaker, I believe that we should be requiring people to prepare environment restoration plans and to submit them to a competent authority for approval. I recommend very seriously that there be a financial penalty imposed on those who are in default. Not only will we resume the land when they walk off it, restoring it to its original condition at public expense, but also we will recover that public expense from them and

impose a penalty for being derelict. I know this will probably impose a similar burden on existing leaseholders, but I do not think we can compromise on environmental issues. I am happy to see proposals showing how this can be eased in, but I believe it should apply to existing and new petrol leases. The significant issue here is that they can develop reasonable restoration plans.

Mr Speaker, this is an environmentally responsible motion and I would seek to have it endorsed by the Government and the crossbenches. We are not calling upon the Government to go to massive expense and we are not calling upon the Government necessarily to pass legislation. We are asking the Government to accept that something serious needs to be done within our society. I urge members to support the motion.

MR SMYTH (Minister for Urban Services) (12.17): Mr Speaker, Mr Hargreaves raised some interesting points in speaking to his motion about the Government's new policy, and I add a few pieces to what he has said. In terms of access to supplies of petrol, I have been assured by all those that I have spoken to that they can access petrol and they do not necessarily have to access it from their existing supplier. Many of them said that they can get petrol cheaper if they are not tied to their current oil supplier. That addresses the concern that Mr Hargreaves raised.

In regard to setting prices and valuations, this Government will never set prices. It is not the role of government to set prices or to tell business whom they can sell their business to, and we would oppose that most vigorously. What we have done in the policy is to actually establish a framework. Mr Hargreaves was quite right in what he said. An oil company could put an unrealistic price on a site that puts it out of the realm of the buyer. To stop this from happening, we have said in the policy that when the two parties cannot agree on what is a real price the matter can go to independent valuation. There is a process set out in the policy that allows that valuation to happen. My understanding at this stage - and I say this with great caution - is that the majority are still negotiating with the oil companies where they are involved. I understand that one, possibly two, may have been sold. But I think we all need to await that.

Mr Speaker, the Government, through its service station policy, sought to ensure that Canberrans continue to have access to service stations at their wide range of locations. The policy requires lessees of service stations to demonstrate that they have not been able to sell it as a going concern before being allowed to redevelop the site. The policy does not relate to the kind of development that may be permitted, nor the requirements that might be imposed on the lessee in the event of approval to develop. These matters, Mr Speaker, are quite rightly dealt with through the development approval process under the Land Act 1991. Restoration, where necessary, of a service station site on which other development has been approved is a standard condition of such approvals and the level of any restoration depends on the new use of the site.

Mr Speaker, the Land Act provides that any person who obtains approval to redevelop and does not comply with those conditions of the approval can be ordered to do so under Part VI of the Act, and failure to comply with an order is an offence bearing a penalty that is set out in Schedule 5 to the Act. Where an application for redevelopment is received, comments are sought from Environment ACT, amongst others, and environmental advice is then reflected in the conditions of the approval.

The issue of lease conditions and the insertion of a site restoration provision in the lease would not only fail to capture all existing sites, but also it may compromise the future ability and the future development in environmental standards, and lessees may be in a position to rely on the protection afforded by their existing lease and, therefore, escape compliance with the new standards.

Mr Hargreaves has suggested that we should involve the Commissioner for the Environment in overseeing the restoration of service station sites. That is not an appropriate role for the commissioner. The functions of the commissioner are set out quite clearly in section 12 of the Commissioner for the Environment Act 1993, and these functions are:

- (a) investigating complaints regarding the management of the environment by the Territory or a Territory authority;
- (b) conducting such investigations as may be directed by the Minister;
- (c) conducting, of his or her own motion, investigations into actions of an agency where those actions could have a substantial impact on the environment of the Territory.

I think what Mr Hargreaves is referring to is the Environment Management Authority, which is a statutory authority established under the Environment Protection Act 1997, which is responsible for managing all aspects of the environment, including soil contamination arising from certain land uses. So it is not appropriate that we give this role to the commissioner. It is not an appropriate role. The commissioner has an independent role, not a day-to-day administrative role.

I turn to the Environment Protection (Amendment) Bill 1998. Recently, the Government has tabled in the Assembly an exposure draft for amendments to the Environment Protection Act 1997 to deal specifically with the issue of contaminated sites. The Assembly has already directed the Standing Committee on Urban Services to examine this draft and to report to the Assembly by 22 September 1998.

Under this proposed legislation the Government will be able to deal efficiently with not only service station sites but also other contaminated sites. The approach adopted by the Government, Mr Speaker, is that, if the land uses approved for the site are to be varied to include a more sensitive land use, the contaminated land must be assessed and, if necessary, remediated to a condition suitable for the more sensitive land use. In addition, Mr Speaker, if the contamination present on the site has, or is likely to have, a detrimental effect on the environment, the authority will be in a position to ensure that the site is managed to achieve the best environmental outcomes. Once this legislation is passed these rules will apply to all contaminated land, including service station sites. In line with the polluter-pays principle, Mr Speaker, the person responsible for the contamination will be required to organise and pay for such clean-up.

The Government's approach through this Bill, I think, is comprehensive and proactive. I look forward to the committee's report when it comes back at the end of September. Mr Speaker, I thank Mr Hargreaves for his agreement. I will now move an amendment to his motion to put it in such form that the Assembly can refer the matter to the Standing Committee on Urban Services so that it can take into consideration what Mr Hargreaves has suggested and report back to the Assembly at a suitable time. I move:

Paragraph (1), omit all words after "that", substitute the following words:

"the Standing Committee on Urban Services inquire into and report on existing petrol sites policy with particular reference to:

- (1) the need for requirements on the owners of petrol station site leases, upon vacation of site, to restore the site to as close to original condition as possible, with regard to the removal of contaminants in the soil caused by leakage from fuel storage tanks and the removal of buildings and fittings no longer required at their own expense;
- (2) the need for the restoration to meet standards imposed by the Commissioner for the Environment;
- (3) a requirement for future leases to include provision for restoration as a term of the lease;
- (4) requirements on existing lease holders to prepare environment restoration plans and submit them to the Commissioner for the Environment for approval;
- (5) the need to establish a financial penalty (based on restoration at public expense and recovery from the lessee) for defaulters, together with significant fines for non-restoration;
- (6) the possible application of any measures to all existing and new petrol station leases."

MS TUCKER (12.24): I have an amendment to Mr Smyth's amendment to Mr Hargreaves's motion. To enable members to see where we are up to, "revised" appears at the top of that amendment. Basically, we are inserting our original amendment into Mr Smyth's amendment for referral to the Urban Services Committee. Our amendment is there to make the point that often we would prefer to see these sites remain as petrol sites, if possible. Quite often they are a very important part of a local shopping centre's identity and, in fact, viability. For that reason, we would want to see measures taken, if possible, to maintain these sites as petrol stations. Also, there is the whole issue of not wanting petrol distribution to be completely taken over by a major oil company. Obviously it is good for diversity in the marketplace to have other players.

Mr Hargreaves's motion is quite a reasonable one. Mr Smyth's amendment still contains a reference to the Commissioner for the Environment, but it is clear from the debate that this should read "the Environment Management Authority". This has not been amended. Someone may wish to amend it now. We want to make it clear what we are asking the Urban Services Committee to look at. The understanding is that it is not quite correct to send plans to the Commissioner for the Environment; the Environment Management Authority is the appropriate body.

Mr Hargreaves's approach, in his motion, to what are, basically, contaminated sites is a quite reasonable one. It is about imposing a polluter-pays principle on clean-up of these sites, which is a good principle. We already know that a number of old sites have been redeveloped for other uses, even houses, I understand - residential development - and shops. Contamination is a serious issue so we seek support for this motion. We are also supportive of it going to the Urban Services Committee, with the amendment that I have described. I move:

Paragraph (1), after "vacation of site" insert "provided that attempts to pass the petrol station site to a new lessee for the purpose of continuing the petrol station business have been unsuccessful,".

MR STANHOPE (Leader of the Opposition) (12.27): I support Ms Tucker's proposal. I think it goes to a very important aspect of the motion. I support Mr Smyth's suggestion as well. It is a worthwhile proposal. This is a much broader debate than one about service stations. We need to ensure that, if service stations are eventually closed, they are restored appropriately so that suburbs do not have to bear the scar, the very ugly scar sometimes, of a closed service station. They do seem to degenerate very quickly and very badly.

The broader issue, as I have mentioned previously, that we need to devote more attention to is the overall degeneration of a significant number of community shopping centres and associated service stations throughout Canberra. A significant number of suburban shopping centres, including service stations, are simply moribund, defunct, and are closing down. There are communities now that are being forced to go without a basic community focus.

The way Canberra has been planned and developed, the local shopping centre has been a focus of the community. In some suburbs now we are left with no shopping centre and there is no church. You are lucky if there is a school. The school is the only centre of the community within the entire suburb. I will not labour this point now, but I think it is incredibly important. We in this Assembly must keep uppermost in our minds the fact that, through an aggregation of planning or processes of development of Canberra and the ageing of Canberra, we are in danger of destroying a spirit of the community, a sense of community, in significant areas of Canberra.

Amendment (**Ms Tucker's**) agreed to.

Amendment (**Mr Smyth's**), as amended, agreed to.

MR HARGREAVES (12.29): I want the record to show that we are particularly pleased at the response by the Minister and we look forward to a good response from the Urban Services Committee.

MR SMYTH (Minister for Urban Services): Mr Speaker, I seek leave to put something on the record.

Leave granted.

MR SMYTH: As many members have said, there are a large number of disused sites. As part of the policy that I put out on 18 July, regarding those empty sites - we have no indication what will happen with many of them - the oil companies, or the owners, have two months. So by mid-September I hope to have a clear indication of the future of all those sites.

Motion, as amended, agreed to.

Sitting suspended from 12.32 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Periodic Detention Centre

MR STANHOPE: My question is to the Minister for Justice and Community Safety. In this morning's *Canberra Times* there was a report about a police investigation into allegations against officers at the Periodic Detention Centre. Will the Minister confirm that all officers with possible conflicts of interests within the department disqualify themselves from all the relevant stages of the departmental investigation into or handling of the matter?

MR HUMPHRIES: Mr Speaker, I thank Mr Stanhope for his question. The circumstances of the investigation into the matters that Mr Stanhope referred to today and yesterday, as I indicated yesterday, are complicated somewhat by the fact that some of the matters touching on this question are before the court and there is a suppression order in respect of at least some of the proceedings, so I will answer very carefully. If I am not completely full in my answer, it will be at least in part because of my awareness of that order and my desire not to transgress it.

I can advise the Assembly that a former temporary employee of Corrective Services has made allegations to a number of people about officers of ACT Corrective Services. The matter is now being treated as a public interest disclosure under the Public Interest Disclosure Act 1994. To ensure that the allegations are investigated in a fair and independent manner, they have been referred to the Auditor-General for his investigation.

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The allegations arise from apparent dissatisfaction by the former employee with the handling of a complaint by a detainee at the Periodic Detention Centre of improper conduct by custodial officers at the centre. The complaint was referred to the Australian Federal Police on 7 August and is still under investigation. It would be most inappropriate to discuss the details of that investigation until the investigation is complete.

In relation to the former employee, it is correct that his contract was terminated with effect from 28 August, seven days prior to the assigned date under his contract for it to conclude. I have today spoken with the Auditor-General about the matter. I mentioned that he has taken on the question of the allegations as a public interest disclosure under that Act. I have asked him to broaden his investigation to include the circumstances of the discontinuation of the employment of the employee in question.

MR STANHOPE: I share the Minister's concern not to subvert the suppression order or the police investigation in any way. As I think the Minister has indicated in his response, I was directing my question just to the departmental aspect of the matter. I wonder whether the Minister can give an assurance that the interests of all officers involved as a result of the Auditor-General's inquiry are protected, including those of the officer whose contract was terminated. I wonder whether the Minister can tell us how the rights of all the officers will be protected.

MR HUMPHRIES: It is my intention that, above all, due process be observed and that the legitimate interests of any officers involved be protected in the process. There are clear procedures laid down in legislation to deal with investigations of this kind. I am confident that both the involvement of the Australian Federal Police in respect of any potential criminal activity and the involvement of the Auditor-General with respect to internal administrative matters that may be of interest to him in his role as Auditor-General - those two areas of independent statutory involvement in the process - will result in the matter being dealt with in an appropriate fashion, with the interests of parties being appropriately protected by that process. I have yet to discuss the matter directly with the head of my department, but when I do so I will certainly emphasise that it is important for this process to be handled in a way which observes probity and which takes into account the legitimate interests of all the parties concerned, including custodial officers who may have been caught up in the matter.

Periodic Detention Centre

MR CORBELL: My question is also to the Minister for Justice and Community Safety. I also refer to this morning's *Canberra Times* report about a police investigation into allegations against officers at the Periodic Detention Centre. Can the Minister say what the nature of the department's application to the Magistrates Court in relation to the matter was and who the departmental officer who made the application was?

MR HUMPHRIES: Mr Speaker, I think I am coming close to an area where I am not going to be able to make any fruitful comment to the house.

MR SPEAKER: You will have to be guided by your own judgment on these matters.

MR HUMPHRIES: Indeed. I am aware that there are proceedings before the Magistrates Court today, and I understand that they touch on the question of the application of a suppression order. In respect of that side of the matter, it may be the case that after today the suppression order will be varied in some way, reaffirmed or removed altogether, in which case it would be possible to reassess the amount of comment that I can legitimately make to the house tomorrow. I understand that that is being considered by the Magistrates Court this afternoon. Until that occurs I am extremely reluctant to make detailed comment to the house lest, in my ignorance of all the details of the matter, I breach that suppression order or otherwise compromise either of the two investigations currently under way into the matters that have been raised.

MR CORBELL: Mr Speaker, again I will have to be guided by the Minister's judgment as to what he can and cannot answer, but can the Minister say whether or not it was his department and/or an officer of it that sought a suppression order? Can the Minister also say on what basis the Chief Magistrate issued a suppression order in relation to proceedings in the court?

MR HUMPHRIES: Mr Speaker, I think that question very clearly falls within the terms of the suppression order. My advice is that all proceedings before the court are subject to the suppression order, including and especially the names of the parties. That is my advice. I have not seen the details of the order, but I think in those circumstances it would be wrong to make further comment.

Canberra Cosmos

MR QUINLAN: My question is to the Minister for sport and recreation, I think. Can the Minister inform the Assembly as to the total government financial support provided to the Canberra Cosmos since July 1996, including the funding for National Soccer League teams and funding received by the Cosmos out of the funds provided to Soccer Canberra for the development of Olympic opportunities?

MR STEFANIAK: I would have to take the latter part of the question on notice, Mr Quinlan. It may relate to someone else's area too. My understanding is that the National Soccer League teams got \$100,000.

Ms Carnell: May get \$100,000.

MR STEFANIAK: May get \$100,000. How much of that will go to the Cosmos, or in what form, at this stage I am uncertain so I will take that part of the question on notice as well.

MR QUINLAN: I ask a supplementary question that the Minister may have to take on notice as well. Given that six of the Olympic soccer games to be played in Canberra are women's soccer matches and one of them is to be a semifinal, can we also know how much funding ACT women's soccer received over the same period?

MR STEFANIAK: Again, Mr Quinlan, that may well be part of that \$100,000. So I will take that question on notice. Since July 1996 I would imagine that women's soccer would have received certain moneys from other sources such as sports grants. I do not have that figure readily available for you, but I will seek to get that as well.

Erindale Police Station : Jindalee Nursing Home

MR WOOD: My question to the Chief Minister concerns the Office of Asset Management. Chief Minister, on 13 November last year, and again on 21 May this year, I asked questions here about future uses for the empty Erindale police station, mentioning the vandalism suffered by the John Knight Hostel while it was left empty for two years. On 21 May, Mr Smyth replied:

I share with Mr Wood his concern over the long delays that occurred, particularly with the John Knight Hostel, which stood empty for a long period of time and was indeed vandalised.

On 28 May, Mr Humphries entered the debate, as the management of the police station was then under his portfolio. He said:

This is a valuable asset and its future also forms an integral part of the future of the Erindale group centre. I hope to be in a position to make a statement to the Assembly during the next sitting week on the use of the facility.

We are still waiting for that announcement. My question today, which is related, concerns Lower Jindalee, the former aged persons property which has been used intermittently since the sale of Upper Jindalee but is currently empty. What is being planned for Lower Jindalee? I hope that it will not suffer the fate of the John Knight Hostel and the Erindale police station. Can you provide an answer yet on the use of Erindale police station as well?

MS CARNELL: It is a very broad-ranging question. It is certainly true that Lower Jindalee has been used for a number of purposes. The reason I am aware of this is that I was Health Minister at the time, not because I am Minister responsible for assets management. Initially on closure, Lower Jindalee was used for respite purposes for a period of time. A number of other possible longer-term uses of Lower Jindalee have been looked at, together with the amount of money that would be required to refurbish it for the purposes involved. They were all community purposes. One of them, from memory, was a multicultural resource centre, but there have been others.

The basis of the formation of the Office of Asset Management was to make sure that in the future these sorts of facilities that were determined to be of no further use to the department involved would transfer to the Office of Asset Management and be treated as assets of the Territory and to determine the best possible use of those assets. A decision still needs to be taken - there is a good reason why it has not been taken yet - on whether Lower Jindalee is used for community purposes or whether it is sold for residential purposes or whatever.

In that particular area obviously the land is worth quite a lot of money. There is quite a lot of medium-density development in that street. But at this stage, with the land market as it has been over the last couple of years, the determination was that the ACT Government would not be in the business of making the same mistakes as the previous Labor Government made and put onto the market land which would adversely affect other land that was already on the market and in many cases had been on the market for a long period of time. It is good that over the last few months the general housing market seems to have improved quite significantly. In fact, I was really pleased to see the figures yesterday that indicated that housing approvals had increased by - - -

Mr Wood: At least, Brendan, you answered the question.

MS CARNELL: I know those opposite are not interested, Mr Speaker, but the fact is - - -

Mr Hargreaves: We would just like an answer to the question.

MR SPEAKER: Settle down, please. We are in the throes of answering the question.

MS CARNELL: This is the question. What are we doing with these sites? We are ensuring that we get the best possible use, whether it be selling the sites at a time when the market will produce the best return to the ACT Government or it be using them for community purposes. As I say, I had some involvement with Lower Jindalee. A number of groups have had a look at Lower Jindalee to determine whether it fits their requirements. It is my understanding at this stage that no group has determined that it does in the current circumstances, so I would have to say that at this stage a decision has not been taken, as it could not be until the market improves. I am not sure whether the police station has moved to the Office of Assets Management at this stage, but I will certainly take that on notice and make sure that those opposite are given a briefing on all of those facilities.

It is really important that as we look at these assets we handle them in the best possible way. We would not necessarily put some people into Lower Jindalee if the best return for the Territory, both socially and financially, would come from doing something else with it. That is the basis of good management.

MR WOOD: I ask a supplementary question. The Chief Minister just said she handles these in the best possible way. Does that mean, as with the John Knight Hostel, letting \$40,000 worth of vandalism happen? Surely, the Erindale police station was known to be coming vacant at least a year or 18 months beforehand. Is handling it in the best possible way taking forever to make a decision?

MS CARNELL: If taking a bit of time to make a decision means the best decision is taken, then I would have to say yes. Are those opposite suggesting that we should race in and make decisions, remembering that they spend most of their time saying that we make decisions far too rapidly without the appropriate process in place? On one hand, it is too fast, too fast, too fast, then it is too slow, too slow, too slow. From the perspective of the Government, one thing I can guarantee to those opposite is that we will not take nearly as long as they took with Holder High.

Needle-stick Injuries

MR BERRY: My question is to the Chief Minister, through you, Mr Speaker. Does the Chief Minister recall her halcyon days in opposition, when on 5 October 1994 she issued a media release criticising the Education Department for dragging its heels in its response to a needle-stick injury in a school playground? Given a recent similar incident in which a five-year-old girl received a needle-stick injury from a discarded syringe at a playground at an inner city block of flats, is she still concerned at the lack of government action?

MS CARNELL: I would like to hand that to the Minister responsible.

MR SMYTH: I might answer that, Mr Speaker, or do you want to answer it, Mr Moore?

Mr Moore: No, you can. He certainly did not get it right asking the Chief Minister.

MR SMYTH: I will have first go and Mr Berry can ask a supplementary question of the Minister for Health. On 20 July this year ACT Housing received advice that the five-year-old daughter of tenants who reside there in the large flats had been stabbed in the eye with a syringe. I think that ACT Housing acted most efficiently and appropriately. The entire incident culminated in a public meeting at which I believe Jon Stanhope was the only MLA present. It was hosted by Don Allan. Did you go, Mr Moore?

Mr Moore: I had representatives there.

MR SMYTH: You had representatives there. Approximately 50 residents of the complex attended. ACT Housing is working cooperatively with all relevant government agencies and the tenants to try to ensure, as far as we can, that these incidents do not happen again.

MR BERRY: That is good. I reckon now I know whom to ask. I would like to ask a supplementary question. May I ask it of the Minister?

MR SPEAKER: You most certainly can.

MR BERRY: That one over there - the Minister for not much.

MR SPEAKER: I am feeling benign, but standing orders also allow it.

MR BERRY: Minister, in view of the public concern, after the recent incident, that government agencies did not appear to have any coordinated response to the issue of discarded syringes, can you say what action you have taken to develop some sort of coordinated response to these sorts of incidents? Have you heard any expressions of concern about this from the Chief Minister, who was in the past quite concerned about these matters?

MR SMYTH: Yes, my office has been working cooperatively with Mr Moore's officers to make sure that the approach is always coordinated. I believe that in this instance ACT Housing responded the same day, as soon as the complaint was received.

Mr Moore: Three departments coordinated a response.

MR SMYTH: There you go. Three departments coordinated their response. I believe Mr Humphries's officers were involved as well. ACT Housing cleaners immediately carried out additional inspections but did not find any loose sharps. The cleaners have been reminded of their need to be diligent in the cleaning of these complexes and the removal of sharps immediately. I believe that the processes we have in place reflect the level of concern from this Government. We are all concerned about this issue. The Carnell Government has always taken drug issues very seriously and led nationally on these issues, and we will continue to take them very seriously.

Mr Stefaniak: And did a lot to fix up the ABC flats too.

MR SMYTH: And did up the ABC flats.

Police - Equipment Upgrades

MR RUGENDYKE: My question is to the police Minister, Mr Humphries. Minister, in recent Estimates Committee hearings, Assistant Commissioner Stoll made reference to a five-year rolling program of equipment upgrades in the Australian Federal Police. Apart from upgrades made with grants from the Federal road safety money for the black spots program and the allocation from this year's Territory budget, could you provide details of expenditure on upgrading resources during that period?

MR HUMPHRIES: Yes, I can, Mr Speaker, but on notice. I will take that question on notice.

ACTION - Canberra Hospital Service

MR HARGREAVES: My question to the Minister for Urban Services relates to a question that I asked of the Minister for Health yesterday. I ask this Minister because ACTION have the contract for the delivery of this service. Can the Minister advise whether the new public transport system for patients travelling to Canberra Hospital for rehabilitation will provide the same quality of service as the previous system, in that there will be attendants on the buses to assist patients who may suffer seizures, fits, et cetera and that the new midi-buses which are to be used on these new routes will be equipped with sufficient wheelchair restraints and seatbelts?

MR MOORE: Mr Speaker, I think it would be better if I answered this question and at the same time answered the question that I took on notice yesterday, because the two are related. ACTION approached the Canberra Hospital in January 1998 to renegotiate its contract for special needs transport for patients attending rehabilitation services, remedial

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gymnasium, hydrotherapy and the community rehabilitation program. The disabled people we are talking about are not necessarily the long-term disabled we normally think of when we use that term, but people who have a disability requiring rehabilitation. Sometimes that is long term, of course.

Following negotiations, the hospital felt the arrangements suggested by ACTION were not functionally relevant to its service requirements. The only item with continued relevance is the charter of buses for outings. That need will continue while investigation of alternative systems occurs. ACTION has accepted that its proposed cost structure is prohibitive and agreed to the cessation of arrangements from 2 October 1998. The hospital has yet to confirm this in writing.

Individual patients may have concerns in relation to some of these changes. To minimise these concerns, a letter will be provided to each patient informing them of a review of treatment and transportation needs which will occur over the next month. The review will reassess the clinical purpose for the person's attendance, review the care plan options and determine the appropriate kind of transport; that is, is it appropriate that there be a standard ACTION bus service or a taxi service for those people who will continue to use hospital-based services? In other words, we will focus our attention on the individual clients and how we can deal with the individual clients. The review process will be completed by the end of September this year.

The Canberra Hospital will continue to meet the costs of people who will require taxi transportation. The ongoing need for taxi transportation will be regularly reassessed. All patients using standard bus services - this comes to the question you have asked today - will be required to meet their own costs, as will all other outpatients attending services. The number of people affected is estimated to be about 30. The current contract costs just over \$300,000 per annum. The new system will cost in the range of \$20,000 to \$50,000 per annum. An actual estimate of course can be calculated only after the review. That is why they are broad figures. That substantial saving to the hospital of some quarter of a million dollars is a quarter of million dollars in health care money that can be applied in other ways for people's health.

It is important to clarify what we are talking about here. There are really four groups of outpatients who access special transport arrangements. The first comprises totally wheelchair-dependent people who cannot even transfer themselves out of their chair. The second category comprises wheelchair-dependent people who can transfer themselves out of their chair. In the third category are dependent walkers, those who are dependent on walking frames, walking sticks and so forth. Each of those three categories will be entitled to support in the form of a taxi service. Sometimes that taxi service will be a conventional taxi; sometimes it will be one of the taxis that you see around that are for people with disabilities and that have a driver specially trained to deal with people under those circumstances.

