



DEBATES
OF THE
LEGISLATIVE ASSEMBLY
FOR THE
AUSTRALIAN CAPITAL TERRITORY

HANSARD

29 October 1998

Thursday, 29 October 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.

PETITION

The Clerk: The following petition has been lodged for presentation:

By **Mr Osborne**, from 59 residents, requesting that the Assembly vote in favour of the Health Regulation (Abortions) Bill 1998.

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

Abortion Legislation

The petition read as follows:

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

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that Mr Osborne recently introduced legislation regarding the availability of abortion in the ACT.

Your petitioners therefore request the Assembly to vote in favour of the Health Regulation (Abortions) Bill 1998.

Petition received.

URBAN SERVICES - STANDING COMMITTEE **Report on ACTION Bus Services for Schoolchildren**

MR HIRD (10.32): Mr Speaker, pursuant to order of the Assembly of 20 May 1998, as amended on 27 October 1998, I present Report No. 11 of the Standing Committee on Urban Services, entitled "ACTION Bus Services for School-children", together with extracts of the minutes of proceedings. I move:

That the report be noted.

Mr Speaker, last Tuesday, on behalf of my committee, I asked for a short extension of time to report on this issue. I am pleased to table the committee's report today. It is a unanimous report, except for one matter.

In relation to school bus routes, we unanimously recommended that a thorough review be undertaken; that the community be closely involved, in particular through the school transport advisory committee; and that the Government give further consideration to the bus travel needs of students, in particular in the Gungahlin area.

In relation to the constitution of the advisory committee on school bus services, we unanimously recommended that the resources available to the committee be beefed up and its membership be extended to include a student representative and a member from ACT Roads, which is part of the Department of Urban Services.

In relation to traffic congestion around schools, we unanimously recommended that the Government raise the priority it gives to problems identified by schools and that it draw up a program of works to fix these problems, especially where these problems are very longstanding, such as at Daramalan, St Clare's and St Edmund's colleges.

In relation to school bus fares, two members of the committee considered that the proposed fare structure should go ahead, provided that one important change is made, while the third member of the committee, my colleague Mr Corbell, considered that the proposed fare structure should not go ahead until more information is available. I will let Mr Corbell speak for himself.

I want to emphasise that there was not a dissenting report, which is of surprise. The way we handled these different viewpoints was to make plain in the text and in the list of recommendations that, on this one matter, two members of the committee have one view and one member has a different one. I would like to compliment my colleagues on this approach, and also the secretary to the committee, Mr Power. It enables the committee to report more quickly than otherwise and does not weaken the report, as sometimes happens with a dissenting report.

I turn back to the issue of student fares, Mr Speaker. Mr Rugendyke and I have come to the view, after carefully listening to all the points put to us, that the proposed fare structure should go ahead, but only if the proposed fare increase for the 11 per cent of students who use a direct bus service over two zones is brought in over a three-year period - not in one hit, as the Government had previously proposed. We simply think a sudden jump in fares for this category of students from 45c to \$1.20 is too great.

We acknowledge that something needs to be done to fix the inequities in student fares, which successive governments have not addressed over a number of years. We think it is equitable to bring student fares into balance; that is, it is time to ensure that all students who travel across two zones are charged the same fare in the new system and that all students who travel within one zone are likewise charged the same fare.

What my colleague Mr Rugendyke and I suggest is that the balance take three years to achieve so as not to hugely disadvantage one category of students who, through no fault of their own, have enjoyed a low fare for many years. This is why we have also recommended that the Government take measures to alleviate the impact of the increased fares on students travelling across two zones by making special provision for students and their families who can demonstrate financial hardship. We are conscious that these students made their decision about where to go to school on the basis of existing bus fares. They should not be forced to consider moving schools - in the worst possible case - simply because bus fares have increased.

Mr Speaker, also on bus fares, the committee was unanimous that students who need specialised schooling, such as students with disabilities, should be able to travel by bus to their special school at the lowest fare. I want to emphasise that.

I want to thank all those who contributed to the inquiry. This includes government officials, school representatives and students themselves. We were very impressed by the quality of evidence put before us. It is all summarised in