In the fourth category of people who come to the hospital are the independent walkers, people whose clinical assessment has determined that they can walk from their home to public transport and from public transport to the hospital. It is really only the people in this final category who are going to be significantly affected by the changes. It is those people who will be expected to deal with the public transport. They include people who

perhaps have had head injuries, people with MS who are mobile, some orthopaedic rehabilitation people and perhaps people with chronic back problems. They are the sorts of people we are talking about. They can use public transport and ought to be using public transport or private transport, but not at a cost to the system.

I consider that the answer to the question that I took on notice, as well as the answer to your question today, has now been delivered. I do not know the particular individual who identified this saving, but I say congratulations. The significant savings in this area, a quarter of a million dollars, is money we can spend on health care elsewhere. We can also improve the system for the individuals who need help. We are focusing on individuals who need help. They can call a taxi and the cost will be met by the hospital. It is clearly a much more efficient system. It is clearly a much more sensible system. I think it is something that the person responsible ought to be congratulated for. There will be some unhappy people because they now will have to use public transport whereas before they were picked up from their door. I can see that, but our health care dollars are valuable and need to be spent where they are needed most.

MR HARGREAVES: I ask a supplementary question. The Minister did not answer the question. I asked him whether the buses to be provided in the new system were going to have the same services. A simple no would have sufficed, but I will have to wait for that, I suppose. My supplementary question is: How much do patients pay for the transport they are currently receiving? Will that change with the new regime? Can the Minister confirm that the new routes for such patients include a pick-up in the suburbs en route to interchanges?

Ms Carnell: He answered that.

MR HARGREAVES: Do you want me to stop for a little while, Chief Minister?

Ms Carnell: No. I just said he had already answered that.

MR HARGREAVES: Thank you. Can the Minister confirm that the new routes for such patients include a pick-up in the suburbs en route to interchanges? Can he confirm that the proposed routes are Belconnen interchange, Calvary Hospital, Civic interchange, John James Hospital, Canberra Hospital and Woden but not Tuggeranong? My information is that they exclude Tuggeranong, and I would like to know about that.

MR MOORE: I think that I gave you an answer different to the information you have been provided with. I said that the proposal is to provide a new system which will have some people using a standard bus service. The standard bus service goes through every suburb and goes through Tuggeranong interchange. Some people will be provided with taxi vouchers. That is even better, because they will not have to worry about an interchange or being in the suburbs somewhere. They will actually come to the person's door and pick them up in a taxi. This is a greatly improved service as well as a saving. It will give us significant savings which we can spend elsewhere in health care.

Goods and Services Tax

MS TUCKER: My question is directed to the Chief Minister and Treasurer, Mrs Carnell. It relates to the impact of the proposed goods and services tax on the ACT. I understand that under the Federal Liberal Government's proposals non-profit community groups will be treated as businesses for the purposes of applying a GST. This means that all community groups will have to pay the GST on all the goods and services that they buy. Larger community groups with budgets over \$100,000 must register as tax collectors under the scheme and will have to pay a GST on all income such as membership fees, fundraising events and merchandising. Even registered charities not covered by the exclusions for health, education and child care will be taxed on their income outside of donations. Minister, many of these community groups in the ACT rely on grants from the ACT Government for their viability and, as you are aware, their funding situations are very tight and the demands on their services are increasing. Given that you say you are broadly supportive of the GST and that it will impose an unexpected extra cost on these community groups, will you be increasing the grants paid to these groups as compensation for their loss of income if the GST is implemented?

MS CARNELL: I am not responsible for this policy, but I believe the effect on the ACT economy is an issue for everyone in the ACT. It is my understanding that charities will be exempt from GST. Charities will become liable for GST when they are in commercial businesses, in other words operating in a commercial context. From my understanding, appropriate safeguards have been put in place for charities operating as charities. When charities enter into potential business environments, such as telephone selling and those sorts of activities, then they will be subject to GST. When they are subject to GST they will be registered, which means they will be able to claim back the input tax. That means they will be able to claim back any GST component that is part of the product that they are selling on.

The effect on the CPI will be about 1.9 per cent. My understanding is that the Federal Government has put in place a safety net for pensioners and for fixed income superannuants which will give an up-front payment of \$1,000 and \$2,000. My understanding is also that the Federal Government have indicated that the increase in pensions will be about 1.5 per cent above the actual increase in costs of services, in the CPI generally. The pension increase will be about 1.5 per cent above the actual 1.9 per cent, so pensioners and people on fixed incomes will predominantly be at least as well off, if not better off. Meals on Wheels, for example, will be GST free. Meals on Wheels is a non-commercial activity for which only a nominal charge will be made. Even though Meals on Wheels are selling a service - they are selling meals on to the people involved - that sort of service will be GST free. Similar services provided by councils and people like the ACT Government that are non-commercial and attract only a nominal charge will also be GST free. Generally, I would have to say that it would appear that charities, when operating in those sorts of areas, will be GST free.

In answer to the last part of the question, whether the ACT Government would be in a position to increase funding to these entities, I have to say that, with access to a growth tax for the first time ever, the ACT Government would be in a position for the first time since self-government to look at some growth, which of course will enable us to start

looking at increasing funding to these sorts of organisations. While we continue to have our funding reduced, there is no such capacity. If we have access to a growth tax, we have some capacity. That is one of the reasons I believe that it is in the best interests of the ACT and certainly in the best interests of Commonwealth-State relationships generally.

Community groups, if they are in the system and are input taxed, will get the credits, as I announced initially. If they are in the system charging GST, they will also be able to claim back credits under the system.

MS TUCKER: Thank you, Minister. It sounded like Mr Howard's election speech. My question was specifically about the costs on the community sector and the ACT Government's particular position on that. That was not satisfactorily answered.

MR SPEAKER: I am afraid there is nothing we can do about that.

MS TUCKER: No. I realise that but it is useful to make the point when a question is unanswered. My supplementary question is: Could you also advise us, if you are aware of this, whether the actual services purchased from community groups by the ACT Government would attract a GST?

MS CARNELL: Obviously, if that was the case, that would be supplemented. It is quite simple. Fairly obviously, if there ended up being a tax at that level, that would be the case. The reason that that is not clear at this stage at all is the fact that, as everybody should be aware, local government services such as rates, motor vehicle registration and those sorts of things are exempt from GST.

Ms Tucker: You are saying it is exempt, are you? That was my question.

MS CARNELL: Yes, there are some issues I am happy to take on notice if Ms Tucker is interested. The bottom line here is that if the ACT has access to growth revenue, which we do not have at the moment, then it has to be better for the ACT.

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

PUBLIC SECTOR MANAGEMENT ACT - EXECUTIVE CONTRACTS

Papers and Ministerial Statement

MS CARNELL (Chief Minister and Treasurer): For the information of members and pursuant to sections 31A and 79 of the Public Sector Management Act 1994, I present copies of Schedule D contract variations made with Beverley Forner (extension), John Robertson (reassignment), Barbara Norman (reassignment), Jane Wolfe (reassignment), Allan Eggins (reassignment), Gordon Davidson (reassignment), Suzanne Birtles (reassignment), Sara Cronan (extension), Glen Gaskill (variation to fixed-term contract - extended).

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I also present copies of short-term contracts made with Megan Smithies, Russell Bayliss, Doug Jarvis, Colin Adrian, Peter Burnett, John Wynants, Peter Fahy and Allan Schmidt, and copies of fixed-term contracts made with Alan Thompson, Julie McKinnon, Gary Dawson, Peter Wallace and Mark Owens. I ask for leave to make a short statement on those contracts.

Leave granted.

MS CARNELL: Mr Speaker, I have presented today another set of executive contracts and contract variations. These documents were tabled in accordance with sections 31A and 79 of the Public Sector Management Act, which require the tabling of all executive contracts and contract variations. You will recall that I previously tabled contracts and variations on 24 June 1998. Today, I have presented four fixed-term contracts, nine short-term contracts and nine Schedule D variations.

The long-term contracts relate to the offices of Chief Executive, Chief Minister's Department; Director (Economic Management), Office of Financial Management, Chief Minister's Department; Director, ACT Housing, Department of Urban Services; and General Manager, Sport and Recreation, Department of Education and Community Services. The short-term contracts are in a variety of different areas. I would like to alert members to the issue of privacy of personal information that may be contained in the contracts and personal agreements. I ask members to deal sensitively with the information and respect the privacy of individual executives.

PAPERS

MS CARNELL (Chief Minister and Treasurer): Mr Speaker, for the information of members, I present the following papers:

ACT Government Workforce Statistical Reports -

Third quarter 1997-98.

Fourth quarter 1997-98.

I ask for leave to make a short statement.

Leave granted.

MS CARNELL: In the interests of brevity, I will not read the statement. I ask for leave to incorporate it in *Hansard*.

Leave granted.

Document incorporated at Appendix 1.

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

MR SMYTH (Minister for Urban Services): Mr Speaker, for the information of members, I present the schedule of lease variations and change of use charges for the period 1 April 1998 to 30 June 1998 and the schedule of leases granted for the same period pursuant to the Land (Planning and Environment) Act 1991. I ask for leave to make a short statement.

Leave granted.

MR SMYTH: Section 216A of the Land (Planning and Environment) Act 1991 specifies that a statement be tabled in the Legislative Assembly each quarter outlining details of leases granted by direct grant, leases granted to community organisations, leases granted for less than market value and leases granted over public land. The schedule I have tabled covers leases granted for the period 1 April 1998 to 30 June 1998. I have also tabled two other schedules in relation to variations approved and change of use charges for the same period.

Included in the table are five leases granted in the previous quarter and one in the July to September 1997 quarter. These leases are with the Commissioner for Housing and, due to an administrative oversight, were omitted from the previous schedule. A record of all new leases and applications to vary crown leases is available for public inspection at my department's shopfront at Dame Pattie Menzies House, 16 Challis Street, Dickson.

PAPER

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer): Mr Speaker, I present, pursuant to standing order 83A, an out-of-order petition lodged by Ms Tucker from 115 citizens concerning the funding cuts to the Institute of the Arts.

ENTERPRISE AGREEMENT NEGOTIATIONS - REDUNDANCIES

MR BERRY (3.14): I move:

- (1) the Assembly notes the Chief Minister's commitment made to the CPSU in the lead up to the ACT Legislative Assembly election - "The Carnell Government has always made it clear the Liberals will allow redundancies only if the workload goes. They have never supported job loss alone. The current enterprise agreements requires union agreement to anything other than voluntary redundancies and we propose to put that same clause in the new agreements.";

- (2) this Assembly requires the Chief Minister to implement her election commitment in the current round of negotiations.

Mr Speaker, this motion arises from a concern about the enterprise negotiations in the ACT. It is a motion which calls upon the Government to be fair in terms of its promises to the trade union movement, which deals with ACT public servants, to the extent that voluntary redundancies would be the policy of the Carnell Government if it were elected to office. In the course of the Estimates Committee deliberations on this matter, questions were asked of the Chief Minister in relation to it. We proposed to the Chief Minister that she agree to the promise made to the unions in the lead-up to the election. The Chief Minister would only say that the Government's preferred position was voluntary redundancies. The Chief Minister was heard to say it a number of times. In my view that was code for: "If you do not like voluntary redundancies, if you do not volunteer, then you have to face the spectre that they could be compulsory". That is quite inconsistent with the offer that was made to the unions in the lead-up to the elections.

Mr Speaker, in our dissenting report, I and my colleague Mr Corbell recommended that the existing arrangements in relation to redundancy be maintained in all enterprise and workplace arrangements. I will read to the Assembly the existing arrangements. I will not go through the whole principles and objectives which appear in the agreement with the unions, but I will refer to section J which refers to voluntary redundancies. This is the clause which the Chief Minister promised before the last election to implement in the next round of negotiations:

the parties agree to develop ...

I will stop there for a moment. The parties here are the unions and the Government. It is very important to clarify that point. I quote:

the parties agree to develop and implement a streamlined process for voluntary redundancies during the life of the agreement. The process of the RRR Award shall apply. Should the processes as outlined at clause 8 of the Award be reached then further action would require the agreement of the parties.

So, when all else has failed in relation to the matter and no voluntary agreement can be reached, nothing more can be done without the agreement of the parties. That essentially says that either of the parties has a right of embargo over a compulsory redundancy. So, if the union does not want a compulsory redundancy it does not happen, and if the boss does not want one it does not happen.

The Chief Minister, in her response to the Estimates Committee, said this in response to the recommendation in the minority report:

Agreed in terms of Government's statement of response as set out in the media release of 26 August 1998.

That is a curious method of dealing with these sorts of issues, but let us examine the media release. I will show that the Government has no intention whatsoever of standing by the agreement and the offer that it made to the union in the lead-up to the election. This really goes to the issue of propriety, integrity and good standing in the community for this Government. Can this Government be taken at its word? Well, on my reading of this media release it is looking pretty shaky. Let us hear what the Government has to say. I will paraphrase some of this because some of it, as you would expect in a media release, is not entirely useful in the course of this debate. I will table this media release during the debate. The media release from the Chief Minister says this:

What we are talking about here is an orderly, cooperative process of translating the existing EBA provisions into new enterprise agreements. It is simply not a situation where one party can impose something on the other. The key is to achieve negotiated and agreed outcomes that are acceptable to both parties.

I will stop there. The Government promised to put the existing clause in the new agreements. It is very clearly saying in that clause that that is not its considered position at this point. I again point out the apparent dishonesty in the Government's response to the recommendation by Mr Corbell and I - "Agreed in terms of Government's statement of response". In effect, I think they are telling us they disagree, but I will go on:

Mrs Carnell said the Government would ensure that its agencies complied with an overall policy which favoured voluntary redundancies -

note the word "favoured" -

while recognising that EBAs could be negotiated with different outcomes.

So again there is an apparent intent to breach the policy or to breach the promise. In the promise to the unions in the lead-up to the elections, there is no question at all that all EBAs would have the voluntary redundancy provisions in them. But things certainly changed in the press release. I quote:

If agencies are happy to negotiate the continuation of the current provision in some agreements, which requires the agreement of unions before utilising the involuntary redundancy provisions of the RRR Award, then that is fine.

Again, that is offering agencies the opportunity not to do it. It is fine if agencies agree, giving agencies the right of embargo here, not unions or the Government. The media release goes on to say:

If the negotiated outcomes settle on revised access to the RRR Award, which might include the involuntary provision, then that is fine as well ...

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That is contrary to what was promised to the unions as well. This goes on and on. The media release continues:

Similarly, if the parties agree to different processes or time frames for steps under the RRR Award, then that is fine too.

That is consistent with the provision in the existing enterprise bargaining agreement, but that is about the only consistency that I could find. The media release goes on to say:

Mrs Carnell said that in cases where a staff agreement (ie, a non-union agreement) was being developed, an independent panel would be appointed to ensure that any employee with a particular concern had the opportunity to access independent, experienced advice and moderation.

That is in breach of the promise given to the unions because - - -

Ms Carnell: No, it is not.

MR BERRY: Yes, it is in breach. It is in clear breach. It is in contempt of the promise that was made to the unions. You made it clear, had you been listening to the debate, that the parties would be the ones that would make decisions in relation to whether or not a further agreement in relation to redundancy was required pursuant to Part 4.1J of the principles and objectives.

Ms Carnell: Why would the unions have veto in a non-union agreement?

MR BERRY: Mr Speaker, Ms Carnell is disingenuous when she now says, "Well, what about if it is a non-union agreement?".

Ms Carnell: Why would the unions have veto in a non-union agreement?

MR BERRY: The promise that you made to the unions before the election was made abundantly clear when you said, "All EBAs will have included in them the existing provisions".

Ms Carnell: That are done with the union, yes. No problems. Not ones that are not done with unions.

MR BERRY: I will read it to you again just to make it sure.

Ms Carnell: It is all right. Nobody is even interested.

MR BERRY: You said:

The Carnell Government has always made it clear that the Liberals will allow redundancies only if the workload goes. They have never supported job loss alone.

Listen to this, Chief Minister, and deny it:

The current enterprise agreements requires union agreement to anything other than voluntary redundancies and we propose to put that same clause in the new agreements.

So do not be disingenuous with us. Do not try to kid us. Do not try to treat us as if we came down in the last shower. It is your intention to breach the promise that you made to the unions in the lead-up to the last election.

I make the point again: This is about the standing of the Government, the integrity of the Government, the honesty of the Government, and whether it can be taken at its word. Clearly, the Government has shown on many occasions that it cannot. This is another example of that. It is extremely important for workers in the ACT Public Service that job security be held high as a priority for both parties in relation to the enterprise agreement arrangements which are being attempted, at least by the union, in relation to the new agreement. ACT public servants - 3,000 fewer now as a result of the last Carnell Government - are nervous about their job prospects, and they ought to be because, whilst the Chief Minister said before the last election, "Ah, the pain is over", we were able to discover in the Estimates Committee process that 271 jobs were planned to go in Health and Education already.

Although the Chief Minister refused to give us the proper levels of the prospective job cuts throughout other departments, it has been made clear that any pay rise under the enterprise agreements would have to come out of the budgets of the respective agencies and that would probably impact on jobs. The Chief Minister refused to tell us where these jobs would be cut, though it was clear, because some departments were more efficient than the Chief Minister's and were able to advise us without the information being covered up in the process. So, we have some agencies that tell us the jobs are going to be cut, and the Chief Minister refuses to tell us the overall position in relation to the ACT Public Service.

We know that more jobs are to go, we know that the pain is not over, and we know that the Government is about to renege on its promise to the unions. It is trying to worm out of it. You know, the good old weasel words - to worm its way out of the original agreement. We will hear the Chief Minister say in her speech in response, "Our preferred position is voluntary redundancies".

Ms Carnell: That is true.

MR BERRY: That is code, Chief Minister, but if you do not volunteer, it could get tougher after that. Mr Speaker, there is no doubt that 17,000 public servants took for granted the Chief Minister's promise before the last election that there would only be voluntary redundancies within the ACT Public Service. They took the Chief Minister at face value. Some would say that is a mistake. I certainly would. But many of those 17,000 would have done so and they are entitled to be treated with respect.

Ms Carnell: They are. I agree with that.

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MR BERRY: They are entitled - - -

Ms Carnell: To have no choice.

MR BERRY: They are entitled to be given exactly what you promised to give them.

Ms Carnell: They have no choice. That is what you want to give them - no choice.

MR BERRY: Ms Carnell interjects, "Give them no choice". Well, I can tell you that of the 17,000, if you give them all the option, I will bet that they would all opt for no involuntary redundancies. You are not saying that to them. What I am saying to you is here is the opportunity, Chief Minister, to ditch the weasel words and stick to the promise. Weasel words have become a culture for this Government, but the opportunity is still being presented to you to remain loyal to your employees. If you do not remain loyal to employees you cannot expect them to remain loyal to you. The impact of that, of course, is on government services in the end. The impact on the general run of the Public Service is that you end up with fewer services, less security, lower morale and poorer service. The reason, at least in one respect, in relation to the Government's performance is that it breaches promises to its workers. This is clearly a breach of promise. My motion requires the Government to implement it, and I urge members to support it.

MS CARNELL (Chief Minister and Treasurer) (3.29): Mr Speaker, I think that Mr Berry has probably done the bit that the union asked him to do now. I think he can now go and have a bit of a slap on the back and say, "Look, I did the job for you boys in the Assembly today". That is what this is about. It is not about public servants at all. It is about Mr Berry being asked or told by his union mates to get in here and put up the flag for the unions, not for the staff - - -

Mr Berry: No, get to the substance of the arguments. Drop off the ridicule and get to the substance.

MS CARNELL: Okay. Let us get to the substance of the argument. When Mr Berry thought this motion would come on last week he and the CPSU organised a rally outside, last Wednesday, about this issue at the same sort of time. Mr Berry knows that. He was there. That is part of it. What did the flyer for the rally say? Did it say, "Save public servants' jobs"? No, it said, "Support a union negotiated agreement". Quite simple. What this is about is nothing to do with voluntary redundancies versus full application of the triple R award. It is to do with exactly what the flyer said: "Support a union negotiated agreement". Nothing more and nothing less. It is simply Mr Berry, but again, saying to those staff that do not want a union negotiated agreement that they do not have that choice. We have seen that before, Mr Speaker. We have seen it regularly.

I have said on many occasions that the major restructuring of the service is now largely complete. There is no doubt about that. We have moved away from a central redundancy pool, something that was used extensively when Mr Berry was in government. I think over \$30m was spent out of the central redundancy pool, a huge amount of money, and a large number of people took voluntary redundancies.

The central redundancy pool was very much part of the Follett-Berry Government. This Government has now moved past that approach and redundancies will now be funded from within the department, simply because the restructure is now largely complete.

The Government's policy has been, and remains, a preference for voluntary retirement where redeployment to another job is not possible within a reasonable timeframe. But, unlike the Opposition, we recognise the need for some flexibility in particular situations, so it is open to individual agencies to negotiate specific provisions through their EBA process. However, we are not advocating, and never have, the wholesale use of involuntary redundancies.

I have heard Mr Berry talk about this issue in the Estimates Committee, on radio and on television, Mr Speaker, and you could have been forgiven for suggesting, or for believing, as Mr Berry seemed to be putting it, that the Government is advocating some sort of deal where managers would zoom into offices and say, "You, you, you and you, out. Involuntary redundancy. You're gone". Mr Berry knows perfectly well that that is not how the triple R award works; nor is it what is being proposed in any terms. Mr Berry is very well aware that the triple R award, even if put in place in its totality, involves a very long process and gives all sorts of opportunities for redeployment or retraining. I understand that the general timeframes for the triple R award would normally be well in excess of 12 months, if not closer to 18 months. So it is not exactly a case of: "You, you and you, out the door. Thank you very much. You are gone".

What the Opposition seems not to understand at all is that it is the agencies that are negotiating new EBAs, not the Government, as should be the case. For members of this Assembly to try to dictate to the agencies how they should negotiate, what they should negotiate, and, most importantly, whom they should negotiate with, is totally unacceptable. What Mr Berry is saying here is that staff-based EBAs are not acceptable. That is what the union is saying. They know perfectly well that the Government has not moved away from allowing the unions to have veto power on full application of the triple R award in union-negotiated EBAs. What we are suggesting, and what we know to be the case from work that has already happened out in the agencies, is that in many circumstances staff are interested in negotiating their own EBAs without any particular union involvement.

Is this Assembly saying that that is not all right? Is this Assembly saying that we should support union-negotiated agreements only, that somehow the union should have a veto, that the union should have the last say with regard to the triple R award when it is not a union-negotiated agreement? I think that would be extraordinarily unfair. If a group of staff want to negotiate an agreement without union involvement, surely the union should not be involved. The union should not have veto power on application of the triple R award. It is that simple. Somebody else should in an agreement that is not union negotiated. That is what the proposal on the table is - that in non-union-negotiated awards an independent arbiter, obviously agreed to by the staff involved, would be the person who determined whether application of the triple R award was put in place.

I think it is extraordinarily important here to get away from the garbage. This is not about Mr Berry and those opposite, with hands on their hearts, trying to protect the Public Service. It is those opposite, with hands on their hearts, trying to protect the CPSU's position in the negotiating approach.

I would have thought that nobody in this place would have said to staff in the ACT Public Service, "You cannot negotiate your own award, even your own EBA, even if you want to". That is what Mr Berry is saying, quite simply, Mr Speaker. This is not about sackings, as I have heard Mr Berry say. This is about allowing agencies to negotiate new EBAs, some of which will, I have no doubt, be with unions, and some of which will be with staff, to ensure that those new EBAs have as much flexibility in outcomes as is possible in the interests of the individual agencies and the staff involved.

The enterprise bargaining process relies, Mr Speaker, on agreed outcomes. That is something else that Mr Berry seems to have forgotten. No party can unilaterally impose a set of conditions on another party. It appears that the only body that Mr Berry thinks should be able to do that is the Assembly; that we should somehow impose an outcome on a negotiation that we are not part of. I think that is pretty ordinary, Mr Speaker.

Mr Berry has to take a step back and look at what is industrial relations today, not what it was 20 years ago. Many of our staff are interested in flexible arrangements. Many of our staff are interested in negotiating their own staff-based EBAs, and we should not impact on that or stand in their way in that area. That is what this motion would do. Quite simply, it would say that all agreements need to be union-negotiated agreements, regardless of what is appropriate or what our staff want.

Mr Speaker, for us to get involved in agency-based negotiation with staff would be inappropriate. I finish by stating quite definitely that the approach of the Government is the same as it always was. We have a preference for voluntary redundancies. In fact, we have never used involuntary redundancies. Agencies are negotiating the new EBAs, not the Government, as you would expect. This approach provides for much more flexibility in outcomes to suit the particular needs of the individual agencies and staff, and the enterprise bargaining process relies, as I said, on agreed outcomes; not on what this Assembly should say, but on what the parties themselves agree to. Mr Speaker, we did not make an election promise that only union-negotiated EBAs would be allowed.

Mr Berry: And I am not asking you to.

MS CARNELL: Yes, you are. You are saying that the unions should have veto on - - -

Mr Berry: No, I did not say that.

MS CARNELL: Well, that is the situation in the current EBA.

Mr Berry: No, no, no, no, no, no; read the clause. Do not try to mislead us.

MS CARNELL: Mr Speaker, the current EBA is quite clear. Clause 8 makes it clear, as I understand it, that the triple R award can only be put in place in its entirety when there is union agreement. It is simple.

Mr Berry: That is true in the current one.

MS CARNELL: That is true in the current agreement. What we are suggesting in this particular EBA is that on union-negotiated agreements the unions have veto, but in terms of staff-negotiated agreements an independent entity, agreed to by the staff, can determine whether the full EBA is put in place.

Mr Berry: That is not what you said in your press release.

MR SPEAKER: Order!

MS CARNELL: Thank you, Mr Speaker. I think everybody in this place would agree that we must work at having the most efficient Public Service possible, with the most flexibility and the most ownership of their own workplaces. Mr Berry has continued, with those opposite, to try to wind back the clock to a situation where we had an all-of-ACT-Public-Service EBA, where we had the same EBA for nurses and teachers, and people who cut grass and people who work in Chief Minister's. That was a patently ridiculous situation, and one that we had quite a significant dispute over in 1995.

Agency-negotiated EBAs have worked very well over the last three years and we are now looking at a new set of EBAs which again will reflect the changing Public Service, and, I suppose, agreements that are exactly that - agreed outcomes, not decreed by this Assembly but agreed between the parties involved. Let us not say to our staff that they can only have union-negotiated agreements. Let us say to them that they can agree on their own EBA if they choose to because we have total faith in them to do so.

MR STANHOPE (Leader of the Opposition) (3.42): I think that was the most amazing performance by the Chief Minister. The Chief Minister stood up with one intention and one intention alone - to engage in classic, old union bashing. There was no other theme than to bash the union. There was no attempt to discuss the motion. There was no attempt to own the statement included in the Chief Minister's press release. This motion deals with the Chief Minister's promise to the workers of the ACT. We have just been treated to the classic creation of a union bogey. I half expected the Chief Minister, during her tirade against the unions, to begin to accuse them all of being communists. I half expected some of the old red rag stuff that we used to get. It was an absolutely absurd attack on the unions. She was blaming everything on the unions; putting the unions up as a scapegoat. It was classic nonsense as a basis for getting out of the promise she made.

The promise the Chief Minister made to the CPSU in the election campaign is quite clear. The words are here for all to read. The words are in black and white. Mrs Carnell said:

The Carnell Government has always made it clear the Liberals will allow redundancies only if the workload goes. They have never supported job loss alone. The current enterprise agreements requires union agreement to anything other than voluntary redundancies and we propose to put that same clause in the new agreements.

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That is what the Chief Minister said. It is clear. It is plain. The words are simple, understandable and unambiguous. That is what we are debating. The Chief Minister made a promise to the workers of the ACT Public Service. The Chief Minister has now reneged on that promise. That is what this motion is about. It is about the integrity of the Chief Minister. The Chief Minister, going to an election, made a promise, and now, after the event, she decides it is a promise that she does not need to keep.

The Chief Minister's statement was accompanied by the claim, as Mr Berry has indicated, that the pain is over; that there is no need to worry; that there will be no more job losses. We actually have been confronted by the nonsense of the ACT Public Service not being required to forecast the separations, or the job losses, or movements. I am intrigued by this actually. When jobs go they are now movements. Agencies within the ACT Public Service are no longer required to forecast or to give any indication of the job cuts they propose. This is, of course, consistent with the Chief Minister's determination not to keep the promise she made - that the clause in the existing EBAs will be repeated in the new agreements. It is a simple promise. This whole motion is based around a desire to see the Chief Minister keep that promise.

Turning to the inane union bashing that the Chief Minister engaged in in order to try to not face her responsibility to keep her word, she went on and on about the need for all workers within the ACT Public Service to be included in the process. The Chief Minister was very strong on the need for us to reach a negotiated outcome with all workers, but no negotiation can be conducted on the basis of promises made and broken. Any negotiating process relies absolutely on the capacity of the parties coming to the negotiation to take on trust the statements or the promises made by the other side.

Here we have a very clear indication of the Chief Minister's opening gambit on the EBAs, and that is that the new round of EBAs will contain the same clause as the old EBAs contained in relation to voluntary redundancies. Mrs Carnell came to the table with that promise. She has now reneged, she has walked away from it, and she is blaming this on the union. The contrivance is that we are simply insisting that the union, and only the union, be party to the negotiations. That is a position which we would encourage and would support, but, of course, it is not one that we insist on. But we do insist, in this environment, that any member of the ACT Public Service who is not a member of the CPSU really is not paying due regard to their best interests. We certainly believe that. We do not resile from that, and there is no need for us to do so.

The underlying issue here is job insecurity. Over the last few years in Canberra, and perhaps throughout Australia, we have entered an era of incredible job insecurity. It is almost the No. 1 issue for people around Australia, apart from their personal health or the health of their families. They worry about whether or not, on this day next year, they will still be in paid employment. It is the No. 1 worry.

This sort of attitude displayed by the Chief Minister really does go to the core of why so many workers do feel those incredible levels of insecurity. They feel that insecurity because they do not have a feeling that their employers, in this case the ACT Government, extend to them the loyalty that an employer should extend to an employee. They feel that for a number of reasons. They feel that in the first instance because of the unashamed assault which this Government makes on the union and on union membership, as if it is

something shameful, as if it is something to be ashamed of. It is also exacerbated, I think, by the approach of this Government; the fact that it does pay lip-service to the need in the purchaser-provider arrangements and the arrangements with agencies to have some regard to some basic human resource management.

For me, the lie to the Government's commitment to act as a reasonable employer is well illustrated in the Government's response to the Estimates Committee. I notice that the Government chose to respond to certain paragraphs, not recommendations, included in the Estimates Committee's report. I am intrigued by the Government's response to paragraph 2.36 in the Estimates Committee's report. That paragraph says:

While the committee accepts that the Government will this year start to develop human resource strategic plans, it is concerned that agencies are not able, at this time, to give an informed opinion as to what their human resource needs will be at any stage during the year, and that the Government is not prepared to make an assessment of those needs.

I will read the Government's response to that, but I have to confess it is just gobbledegook to me. It means absolutely nothing. If this is the best the Government can do in terms of a response designed to allay the concerns that any worker has about the security of their employment, then I ask you to test it. If you can understand this you are doing better than me. The Government's response to that concern of the Estimates Committee was this:

The management of staffing resources is an ongoing, day to day requirement of all agencies against the background of the roles and responsibilities that agencies must fulfil. The absence of formal HR plans does not of itself reflect some fundamental deficiency in agency planning processes. The development of the HR strategic plans simply reflect a more focused approach in the future managing the significant resource level applied to staff resources.

Those are just plain weasel words. They mean absolutely nothing. The Estimates Committee was raising a legitimate concern about the right of staff to know whether or not they are going to have a job next week, next month or next year, and the Government responded with that sort of nonsense. I think it is reflective of the Chief Minister's attitude and her determination not to allow the inclusion in the next round of EBAs of a provision which she promised in black and white would be included. The Chief Minister promised that in the next round of EBAs there would be a provision in the same terms as exist in the current EBAs in relation to voluntary redundancies. This is a clear case of the Chief Minister making a promise in an election campaign and then breaking it as soon as it suited her to do so. This Government has shown that it has no compunction about breaking election promises.

MR SPEAKER: Mr Berry, you wanted something tabled, I think? Is that correct?

Mr Berry: The document is being prepared, Mr Speaker. I will come back to it in a moment.

MR SPEAKER: Very well.

MS TUCKER (3.52): The Greens will be supporting this motion. We definitely support strong, effective public services. I notice that Ms Carnell accuses the Opposition of trying to wind back the clock. I do not believe this is about winding back the clock. It is about making a judgment that the economic reform agenda pursued by Liberal governments around Australia and federally may not be delivering the outcomes that they have been promising. Cuts to the public sector, other general reforms, outsourcing, competition policy, the attacks on workers' rights and conditions, are all part of this same economic reform agenda that we need to stop and think about. Unfortunately, governments such as this one and the Federal Government are not willing to do that. They do not seem to understand that the community is becoming more and more concerned and worried about what is happening in Australian society.

That certainly was the scene at the ACTCOSS conference which I have just come back from. I think this Government is totally out of touch with what the real experience of Australians is at this time under their agenda. I believe that in the last two years 3,000 jobs have been lost from the public sector. The ACT Government service is stretched, and workers are having even greater expectations placed on them. It is common knowledge that, when voluntary redundancies are offered, not all the tasks completed by an individual disappear. There is a residual workload - that is, some jobs are left and someone has to do them. This naturally has resulted in a threat to the health of workers and the morale of those people.

At the same time the service provided to the community is questionable. The community has created public services through its contribution by taxes and rates. The community, including those employed in the government service, deserves better. They are entitled to job security, and decent wages and conditions determined by more than the CPI.

The enterprise bargaining model is based on determining productivity and new initiatives to work smarter. This approach naturally relies on mutual trust and respect. An attack on workers' jobs, pay and conditions, a refusal to negotiate with the union, a legitimate representative under industrial legislation, and an attempt to fragment them by negotiating very small localised agreements, destroy this trust, severely affect workplace productivity and disrupt service provided to the community. I really do not understand why a government would put this much at stake unless they wanted sweeping reforms that were necessary to cut costs.

I call on the Chief Minister to manage the situation without creating such unnecessary turmoil. The Government is proposing 50 agreements that would require small discrete units such as city rangers, parking operations and libraries to negotiate their own agreements. This is counterproductive as these units would find it difficult to find productivity savings themselves, but as parts of larger units it would be possible, perhaps. The Government seems to want to crush any collective approach and reduce the government service to small fragments disconnected from the rest of the service. It astounds me, Mr Speaker, that the Government is happy to engage in such a timely exercise when, in fact, it could work with the union, an organisation that is expert in determining wages and conditions, rather than creating considerably more work for the Chief Minister's Department.

Chief Minister, the Canberra community needs stability. The people of this community are crying out for it. We understood that the Carnell Government thought the stability of the public sector and the level of job loss was important. It was important enough to make it an election issue, as other speakers have said.

This is, of course, the very issue we are discussing. The Chief Minister made a commitment to the Community and Public Sector Union that redundancies will only be allowed if the workload goes, and that the Canberra Liberals have never supported job loss alone. She then continued to say that they propose to put in the new agreements clauses on voluntary redundancies in the current agreements.

In six months the tide has changed considerably. The union and workers have been told that they cannot expect a pay rise. They are likely to face a reduction in their current conditions, a reduction in sick leave by the rolling in of individual sick leave and family leave entitlements, and their job security will not be guaranteed. No more commitment. Was this a core commitment, we wonder? In my estimation it should have been.

At a time when the Canberra community was so unstable and had sustained such a blow with extensive job losses in both the ACT and Commonwealth public services, the whole community got behind the public sector as they understood the importance of the public sector to the community. Why, Mrs Carnell, are we back here six months down the track? This Government does not seem interested in working with the community for the community. It seems focused on paring back the public sector while on a collision course of reform for reform's sake, without any regard to the people supposed to be served and having made a commitment to them.

MR CORBELL (3.58): Mr Speaker, I stood up in this place yesterday evening and spoke about issues to do with job security and the sense of growing insecurity in our city. I also spoke of the growing sense of anger in our community against this Government. At the time the Chief Minister threw back at me a whole list of statistical indicators that showed that everyone was happy and that everyone felt secure. Well, Mr Speaker, today, with this motion that we have before us at the moment, I think there is still more confirmation of the growing sense of insecurity in our city and the growing sense of anger in our city, not the least amongst ACT government employees.

What we have before us today is a very simple and straightforward proposition. This Government made a commitment that it would not require involuntary redundancies; that it would not require what are, basically, sackings. Mr Speaker, I note that the decision on this motion will be in the hands of the crossbenchers, as it always is in this chamber, and I hope that Mr Rugendyke will take the opportunity to listen to the debate and not just to the Chief Minister who has already had a chance to put her case before the Assembly. I am sure that Mr Rugendyke always listens to everything that is said in the debate, and I am sure that Mr Rugendyke listens to all members equally, even if the Chief Minister has had an opportunity already to speak on this motion.

Mr Speaker, the fact is that the Government made a commitment and the fact is that the Government is now breaking that commitment. This Government, as Ms Tucker indicated earlier, is entering into a process of breaking down the conditions and rights of employment of people in the ACT government service. It is weakening the ability of the

work force to bargain for effective and decent wages and conditions. The way it is doing that, as Ms Tucker rightly points out, is through breaking up the ACT government service into smaller and smaller units. That, I think, is a completely unacceptable path to go down. Far from Ms Carnell's indications yesterday, through her statistics, that everyone is happy and everyone is secure, what we are seeing is a growing sense of unease and insecurity in the ACT government service.

Mr Speaker, along with my colleague Mr Berry, I dissented from the Estimates Committee report in relation to this matter. I note that Mr Rugendyke and Mr Osborne did not do so, but I hope they have the opportunity in this debate to reconsider the issue, although sometimes I wonder.

The issue of voluntary redundancies is an important one. The employees in the ACT government service work in a highly efficient sector. They work very hard. For the Government to make suggestions that they are going to put in place involuntary redundancies is, I think, quite unacceptable. As Ms Tucker said earlier, perhaps this was not a core promise from Kate Carnell's Liberals at the last election. Perhaps the commitment she made that the pain was over was not a core promise from the last election. Perhaps the commitment she made that there would be no involuntary redundancies and the clause in the triple R award would be maintained was not a core promise from the last election, because what we are seeing is this Government changing its mind.

This Government is starting to force upon the unions the requirement to accept that there may be involuntary redundancies. That process, as far as the Labor Party is concerned, is unacceptable, because it places an enormous threat over the head of every single ACT government employee - a threat that they may not have their job if they do not do what this Government wants. We have seen, increasingly in the past six months, a culture being fostered by this Government - the culture that you do exactly what the Minister wants. You give them the advice that they want or you soon end up not having a job. That is the threat, Mr Speaker. We only see coming through the Executive the advice that the Ministers want to hear. We do not have an impartial, effective, professional Public Service that feels it is able to provide the range of advices that it should on any particular issue. If the Government steps down this path of forcing involuntary redundancies into new enterprise bargaining arrangements, then those issues, too, will only become more acute, not less so.

I hope, in the course of this debate, that members of the crossbenches, notably the Osborne group who say they represent the interests of ordinary people in Canberra, will decide, if they truly represent the interests of ordinary people in Canberra, that the best way to achieve that is to make sure that there are no involuntary redundancies in arrangements between the ACT Government and the unions and the employees of the ACT government service.

MS CARNELL (Chief Minister and Treasurer) (4.04), by leave: I move:

- (1) Paragraph (1), add “Union agreement will not be required with regards to staff negotiated EBAs.”.
- (2) Paragraph (2), omit “requires”, substitute “asks”.

I think this will clarify this issue for everybody involved. Union requirement is not required with regard to staff-negotiated EBAs. That was the point that I made in my speech. Where an EBA is negotiated by staff, not by the union, why in heaven’s name would the union have veto over full usage of - - -

Mr Berry: It is unnecessary.

MS CARNELL: Sorry, it is necessary.

Mr Berry: No, it is not necessary. Your original clause covers it.

MS CARNELL: Mr Speaker, the comments that have been made in this place have been very definitive. The position that the Government has taken has been, I think, quite definitive as well. With regard to union-negotiated EBAs, the union would continue to have veto. But we have a large number of agreements this time where it appears that the staff want to negotiate their own EBA. Where the staff want to negotiate their own EBA without the union, surely they should not have a clause in their EBA whereby somehow the union can veto the full implication of the triple R award. That is the position that has been on the table, Mr Speaker. So, with regard to staff-negotiated EBAs, union agreement would not be required. I suggest, Mr Speaker, that in paragraph (2) of the motion we delete “requires” and substitute “asks”. It would read that this Assembly asks the Chief Minister to - - -

Mr Berry: No, no.

Mr Corbell: We should not have to ask you.

MS CARNELL: You watch. I do not mind anyway. It would read, “Asks the Chief Minister to implement her election commitment”, and so on. I think we have made it very clear the whole way through this debate that our preferred position, quite clearly, is voluntary redundancies. Our position also is to allow our agencies to negotiate EBAs in line with the requirements of their own work force. To direct our agencies on how they should negotiate or on what they cannot negotiate on, I think, is terribly inappropriate. Mr Speaker, I think it is inappropriate for this Assembly to direct our agencies on how they negotiate in these sorts of situations, but I have said that before. Mr Speaker, in this case the Assembly certainly can “ask the Chief Minister to implement” any election promise they want. Sorry, “calls on” is a better phrase.

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So, in the second amendment omit “requires” and substitute “calls on”. In that way, Mr Speaker, I think everybody ends up with an outcome that is appropriate. Those opposite can look after their CPSU mates. Those opposite can say that they only really support union-negotiated agreements, and we can make it clear that we support staff-based agreements or union-based agreements, depending on what our particular staff want.

MR SPEAKER: You will need leave to amend your amendment.

MS CARNELL: I seek leave to amend my amendment to paragraph (2) by omitting “asks” and substituting “calls on”.

Leave granted.

MR BERRY (4.09): Mr Speaker, the first thing I want to deal with is the theatre and the claims that were made by the Chief Minister in relation to unions. Let me make it clear. It is in the interests of all members of the Public Service to belong to a union, in my view, and to negotiate collectively.

Mr Moore: We know that is your view, Wayne.

Ms Carnell: We know that is what you believe. That is fine.

MR BERRY: That is a matter of fact. It is borne out by history.

Ms Carnell: It is your opinion.

MR BERRY: It is borne out by history. It can be in the interest of individuals if they are given no other alternative - “Or else”, you know; “Negotiate by yourself, or else”.

Mr Moore: If that was the case, Wayne, there would never be a separate EBA.

Mr Smyth: That is how you do it in the Labor Party. The rest of the world does not work that way.

MR BERRY: Let me make that part clear. While the upper class over the other side worry over that, I will get on to some other issues. Ms Carnell went into a great deal of theatre, bouncing around the place, saying, “The managers are not going to say, ‘You, you, you, you and you, out’ ”.

Ms Carnell: No, we are not.

MR BERRY: No, no; because you cannot. You cannot because there is an agreement in place which prevents you from doing it. That is why. We want you to put the same thing in which will prevent you from doing it in the future, as promised before the election. That is why you cannot do it, because you - - -

Ms Carnell: No, sorry; that is not true.

MR BERRY: It is true. The agreement that is in place now goes on to say:

the parties agree to develop and implement a streamlined process for voluntary redundancies during the life of the agreement. The process of the RRR Award shall apply. Should the processes as outlined at clause 8 of the Award be reached then further action would require the agreement of the parties.

That is the position and that is why you cannot now say, “You, you, you, you and you, out”. We want to make sure that those same conditions obtain. So, let us get that clear.

I will go on to another issue. You said that you do not want to direct the agencies. Well, you do not want to direct agencies on this issue, but you have already directed them generally. I have tabled a document which is headed “Essential Values, Practices and Terms and Conditions of Employment”. At the bottom, these words appear:

Note: This document was prepared by Chief Minister’s Department.

On page 2, section 11 refers to redeployment and redundancy and it says this:

Full application of the RRR Award to apply.

That means including clause 8 without the section which you promised. It continues:

Award is to be varied as part of the Award Simplification exercise to expunge ‘non-allowable’ matters which should leave scope for agencies to negotiate revised arrangements covering such matters as the retention period
-

the retention period is mentioned in clause 8 -

and consultation requirements.

Consultation requirements such as the provision set down in Part J of the principles and objectives which are in the current agreement. Ms Carnell, do not give us any more of those weasel words. The fact of the matter is that you were trying to dodge your election commitment to the unions. There is no question about that. No more weasel words, please. The fact is that you cannot do anything to employees now because there is an agreement in place, and if you put this agreement in place you still will not be able to.

Let us deal with another fantasy that you put up in this place, the issue of unions and their control over the situation. The “parties” to an EBA, under the terms already in the agreements, does not necessarily mean it has to be a union. It could be an individual in an AWA. I am opposed to AWAs. I think they are an outrageous piece of

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industrial relations law, but they are there and you will use them. If the parties were to have that sort of a clause, as you promised before the last election, if you had that in there, a non-union agreement would be subject to the same conditions as a union one. So, do not give me that nonsense.

Ms Carnell: So you will support the amendment?

MR BERRY: I will read it to you again. It does not say the boss and the union. It says:

the parties agree to develop and implement a streamlined process for voluntary redundancies during the life of the agreement. The process of the RRR Award shall apply. Should the processes as outlined at clause 8 of the Award -

which is where compulsory redundancy can arise -

be reached then further action would require the agreement of the parties.

So your amendment is completely unnecessary, but so is your rhetoric. This is not about control of the union movement over the process; this is about fair play for ACT public servants and a better Public Service. I am not interested in your ideological opposition to trade unions. You will say, "Oh, unions are all right as long as they sit there quietly and do nothing".

Mr Smyth: This is simply your ideological support of unions.

MR BERRY: Yes, support of quiet unions and trouble-free unions. They are the sorts of unions she wants, not ones that actively support their workers. Workers in the ACT Public Service will soon work out where they are best represented. They are not best represented by independent agencies appointed by the boss. They are best represented in a collective situation by an organisation which is set up to do that. I go back to that issue again. Do not try on this nonsense about this amendment being necessary to rule the unions out. Do not try it on at all because it is already dealt with in the agreement. Again I repeat: "the parties agree to develop", and so on, and further action at the end of it would require the agreement of the parties.

Let me summarise this, Mr Speaker. The Chief Minister says she does not want to direct agencies. Well, she has done so already because she said in relation to redeployment and redundancy that full application of the triple R award is to apply and that includes the compulsory redundancy provisions. So do not give us that; you have already done it. I have the document and it has been tabled in this place. Secondly, the agreement covers all of the mysteries that you attempt to raise in relation to unions because it is between the parties. The parties are the boss, the worker, the unions and so on. It is covered. There is no need for any more of that.

Mr Speaker, this was a promise that was made to the trade union movement and the community generally, and the Public Service generally, before the last election and the Government should be required to observe it. We hear of this nonsense about coming in, tugging the forelock, and begging to the Chief Minister, "I ask you, Chief Minister, would you kindly, please, introduce these provisions?". This is on the shallow basis that you are going to say that you cannot direct departments. Well, you can and you have.

Ms Carnell: I said I do not want to.

MR BERRY: You said you do not want to, but to implement this election promise it is important that you tell them that they must comply with the promise that was given to workers before the election. That is the fundamental issue here. Your amendment suggests that the motion should say "calls on". "Requires" is at least ample. "Requires" is ample because then we are assured that there will be no more weasel words. What we want to get away from is weasel words. "Required" is the proper language, and refuse it at your peril. That is the issue here. The other amendment, which says, "Union agreement will not be required with regards to staff negotiated EBAs", is absolutely unnecessary. It is already there in relation to the clause which you said you would put in all EBAs and all AWAs. If you put that clause which appears in the current agreement in all of your EBAs you have complied with your election promise, and I will be laughing, and so will all the workers in the Public Service. They want the agreement you promised them. That is all they want. They do not want any more.

MR SPEAKER: Mr Berry, would you seek leave to table that paper, please?

MR BERRY: Indeed. Mr Speaker, my apologies. I seek leave, colleagues, to table a document headed "Essential Values, Practices and Terms and Conditions of Employment".

Leave granted.

MS TUCKER: Mr Speaker, I seek leave to speak again.

Leave granted.

MS TUCKER: I would like to speak to Mrs Carnell's amendment. I will not support it. I find it really interesting that we keep being given this argument that workers have choice. What is unjust about the whole approach from the Liberals in Australia to workplace relations generally is that they are very duplicitous in this argument of choice. The underlying assumption of that argument is that there is an equal power dynamic between the employer and the employee. That clearly is not the case. It is getting less and less the case as people are becoming more and more desperate for work. It is based on a very false premise, and it is quite offensive for that reason.

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Question put:

That the amendments (**Ms Carnell's**) be agreed to.

The Assembly voted -

AYES, 9

NOES, 8

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

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

Question so resolved in the affirmative.

Motion, as amended, agreed to.

CONSIDERATION OF PRIVATE MEMBERS BUSINESS **Suspension of Standing Orders**

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

That so much of the standing orders be suspended as would prevent the order of the day, private Members' business relating to the restructuring of ACTION's fare structure being called on forthwith.

ACTION FARE STRUCTURE

Debate resumed.

MR OSBORNE (4.25): Mr Speaker, I seek leave to move two amendments together.

Leave granted.

MR OSBORNE: I move:

- (1) Paragraph (1), add the following words "in relation to student fares; and".

- (2) Paragraph (2), omit the paragraph, substitute the following paragraph:

“(2) calls on the Government to develop and introduce a new fare structure for students which removes the arbitrary zoning and applies the current one zone student fare to student travel throughout Canberra until the Standing Committee on Urban Services has reported on the inquiry into school bus services and that report has been considered by the Assembly.”.

Ninety-five per cent of complaints that my office has received in relation to the new ACTION zones have been from families in relation to their schoolchildren. The new zonal fares place an unfair burden on families who choose to send their children to an independent school in a different suburb. The most obvious cases are children from St Clare's and St Edmund's. About 600 kids travel from the Tuggeranong Valley to St Clare's. This new scheme places an unfair burden on families for choosing a certain school.

In the 1995 election the Liberals promised free bus fares for schoolkids. These amendments of mine leave in place the zone system but allow ACTION to charge students only one fare for the whole system. I think that is a fair compromise. We have had many meetings with the Minister in relation to this. The issue that has stood out for me is the number of schools that have been placed in dual zones - schools around Phillip and the Belconnen interchange, for example. These amendments are a fair compromise. They do not involve a restructuring of the zonal system. I hope that members will support my amendments to Ms Tucker's motion.

MR SMYTH (Minister for Urban Services) (4.29): Mr Speaker, the entire process that has led to the new system has taken significant time and occurred after significant consultation with the population. I acknowledge that the work was started under Mr Kaine. It is not something that has been arbitrary or considered lightly. It is a serious attempt to deliver to the people of Canberra a bus service that will meet their needs. It is curious to note that even though we have a good bus system about only 5 per cent of the population use it. The bus system currently does not meet the needs of the population. After consultation and analysis by experts in the field, we came up with this system. Firstly, we had the Graham report, then we had the Booz Allen and Hamilton report.

It must be noted that 88 per cent of ACT students live in the same zone as the school they attend. About only 25 per cent of students catch a bus to school. Of those, more than 70 per cent will travel within one zone. Retaining a flat fare across Canberra would retain the current inequity of people making short trips paying the same amount as people making long trips. It is important to understand that there are already inequities in the school system.

If you are lucky enough to have a dedicated bus service, you can travel for one fare, whatever the distance. Many students currently have to pay two fares for travelling quite short distances through an interchange to get to their school. The new system offers equity in that if you travel within your zone you pay one fare. If you travel further, and go across two or three zones, you will end up paying two fares.

Some of the increases are substantial. They are substantial because, apart from New South Wales, which of course has free school travel, we are coming off quite a low percentage of the adult fare. The increase will be from 25 per cent of the adult fare to 35 per cent of the adult fare. Apart from New South Wales, we will still have some of the cheapest school bus travel in the country. I accept that Mr Osborne has been lobbied hard by many groups. He has brought many groups to my office. I compliment him on that. I believe that what we have put in place is fundamentally much fairer and will give ACTION the best opportunities to deliver the bus services that the people of Canberra deserve.

The Government will vote against the amendments. If the Government loses on the amendments and on the motion, I will of course look at these structures and take advice from the Standing Committee on Urban Services. We recently made concessions to alleviate the hardship for families with a large number of kids who travel across two zones. I think those concessions have been well received, but some people have said that the concessions do not go far enough. I have had my departmental officials go back to the schools in question and ask for the numbers of students affected by this and the numbers of students not paying full fees so that we can find out the degree of the problem. They have gone particularly to schools in the central zone, and to this date those schools will not tell me.

If you have an objection to a price rise, I can argue that we come off a very low base and that you are now paying what would be considered in most other jurisdictions a fair price. However, when we have gone out and asked schools for numbers so that we can get a handle on what they see as the size of the problem, they have not told us the numbers most dramatically affected. They insist that all their students are affected. This Government is keen to help those who deserve assistance. I do not think we are here to offer middle-class welfare. Until I can get some more information - perhaps Mr Osborne can get the information; the schools certainly will not provide it to my officials - we need to maintain the integrity of the system.

The zone system offers ACTION the opportunity to provide a really tremendous service to the people of Canberra. It will benefit the majority of travellers. Some will pay more, yes, but they are travelling longer distances. The majority, two-thirds, of not only students but also adults travel within one zone. I think what we have done is well measured, is considered and will give ACTION the best chance to survive and deliver the sort of service that all Canberrans want. With that in mind, we will oppose the amendments.

MR KAINE (4.35): It has been a long time since I heard a Minister in this place so blatantly try to avoid his responsibilities as the Minister for Urban Services just did. He said, “The schools will not tell me how their students are affected”. So it is the schools’ fault for not giving him the information that he thinks he might need to change his mind. But then he said that if the schools will not provide it perhaps Mr Osborne will. My understanding of ministerial responsibility is that if you are going to make decisions affecting very large numbers in this community the Minister has the responsibility to resolve the issues before he makes the decisions, not make the decisions and then say to the stakeholders involved, “You produce the evidence that shows that my position is wrong”. That is a cop-out of the ultimate degree.

I support Mr Osborne’s amendments because of the evidence coming to me from a very large number of parents. I do not believe that they have not been to the Minister just as they have come to me. Perhaps he has his door closed and his telephone switched off. The parents who have come to me have produced conclusive evidence that very large numbers of students are affected by the present policy implemented by the Minister. The three-zone system, while it might be quite appropriate for people who use the public transportation system to commute to work, is in no way compatible with the needs of children who travel to school. The three-zone system virtually puts all of the major schools into the central system. It stands to reason, therefore, that very large numbers of students who live in the northern region or the southern region, in order to travel to the major schools, are going to have to pay more than they paid before. I do not see that as being a reasonable or an equitable proposition at all.

It is totally inconsistent with the Liberal Party’s philosophy on education, which is supposed to be based on excellence and allowing choice. Parents can exercise choice as to which school they send their children to. How can that be compatible with a transportation system that penalises them if they choose to send their children to a school that is outside the zone in which they live? It is totally inconsistent, and this Minister seems not to understand. Maybe he has not been around long enough even to read the Liberal Party policy on education. Perhaps he should. If he did, he might listen to parents who come to him and say, “This disadvantages my children, particularly when I have two, three or more children who are obliged to use your transportation system to get to school”.

Mr Speaker, the system being imposed by the Government, as I said before, may well suit people who commute to work. I have no argument with that at all, but I have been pretty much convinced by the evidence put to me by a very large number of parents over recent weeks that their children are disadvantaged by this system. There is no reason why they should be. The success or failure of the new system of fares and the new network is not going to depend on the use of that system by schoolchildren. If it does not stand or fail on the basis of the people who use it to commute to and from work, then it is not a workable system.

The Minister is simply brushing off the problems of parents by saying, “The schools will not tell me”. Rubbish! All he has to do is open up his telephone line and let the parents talk to him, not lock himself up in his office with the telephone cut off. He will get plenty of input from the parents, as the rest of us in this place have over the last few weeks, about the impact of this decision that he has made. If you are going to close your mind,

Minister, you are not going to get the information. If you are not going to open your mind and open your communication systems, you will never know. If you are going to rely on the public servants who are implementing your policy, of course they are going to stand by their original decision.

You have a different responsibility, Minister. Listen to your electorate; listen to the people who are affected by this. If you do, I am absolutely convinced that you will be persuaded that the regime that you are putting in place for schoolchildren is unacceptable; it is unfair. If the amendments put forward by Mr Osborne are passed - and I am sure they will be - and the Minister acts upon them, he will have a much fairer regime and he will eliminate all the opposition in the community to what he is proposing to do.

MR CORBELL (4.41): I rise to respond to some of the comments made by the Minister in this debate. The first point I want to refute is the suggestion by the Minister that the zonal system and the zonal fare structure which the Government has introduced for the ACTION bus service have come into place after broad-ranging community consultation. I am about to use a word that we seem to use a lot in this place, but it is certainly apt in this case. That is the word "disingenuous". That is disingenuous on the part of the Minister. He is saying, "Because we consulted about the route structure and because we consulted about where buses should go to and leave from, that means we also consulted about the fare structure". The reality is that they did not.

The consultation that ACTION initiated and ran in relation to the route structure was effective consultation. I do not have any qualms with it. There was widespread participation and there was widespread comment from people in the community about where they wanted their buses to leave from and where they wanted them to go to. That has resulted in some good changes in the route structure. But the Government did not consult on the fare structure. The zonal system relates to the fare structure, not the route structure. The reason why the Government did not consult on the fare structure, the reason why ACTION did not put that issue at its community consultation meetings, is that ACTION told the community when the issue was raised by residents at various meetings, "That is an issue for the Government because it is a revenue issue". That was ACTION's response to residents who asked about a possible new fare structure. For the Minister to stand up in this place and say that they have consulted on the fare structure is wrong. He should not be so disingenuous and attempt to confuse the consultation on routes with the lack of consultation on fares.

I also refute the suggestion by the Minister that what Ms Tucker and the Labor Party have been proposing in a system based on a flat fare was inequitable and would be going back to what we currently have but are about to remove if the Government has its way. Again, the Minister is being disingenuous. He is saying that it is simply going to be a flat fare; that you will pay for each ride. That is not what the Labor Party has been advocating and that is not what Ms Tucker has been advocating either. What the Labor Party and the Greens have been advocating most strongly and what the Labor Party put to the electorate at the last election was a flat fare structure based on time.

We did not hear the Minister say that in his argument. He simply referred to it as a flat fare structure. It is not a flat fare structure. It is a flat fare structure based on time; that is, you pay a single fare for a period of time and you can travel on as many buses as you like or as you possibly can during that period of time for that single fare. That is what we are proposing. That is what the Greens have been proposing also.

That is not an inequitable system. In fact, it is one of the most effective systems for getting people out of their cars and onto public transport. The community and the Government have to make a choice. Do we value a reduction in greenhouse gas emissions, a lower use of the private motor vehicle for commuting and a higher use of public transport despite any potential marginal increase in costs that may incur? This Government has decided that price and cost, the dollar, are a higher priority than getting people out of their cars and onto buses and reducing the damage that cars do to our environment.

That is the judgment this Government has made. It really gives the lie to some of the statements, only some of the statements, the Government has made in its draft greenhouse strategy that it released yesterday. Over 30 per cent of all greenhouse gas emissions come from transport use. In Canberra the great bulk are from private motor vehicle use. The decision by the Government that in this case the dollar is more important than the environmental imperatives is misjudged and ill guided.

My colleague Mr Hargreaves has provided me with some figures. Mr Hargreaves has been very diligent in following up this issue and looking at exactly what the new zonal structure means. Mr Hargreaves has worked out on figures provided to him by ACTION that in the financial year 1996-97 there were 17.5 million boardings. That equates to approximately \$17.5m in fare revenue, based on ACTION's advice. If this new system comes about, on ACTION's own calculations there will be a reduction in boardings. Only 30 per cent of them will result from the changes in the route structure, that is, free transfers, not counting people as they transfer and the new route services that travel across a series of zones or a series of town centres.

There is still a figure the Government has not accounted for. There will be a drop in revenue of approximately 27 per cent on top of that 30 per cent reduction because of the changes in how you count boardings. That 27 per cent drop can only be put down to a drop in patronage. These are ACTION's own figures. If the zonal system is such an effective way of getting people on the buses, why is ACTION itself calculating a 27 per cent drop in patronage? The facts speak for themselves and give the lie to the Minister's comments that this system will get people out of their cars and onto public transport. Perhaps it has more to do with the Government's intention somewhere down the track to say, "We tried to help ACTION but it did not work, so now we will sell it". Maybe that is the real agenda, but I will leave members to speculate on that.

What all this means is that there will have to be an increase in fare revenue to cover this reduction in patronage of approximately 27 per cent. The Government is driving the whole issue on dollars, not on getting people into public transport and out of their vehicles. There is no doubt that the private motor vehicle will continue to play a very

important part in this city, and in most cities. Here in Canberra we want to reduce the overreliance that our residents have on the private motor vehicle, simply because there is not a public transport system and, more importantly, there is not a public transport fare structure that meets their needs and encourages them to get onto buses.

The best example I can give is Palmerston. It is not equitable for people who have chosen to use the bus service in Palmerston to have to deal with a 100 per cent increase in their fare simply because that brings them into line with everyone else in Gungahlin. I campaigned during the election and before the election on the issue of having a fair fare structure across Gungahlin, but I did not want to see the residents of Amaroo, Nicholls and Ngunnawal impose their fare structure on Palmerston residents so that everyone paid the highest common denominator. I wanted to see the lowest common denominator. I wanted to see residents in Ngunnawal, Nicholls and Amaroo pay a \$2 fare just as the residents of Palmerston do. That did not occur. The Government went the other way.

I think the Government has serious problems with this zonal fare structure. Ms Tucker is to be commended for bringing forward this motion today. I hope that the Government will seriously reconsider the implications that the zonal fare structure will have on public transport and its use in this city.

MR HARGREAVES (4.51): I address my remarks to the amendments. Essentially, I support what Mr Osborne is trying to do. He is trying to bring some justice for the schoolkids.

Mr Osborne: I have heard that before.

MR HARGREAVES: Yes, you have, but you have not heard the next bit. I have no difficulty in speaking to Mr Osborne's departing back, because it happens quite regularly. He clearly does not wish to hear any justification for why his amendments are fine but do not go far enough. In fact, they should go so far as to be withdrawn. These amendments single out just one part of the community. They suggest that schoolkids are the only people who are suffering under this draconian new zonal system. They ignore the fact that commuters are forced to travel interzone and have no choice but to pay these draconian new charges. They ignore the fact that any zonal system, by definition, will create an area where there is unfairness.

By way of providing wording which is more succinct than my own, I wish to read into *Hansard* part of an article in the *Canberra Times* which encapsulates the unfairness of this system and which in my view provides justification for why this amendment should not get up. In fact, it provides further justification for supporting Ms Tucker's original motion. It says:

The new zonal system ... is based on the ... notion that people who travel further should pay more ...

But on examination, this notion of "fairness" doesn't add up. If it can be argued that someone travelling a short distance (say from their home in Richardson to work in Tuggeranong ...) subsidises their neighbour who travels to work in Civic or Belconnen, it could surely be argued

even more strongly that people who never catch buses subsidise those who do, and that those who catch buses only rarely subsidise those who catch them daily. Those who pay full fare subsidise those who travel on cheaper monthly tickets, pensioners and concession card-holders ... If we are splitting hairs about equity we should admit that strictly no-one pays their own way.

It also says:

The provision of public transport should involve an element of public service to the less mobile sections of society. There are also sound environmental (and infrastructure) reasons why governments should get people to use public transport, even if it can't fully pay its way.

What this article is saying is that, as Ms Tucker said in speaking to the motion, there is more than making a buck out of the bus system. We have to be environmentally responsible at the same time. The article goes on to say:

A zonal system which penalises some people simply because they work (or go to school) on the wrong side of town defies reason. Should they also pay more for their water because they are comparatively further from the reservoir than someone a few suburbs away?

That is a good question. It also says:

Canberra is too small for a zonal system.

How ludicrous is it to chop up a town this size into three? It says in this article from the *Canberra Times* of 10 July 1998:

A time-based single-ticket system, such as that proposed by Labor at the last election, had more to recommend it.

Mr Smyth: Yes, it costs a lot more money too.

MR HARGREAVES: I hear loud and clear, probably for the sixth time, the Minister saying, "It costs a lot more money too". I would invite the Minister to have another read of Ms Tucker's motion. It says "with no fare increases". I do not believe it to be so. I think you can develop a fare system based on time which returns the same revenue. It would create an attraction for people to go onto the buses. You will find that you will probably even make money.

Another furphy debunked in this article is the difference between one person's ride and another's. When we talk about the distance travelled, we are not talking about from here to Adelaide. The difference in most people's travel can be measured in tens of kilometres, not hundreds. The difference in terms of costing of wear and tear on the vehicle is minimal. The argument just does not stand up.

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I think Ms Tucker articulated particularly well why we ought to toss the zonal system out. Mr Corbell, I believe, has debunked the responses from the Minister. I would urge Mr Osborne to think again about this motion. The kids certainly need relief. The 800 students from my electorate of Brindabella going to St Clare's and St Edmund's certainly need assistance, but I would argue that so too do workers earning very low family incomes of \$30,000, living in Banks and having to work in Civic, Fyshwick or Belconnen. Where are they going to get the money if fares are doubled?

A constituent who was in my office just before question time today has to go into another zone to get to work. They have a family income of less than \$40,000 a year. She had not worked out the new fare, but when I showed her from the pamphlet that her fare would go from \$17 to \$34 she was absolutely aghast. It was not in the context of me saying, "Have a look at that"; it was in the context of me saying, "Yes, I have the information. There it is". She was aghast because they cannot afford it. She has three kids in the family.

Some people would certainly be better off. People in my electorate, the electorate of the Minister and Mr Osborne, come off very nicely, thank you very much, under this new zonal system. Our people can travel from Banks to Weston Creek in one hit. That does not make it fair. I ask the Assembly to vote no to the amendments and to support Ms Tucker's original motion very strongly.

MR RUGENDYKE (4.58): I rise to support the motion and also the amendments to it in the interests of trying to - - -

Ms Tucker: You cannot do both.

MR RUGENDYKE: I support the motion in the interests of - - -

Ms Tucker: You support the motion but not the amendments?

MR RUGENDYKE: Both. I am trying to reach a compromise on this issue. It concerns me that in the vicinity of 3,800 students stand to utilise the multizone fare on a daily basis. It concerns me greatly that each one of these students falling into the multizone category is staring at an additional \$300 a year to get to and from school. This is clearly not fair to these families.

I understand that the Minister for Urban Services believes that Ms Tucker's motion has the potential to cost ACTION about \$4.3m in revenue. That aside, if there is any group in our community which relies on the bus service the most heavily, it is our schoolchildren. If they make the choice of attending a school which requires utilising the bus service, they should not be penalised. When choosing a place of education, the method of travel is naturally a consideration, but who could honestly anticipate a hike of an extra \$300 per student per year?

Debate interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

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

Question resolved in the negative.

ACTION FARE STRUCTURE

Debate resumed.

MR RUGENDYKE: It is very difficult to support such a substantial rise, particularly when it is being brought on by a government which not so long ago promised free bus services for schoolchildren. The main focus on the ACTION's bus service should be on service. I appreciate the Government's concerns about expenditure and recovering costs, but at the end of the day our community is entitled to that service. Most families would expect fares to go up from time to time, but for 3,800 students to be hit for an extra \$300 is unexpected and unnecessary.

I am prepared to give the new system a fair go, but I would prefer to see a flat fee for schoolchildren. Presently the faresaver ticket for students equates to about 45c per journey. In the proposed new system for ACTION, the faresaver ticket for students at the one-zone fare will be 60c per journey. That is what is on the table. That is what the community is expecting to pay. I believe it is a commonsense approach to institute the 60c faresaver fee for all students. It is fair, it is workable, it is less complicated and it is an amendment that would cause less grief than overhauling the entire proposed revamp to ACTION. I believe that this is a reasonable compromise that would not be as costly to government revenue as Ms Tucker's proposal would be, but at the same time it would ensure that students are not penalised an extra \$300. However, should the amendments be opposed, I will have no option but to support Ms Tucker's motion.

MS CARNELL (Chief Minister and Treasurer) (5.03): I suppose I am having a little bit of trouble understanding this. I certainly understand some of the comments about school buses, but those on the zonal system escape me. Last time we had a debate about these sorts of issues here, those opposite were saying exactly the opposite. They were saying, "You rotten government, implement the Graham report". Those opposite were asking, "When are you going to implement the Graham report?". The Graham report was supported by this Assembly. What did the Graham report advocate? It advocated a zonal system. When those opposite were saying, "We want you to implement the Graham report", did they say, "But not the zonal system."? Or did you?

Mr Hargreaves: No, we did not.

MS CARNELL: No, you did not. Spot on. Those opposite supported the Graham report. I think Ms Tucker supported the Graham report also. Never once in any of that support or in any of the debates in which they were urging the Government to implement it did I hear one comment that said “the Graham report but not the zone system”. They did not say anything about that at all.

Mr Berry: They were not here. How could they?

MS CARNELL: You were here. Ms Tucker was here. Those opposite are just playing politics. Yes, in any zonal system there will have to be boundaries. Yes, there will be people who will fall on one side or the other of a boundary. Some people will like it, and some people will not. That is part of a zone system as recommended by the Graham report, a report that was taken on board by this Assembly. In fact, the Government was urged to do the work to implement it. Implementation meant significant community consultation. It meant the people at ACTION buses, Guy Thurston and his people, going out and speaking to the community. In the final analysis, there will be people who like it and people who do not. Will the people who like it say anything?

This is a really important issue in this place. This Assembly urged the Government to implement the Graham report. We complied with the Assembly’s approach and are implementing the Graham report.

Mr Hargreaves: This Assembly did not; the last one did.

MR TEMPORARY DEPUTY SPEAKER: Order! Mr Hargreaves, you were heard in silence. The Chair would expect the same respect for the Chief Minister.

Mr Hargreaves: I take a point of order, Mr Temporary Deputy Speaker. I was not heard in silence.

MR TEMPORARY DEPUTY SPEAKER: That is not a point of order.

MS CARNELL: We have gone ahead and implemented the report that those opposite and this Assembly asked us to implement. A lot of work has been done at ACTION to achieve that end. Part of that report was about a zonal system. A small vocal group of people may not like a particular outcome. Inevitably, that will happen with any decision that is taken. Under any system we implement there will be people who do better and people who do not.

If we are going to respond all the time to noisy vocal minority groups - it is a minority group of people who will end up somewhat worse off under the zonal system of bus fares - then government in this place will never work properly. It is important for those on the crossbenches to remember that. We were asked to do something which we have done. A lot of consultation occurred. Some people will end up being on one side or another of a zone boundary. That will always happen.

We have to come up with a system that the ACT can afford to pay for and one that is efficient and provides the service that the community want. That was the basis of the Graham report, a report that I believed was good and that this Assembly believed was good. Now, under a tiny bit of pressure those opposite are going to water. So much for good government. We will continue to put in place the things that we need to do to make ACTION more efficient and more responsive to the people of Canberra. It seems to me a great pity that others in this Assembly but again are caving in to vocal minority groups.

MS TUCKER (5.09): I wish to speak to the amendments. While I understand the intentions of Mr Osborne's amendments, I can also understand why government would not support them. If government acknowledges that this is an unfair burden on families who choose to send their kids to particular schools, they are going to have to acknowledge that it is an equally unfair burden on everyone else who has no choice but to use the bus system.

I understand why Mr Osborne has put up these amendments. He has been contacted by a number of people who are affected by the new fare structure. It is a lot more than just this particular group in our community who will suffer. It is the broader community generally who use the buses. I think it would be good if other people in this place used the buses occasionally. As someone who does on a regular basis, I believe I am probably more in touch with who uses buses than are other members of this place. It is really pretty insulting when you hear Ms Carnell describe people as a noisy, vocal minority group. Sure, parents of kids at schools were a vocal and effective lobby group. The main people this is going to affect are not a noisy group. They are a minority but, I am sorry to say, a growing group of people in our community who are socially disadvantaged in that they do not have a choice about whether they use their car or a bus. They have to use the bus. These people are suffering more and more in the ACT as services decline.

There is a real question of equity and social justice in this debate. It is not just about the environment. Those people include young people, not just those going to school but young people who have left school. They include elderly people who no longer drive, people with a disability who cannot drive, people who as a matter of choice do not own a car and people who do not have the money to buy a car. All these people are going to suffer as a result of this system, not just the children of the parents who have contacted members here. I am very sympathetic to that group as well. I know that it is a very costly exercise when you have a number of young children going to school. I do have sympathy with their particular issues. But, as I said, it is a much broader issue than that. I will not be able to support Mr Osborne's amendments and, as I said, I cannot see how government can either.

MR STEFANIAK (Minister for Education) (5.12): The Government has been considering the various points made by the last few speakers and looking carefully at Mr Osborne's amendments. Whilst they do not bring about an ideal situation, we tend to think that they have a lot more merit than the substantive motion. We are also somewhat swayed by the persuasive logic of Mr Rugendyke. We have listened carefully to what people have said and we think that there is more merit in Mr Osborne's amendments than in the substantive motion. The Government is prepared to support the amendments.

2 September 1998

Question put:

That the amendments (**Mr Osborne's**) be agreed to.

The Assembly voted -

AYES, 9

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

NOES, 8

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

Question so resolved in the affirmative.

MS TUCKER (5.15): I would like to wrap up the debate. We need to get on the record what has happened here. Obviously, the Government's position changed radically over a very short period of time when it was realised that Mr Rugendyke and Mr Osborne would be supporting my motion unless the amendments were supported. What this means is that the Government has fundamentally acknowledged that their zonal system is very severely impacting on a particular group in the community. They are also acknowledging that the zonal system will have an equally negative impact on every other person who has to use the bus system in the ACT. It is a scandal of this Government. I cannot believe it. Every day it seems to get worse.

Mr Smyth, when he was speaking, was not supporting the amendments. In that speech he said, "We are not going to make any money out of this. This is going to cost us money". When do we make money out of roads? We do not. We call it investment. I want to make the point again. It is always an investment when we put money into roads. It is apparently not an investment when we put money into public transport, even though the benefits of public transport are environmental and social. Even though they are about equity in our society, we do not want to put money into public transport. That is called a subsidy. This is a typical Liberal government that has no idea about social justice or the environment.

Question resolved in the affirmative.

ENVIRONMENT ADVISORY GROUP - ESTABLISHMENT

MS TUCKER (5.18): I move:

That this Assembly calls on the Government to establish an Environment Advisory Group, made up of subject experts and representatives of relevant conservation groups, for the project to duplicate the Federal Highway from Watson to the ACT border, which will provide advice on the route design and environmental management during construction.

I put forward this motion because of community concerns that have been raised about the fate of the considerable number of trees which line the Federal Highway from Watson to the ACT border and which are under threat from the proposed duplication of the highway. As members would know, there have been plans around for some time to complete the duplication of the highway into Canberra. The stretch of road from Watson to the Sutton interchange is the last remaining section on which work needs to commence. I understand that Totalcare is the project manager for the roadworks on the ACT side of the border and that design work is currently being undertaken on the new section of the road.

This motion is not about stopping the work but making sure that the roadworks are done in the most environmentally friendly way possible. From information that has become available from Totalcare, most of the trees on the western side of the existing road will have to be cleared to make way for the extra lanes. These trees number in the hundreds and include mainly trees planted around the 1930s and some remnant native trees. Trees were planted there to provide a formal, tree-lined entry into Canberra that really expresses the bush capital nature of Canberra. It would be a great shame if these grand trees were destroyed needlessly because the road designers could not accommodate them in their plan. The Federal Highway at this point is the entranceway to the national capital and we must treat it with more respect.

This motion calls on the Government to establish an environment advisory group to provide advice on ways of protecting the environment along the route as much as possible. I understand that a similar group was established by the New South Wales Road Transport Authority for the duplication of the Federal Highway around Lake George and proved to be quite successful in providing a forum for interested groups to discuss environmental impacts of the road and ways of minimising these impacts. I am not suggesting that all the trees along the section of road between Watson and the border should be maintained. In fact, I am aware that some of the trees near Watson are showing signs of disease. The point I am making is that we should be attempting to preserve as many trees as practicable so that the tree-lined vista that visitors to Canberra see as they drive into the city is maintained as much as possible.

Obviously, it is possible to plant new trees to replace ones that may have to be cut down, but then we would have to wait another 50 years to get the trees back to the state of the current ones, which does seem a waste. I understand that it would be possible to protect the trees by placing the new western lane sufficiently distant from the trees to allow them

to be in the median strip between the old and new sections of the highway. I gather that a concern has been raised by the road engineers that the trees may be too close to the highway for the planned speed limit of 100 to 110 kilometres per hour, but really do we want such a speed limit so close to Canberra? This section of road should probably be 80 kilometres per hour to slow drivers down.

Ms Carnell: It is a highway.

MS TUCKER: It is a highway. We love speed!

MR CORBELL (5.20): The Labor Party will be supporting this motion from Ms Tucker. The reason why we will be supporting it is that, unlike the Chief Minister with her ill-informed comments, the Labor Party has some appreciation of environmental issues and how they relate to the development of major roads.

The Labor Party has received representations from a range of groups concerned about the proposed duplication of the Federal Highway. These are not concerns that the duplication should not occur. Quite clearly, safety and other issues overwhelmingly indicate that duplication must occur. I want to make that very clear from the beginning. We are not arguing against duplication of the Federal Highway. The road must be duplicated. The issue is how it is duplicated and how we can make sure that some of the environmental values of the gateway to our city are maintained as part of that duplication.

I myself have received representations from a group known as ACT for Trees. This organisation has been very active and vocal in advocating the importance of trees in the built environment of the city. The Minister, in speaking to the condolence motion for Professor Lindsay Pryor, acknowledged the significance of trees in the built landscape as part of the garden city and indeed the bush capital that we all love.

The Federal Highway is the major entrance for a lot of visitors who come to Canberra by car. It is currently, and certainly as we lead up to the Olympics and beyond will continue to be, the main entrance for many visitors to our city who choose to travel here by car. Currently the road is not of an acceptable standard. The duplication, hopefully, will resolve the problems. The entrance into the city has significant plantings of mature trees along either side of the Federal Highway. Many of them are close to 100 years old. Many others are 60 to 80 years old. They provide a very symbolic entrance into the bush capital.

The concern that the Labor Party shares with the Greens is that to date there has not been any real recognition that this is an issue that must be seriously addressed in planning for the duplication of the Federal Highway. We have seen other examples of major road construction and duplication where this issue has been very effectively addressed. One very good example just down the road is the upgrade of the Lake George stretch of the Federal Highway. There we saw very close consultation and close cooperation between the contractors and the government authority responsible for that very large project and local environment and other groups concerned about the impact that road could have on the environmental values of the area. There we have seen very high-quality work in retention dams to take the water flow off the road, work to do with the wetlands area along the shore of Lake George and connections between the shoreline and the ridge

on the other side of the road. All of those issues have been very well addressed, as have the retention of existing trees wherever possible and the planting of new trees. This is the same sort of approach the Labor Party would like to see in relation to the Federal Highway inside the ACT. It is not a confrontationist approach and it certainly is not an approach driven by some strange group on the outer for some sort of ideological ends. It is an approach that recognises that development can go hand in hand with the preservation and the enhancement of the natural environment.

Because to date we have not seen this level of engagement from authorities here in the ACT, the Labor Party believes that it is appropriate that there be an environment advisory group to assist with this issue, to provide the advice on the route design and the environmental management during construction that we need if we are to get a good-quality result. It is a sensible proposition and I urge the Government to accept it. It will mean that in the end we get a positive outcome and a good result, allowing the duplication to occur but making sure the values of the environment are maintained and indeed enhanced.

MR SMYTH (Minister for Urban Services) (5.26): It is curious that the reason we should have an advisory environment group is that we had such a group for the road along Lake George. It is true that such a group was established to assist with the Lake George work. I am told that significant environmental issues arose in running the road between the lake and the very steep hills there. The New South Wales RTA took that on board and agreed that such a group was appropriate for that location at that time. We are talking about a different section of road. Part of the upgrade will be in the ACT and part of it will be in New South Wales. It is the position of the RTA that there is no need for such a group for this section of road, because there are no significant environmental issues that would raise the need for such a group. We on the ACT side of the border have come to the same conclusion.

The 1995 corridor selection study included a large amount of public consultation. EISs were done, submissions were received and they were addressed jointly by the RTA and the Department of Urban Services. Gary Humphries, in 1997, wrote to Craig Knowles to say that they believed that the process had been fine. The New South Wales Minister for Urban Affairs and Planning, Paul Whelan, accepted the joint assessment and approved the project, and on 8 May 1998 the Commonwealth Environment Minister, Robert Hill, decided that all environmental requirements had been satisfied. Because no complex environmental issues were raised in the assessment process, there is no need for an environment advisory group as suggested by Ms Tucker. The upgrade of the Lake George section of the Federal Highway was very different.

It is curious, as I have said, that on the RTA side of the border we will not have such a group. Neither should we on the ACT side. In the lead-up to the EISs, submissions were asked for and, quite rightly, the Conservation Council put in a submission. In that submission the council stated that it believed the environmental impact statement was very thorough. Given the concerns raised here today, it is curious that there were no submissions by the then two Greens. I was not informed whether Labor made a submission or not. Perhaps Mr Corbell would like to tell us what Labor said if they made a submission when it was appropriate to raise concerns.

The whole concept of putting this road in has been brought forward very graciously by the Federal Government in response to our concerns and the pressure of the Carnell Government to ensure that this road is available for the Olympics. It therefore gives us a very tight timeframe in which to carry out the works.

A large number of groups are working in partnership to ensure that this project goes ahead in an appropriate and an environmentally responsible manner. They include the National Capital Authority, Canberra Urban Parks, Canberra Nature Park, Planning and Land Management, Environment ACT, ACT Heritage, ACT Roads and Stormwater and the RTA, in conjunction with engineers, designers and landscape architects. Because the road goes through areas under the responsibility of the National Capital Authority, the authority require, and are strongly supportive of, the minimising of the impact of the works on the surrounding area, as are we. They want to formalise that approach to the national capital and retain as much of the existing landscape as is possible, as we do. The number of trees retained will be maximised where there is no conflict with vehicle safety standards. This, after all, will be a road and it must be remembered, first and foremost, that this project is about road safety. Indeed, the stretch of Federal Highway all the way from Lake George has been the scene of many accidents and deaths. We are trying to put in place a road that will allow people to complete their trip safely.

Wherever possible, we have kept as many trees as possible. We would want to do that. Why would we not want to do that? Some trees will, unfortunately, need to go as a result of the new road. However, I can assure members that we have undertaken to, and will indeed, plant more trees than there are there now to ensure that the amenity of the area is maintained. In fact, median strips have recently changed to increase tree retention and to reduce the major excavation scar at the Majura Road interchange, and the design team is currently examining the excavation slopes, which will be tapered off at the top to soften the impact of the work. All new plantings will be Australian native species appropriate to the area and consistent with the existing landscape. In the main, local species will be used.

This project must be completed by June 2000 in time for the Sydney Olympics. The week before last I met with the Conservation Council and said to them that I am advised that no complex environmental issues were raised during the formal assessment process. That is consistent with the advice being given in New South Wales. The Conservation Council have raised this issue with me, and I have offered them a briefing on what has been done to maximise the environmental amenity of the area and have offered to speak with them again after that. I would like to thank the Conservation Council for their part in the EIS and for their belief that the EIS was very sound.

This motion simply duplicates a process that I believe has already been carried out. It creates another committee to do jobs that are already being done. We will manage the environment to get the best results for the environment. As I have said, I have arranged for full briefings on this issue for the Conservation Council. I believe that what we are doing is correct, and the Government will not be supporting this motion.

MR KAINE (5.33): My colleague Ms Tucker will perhaps be a little disappointed when I say that I will not be supporting this motion. The reason that I will not be supporting it is that I would expect the Government in today's climate, in 1990s politics, to do what this motion calls upon them to do as a matter of course - that is, to make sure that in upgrading the Federal Highway as much of the existing natural environment as possible is preserved. I listened to the Minister carefully, and he said that the Government would do that. In fact, he repeated himself. He said, "Where possible, we will preserve as many trees as possible". Those were his words. That is some sort of assurance, but I am not sure that it goes far enough. I think it is incumbent upon the Minister to make sure that when the planning for this highway upgrade is completed it does ensure that the trees that were planted there as part of the environment many years ago are retained. That is a simple enough request. I do not believe that the imperatives of highway alignment and the like are such that they need to plough right through the middle of a grove of trees that was planted there 40, 50 and 60 years ago.

I would like an assurance from the Minister, not because Ms Tucker imposes an obligation on him or because this Assembly chooses to do so, that he will ensure that those trees that are the concern of Ms Tucker remain there. I hope that what the Minister said reflects his own thinking on this subject and that he did not merely read a speech prepared somewhere by some anonymous public servant; that he did not come in here and regurgitate something which he does not really subscribe to. I will give him credit by assuming that he delivered a speech which he subscribes to and the concepts of which he believes in. So I accept his assurance that the Government will do the things that Ms Tucker, through this motion, is seeking to have the Government do.

As I said at the beginning, I think it would be normal to expect of government in 1998-99 that the existing environment would be preserved to the maximum extent possible. If there was any less commitment from the Government than that, first of all, I would be disappointed; but, secondly, I would say that it is unacceptable. Because I have the expectation that the Minister and the Government will meet the reasonable expectations of the community on this matter, I choose not to place an artificial constraint on them by requiring them to do so. I would expect them to do it as a matter of course.

MR STANHOPE (Leader of the Opposition) (5.37): I do not wish to appear cynical. I do not have quite the same degree of faith as Mr Kaine. I agree with everything that Mr Kaine said, but I do not think that we can leave it to faith. Those of us who are particularly concerned about the environment and appreciate the incredible value of the avenues of trees on the approaches to Canberra need to ensure that those trees are protected. We cannot, as Mr Kaine did, simply trust and hope.

Mr Kaine: I am perhaps more trusting than you.

MR STANHOPE: Perhaps you are on this issue, Mr Kaine. I would like to be able to endorse your sentiments absolutely, but I just do not have your level of faith. I do not think the community does either. I do not think the Conservation Council does. I do not think ACT for Trees does. I think they have very serious concerns about the commitment of this Government to retaining that significant part of our heritage which is contained in those avenues.

Ms Carnell: I seem to remember that in the election the Conservation Council rated us the same as them.

MR STANHOPE: Yes, and they have lived to regret it, and will for a while. The community sector has expressed heartfelt and very sincere concerns about the need for us, as a community, to ensure that we do everything possible to protect the natural environment. Therefore, I do not believe that, as an act of faith, we can leave this matter in the hands of the Government.

I think this is a commendable motion. I see absolutely no harm in it. I think it would be a very good thing for you, Minister, to take that extra step and formalise a consultative arrangement with the community. The Government's rhetoric on consultation is incredibly strong. It seems to me that here is a great opportunity for you to embrace the community and, as an act of faith, reach out and say, "Yes, we are genuine in our concern to work with you to ensure that your expectations in relation to the protection of the environment in this particular instance are met". We are talking about only one project. We are talking about only the construction of the Federal Highway from Watson to the border. We are not seeking to bind the Government to anything broader. I think it would be to your great credit, Minister, if you could reach out and make that connection with the community in relation to this project.

There are some very significant issues here. The construction of major roadways has the potential to create terrible scars across the landscape and to do very significant environmental damage. I am sure we are all aware of the trees that we are talking about. It would be an act of the most appalling vandalism for us to endanger these avenues of trees in any way. I just cannot see any reason that anybody would not support this motion.

MS TUCKER (5.40), in reply: I would like to respond to a couple of comments from the Minister. The Minister claimed that the RTA was not setting up a group for this road on the New South Wales side of the border because the impacts are not significant enough. I think I made it pretty clear in my speech that we believe that they are significant on this side of the border because this is the entrance to the nation's capital and obviously it has a different significance for us. There is also a much greater population presence in the ACT, and the people of the ACT have a very strong interest in the importance of that stretch of road.

As I walked out before, I heard Ms Carnell interject that it was a highway and that she did not agree with my proposal that the speed limit should not necessarily be 100 or 110 kilometres an hour. There are a number of development proposals in that area that I would hope the Chief Minister was aware of. They include the Starlight Drive-in development proposal. Of course Gungahlin will be coming closer to the highway, although I do not imagine there will be access from there. That is not the point. It is about what is around that part of the road. It certainly is not a highway in the middle of nowhere. I do not think Ms Carnell's argument is a very strong argument at all.

Mr Smyth said that this motion would lead to the setting up of another committee unnecessarily and to giving more people work. People I have talked to are really interested in being on that committee. They have expertise and would be very willing to put in their time.

This is not just about the broad EIS process that has been described. It is about getting input at the detailed stage of planning of this section of highway in an area that is very sensitive for many people who live in Canberra. It is about trying to influence traffic engineers to be sensitive in road design and to be sensitive to these other considerations such as what the community feels about the significance of that area, the significance of the trees there, the value of trees and the value of treescapes. We had a condolence motion this week for Professor Pryor, who did so much for our city in terms of its treescape. All of us in this place acknowledged the importance of that. That is all this is about. A group of committed people with expertise want to get involved in the final stage. It really should not be a threat to government.

I do not believe Mr Kaine is correct in thinking it will just happen - pretty clearly, the Minister said it would not - to the degree that we want it to. I urge him to reconsider his vote. If at least nine of us in this place make it clear that this is not a particularly threatening motion but is about working in partnership with the community and showing sensitivity to their concerns, then it would be a good motion to support.

Question put:

That the motion (**Ms Tucker's**) be agreed to.

The Assembly voted -

AYES, 8

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

NOES, 9

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

Question so resolved in the negative.

FLORIADE - DONATION

MR BERRY (5.48): I move:

That the Government revert to a “gold coin” donation for entry to Floriade this year and that in any consideration of an entry fee for the next Floriade the Government consult with community and relevant commercial interests.

This matter was raised in the context of the Estimates Committee examination of the budget. A week after the scheduled public hearings of the committee we found that there was to be a charge on entry to Floriade. You will find this mentioned on page 17 of the Estimates Committee report, just under the Estimates Committee recommendation to restore arts funding. The first opportunity we had to ask the Chief Minister questions in relation to the matter was when she was recalled for further questioning.

It is a concern to me and to other committee members that there has been inadequate consultation on Floriade. We have heard from a number of businesses around the ACT that will be affected by the outrageous mismanagement of the Floriade fee. Businesses that have established themselves at significant cost have produced literature in relation to Floriade and committed themselves to business ventures in relation to Floriade on the basis that it was free. Then all of a sudden out of the blue we are informed that there is to be a fee.

Most concerning is that the decision of the Government in relation to this matter was made last year. Mr Hird and others have been heard to say that Floriade was tired and that we had to do something about it, so we should implement a fee and that should wake them up. Right across Australia we still had a constant stream of advertising which either ignored this new fee or promoted Floriade as a free event.

I have a great deal of passion for Floriade. It is our major festival and it is a festival which is valued by the community, not only in the ACT and the region but very broadly across Australia. It is valued because it is good quality. It is valued because it is free. It is valued because it is in the Australian Capital Territory. It is valued because it gives the opportunity to those people interested in floral design an opportunity to be involved in the process with those working on the festival or to visit the festival. I do not think anybody would disagree that Floriade is of value to the Territory.

Let us go to how the Government decided on the level of an entry charge. Keep this in context. Floriade has always been free. Then we hear the Government, in their response to the Estimates Committee report, trying to justify the entry fee set by the Canberra Tourism and Events Corporation on the basis that the fee has been set at a level which is comparable to, or less than, the fee for events such as the Royal Canberra Show. What does that have to do with it? The Royal Canberra Show has always been accessed by payment. It has never been free, not in my experience anyway. The government response also mentioned the Summernats. The Summernats has always been an expensive event to enter. It has always been at a cost. It has never been free. Also mentioned was the Melbourne International Flower and Garden Show. I have never been there but I suspect that it has never been free either.

Mr Moore: Come on, Wayne. You have been there. You must have been there. I cannot believe that you have missed that, Wayne.

MR BERRY: Smug remarks are not helpful, Michael. Michael, you belong to a government that made a bungle, and it is about time you had the independence to say so. Instead of just writing "Independent" on your door, you have to look as though you are independent. You really have to quack like a duck to be a duck. Here we have this wishy-washy justification for the fee which was set. None of the events mentioned are comparable to Floriade. This fee was improperly thought out and kept a secret before the election because the Chief Minister knew it would be damaging to her election campaign if she said she was going to do it this way. It was sprung on the community at the last minute.

Let us have a look at some of the things that have happened since. We heard at first that families would get one free pass for one year only. Later I think I heard the Chief Minister say that they would always get free passes every year, from here to eternity. That was an advance on the issue. Then we heard that everybody was going to get a free Floriade pass in their letterboxes with their electric light bill. Some had already got their bills and would not be getting another bill until after Floriade, so that had to be patched up. We then discovered that people in nursing homes were not going to get a pass because they were not renters or ratepayers, so they had to be fixed up as well.

This has been a litany of mistakes, one clumsy stumble after the other. That is why the Estimates Committee, consisting of Mr Corbell, Mr Hird, Mr Rugendyke, Mr Osborne and me, made the very sensible recommendation that the Government revert to a gold coin donation for entry to Floriade this year and that in any consideration of an entry fee for the next Floriade the Government consult with the community and relevant commercial interests. This is the way it should have been done in the first place, with care and consultation, to make sure that everybody understood exactly what was going to happen.

I do not think the community would object to some sort of an entry fee, provided that it was set at a very reasonable level, a low level in the first place, and that Canberra residents were not seen as having to pay twice. We already pay a one point something-or-other million dollars subsidy for Floriade. If you take your mother-in-law or your grandmother along, you have to buy a ticket for them, or if your children are over a certain age you have to buy a ticket for them. A whole range of issues need to be dealt with in the context of managing this sort of a change.

Let us think about another issue. If you manage change badly, you reap the results of your bad management. That is what has occurred in the context of this festival. We have heard of tourism operators threatening to cut the fence down. You could not very well describe a management process for the introduction of a new fee as successful when tourism operators in the ACT threaten to cut their way into Floriade because the Government did not properly consult them about the issue. I do not know what has happened to placate the particular tourism operator who said these things, but I happened to bump into him and he is still very upset about the operations of the Government on this matter. As he properly indicated, it has been bungled from the outset.

Some other questions have arisen in relation to the propriety of putting a fence up, whether people could just refuse to pay and just enter if they want to and who would be able to prosecute them if they refused to pay. I am not quite sure of the legal aspects of that, but it all seems very curious and unsettled to me. A very sensible proposition put forward by the Estimates Committee was rejected by the Government outright in their response to the Estimates Committee report. This motion is consistent with the Estimates Committee recommendation. I would urge those members of the Estimates Committee who supported it to support it again.

I reject the Government's comparison of the fee for Floriade with those for other important festivals such as the Royal Canberra Show, Summernats and the Melbourne International Flower and Garden Show. Those events are not relevant because they have never been free. Floriade has been a free show since it started, and all of a sudden you are whacking a great fee on at short notice without properly advising tourists and the tourism industry. As I have said a number of times in the past, the first thing they will have to do when they arrive in the ACT with a 40-seater bus is whip around all the people on the bus and ensure that they come up with \$10 each. That is 400 bucks before you bother getting out of the bus.

That, in my view, is an outrageous proposition. It has been improperly managed from the outset. It is about time the Government woke up to itself and went back to taws and started again. That would be a sensible move, and I think the Government would win a few points if it were to do that.

Sitting suspended from 6.01 to 7.00 pm

MS CARNELL (Chief Minister and Treasurer) (7.00): Mr Speaker, there is no doubt that the decision to charge a modest entry fee - and I have to say it is a modest entry fee - for interstate and repeat visitors to Floriade has upset some people. So why was such a controversial step taken by CTEC, the Canberra Tourism and Events Corporation? It is a fair question that deserves a comprehensive answer. Let me start by putting a few facts on the table for the benefit of all members of this Assembly. Floriade is the ACT's premier festival. It costs more to stage than all of our other festivals combined. It injects about \$25m into the ACT economy and creates up to 900 part-time and full-time equivalent jobs.

It is also 11 years old. When organisers surveyed tourists and Canberrans alike about their impressions of the 1997 festival, their fears that the event was losing its appeal were realised. Floriade was perceived as being tired, lacking innovation and entertainment value. It was also seen as being too small, with too few bulbs and displays to provide variety and interest. If nothing had been done, then all the indications were that Floriade would have gradually withered and died as a major event and, with it, all the jobs and the economic benefits to the city. I am sure nobody would want that to happen.

The Canberra Tourism and Events Corporation decided to revitalise Floriade and restore its pride of place as Australia's and perhaps even the world's premier floral festival. An extra 500,000 bulbs and annuals have been planted this year, bringing to 1.3 million the total number of flowers on display. The displays are now spread over 12,000 square metres of Commonwealth Park. Two free outdoor concerts have been added, featuring the likes of James Blundell, Margaret Urlich and Grace Knight. These and other improvements were all added to enhance the local, national and international appeal of this event. But all this comes at a cost, about \$3.2m in total. Canberra taxpayers already contribute to the tune of \$1.1m via funding from the ACT Government. There has not been any reduction in our commitment this year, contrary to some comments that have been made. The organisers have been able to attract about \$800,000 in corporate sponsorship, as well as the anticipated proceeds from merchandising, licensing fees, et cetera. For Mr Berry's benefit, that leaves a shortfall of \$1.3m.

This could be met in one of three ways. First, we could try to attract more sponsors. Certainly that has been tried, but so far that has not been possible. Second, we could increase our funding. That would have to come from somewhere, probably in the form of additional rates or taxes. That \$1.3m equates to about \$13 to \$15 per household. Every Canberra household could pay \$13 to \$15 on top of what they pay at the moment. However, taxpayers are already contributing to the tune of \$1.1m, and not every Canberran visits Floriade. In fact, I think last year, when it was free, only 30 per cent of Canberrans visited Floriade. The final option is an entry fee, bearing in mind that more than 60 per cent of visitors to Floriade are from interstate.

I will say it again for Mr Berry's benefit. Every Canberra household will still receive a free family day pass to Floriade this year and every year thereafter. Mr Berry has argued that the basic adult charge of \$10 is ridiculous, despite the fact that this charge is 15 per cent less than the average price of a movie ticket. He says it is outrageous, despite the fact that the Canberra Show charges adults \$12 and children and pensioners \$6. He says it is scandalous, despite the fact that the adult day pass for Summernats is \$27. He says it is uncompetitive, despite the fact that the Melbourne International Flower and Garden Show charged \$15 this year for an adult day pass, while Britain's prestigious Chelsea Flower Show requires visitors to pay about \$40 Australian.

MR SPEAKER: I think I can attest to that.

MS CARNELL: You could attest to \$40, Mr Speaker?

MR SPEAKER: It is something of that nature.

MS CARNELL: Very much so. When Canberrans and tourists say they want more from Floriade, you could take one of two approaches. Mr Berry's approach would be to do nothing and watch the event disappear slowly, along with the jobs and the economic benefits it brings. We could also stick another million dollars or so into the whole event and increase the operating loss or, alternatively, charge every Canberra household \$13 to \$15. This Government does not operate that way, Mr Speaker.

Faced with the prospect of reducing the cost and, therefore, the size and scale of Floriade and the risk of losing its position as Australia's premier spring festival in the face of very stiff competition, the board of CTEC recommended to the Government that an entry fee was appropriate and we accepted the board's advice. I for one am sick and tired of hearing Mr Berry and others in this place tell us what we should and should not be funding, without having the decency to suggest how on earth we would pay for it. In fact, I have a great suggestion. How about this year we stick an extra \$15 on everyone's rates bill and call it the Berry Floriade levy? We could put all the people who vote for this sort of motion together.

Mr Quinlan: It would not be a tax then, would it? It would be a levy.

MS CARNELL: It would be a levy because it would be the same for everyone. If this Assembly wants every Canberra household to pay twice - and Mr Berry said he did not want people to pay twice - that is an approach that could be taken, but it is not something that we support. Or should I tell the Australian Education Union that they would need to find another \$1.3m savings from central office in the Department of Education because Mr Berry opposes an entry charge to Floriade which will predominantly be paid by tourists? In the words of Mr Hird, in his Estimates Committee dissenting report, this is another example of "It is not my problem" from the committee and its chairman, Mr Berry.

Mr Speaker, Floriade is not a charity event as Mr Berry seems to think it is, or seems to want everybody to think it is. It is a business. It is a commercial venture designed to bring tourists and income into this city and to create jobs. We do not do it just because it is pretty or it makes us all feel good about spring. We do it because it is successful and it creates jobs and economic activity that we badly need. But if it is to grow in size and scale, as it needs to do - - -

Mr Berry: You just sprung it on people.

MS CARNELL: Mr Speaker, I am not willing to yell.

MR SPEAKER: No, and do not yell. Mr Berry, you have already spoken. Stop interjecting; otherwise, I will have to deal with you.

MS CARNELL: If it is to grow in size and scale, as it really does need to, then we just cannot keep tipping more and more taxpayers' money into it every year. Mr Speaker, I want to quote the views of three people who know more about Floriade and flower festivals around the world than all of us put together here in this Assembly. Peter Sutton, who worked for the old Parks and Gardens Unit and later CityScape Services for 44 years, is widely regarded as the father of Floriade. I am sure many of us here know him well and respect him. What did he have to say about an entry fee? He supports it because it will help Floriade realise its full potential as a national and international festival. What does Chris de Bruine, the designer of Floriade from 1988 until 1990, again somebody involved with Floriade right from the beginning, have to say about an entry fee? In a letter to the editor published in the *Canberra Times* on 27 July 1995, he said:

Festivals of this kind have to charge entrance fees to cover their cost. All major flower festivals in the world do.

What does Don Burke, one of Australia's top TV gardeners and host of *Burke's Backyard*, have to say about Floriade? In October 1996 he told the *Canberra Times*:

You must charge money to go in. No-one values anything that's free. It must be self-funding like any other part of the community.

That is what three people who know a lot about flower festivals, three people with very real experience in this area, think.

Mr Quinlan: What a load of rubbish!

MS CARNELL: I am sorry that you think what they said is rubbish.

Mr Stanhope: That nobody values anything unless you charge for it? What a load of garbage that is.

MS CARNELL: Mr Speaker, I am fascinated that Mr Stanhope perceives that we know more than those people, two of whom have been involved in Floriade and have been absolutely committed to the event. Last year, about only 70 per cent of people coming out of Floriade believed that it was a great festival. Many people believed that it was getting tired. The view from CTEC is that once that happens and you do not fix it immediately, people simply do not come back. Once people have been disappointed once, you might get them a second time, but you will not get them a third time.

What we needed to do, and what CTEC did, was determine how to go forward with Floriade to ensure that people who come to Floriade this year will not be disappointed by the show, will not be disappointed by the number of flowers, by the display or by the absolutely wonderful entertainment that is being put forward this year as part of the program. Everyone says, "Fine, that is all right but we do not want an entry fee for it". That is what Mr Berry's motion says. It says that we should go to a gold coin donation. A gold coin donation was tried at one stage and the proceeds went to charity. It raised between \$2,000 and \$6,000, from the memory of the people involved. In other words, a gold coin simply does not achieve much at all, unless you have a gold coin entry and you have a fence. If you put a fence up around it and you just have a gold coin entry at the gate, you might get a bit more than that, but it will not be all that much more.

It seems from Mr Berry's motion that he does not have a problem with the fence, because you would need the fence if you had a gold coin entry, but he does have a problem with CTEC and the ACT Government supporting a situation where Canberrans do not pay twice this year for Floriade, where they do not pay the \$1.3m that it will cost to put Floriade on this year over and above what we have put into it before.

Mr Speaker, I do have a problem with Canberrans paying twice this year or, for that matter, any year in the future. We do need Floriade to grow. We do need it to stand on its own two feet. There will always be a contribution from government, because it is a very appropriate and very positive contribution. But to add \$1.3m to our bottom line, to our operating loss, or to the costs, taxes, charges or levies here in the ACT we believe would be inappropriate. We do believe that the tourists, the majority of people who come to Floriade, should pay as they do for other similar shows, as they do to go out to dinner, as they do for the coach ride, as they do for accommodation, as they do to go to the pictures.

Mr Berry, in his speech spoke about coach operators. There will be a special gate for group entry, as I think there has been before. Coupons will be posted to prebooked tours for coach passengers, so there will be no running around in the bus desperately looking for \$10. They will have their prebooked coupons. All tours that booked before the announcement of the entry charge are exempt from payment. Comments that CTEC have placed advertising indicating that Floriade was free are simply untrue. CTEC has not placed any advertising whatsoever that indicated that there was no charge for our premier flower festival.

In making a decision on this motion, we must remember that we have passed this line of the budget already. I have to wonder what this motion means when we have debated this issue and passed the line of the budget that has tourism in it. If this motion is passed, far be it from me to know how the Government will find \$1m when we have already passed the budget. Most importantly, we really need to get behind a growing Floriade. (*Extension of time granted*) It would be nice to see everyone in this place, instead of bellyaching, get behind Floriade, support it to make it the best Floriade ever. I have not heard one positive comment by any of those opposite.

Mr Stanhope: We loved it when it was free.

MS CARNELL: You only liked it when it was free?

Mr Stanhope: We loved it when it was free.

MS CARNELL: I am very pleased to know that Mr Stanhope only loves Floriade when it is free.

Mr Stanhope: I take a point of order, Mr Speaker. The Chief Minister has all this week consistently misrepresented things that people on this side of the house have said. She consistently, time and time again, misrepresents things people say here, to the point where it is downright dishonest.

MR SPEAKER: If you wish to make a personal explanation, you will have the chance to do so under standing order 46 after the Chief Minister has finished speaking.

MS CARNELL: Mr Speaker, Mr Stanhope did say - I am sure everybody heard him - that when Floriade was free he liked it.

Mr Stanhope: I did not. I said I loved it.

MS CARNELL: He loved it when it was free. I think it is essential that everyone get behind - - -

Mr Stanhope: There was no “only”. Where did the “only” come in, Chief Minister?

MS CARNELL: You like it when it is not free as well?

MR SPEAKER: Order, please! Chief Minister, Mr Stanhope will have the opportunity, if he wishes to take advantage of standing order 46, to explain himself. I have to take your point that the only interjection that I heard, which was out of order, was not qualified.

MS CARNELL: It is absolutely essential that everybody in this place get behind Floriade this year and every year. It is our premier festival for the year. It is a festival that we put more money into than all of our other festivals put together. If members opposite continue to talk it down, then it could affect the festival. I do not want that to happen. I am sure Canberrans do not, and I am sure the 900 people who get jobs as a result of Floriade do not want that to happen. Let us get rid of the bellyaching and get on with supporting Floriade.

MR SPEAKER: Would you like to make a personal explanation now, Mr Stanhope?

Mr Stanhope: No, thank you, Mr Speaker, though I was grateful for your ruling that the Chief Minister had misrepresented me. Thank you, Mr Speaker.

MR SPEAKER: No, I did not make that ruling at all, Mr Stanhope. I invited you to make a statement, if you wished, under standing order 46.

MR STANHOPE (Leader of the Opposition): I will. Thank you, Mr Speaker, for the opportunity. Sorry, Mr Speaker, I did misunderstand you. I at no stage used the word “only” in my interjection. The word that the Chief Minister attributed to me completely distorted what I had said and what I had interjected. I made the point that the Chief Minister has been doing this all week. She has been deliberately distorting things that members of the Opposition have been saying, to the point where basically she has been telling untruths. That was the point that I wished to make. She did it on this occasion by applying the word “only” to me. I thought that you had suggested to the Chief Minister that I had not used that qualifying word. That was the point I wished to make. Thank you, Mr Speaker.

Mr Berry: I do not need to make a comment, Mr Speaker. Mr Stanhope has adequately presented my case as well.

MR SPEAKER: It might be a very good idea if you did not. Mr Stanhope, I have just checked, and I am afraid that the word “untruth” is unparliamentary.

Mr Stanhope: I am happy to withdraw it.

MR SPEAKER: Thank you very much.

Mr Stanhope: As long as the point that I was making is clearly understood.

MR SPEAKER: It has been.

MR QUINLAN (7.21): I want to address this motion from the perspective of the marketing approach of the Canberra Tourism and Events Corporation and the Government. The Chief Minister said she took CTEC's advice on the application of an entry fee and proceeded with it. The previously free Floriade now has a charge and we have decided, at least this year, to charge visitors. Visitors have not benefited from this lively local debate. Many people time their visit to Canberra to match Floriade. A lot of retirees regularly travel here for Floriade, a lot of them on a shoestring. The first they will know of this very substantial charge will be on arrival at Floriade. I have a rough idea that they will feel some resentment. That resentment will carry into the future and may have a negative impact on their desire to see Floriade again. There will be a certain amount of alienation of some of those visitors.

Speaking of alienation, we were well on the way to alienating quite a number of tourism operators and companies that had prebooked and had printed promotional material which did not take this charge into account. If I understand what the Chief Minister has now effectively announced in her speech, there is going to be some concession for prebooked tours. That is what I thought I heard. That is typical of what has happened with this whole process. There has been absolutely no planning whatsoever. We have seen the process introduced. We are going to distribute freebies to Canberrans. We are going to use ACTEW to do it, but we did not do it in time. Because ACTEW has a billing cycle, we cannot get the tickets out in time. Therefore, we are going to go through the electoral roll and find people, or we are going to write letters to nursing homes and to the hostels where people live. In fact, right from the beginning, the process of implementation of this charge has been a right royal cock-up. Is "cock-up" on your list, Mr Speaker?

MR SPEAKER: It probably is. I suggest you change the word, thank you.

MR QUINLAN: It was a right royal fiasco.

MR SPEAKER: Thank you.

MR QUINLAN: My pleasure. We have had trouble defining what a family is. Is it mum and dad and 2.8 kids? How many kids constitute a family before there is an additional charge? What about grandma out of the granny flat? We have been making this policy on the run. Having done so, we will have alienated quite a number of people, including visitors. It is claimed within the material that comes out from CTEC that Floriade brings to this town \$25.4m - it must be a well-researched figure to get to the decimal points -

and that that creates 900 jobs. If it creates 900 jobs and if this particular imposition, because of the way it has been introduced - let me repeat that I am focusing on the way it has been introduced - burns off 10 per cent of our visitors, we have just lost 90 jobs. On the Government's own figures, this measure could have a substantial impact on jobs in the ACT.

Now we come to our regional relationships. It is tough luck if you live in Queanbeyan. We know that Queanbeyan people do not pay rates in the ACT but they do business here, many of them work here and they participate to quite a high level in our economy, but they are going to have to pay. I suggest that they also will be somewhat alienated, particularly as they are right in our neighbourhood. They will be required to pay at the gate, if they go. Nevertheless, we espouse regional cooperation; we espouse regional independence. Given this fee and given our treatment of people from Queanbeyan, so much for our contribution to the region in which we live.

This particular exercise highlights several serious problems with either CTEC or the Government, or both. The concept was ill conceived, particularly the implementation process. The organisation was ill prepared in terms of thinking through the practicalities and the impact of the decision taken. Since the start, it has been policy on the run; it has been patchwork. Reaction from the community has brought up problems such as how we are going to define a family, how we are going to look after grandma, how we are going to look after people in hostels, and how we are going to solve the problem of getting into the distribution of tickets too damn late in the process.

This motion affords the Assembly the chance and the opportunity to engender some commonsense into the matter. Even if we accept the arguments for charging for entry into Floriade, we can make a nominal voluntary charge this year while foreshadowing a charge for next year. We can show the people who come here in the expectation of entering free, the people who provide us with \$25.4m worth of income and 900 jobs, that it is a better festival and we can tell them that next year we are going to charge them. They will be forewarned and they will not be alienated against Canberra and against Floriade. I will close what I am saying now with the words of the Chief Minister in her speech. She said, "Once people have been disappointed once, they will not come back again".

MS TUCKER (7.30): I will make a brief contribution to this debate. I can see how the Government has got itself into a difficult situation. It has invested money on the assumption that it would be able to recoup it through fees for entry to Floriade. However, I think this motion represents a compromise. Revenue will still be generated from Floriade, even though it will not be as much as the Government was hoping for. The issues that have been raised by Labor in this motion are serious and are of concern when you listen to them.

The process does appear to have been pretty flawed. It does seem to have developed on the run. I was interested to hear the Chief Minister say tonight that prepackaged tours and so on would be accommodated in a special way. You would have hoped that the Canberra Tourism and Events Corporation was across the area well enough to have

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predicted that that would have been a problem and dealt with it immediately instead of having the outrage that came from people in the industry when they were told what had been decided.

The way that free tickets are getting out to families in the ACT is obviously not working either. It is not a smooth process and seems to have lots of problems. I heard the Chief Minister and others say that it will be very flexible at the gate as to what is a family. We are hoping that it is extremely flexible and that elderly relatives will be included in a family grouping and that children, no matter how many, will also be included. The Government has given an assurance that that will be the case. That is at least something.

I know quite a number of families who visit Floriade more than once. It becomes a little bit of a routine at that time of year. I used to do it with my children. We would often take a walk through the flowers in the evening on several occasions. We did not go just during the day. In fact, we avoided the crowds during the day and went in the late afternoon when it was quieter. We did that regularly. The fee is going to have an impact on local families and local people who have become used to enjoying this festival of flowers in a way that is quite different from just one visit or going because of the particular events that are being organised. For a lot of people the experience is altogether different from that which is envisaged by the Government, it appears. So those people will not be able to enjoy that experience anymore.

I understand that there were concerns that Floriade was losing its popularity and it needed to be bigger. We always have this huge imperative to grow and grow and to get bigger and bigger. There have been a few suggestions in the newspaper. I do not know whether it is possible to do what is suggested. If the cost is so great because the bulbs have to be removed every year, maybe Floriade can be held at another location so that the expense is not so great. That seems a fairly sensible suggestion. Maybe government has a reason that that is not okay. I will be interested to hear the reason if that is the case.

I agree with the concerns that Labor has expressed tonight about the alienation that has been caused in the community. Floriade is something that people thought they could enjoy for nothing. There are not many things that you can - let us face it. Mrs Carnell was comparing Floriade to the theatre and to other entertainment. A lot of people cannot afford the theatre in Canberra. I am not talking about live theatre. I am talking about the cinema. It is quite expensive for a family on a low income to go to the pictures. It can cost \$30 or \$40 if everyone in a reasonably big family goes. That is prohibitive; it is impossible. A lot of families do not have that kind of disposable income. Floriade was an opportunity to do something special in Canberra together that was not going to cost anything. I think it is a great shame that it has been changed. I would like to see the Government explore other ways of reducing the cost. As I said, perhaps we can find a different location rather than impose a fee.

Labor's motion is a compromise. It acknowledges that government has invested money. I think it is a pretty poor argument that if we do not have an entry fee the money will have to come out of education. If government has made bad policy on the run and has not thought through this initiative, I do not think it is fair for us to be told that the education community will have to wear it because the money has to come from somewhere.

That was the threat tonight. The Government has stuffed up again. I think the Government needs to find the funds for Floriade without penalising important underresourced community services. It is a pretty outrageous argument that has been put.

The gold coin donation will enable at least some revenue to be forthcoming to government. I think it is a reasonable motion. I hope government takes stock of what it has done and considers very carefully what it does next year. If people who go to Floriade this year paid only a gold coin donation, it would give us an opportunity to survey not only local people but also tourists to get a sense of whether or not people are prepared to pay. As I said, a lot of local people go to Floriade more than once. The fee will be an impost on them. Local people will certainly be affected by this payment.

MR OSBORNE (7.36): I speak in anticipation of an amendment to be moved by Mr Rugendyke. It is only a minor amendment. When I read the motion moved by Mr Berry, I do not think it directs the Government to revert to a gold coin donation. Consistently over the last week, the attitude that both Mr Rugendyke and I have taken is that issues like this do relate to the budget. I believe that we have already passed the budget line that relates to CTEC. The amendment to be moved by Mr Rugendyke clarifies that the motion just calls on the Government to revert to a gold coin donation in line with the recommendation of the Estimates Committee. This recommendation from the Estimates Committee is one that I put up. From memory, the Labor Party representatives wanted to remove an entry fee completely from this year's Floriade.

Mr Corbell: And we compromised.

MR OSBORNE: They compromised. I have said a number of times that I have no problem with people being charged to enter Floriade. However, I do have a problem with an entry fee of \$10. I think it is way too high and it was announced far too late. My understanding is that Cabinet, not this Cabinet, made a decision last year.

Mr Moore: That is not true. I was in the Cabinet.

MR OSBORNE: Last year?

Mr Moore: No. I was in the Cabinet when this decision was made.

MR OSBORNE: I believe a decision was made last year to look at an entry fee. I think the fee was announced too late. This has been factored into the budget. As I said, I have no problem with people being charged to enter Floriade. I think a gold coin donation is quite reasonable in the first year, or even the first year or two, and then we can negotiate with the community and, as Mr Berry has put quite well in this motion, the relevant commercial interests.

I intend to support the motion. However, both Mr Rugendyke and I need to clarify the first few words of the motion. I will allow Mr Rugendyke to move his amendment, which I might add is his first amendment to anything. He may be a little bit nervous, so treat him kindly.

MR RUGENDYKE (7.40): I move:

Omit "That the Government revert", substitute "That this Assembly calls on the Government to revert".

This amendment is in line with what Mr Osborne just said in relation to budgetary measures.

MR MOORE (Minister for Health and Community Care) (7.41): I will speak to the amendment and to the motion. Having been a member of the crossbenches myself, I understand the difficulties these sorts of motions pose for crossbenchers. They may agree with and accept the sentiment of the motion but feel compelled to support the Government and its budget measures. Mr Rugendyke's amendment allows members to support the sentiment of the motion but at the same time it really puts the acid on the Government to say whether they will push ahead with an entry fee for Floriade or whether, having been called upon by the Assembly to do something, they will take a different view.

I recall the approach of the Government of which Mr Berry and Mr Wood were members and how they handled this situation. Ms Follett, on quite a number of occasions, said that if you wished to force the Government to do something then you would need to pass legislation. If you call on the Government to do something or you require the Government to do something, we will take it very seriously. Indeed, the Government should take any view of the Assembly very seriously, and I think that will happen.

It is interesting to me the way the motion is framed. I suppose I was a little surprised that Mr Berry and the Labor Party chose to support the notion of putting up fences around Floriade and charging an entrance fee rather than adopting the earlier approach of saying that Floriade is a festival for all Canberrans and that Commonwealth Park ought not to be fenced. That is certainly a view that I have put in previous years. The Government's decision, of which I was a part, was to fence Floriade and to say that if the costs of Floriade are to be met and Floriade is to deliver the outcomes that people in Canberra expect then there should be a payment. That is the Government's position, a position that I am quite comfortable in supporting.

MR HIRD (7.44): Floriade is a celebration that has gone through its tenth year and it is getting very tired. Operators bringing interstate visitors here have told me that visitors have been disappointed and feel that Floriade needs to be upgraded.

Mr Stanhope: They will value it if they pay for it!

MR HIRD: The Leader of the Opposition said that everything is free. You and I know, Mr Speaker, that nothing is free in this world. The ratepayer and taxpayer of Canberra has been picking up a huge tab on Floriade. As we know, a \$344m deficit was created by the lads across the way there. They do not care. They would like to make everything free and pass the debt on not only to their children but also to their grandkids. They would like to put everything on the never-never. Much as I personally dislike a charge for our festival celebrating flowers, I am a practical person. Coming with a business background, I know that nothing is free.

Something has to be done. One course is to look at getting greater sponsorship, which is very difficult in these hard times. I have noted what the Opposition said about how small business is going through difficult times. I do not believe that. I think small businesses are on the increase and are picking up, no thanks to them. They are picking up not only within the ACT but within the region, which is a credit to this Government and its close working relationship with the region.

Floriade is a celebration. As the Chief Minister said, if you go out for entertainment, you pay. If you go to the National Gallery to enjoy the artworks, it costs you money. Who introduced those charges at the National Gallery? Those opposite like to tie us in with our Federal colleagues, so I may as well take the opportunity of tying them in with their Federal colleagues, who suggested an entry charge for the War Memorial. As a former member of the armed services, I believe that was terrible. We are giving something back - - -

Mr Berry: I take a point of order, Mr Speaker. I would be happy one other day to talk about charges at the War Memorial, but it is a bit off the beaten track here.

MR SPEAKER: I think Mr Hird is making a comparison.

Mr Berry: When did that happen? It must have been a while ago.

MR SPEAKER: Let us put it this way: The 13 years of Labor, I suspect, are still within the living memory of most people.

Mr Kaine: I think Mr Hird's argument is that there should not be a charge, Mr Speaker. That is the only conclusion I can draw.

MR HIRD: My good friend the former Chief Minister says there should not be a charge. I agree that there should not be a charge. However, we cannot let this celebration of flowers drop away. You know and I know that tour operators have said that Floriade is deteriorating and is not up to expectations, so we have to do something about it. To the credit of the Chief Minister and the Minister for Urban Services, they have done something about it and it is going to cost.

If the lads across there, young Teddy and crew, wish to make it free, they should tell us where the money is going to come from. Is it going to come from education? No. Is it going to come from social welfare? No. Is it going to come from the moneys that go into the community services area? No. Mr Berry may well laugh at that, but we treat it very seriously because we like to balance our books. We have a legacy that was handed to us by those people across there, and we are attempting to balance the books to get us back into the black so that we can meet our obligations. They do not see it that way. They believe that we can go on spending and spending. They are prepared to leave the debt not just to their children but also to their grandchildren. They need to face up to realities. As I have said in this chamber many times, you have to pay for what you get. Much as we would like Floriade to be free, we are getting a great festival. I recommend that everyone go and see it. While this motion may have some merit, at the end of the day someone has to pay. I disagree with the Leader of the Opposition. Nothing is free.

MR STANHOPE (Leader of the Opposition) (7.50): I will be very brief. Mr Hird's comments do not deserve a response, but Mr Hird has caught the disease the symptoms of which the Chief Minister has been exhibiting lately in quite deliberately and maliciously attributing to me things that I did not say. The comment I was making - and I will reinforce it, because it seems to me - - -

Mr Moore: Mr Speaker, I take a point of order. I think there was a clear imputation from the Leader of the Opposition, and I think it ought to be withdrawn.

MR SPEAKER: What was the imputation, Mr Moore?

Mr Moore: Mr Stanhope said words to the effect that there was a deliberate and malicious attempt to say things that he did not say. I think it is a clear imputation that somebody was lying. He is entitled to do that, but he has to do it by way of a substantive motion.

MR SPEAKER: I did not hear it, but it has been drawn to my attention. All I can do is ask for your cooperation, Mr Stanhope. If you said it, please withdraw it. If you did not, then you do not have to.

MR STANHOPE: If something I said has struck a wrong chord in Mr Moore's perception of appropriate debate or conduct, then for the sake of Mr Moore and for no other sake and so that I can get on with the few words that I wish to express, I am happy to withdraw, Mr Speaker.

MR SPEAKER: Thank you.

MR STANHOPE: It is certainly the case - I am now forced to repeat the point but to rephrase it - that Mr Hird attributed to me a sentiment which I did not express, as earlier in this debate the Chief Minister attributed to me a statement which I did not make. I simply make the point that this is becoming rather tiresome. Members of the Government are continually attributing to the Opposition statements which we do not make. That was the point I was making and I think it is a very fair point. I am sorry, Mr Moore, that my language offended your sensibilities.

The point that I was making, and it is a very good point - it is a point that both the Chief Minister and Mr Hird have felt the need to dwell on at some length - is that the Government is driven in its decision to apply a fee to Floriade by the homespun and homely philosophy of Don Burke. Don Burke suggested in an article in the *Canberra Times* that people do not value anything that they do not have to pay for. My comments arose out of that. If the philosophy driving the Liberal Party is that nobody in Canberra values anything that they do not have to pay for - this was the sentiment the Chief Minister quoted with approval and which Mr Hird, in his own inimitable way, ascribed to - then the Chief Minister, Mr Hird and the Liberal Party certainly have a very emotional and sterile desert in their minds in terms of what it is that people live for,

aspire to, dream about and want to do with their lives. If this is the philosophy that is driving the Government in terms of whether or not to charge for Floriade, then I was making the point that this appals me. The motivating sentiment is that the people of Canberra will not value Floriade because they do not have to pay to enter. That is just a nonsense. It is puerile. It is an insult to the intelligence of anybody in this place. I think it is relevant that I stand to make that point.

There are a range of other points that could be made about Floriade. They go beyond the decision to charge. They go to the process. They go to this town's emotional attachment to its parks and to the fact that we are an open garden city. We do not like the physical barrier of a fence around Floriade. The people of this town have gained some ownership of this floral festival. The Government's process in introducing this fee rides roughshod over all those feelings, all those emotions and that attachment and ownership which the people of this town have. The people of Canberra have been ignored in this process. They have been treated with contempt once again. This is the style of this Government. It is autocratic and non-consultative. It likes to ram things through, saying, "See if I care. Up yours, Jack". We on this side are simply suggesting that this is not good enough.

MR KAINE (7.56): The Government no doubt will be gratified, and my colleagues in the Opposition will be disappointed, that I do not support this motion. My colleagues on the crossbenches must be very confused. When they had some real issues to send a message to the Government about in the last couple of days, they went weak at the knees and declined to do it. I do not think this is the issue to be trying to send a message to the Government on, if that is what they are trying to do. I am not certain that they are trying to protect the interests of the community at all in taking the position that they are in respect of this matter. The fact is that I have indicated before today that in principle I support the notion of the Government imposing an entry charge for Floriade. There has been a lot of rhetoric, and there always is in a debate like this.

Mr Stanhope: Not from me.

MR KAINE: I did not accuse anybody. I just said that there has been a lot of rhetoric. Some of it is totally irrelevant to the question of whether or not people should be asked to make a payment to go to Floriade. I think that the Government can be criticised for failing to notify people long before they did that a charge would apply this year, but the notion of paying something to go to Floriade is not something that just came up this year. It has been under consideration before. In fact, last year a lot of people who attended Floriade paid a \$5 parking charge. What was a public parking area became a private area. Personally, I was astonished to drive up there and discover that somebody wearing a white jacket was asking me for \$5. I declined to pay and I went and parked somewhere else. I suppose a lot of other people did, too. The significant thing is that that car park was pretty well full, so there were a lot of people who did not mind paying \$5 for parking.

Mr Corbell: You were the Minister for Tourism and Urban Services.

MR KAINE: I know.

Mr Corbell: How did you not know that?

MR KAINE: I did not know that I was going to have to pay \$5 to park. I am not sure that I know even today where the money went, whether it went to Floriade or whether it went to some other purpose. The point is that last year a lot of people did pay for the privilege of parking their car and walking across to Floriade. To argue that they should not have to pay anything I think is a spurious argument. Those of us who live here can go down there on one visit - and most people do not want to go more than once - and it will not cost them anything.

The people who are being asked to pay are the people who come from out of town, who make no contribution in any way to the costs of mounting Floriade. I do not think that is unreasonable. I have not got a pass yet. I keep being told that I will get a pass when I get my electricity bill. I think I have had the last electricity bill that I am going to get before 19 September and I have not received a pass. I do not know how many people are in the same category. Maybe somebody will send me a pass - I do not know. I think the argy-bargy is a bit unjustified. I have said long before today that I have no difficulty in principle with the notion of the Government asking people to make a contribution to see this event. I do not think it is unreasonable at all. There is not much that happens around Canberra or anywhere else that you can go to for nothing really. You can walk around the lake if it is a nice day. Some of us do that. Some, in fact, run around it. I do not do that.

I am rather fascinated that two of my colleagues on the crossbench should suddenly decide that this is an issue they are going to send a message to the Government on. That is very interesting. At the end of the day it probably will have no effect, or very little effect, on the Government at all. If the Chief Minister and Treasurer says, "I am sorry, we do not have any more money to put into Floriade", the management of Floriade is left with the problem; CTEC is left with the problem. It does not impose any problem on the Government at all. I am not too sure what my colleagues seek to achieve.

I must admit that I read Mr Rugendyke's amendment to Mr Berry's motion with a real question in my mind as to what on earth it does. It does not affect the motion at all. I do not know whether this is a bit of a salve to Mr Rugendyke's conscience. Whether he seeks to amend the motion so that he can support it, I am not too sure. I have no objection at all to people from out of town being asked to make a contribution to visit Floriade. I do not think that there is anything unreasonable about that at all. I am not too sure what this debate is really about. I declare my lack of support for this motion.

MR BERRY (8.02): I would just like to comment on a few things that were said by members of the Government. There seemed to be some sort of an indication that there was no appreciation of Floriade from amongst members of the Labor Party. That is a whole lot of hogwash. It is something that many of us have always enjoyed, and we have always applauded the effort that has gone into it. What concerns me is the continual tirade from government members about Floriade being tired. I was there last year. I did not think it was tired. It was different. I heard that some people criticised the layout, but I would not have called it tired.

MR SPEAKER: It is not alone, Mr Berry, in being tired.

MR BERRY: I would not have called it tired, but it has got a bit of a wake-up call this year with a \$10 entry fee. Ms Carnell went to great length to point out to us that we had half a million visitors who contributed over \$25.4m to Canberra's economy and there were 900 jobs. Those figures will drop about 10 per cent as a result of this charge. The end result is that the effect of the Government's charge will be a \$2.5m cut to Canberra's economy and 90 fewer jobs.

Mr Hird: Did you have the old crystal ball out?

MR BERRY: No, I am just looking at the figures. These are the figures that have been provided by Canberra Tourism. Last year Floriade attracted nearly half a million visitors who contributed over \$25.4m to Canberra's economy. The Chief Minister reckons on about a 10 per cent cut as a result of the \$10 entry fee. It does not take much to work it out. Half a million visitors will drop by 10 per cent, \$25.4m will drop by 10 per cent and 900 jobs will drop by 10 per cent. It is pretty clear that the impact has not been thought through that well.

I am curious about the amendment that is being moved by the Osborne group. It puzzles me. I do not think it adds to, or detracts from, the motion, so I really have no comment to make about it. I just think it is superfluous. On principle, I will oppose it.

At the end of the day, if the Government ignores the call, however expressed, then I will personally move a censure motion against the Government for ignoring the call, and we will see what happens. That is the real issue that the Assembly will have to deal with. These things have to be taken seriously. If the Assembly expresses a view, we expect the Government to take it into account.

Yes, Mr Osborne is correct when he says that a gold coin donation was his idea. One of the drafts of the Estimates Committee report proposed a restoration of free entry. Mr Osborne suggested a gold coin donation instead. That was readily accepted by all members of the committee except for Mr Hird.

I would urge all members to support this motion. I think a gold coin donation will be a useful addition to Floriade if it is implemented. I wish the Government well in negotiating and sorting out an entry fee for next year's Floriade. I hope that they are able to sort out all the difficulties that they have stirred up as a result of the recent debacle. I thank members for their support for this motion.

MR OSBORNE: Mr Speaker, I seek leave to speak again.

Leave granted.

MR OSBORNE: The reason that we moved the amendment was just to clarify in our minds that neither Mr Rugendyke nor I have supported directing the Government on money issues. We moved the amendment to make it clearer to us what we were supporting. I put up this recommendation in the Estimates Committee, so in essence we do support it.

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MR BERRY: Mr Speaker, just to formally close off the debate - - -

MR SPEAKER: You have. Is leave granted for Mr Berry to speak again?

Leave granted.

MR BERRY: I note what Mr Osborne says in relation to the language that he has used, but I think the language basically means the same as the original motion. If the Assembly calls for, requires or urges, it basically means the same. It is really up to us to determine in the end.

Question put:

That the amendment (**Mr Rugendyke's**) be agreed to.

The Assembly voted -

AYES, 9

NOES, 6

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

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

Question so resolved in the affirmative.

MR SPEAKER: The question now is: That the motion, as amended, be agreed to. Those of that opinion say aye; to the contrary, no. I think the noes have it.

Mr Berry: The ayes have it.

MR SPEAKER: Very well, we shall have another division, but I did not hear anything from the ayes.

Question put:

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

A call of the Assembly having concluded -

Mr Moore: While the numbers are being counted, I take a point of order. Standing order 154 states:

Members shall vote in accordance with their voices (either “Aye” or “No”) and their vote shall be so recorded.

There is a question in my mind, Mr Speaker, about whether there were any voices on the ayes side at all, and therefore whether they could actually record a vote. I am also aware of standing order 165 and I realise that if somebody called for this error to be corrected the outcome would be the same. I just draw it to your attention rather than force the issue.

MR SPEAKER: I thank you, Mr Moore. The Clerk has pointed out that a member calling for a vote must vote with the minority. I made the point that I did not hear any voices from the Opposition. This has been a fairly longwinded debate. Their voices may have simply run out and they had to whisper their support or opposition, as the case may be, and it simply did not communicate to me. That is the best pitch I can put on it.

The Assembly voted -

AYES, 8

NOES, 7

Mr Berry
Mr Corbell
Mr Osborne
Mr Quinlan
Mr Rugendyke
Mr Stanhope
Ms Tucker
Mr Wood

Ms Carnell
Mr Cornwell
Mr Hird
Mr Kaine
Mr Moore
Mr Smyth
Mr Stefaniak

Question so resolved in the affirmative.

MR SPEAKER: Even the silent ayes have won the day.

EXECUTIVE BUSINESS - PRECEDENCE

MS CARNELL (Chief Minister and Treasurer) (8.14): Mr Speaker, pursuant to standing order 77(d), I move:

That Executive business be called on.

Question resolved in the affirmative.

APPROPRIATION BILL 1998-99

[COGNATE PAPER:

ESTIMATES 1998-99 - SELECT COMMITTEE - REPORT ON THE APPROPRIATION
BILL 1998-99 - GOVERNMENT RESPONSE]

Detail Stage

Schedule 1 - Appropriations

Debate resumed from 1 September 1998.

MR SPEAKER: I remind members that we previously resolved to debate this order of the day concurrently with the Government's response to the report of the Select Committee on Estimates 1998-99 on the Appropriation Bill 1998-99. Therefore, in debating order of the day No. 1, Executive business, they may also address their remarks to order of the day No. 1, Assembly business, relating to the Government's response to the report of the Select Committee on Estimates 1998-99 on the Appropriation Bill 1998-99.

Standing order 180 sets down the order in which this Bill will be considered; that is, in the detail stage, any Schedule expressing the services for which the appropriation is to be made must be considered before the clauses and, unless the Assembly otherwise orders, the Schedules shall be considered by proposed expenditure in the order shown. I remind members that we have previously agreed to consider Part 1 by part and appropriation unit and departmental totals, then the clauses prior to Schedule 2 and the title.

Part 9 - Department of Urban Services

Proposed expenditure - Urban Services, \$268,826,000 (comprising net cost of outputs, \$218,808,000; capital injection, \$49,228,000; and payments on behalf of Territory, \$790,000)

MR BERRY (8.17): At the outset of the debate in relation to Urban Services, I want to say that when we were approached about this issue earlier in the day it was Labor's view that we could sit on until 7 o'clock without a break, provided that we had concluded private members business. When I last spoke to Mr Humphries on this matter - it is a pity he is not here - we left it at about the 7 o'clock point, and he wandered off acknowledging our position. Some time later I was on my feet and Mr Corbell informed me, as the manager of Opposition business, that the moment I sat down we would break for an hour's dinner and come back. I understand that at no time was Mr Kaine or Ms Tucker consulted in relation to this issue. As I understand it, we protested about this and we were informed, "Well, that is too bad; we have the numbers". I want to draw your attention to something, members, through you, Mr Speaker. It was recorded in the last minutes of the government business meeting. This request was made:

... that consideration be given to provision of meal breaks and early notice of the possible timing of meal breaks on days involving late sittings, given the impact on the attendants and the Hansard staff. Mr Rugendyke ... expressed support. It was agreed that this matter would be handled in a flexible manner.

I think there has been some inflexibility about this issue. I should also point out in respect to that that it was issued under Mr Humphries's name as Manager of Government Business.

Mr Moore: I raise a point of order, Mr Speaker. I will let you continue. This is technically irrelevant. Mr Berry ought to have done this when the motion was proposed to bring on Executive business. That was the right time to do this. If Mr Berry winds up, Mr Speaker, I will not have a problem, but I think this ought not go on too long.

MR SPEAKER: Thank you, Mr Moore.

MR BERRY: Thank you for your patronage, Michael. It has been very welcome.

MR SPEAKER: I think the point is reasonable, Mr Berry. I do not mind you making the point, but - - -

MR BERRY: Mr Speaker, I was pretty flexible the last time. When you rushed the vote through I did not make a fuss and bother about it.

MR SPEAKER: If you would make the point I would appreciate it. Thank you.

MR BERRY: Mr Speaker, I make the point that we were a bit upset about this inflexible approach to these things and number crunching. I also know that Mr Humphries has had some personal circumstances arise, which has caused him to call for a pair. I do not know what they are and I trust that they are not too difficult for him. At the same time, Mr Humphries and other members making this decision for us might have had some consideration for us, our families and staff, and their families as well. Our staff have had to respond to this without any notice. I just make the point. I think it was outrageous.

MR MOORE (Minister for Health and Community Care) (8.20): Mr Speaker, I would like to make a quick response to that. I think it is inappropriate not to arrange these things in the way that Mr Berry says they should have been arranged. I know that at the time Mr Hird was in the chair there was some confusion on the government side as well. I spoke to Mr Hird while he was in the chair and was concentrating on what he had to do, and, basically, I had to back off. It was not arranged as well as it should have been. Mr Smyth and I have discussed it, and Mr Hird as well, and we will do our best to make sure that these things are resolved in a better way in future.

MR HARGREAVES (8.21): I rise on this occasion as a member new to this legislative process, but not without some experience in the process of public sector funding. I am aware that the Department of Urban Services is a very large department with a diverse range of services. I pay tribute to those who provide services under its auspices, but I would like to make some observations. It is not my role to propose alternative revenue-raising measures, nor alternative cost-cutting regimes. It is my role to point out to the Government where budget provisions impact adversely on the general public, and I will do so here tonight.

I noticed in my struggle through the related budget documents that there was no easy-to-read comparisons of financial performance for the year to come against previous years. Indeed, I had to wade, unaided by legions of departmental and OFM staff, through a number of documents to find any relevance at all. Perhaps there is a message to the Government and the message is this: Do not pontificate about transparency; just do it. Let us see some of it. You cannot see it if it is not transparent.

Mr Speaker, the budget reflects the operations of a department, and this one is a product of an ideology - an ideology of financial purity before service. We have seen major downsizing of the department, casualisation of the work force, and in some cases the elimination of services, such as some of those within the elements of CityScape. Those eliminations were, and always will be, those affecting general service officers on less than \$30,000 a year, but do we see any significant eliminations at the SES level? Of course not. One SES officer equals at least four general service officers, but, I would argue, at less value.

We have seen this financial purity and reduction fetish manifest itself in a reduction of service. Parks are neglected, bins in parks are removed, road sign damage is not addressed, cleanliness in and around shopping centres is deteriorating, line marking on roads is neglected, and the road infrastructure itself is deteriorating, I suspect at a greater rate than would normally be expected after the deluges we have received recently. I do not think it is appropriate to blame the recent deluge of rain for the gradual deterioration of the roads. You have to ask how well the performance measures against best practice are faring. From looking at these documents here you would never know, but one suspects not that well.

An example of how this budget will impact adversely on the general public and how the portrayal of the reasoning behind increases in charges is fundamentally flawed or based on deception or falsehoods can be shown by the increases in vehicle registration charges. The average family in Australia has an annual combined income of less than \$40,000 a year. They are not rich people. They cannot afford a second car, say a small Mazda, and they cannot afford a large gas guzzling four-wheel-drive vehicle, say a \$65,000 Range Rover. They can only afford a middle-size second-hand car to carry a couple of adults and, say, three kids. This budget has significantly increased the registration fee on this type of family car.

Mr Speaker, pensioners have been given relief in this budget and I applaud the move, quite sincerely, but they have not been spared the road rescue levy of \$15 or the road education levy of \$1.50. Surely, this Government could have extended its legendary largesse to make these charges free also. I suspect that the amount of revenue affected

by this is not all that great. Motorcyclists have been slugged rates increases far in excess of the impact motorcycles have on roads and the environment. Indeed, the increases in percentage terms are far in excess of those for other vehicles. You have to ask why. Indeed, the Motorcycle Riders Association did just that. They asked why, and what response did they get? The same as everyone, nothing. These increases are revenue-raising measures, and the increases are portrayed as minimal, justified and necessary.

Let me debunk some of the Government's reasons. Firstly, it says the increases are necessary because of wear and tear on the roads - the weight stuff. It is basing it upon the weight of the vehicle. If this was so motorcycles would cost very little to register and the large vehicles would be really expensive, but the rationale of a staged increase does not hold. Secondly, the Government says it is to address fuel emissions. The same argument applies to motorcycles. However, increasing costs on older vehicles provides a drain on the family budget, and people cannot afford to trade into vehicles which are more environmentally friendly. These are only a couple of the reasons there. The reasons are legend. Mr Speaker, one can argue about the first and second furphies all night and give examples. This has been done before ad nauseam, but still the Government does not listen.

The third furphy is the comparison with New South Wales. The Government has used this hoary old line to justify many of its draconian measures. However, this time they have got it wrong, badly wrong, and they have been sprung by no less an authority than the New South Wales branch of the NRMA. Mr Speaker, I did a comparison of registration costs in the ACT under the new regime as at 1 September this year against that of New South Wales in July this year and September this year. In July the fees were roughly the same. I think the difference was about \$4. However, in July, this year before the Government was locked into the registration fee increase, the New South Wales Government announced the cancellation of the \$43 TransCover levy. So, Mr Speaker, in September this year, to register a medium-sized family vehicle, it will cost you \$265 in the ACT, but \$217 in New South Wales. It will cost you \$48 more to register it here. I ask: What consistency is there with New South Wales under that example? Mr Speaker, this example is, for me, a fine example of how the Government will use fraudulent language in fostering hideous increases in family expenditure like these registration increases, like the insurance levy hoodwink, and like the zonal fee fiasco.

Mr Speaker, I will conclude by saying that I found the format difficult to follow, highway robbery easily proved when detected, reasons proffered in arrogance and deception, and yet services provided by hardworking, dedicated officers who provide as close to best practice service as they can under a cloud of threat, uncertainty, constant change and a lack of confidence expressed to them by their political masters. In this, my first exposure to the ramrod antics of budgeting presented by this Government, I was, and remain, not surprised but disappointed.

MR QUINLAN (8.29): Mr Speaker, I want to underscore a couple of things that Mr Hargreaves said, particularly using motor vehicle registration as an example, and specifically that of motorcycles which have been disproportionately increased, chasing an inflated fee in New South Wales which has since decreased, leaving us out of kilter. The Government has not thought through what it is doing and what the reaction will be.

We have seen in recent times the reaction against the insurance levy. We have just had a debate on Floriade which, if nothing else, demonstrated that the Government is making the decisions first and then finding out how it is going to implement them. We have seen the "Feel the Power" slogan removed from numberplates because the market was not tested. People's reaction was not tested or predicted. We have been put to the expense of de-tooling on that process because the Government did not think through what it was doing in the first place. If nothing else comes out of this budget overall in respect of some of the examples that Mr Hargreaves has just brought up, I think the Government needs to take a good cold look at itself in relation to thinking through the ramifications and the impact of what it is doing.

MR CORBELL (8.31): Mr Speaker, the Department of Urban Services has a very significant appropriation and it has an enormous number of activities within it. I would like to focus this evening on activities particularly, but not exclusively, in the area of Environment ACT and the Planning and Land Management area of the department.

During the Estimates Committee process we were able to undertake quite extensive questioning of this department. From my recollection, it took a number of hearings to complete the examination. I must admit that the evidence that we were able to get in those hearings was of great concern, certainly to me and to a number of my colleagues on the committee.

The first issue I want to raise, Mr Speaker, is the review that we discovered was occurring within the Planning and Land Management Group. Questioning during the Estimates Committee hearings revealed that the Government is undertaking a review of the operations of PALM. This review is being headed up by senior officers within the ACT government service, including the chief executive of the Chief Minister's Department, the chief executive of the Department of Urban Services, the Under Treasurer, and, I understand, the executive director of PALM. I also understand that an independent consultant, whatever that means, is involved in this examination.

I am concerned, Mr Speaker, that what we are seeing through this process is a diminution of the powers and the effectiveness of PALM to adequately plan for our city. What is most concerning about it is that, unless we had been fortunate enough to have been advised indirectly that this was occurring, there would have been no way of finding out in the budget papers that this process was being undertaken by PALM, or by the Department of Urban Services, to be more accurate. I would have thought that a review which is looking at significant restructuring of PALM - that is my understanding of what it is doing - including looking for savings of around a million dollars within the Planning and Land Management Group, would have been included in the budget papers and we would, at least, have been able to track it down through the budget papers. But neither of those things was the case. We were not able to find that information.

Mr Speaker, the Estimates Committee report made a recommendation and we sought the Government's assurance that the current arrangements within PALM in no way reduce the capacity of PALM to contribute to effective ACT planning. The Government notionally agreed and said that there has been - I note the words "has been" - no diminution in the role of PALM. That is not really an assurance, Mr Speaker.

That is a response that says, “Well, to date there has been no diminution”. That is a debatable point. But what we were concerned about was whether or not that was going to be a problem in the future; that this review of PALM was going to result in a diminution of its ability to contribute and oversight effective and socially just planning in the ACT. On those grounds alone I think the Estimates Committee and every member of this Assembly have every reason to be concerned about what exactly is going on in PALM.

Despite the Minister’s reassurances in this place, I think that throughout the ACT community there is a growing feeling that Canberra is suffering a crisis in planning, that Canberra is not seeing an overall strategic vision for the city being developed by our planning body, and that decisions about planning and decisions about land allocation are not seen any more as the preserve of our planners, but instead are the preserve of the Chief Minister’s Department. I made some comments last night in that regard in relation to the Office of Asset Management and its usurping of the role of effective planning in Canberra.

Mr Temporary Deputy Speaker, moving along, some of the other issues that were raised during the examination of the Department of Urban Services by the Estimates Committee highlighted a number of other problems. I want to go now to some of the issues in Environment ACT. The questioning of Environment ACT I found to be particularly interesting and particularly concerning. First of all, we examined the issue of car registration, which my colleague Mr Hargreaves addressed earlier. The increases in car registration charges were billed as an environmental measure by the Government, a way of reducing greenhouse gas emissions. So, Mr Temporary Deputy Speaker, the Estimates Committee asked what was the basis of this assumption being made by the Department of Urban Services. We were informed that the ACT Government had not undertaken any analysis of the potential reduction in greenhouse gas emissions but had instead relied on work done in the United Kingdom, if I recall correctly, and a generally assumed position that smaller cars are less environmentally damaging than larger ones.

These seemed to be fairly weak grounds to come out and argue that the registration increase was an environmental measure. I think it would be pretty fair to say that that was really just an attempt to justify what was an increase in registration costs. I think most people in Canberra would have accepted the registration increase, albeit grudgingly, with a more open mind if the Government had simply come out and said, “We need you to pay a little bit more for your registration costs so that we can maintain the road network and all the other services the ACT Government has to provide”. But that is not what the Government said. Instead, the Government attempted to dress it up as an environmental measure when clearly the evidence for that, and its assessment of whether or not it was going to reduce use of larger vehicles, simply was not there.

Mr Hargreaves: It was a furphy.

MR CORBELL: As my colleague Mr Hargreaves rightly points out, it was really all just a bit of a furphy.

Mr Temporary Deputy Speaker, we also assessed a range of other issues, including Environment ACT. We looked at some of the impact of cuts at the Googong Dam. The Googong Dam has been in the news of late and we discovered that there will be a reduction of funding for Googong Dam. This clearly is going to have an impact on the effective management of the reserve, and it is also going to have, I believe, an impact on the quality of access users of Googong will now receive. The Government argued that changing priorities meant that there was going to be a reduction at Googong and funding was going elsewhere. That really meant a withdrawal. A change in priorities means, in essence, a withdrawal of the management of recreational uses of the area.

I asked a question in the Estimates Committee in relation to whether or not the reduction in funding would have an impact on the value of the assets at Googong Dam. A large amount of money is invested in physical infrastructure and assets at Googong Dam, and I asked whether this reduction in funding would result in a reduction in the maintenance of those assets and lead to a real downgrading of the value of the asset.

That question was taken on notice and I got my answer back eventually. The answer was not, I must admit, particularly reassuring for me. It did indicate the value of some of the assets at Googong Dam, but it failed to address the issues of the value of some of the more major assets such as the roads, some of the picnic areas and those sorts of things. They were not addressed in the answer I received, so I am still none the wiser, really, on whether or not the reduction of funding for management at Googong Dam is going to have an impact on the maintenance of the value of the assets and the physical infrastructure at Googong Dam.

Mr Temporary Deputy Speaker, I am conscious of my time. I may take the opportunity a little later in the debate to address some of the other issues that I believe are of concern arising out of the Estimates Committee's examination of this appropriation.

MS TUCKER (8.41): I have a few general comments on this area. The push to implement competition policy in this department is having major impacts. The department has been split into purchaser and provider groups, with the provider groups such as CityScape Services being commercialised and coming under competitive tendering, as has already happened with Totalcare. Road user services like vehicle registration checks and driver training have also been outsourced to the private sector.

This break-up of the department and its increased focus on commercial opportunities is having major impacts on the ability of the department to develop new, innovative policies to help the ACT meet the demands of the next century. For example, the Government has announced a greenhouse gas reduction target and a waste reduction target, but little is being done to implement these targets. There is also a crying need for an integrated transport strategy for the ACT to get us out of our car dependency rut and to avoid the building of the John Dedman Parkway. Of course, the introduction recently of the zonal system, which so incredibly disadvantages the Gungahlin residents, is something that we have to keep in mind when we are thinking about the John Dedman Parkway. The Government, after some delay, produced an ACT bicycle strategy last year, yet in the budget there is no new funding for cyclepaths. So much for the Government's commitment to promote cycling.

This lack of policy expertise is showing up in the Government's flawed plans, as I have already mentioned briefly, for the ACTION bus fares and also the motor vehicle registration charges. In the planning area there has been the Manuka debacle, Kinlyside, the confusion over the planning of Civic, and the continuing inability to resolve development pressures in Turner and Braddon. In the environment area there are the flawed plans to set up a market in water and the commercialisation of Tidbinbilla Nature Reserve.

The new vehicle registration fees are a good example of poor policy-making. The Greens support differential registration fees based on fuel efficiency, but the Government's proposal does not achieve this. The Government has wrongly equated the weight of vehicles with their fuel efficiency, as this proposal does not take into account the size and efficiency of the vehicle's engine. The department could easily have referred to the fuel consumption data on vehicles sold in Australia that has been collected by the Department of Primary Industries and Energy since 1981 for working out a better system of differential registration charges. Regardless of this, the Government has not even been consistent in using weight as the criteria for determining a vehicle's registration charge as it has increased the registration for most motorbikes, the lightest motor vehicles on the road, by 70 per cent.

The environment has been a major loser in this budget. The Government wants Canberra to be a clever, caring capital, but it seems that it does not want to make it ecologically sustainable. The Government says all the right words on being concerned about the environment, but fails to come up with real actions.

As an example, the Government said that greenhouse was going to be one of its priorities. In November 1997 the Government released its greenhouse gas reduction target and also announced that it would implement a range of measures to assist in reducing emissions. Some of these will require specific funding, such as the subsidy for low-flow showerheads, establishment of the Greenfleet program, the establishment of an energy advisory service, and greater energy efficiency in government buildings. But what is the allocation in this budget for the implementation of these measures? There is no mention of when these measures will be implemented. Was the announcement of these measures just an election ploy that the Government is now back-peddalling on, like the Belconnen pool?

The budget for Environment ACT has suffered considerably. While a number of new environmental initiatives have been included in the budget, such as \$100,000 for weed hit teams, \$150,000 for membership of the Murray-Darling Basin Commission, \$100,000 for a rural conservation trust, and \$180,000 on eight new ranger traineeships, other parts of Environment ACT's funding have been cut to pay for these. There have been cuts to the calicivirus program, the Boboyan pines rehabilitation, Decade of Landcare funding, and the management of the Googong Dam reserve. The agency is also being expected to find 2 to 3 per cent efficiency savings across all its operations.

The Government has also chosen to build the new visitor centre at Tidbinbilla not through capital works funding but via an internal loan of \$800,000 to be repaid by Environment ACT over nine years, including interest of \$267,000. I have grave doubts about the ability of Environment ACT to repay this amount just through revenue raised by the visitor centre and entry fees, given that visitor numbers have dropped dramatically since the entry fees were imposed. I have serious concerns that Environment ACT will end up paying the bill for this centre through cuts to other parts of its operations.

Housing is another part of Urban Services. The budget states that as part of an objective of DUS it will "develop plans to implement key directives in 'Canberra's Housing - Strategic Directions for Housing in Canberra' ". I wonder how this is to happen and how effective it will be when the Government is not managing ACT Housing effectively. Access to public housing has become more difficult. The figures on waiting lists are greater. Public housing tenants are now required to pay 25 per cent of their income on rent. This includes those on pensions, and the fear of those tenants is that their pensions will not be indexed to cope with these increases.

The Government relies on the private rental market as a comparison, and this is definitely not appropriate. The Smith Family report, "The Housing Factor", states that those on a low income pay around 39 per cent on private rental, not 30 per cent, and that the average mortgage payment is 16 per cent. Those on low incomes who pay upward of 40 per cent for rental alone simply cannot afford other things, food being one of them.

The Smith Family used the budget standards research project completed by the University of New South Wales and commissioned by the Department of Social Security. This survey provides costings on food for a very frugal but nutritionally sound diet for families, couples and singles. The Smith Family found that their clients were spending less than half that amount. Public housing is there for people in financial need, often with special needs. The private rental market is not there for this purpose. These people exist in the ACT. They may be fewer in number, but they are there; and there is a growing number of them, according to the Smith Family, and they do need government support now. Accessible public housing is an essential part of this.

Another issue in housing is the development of a study into solar passive design and related energy costs in public housing. The control and test houses have been built and occupied for some 12 to 18 months. One would think that, with the hard work done, the results of the study could be published and perhaps future design could reflect a favourable result. This is a really important way to reduce the living costs of those on low incomes and be environmentally responsible at the same time. This could constitute a strategic direction, but it seems to have been missed.

The Government cannot treat public housing in the way they would a business enterprise. If they do this there will only be a transfer in the social cost to other areas such as justice and health and community services. The recent economic climate in Canberra and federal attacks on welfare and community services necessitate that the Government plan for and provide for public housing to relieve the existing levels of housing-related poverty.

MR BERRY (8.50): I want to raise some issues about the Estimates Committee, and I particularly want to raise evidence given to the committee and the manner in which it was given. I have to draw attention to the Minister where he was disinterested in ensuring that his officers answered the questions which were put to them by committee members. I have a handful of pages here where the head of Urban Services was involved in questioning before the committee, and I think the kindest description one could give it is that it was most artful. Let me deal with a few of these episodes. This is going to take a while. Mr Osborne put this question:

Mr Gilmour, I mean really it is - I think it is a valid question. It is not - - -

Mr Moore: Mr Temporary Deputy Speaker, I take a point of order. I remind Mr Berry that there has been a convention established in this chamber whereby we are very reluctant to identify public servants and to pillory them. I take this opportunity to remind Mr Berry of that convention.

MR TEMPORARY DEPUTY SPEAKER (Mr Hird): I bring that to the member's attention. I know, Mr Berry, that you were chairman of the Estimates Committee and you are reading from a transcript, but would you bear that in mind?

MR BERRY: This is all information that is on the record now, so there is nothing new in this. Mr Osborne continued:

It is not like it was a question that was asked once in the Assembly, it was something that was repeatedly asked and yet it appears that no-one from PALM contacted the Government and said, "You are saying the wrong thing. You should be saying block not lease".

Mr Gilmour said:

Well, I think - I need to repeat what ...

Mr Moore: Can you speak up? I am having trouble hearing.

MR BERRY: I will get closer to the microphone. Mr Gilmour said:

Well, I think - I need to repeat what the Minister has said because it is really quite important to this and that is that the Chief Minister has answered these questions and has responded.

That was a typical response which was given to further pressing questions on that subject. On the next page Mr Gilmour said:

Well, I think that is what I wanted to go back to what I originally said. I think the Chief Minister actually addressed these issues when she was questioned about these matters in the Estimates Committee and I believe that is all the ...

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The answer ended there. This again was in response to a question from Mr Osborne when he said:

And someone in PALM realised that the Chief Minister and the Deputy Chief Minister were saying the wrong word ...

I will turn over to the next page. Mr Osborne was again involved in questions to Mr Gilmour about blocks and leases, and Mr Gilmour said:

I certainly made him generally aware, remember that he came into this process fairly late in the piece, of the general matters related to the Hall Kinlyside issue, our involvement, and the issues that were there.

Getting to the specifics became tortuous and this went on for seven or eight pages while Mr Gilmour quite skilfully avoided answering the questions which were being put to him by committee members. Some of those members have complained to me about this. I merely rose to my feet to ensure that the Minister has it crystal clear in his mind that this sort of performance ought not to have been tolerated by him and that he, as the Minister, ought to remind his officers that they are obliged to answer questions openly and appropriately for the committee to ensure that it is able to complete its scrutiny process.

I am not going to go all the way through this, but it just became so tediously obvious that the senior officer was not going to be of assistance to the committee. All of the members who were at the committee found it frustrating and difficult. Mr Stanhope tried to get answers. Mr Osborne tried to get answers. Ms Tucker tried to get answers. People should be aware that committee members involved in this process found this intolerable and they are examining ways and means to ensure that it does not happen again.

MR CORBELL (8.55): I would like to resume my comments on the Department of Urban Services appropriation. Environment ACT, as I was saying earlier, was one of the most interesting areas of the Estimates Committee's scrutiny process. As Ms Tucker alluded to earlier, there were particular concerns raised about the development of the new Visitor Information Centre at Tidbinbilla Nature Reserve. It became quite apparent that the Government had taken the interesting decision to loan money to Environment ACT for the development of that visitors centre. Concern was raised by a number of members of the Estimates Committee that this could have a potential impact on the budget of Environment ACT in its running of the Tidbinbilla Nature Reserve because, instead of being funded as a capital works project, it was funded through a loan, effectively, from the Office of Financial Management, with interest accruing on the loan which will have to be paid along with the original loan amount by Environment ACT.

We saw a much greater decrease in visitor numbers to the Tidbinbilla Nature Reserve than had been anticipated by the Government. The Government assumed, on a worst-case scenario, about a 30 per cent reduction in visitor numbers. We saw a significantly higher reduction than that at Tidbinbilla during the last financial year. The Government and the officials from Environment ACT responded by saying it was due to the number of complete fire ban days and the fact that the reserve closed during those days.

Mr Temporary Deputy Speaker, I simply do not accept that. That reason would certainly have contributed to a reduction in the numbers, but not of the magnitude that we saw. I would argue, and I will continue to argue, that the overwhelming number of people who chose not to go to Tidbinbilla did so because of the imposition of the visitor fee.

In the light of this, it is of concern that already the Government is predicating funding for Tidbinbilla on that visitor fee, yet it is also placing potentially further demands on Environment ACT's budget at Tidbinbilla by requiring it to repay interest and the capital amount of the loan for the development of the Visitor Information Centre. When seeking reassurance from the Government that this would not impact on the budget of Tidbinbilla Nature Reserve, we were told, "No, it will not impact". That again is the Government ignoring the worst-case scenario.

We were told that the reduction in visitor numbers would not be significant either, and that in the worst case we could still manage it. We have already seen that the Government has been wrong once on its worst-case analysis of the budget and the impact of visitor fees at Tidbinbilla. How can we be any surer that the same impact will not be far greater than the Government anticipates in relation to the Visitor Information Centre and its impact on the budget of Tidbinbilla? I think the Government's reassurance is fairly weak and that a number of members on this side of the Assembly share the concern that this will eventually impact on the amount of money Environment ACT have to fund the operations and the management of the Tidbinbilla Nature Reserve.

Mr Temporary Deputy Speaker, a number of other issues were raised about Environment ACT. The last one I want to allude to - there are a number of other things I need to get to - is the issue of the weed hit teams. The Government has spent an additional \$50,000 on operational funding. It is a supplementation to operational funding for the existing weed maintenance and eradication program.

That, to me, does not seem to be meeting the intention of what the Conservation Council was seeking when it made the suggestion to the Government of the need for a weed hit team. I think the Government needs to reconsider exactly how it is focusing that funding to get the best possible result, and certainly the result that the Conservation Council was looking for - it having a greater flexibility on the ground to deal with weed hot spots.

Mr Temporary Deputy Speaker, one of the other issues that I am particularly interested in is the capital works priorities and the proposal to build a public library at Gungahlin. During the last election campaign and twice last year, in March and in November, Mr Cornwell, as a member for Molonglo, put out press releases saying the Government had allocated funding not only for a feasibility project but also for the development of a public library building at Gungahlin, and that that was expected to take place in this year's capital works budget - that is, 1998-99. It is not in this year's capital works budget, and in fact we are told that the feasibility project is only just finishing now.

According to the Government's own advice and in documentation supplied to the Urban Services Committee and an analysis of the capital works budget, the department has made a decision and is making the recommendation in its own documents that Gungahlin's population will warrant a public library in this financial year, 1998-99,

but we are not seeing that commitment followed through. Indeed, we are seeing the promises and the commitments made by one of the Government's members, Mr Cornwell, being ignored by this Government in the capital works project.

It seems to me that the Gungahlin public library is another victim of the Government's axe in looking to save money in this year's budget. We had the Chief Minister standing up earlier and saying, "We are not interested in process". Well, we are interested in process, Chief Minister. We are interested in a feasibility project being undertaken, but that was meant to be completed before this year's capital works budget was prepared. In this year's capital works budget there was going to be a commitment to build that library because the population level in Gungahlin warranted a facility of that type, according to the department's own criteria.

It is quite unacceptable for members of the Government to run around the Gungahlin community and say, "Look how good we are; we are putting out money for a public library and it is going to happen", and then, in this year's capital works program, when it was committed, that was not forthcoming. That was a very disappointing outcome also.

Overall, the Department of Urban Services delivers many very important services to the Canberra community. I want to return to the point I began with, the issue of planning. Planning, I believe, is one of the most fundamental elements of administration in the Territory because it is about delivering social justice values to the Territory and good planning outcomes to the Territory. What we have seen since this Government was returned in February is, I believe, an arrogant and deliberate attempt to undermine and gut the operations of the Planning and Land Management Group.

First of all, we have seen the removal of the land allocation function, not to an independent and statutory authority, which was what Stein recommended - if there is any justification it should be the Stein recommendations - but to the Chief Minister's Department, so that the Chief Minister can use the land allocation function effectively as a political gift, if you like, within her portfolio. We now see a secret review of PALM, which we understand is looking at a reduction of a million dollars in operational costs within PALM. I am very concerned about the impact that that will have on PALM's ability to undertake effective planning outcomes in the Territory. We have seen staff demoralised and ignored in respect of the expertise that they can give on issues such as leasing. The whole Hall/Kinlyside episode demonstrates just how effectively PALM has been removed from the decision-making processes in the Territory. Planning decisions effectively are being made within the Chief Minister's Department, not where they belong, with the planners in the Planning and Land Management Group.

Finally, Mr Temporary Deputy Speaker, it is with wry amusement that I note today that the Chief Minister has confirmed that the Office of Asset Management will now be administered by her deputy Mr Humphries, as Minister Assisting the Treasurer, because of Mr Humphries's expertise in planning matters. What does that say about the Minister for planning? What does that say about the Minister for planning's expertise in planning matters? Or does it simply highlight that the Minister for planning, just like PALM, has been sidelined in this Government?

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

MR STANHOPE (Leader of the Opposition) (9.06): I will make just a very brief contribution to the debate. Much of what I wished to say has been said. I wish to reiterate some of the points I made about the relationship between PALM and the Office of Asset Management in the debate in relation to the Chief Minister's portfolio. I think it is important that it be restated. This builds on the comments which my colleague Mr Corbell has made about the need for us to ensure that the integrity of our planning processes is not diminished in any way by the rearrangement or the reallocation of responsibilities for land development and land management in the ACT.

There is an inexplicable link between the management and development of land and planning. The two go hand in hand. One of the issues of significant concern to the Opposition over the last few months is the abrogation of responsibility or the transfer of responsibility from PALM to the Office of Asset Management for the development of land. It is obvious to us that the level of concentration on planning matters has been diminished as a result.

The example we have used - I trust that nobody thinks we are overlabouring the point - is Hall/Kinlyside. It is a great example of what goes wrong, or what potentially goes wrong, when the planning function is sublimated to the development urge or push. A reading of the papers in relation to that case provides a classic illustration of what happened when PALM was sidelined, when the planners were not listened to, and when the advice and influence of those who understand the planning process were simply ignored.

I regret that I do not have it here with me at the moment, but I think it would be very instructive to members of the Assembly if I read into the *Hansard* the initial response of Mr Gary Prattley to the proposal to go ahead with the preliminary agreement on Hall/Kinlyside. Mr Prattley's assessment of the proposal is a remarkable document. The scathing criticisms of Mr Prattley, as former head of PALM, of the proposal really are a revelation, made available only to most of us as a matter of hindsight.

There is a whole range of continuing issues. I will not try your patience for too long, Minister, but, as a further illustration of the need for us to keep uppermost in our minds the need to ensure the integrity of PALM and to maintain it as a professional and expert group with significant power and responsibility, I would refer to the Government's reaction or response to the Hall/Kinlyside disaster once the story broke on 3 May.

There is a wonderful document on the files from Annabelle Pegrum, in the Office of Asset Management, to Mr Lincoln Hawkins, the head of PALM, in which Annabelle Pegrum directs Mr Hawkins what PALM is to say to the world about the preliminary agreement. It really is illustrative of the relationship between the land management arm and the planning arm that we have an officer in the Office of Asset Management not advising, not suggesting, not consulting, but directing Mr Hawkins what he is and is not to say about the development. I think that correspondence in itself is incredibly revealing. It indicates the extent to which the Office of Asset Management has taken over the function, sets the directions and is responsible for the message in relation to planning. It leaves me with a very serious concern about the autonomy and the independence of PALM and the land planning function. I think I have made the point there, but it is a matter of significant concern.

The almost secret review of Planning and Land Management is also something which really does concern me. In the Estimates Committee, when we sought the terms of reference for this review and some understanding of exactly what was going on, the Minister and his officials were disinclined to tell us anything about it.

I make this next comment genuinely, Minister, as I do all my comments. I would like to touch briefly on the point made by Mr Berry about the difficulty which the Estimates Committee and those of us who were part of that process had in receiving straightforward answers to questions we asked of officials from your department. I contrast it with the comments I was able to make yesterday to Mr Moore in relation to the openness with which officers of the Department of Health dealt with questions from members of that committee. It was a credit, both to the Minister and to the officers of the Department of Health, that there was no hedging.

It pains me always, for some reasons - reasons that I cannot explain and that I will seek to understand better - to compliment the Minister for Health, but he let his officials go. He did not feel the need to constrain them. He did not feel the need to say, "Look, you had better be careful. You had better protect me. You had better not answer this question". I think there is a lesson there for the Department of Urban Services and for all Ministers. They should look at the way in which the Department of Health dealt with the Estimates Committee. The Minister had faith in his officials. The Minister was prepared to allow them to answer straightforward questions, consistent with their duties and responsibilities to this place as public servants to provide factual answers to questions not going to policy, not going to issues on which the Estimates Committee should not quiz members of the Public Service.

I have mentioned this before and I take this most seriously. I think this is a very serious issue for this place. I can refer the Minister for Urban Services to 20 pages of dialogue in the Estimates Committee transcript relating to his department in which four or five members of this Assembly asked Mr Gilmour and Mr Hawkins to answer a simple question, and to this day I still do not know the answer to that question. I think that really is not good enough. I will continue to say that until I get the answer to the question.

Those are the points on which I wished to make some comments. Mr Corbell and Mr Hargreaves have covered a range of other matters. There are issues that I would like to raise in relation to some other areas, such as forests, housing, and ACTION, but I will reserve those.

MR SMYTH (Minister for Urban Services) (9.14): Mr Temporary Deputy Speaker, much has been raised by members here this evening and I thank them for their input. Unfortunately, none of it was new. There was nothing that we have not heard before. It seems that if we talk about something often enough, it will become so.

The Opposition still seems to be under a lot of misapprehension about registration. Again, for the record - it has been said so many times - only nine per cent of Canberra motorists will pay what could be termed large increases, and that is from \$42 to \$114 for their registration. All the pensioners get it free, the seniors get the 10 per cent,

24 per cent of Canberrans will pay \$16 less, 23 per cent will only pay a dollar more and 43 per cent will pay \$24 more. It is fair to say that we made these decisions with environmental concerns in mind.

I think Mr Corbell mentioned that we had no evidence. I am sure that in the Estimates Committee hearings I referred to the NRMA report, for instance, which came down recently, that does link weight and engine size to the impact that it has on emissions. I think we have considered the registration issue very carefully.

There was a lot of misinformation put out early. We supposedly had Landcruiser prices coming down, small car prices going up, pensioners not getting discounts and pensioners getting different discounts. The reality, Mr Temporary Deputy Speaker, is that the pensioners did get the free registration. This Government is very pleased to deliver that. I know that pensioner groups were more than appreciative. Mr Temporary Deputy Speaker, 24 per cent of motorists had a reduction and another 23 per cent only pay a dollar more. The registration fee, I think, is very reasonable. It is very fair. The impact of engine size and weight of engine in relation to emissions and impact on the roads and the environment in general is quite clear. I am sure I still have a copy of the NRMA report in my office if members are interested in it.

Mr Quinlan made a point about the cost of de-tooling for plates. In fact the logos were screen-printed, so there was no tooling cost involved.

There seem to be great worries in this place about PALM and its future, Mr Speaker. It is curious that OAM is attributed as having planning functions. OAM does not have planning functions. It does have responsibility for the management of the land as an asset, and that is more than appropriate. The process of moving that off to Chief Minister's was done in great consultation with the staff. That process of cooperation between PALM and OAM will continue. Whilst it is easy to selectively quote some projects that perhaps do not go as well as they should - - -

Mr Rugendyke: I raise a point of order, Mr Speaker. I simply draw standing order 41 to the notice of the two members here.

MR SPEAKER: Thank you, Mr Rugendyke. May I say, sir, touche.

MR SMYTH: Mr Speaker, there seems to be this fear that simply because the Opposition do not know about something it is secret and therefore there is some sort of inherent evil in reviewing anything that I do. Since I have become Minister I have looked at several areas and said that I want to know exactly what they do, how we deliver it and how best we can deliver it. There is absolutely no recognition from those opposite, because it does not suit their purpose. In the main, PALM does very well. The majority of its decisions are efficient, fast and correct. Large developments such as the GIO building becoming the Holiday Inn, the Waldorf residential units, and major developments and expansions going on in Woden, Tuggeranong and Belconnen town centres in the main are running very smoothly. It is because of the efforts of the

Urban Services staff, whether they be the staff of PALM or the staff from roads and transport. They work very well with those in the building and the development industry to ensure that we get on with the job. There is no recognition in what those opposite say of the fact that the majority of applications put to PALM are handled effectively and efficiently.

For instance, 17 per cent of all applications are processed in under five days, with a further 12 per cent being processed in under 10 days. The staff at PALM are to be congratulated for the way that they handle this. Sure, some projects do not go as well as they possibly could, but they make sure that the process is handled as quickly and as sensitively as it can. We have this continual harping; that if they talk about it long enough they will make it so. It is not true, Mr Speaker. Those opposite do not want to recognise that groups like PALM, the public servants in the Department of Urban Services, do a very good job.

Mr Speaker, Ms Tucker raised the issue of competition policy. It is quite interesting that we look at competition policy. One whole output of the Urban Services budget - I think it is output 1.6 - is devoted to competition policy, water, gas, electricity and milk. It is curious, Mr Speaker, that, for all the questions that I received in this place and all members of the Government received on competition policy, there was not a single question in the Estimates Committee on output 1.6.

Mr Stanhope: If you were relying on that Sheen report, there is no wonder about it, Minister.

MR SMYTH: Mr Stanhope interjects that if I was relying on something like the Sheen report it is no wonder. If the Sheen report is that flawed, if the Sheen report is that important, why were there no questions on such an important issue in the competition policy area? There were none.

Mr Corbell spoke largely on environmental issues. I thank him for his points. There is this constant harping on the figures relating to Tidbinbilla. The original figure was an estimate. It was based on a number of vehicles and a calculation that each vehicle at different times of the year carried a certain number of passengers. He dismisses the bushfire season and the number of total fire bans as being unimportant. He dismisses the 23 days. In some of the peak periods for the parks the parks were closed, such as over Christmas, over holidays, on weekends - times of extremely high usage for the parks - and on either side of those total fire ban days. The effects of the drought and the hot spell certainly did not go away. Perhaps it is as simple as that the weather was not as conducive for going to Tidbinbilla as it would normally be. We have work ahead of us and we are working towards making sure that the experience of Tidbinbilla is as excellent as we can make it. We have a world-class natural resource. What we will do through this budget is add to that a world-class visitor experience, Mr Speaker. It is very important that people know that this place is so close to Canberra, only 20 minutes away.

Mr Hargreaves, I think, started by saying it was not his role to come up with suggestions or solutions. That is curious because I heard Mr Berry say in an address to a group of school students the other day that they saw themselves as the alternative government and they were there putting their case. We hear nothing of this.

Mr Speaker, I think it is appropriate to finish simply by quoting to them something that they do not like to hear. David Hughes, their adviser on budget issues, said this before the budget, and it will come back to hurt them:

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.

Mr Speaker, this is a good budget.

MR CORBELL: Mr Speaker, I seek leave to make an explanation under standing order 47.

MR SPEAKER: Proceed.

MR CORBELL: Mr Speaker, during the Minister's contribution he suggested that the Labor Party and I in particular maligned the professionalism and the ability of officers in PALM. I said no such thing. I was merely commenting, Mr Speaker, on the Government's attitude towards the Planning and Land Management Group, not the competence or the capability of officers within it who I know are excellent.

Proposed expenditure agreed to.

Part 10 - InTACT

Proposed expenditure - The InTACT Group, \$80,000,000 (comprising capital injection, \$80,000,000)

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

ADJOURNMENT

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

That the Assembly do now adjourn.

Death of Police Officer

MR RUGENDYKE (9.26): Just briefly, in the adjournment debate, I would like to mention the passing of an ex-colleague of mine, Senior Constable Alan Peter Kingston. He was working night shift on Saturday and went home ill at about 3.00 am. At about 5.00 am I believe he had a massive heart attack which ended his life at the age of 44.

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Alan Kingston, or Kingo as he was known, was a dear friend of mine. I worked with him for many years. He was one of life's gentlemen and a real character in the police force. He had a varied career in the police force. He had a crack at many things - community policing, traffic, communications, and other tasks.

Mr Speaker, he is survived by his children, his daughter, Jodylee, and sons, Peter and Scott. He was to remarry in November to his fiancée Sandy who has a young son, Aaron. It is a sad thing. Perhaps shiftwork or policing in general contributes to an unhealthy lifestyle. The passing of Alan Peter Kingston was a sad day for the Territory and for his family.

Ms Helen Szuty

MR WOOD (9.28): Mr Speaker, I rise to support a former member of this Assembly, a much respected former member. If I asked our longer serving members whom of their colleagues they would regard highly for honesty and integrity, Helen Szuty would be at the top of the list. Many of us were also in awe of her attention to detail, which is relevant to the issue I raise.

The story is this. The Minister for Urban Services, Mr Brendan Smyth, lodged a complaint, in confidence, dated 8 July 1998, to the general manager of the Real Estate Institute of the ACT, Mr Adam Moore, about the conduct of Helen Szuty. I have no doubt that the Minister believed that he was justified in so doing. Helen Szuty had made representations to him about a Charnwood family, requesting priority housing. Members may recall the circumstances of the Charnwood family which received media attention. At the time of the complaint Ms Szuty was working at Cec Hodgkinson Real Estate in Belconnen. The claim Mr Smyth made was that, while Ms Szuty was trying to secure better government housing for the family, she was also representing her own interests as a real estate agent by seeking to secure a sale. Ms Szuty strongly asserts that this was not the case.

My respect for her is such that I fully accept her assurances. She informs me categorically that she carefully advised Mr Smyth that she was not looking to secure a sale for her benefit. Indeed, given the nature of the real estate industry, this could not occur unless she or her firm made a specific approach to the listing agency, another firm. No such approach was ever made. The listing agency confirms this.

I am confident that Ms Szuty, whose attention to detail is legendary, would not confuse the issues, and it seems that the Minister may have. In particular, Mr Smyth said that Ms Szuty handed him her business card. I got one, too. If the Minister misunderstood this gesture, I can assure him that it was intended only as a convenient way of advising of her telephone numbers and not in connection with her work. I acknowledge that the issue could have been clearer if Ms Szuty had made an approach in a different way.

Ms Szuty first learnt of the complaint on 17 July when she had discussions about her continuing in employment with the agency, just over four weeks following her commencement. The Minister's complaint led to the decision by Cec Hodgkinson Real Estate to discontinue her employment under the terms and conditions of her employment contract agreed to on 15 June - a severe repercussion.

On ceasing with Cec Hodgkinson Real Estate, she held discussions with Mr Adam Moore of the Real Estate Institute of the ACT on 21 July about the nature of the complaint and about her future prospects of employment in real estate. As the complaint was made in confidence, she did not learn the details of it until it was faxed to her on 27 July 1998. On 29 July she wrote to the Minister outlining her recollection of the events in question, requesting the Minister to withdraw the complaint about her conduct in writing to the Real Estate Institute of the ACT, and to provide a copy of the letter to herself and to do this within 14 days. She has not received a response from the Minister. Quite apart from the question of her integrity, she wishes to continue to work in the real estate industry, so this is an important issue.

I ask the Minister to consider whether he misunderstood the situation and, if it is possible, to put things right for Ms Szuty. I mentioned earlier today to Mr Smyth that I would raise this matter in the Assembly. Mr Speaker, may I table documents relative to this?

Leave granted.

MR WOOD: I table the relevant papers.

Question resolved in the affirmative.

Assembly adjourned at 9.32 pm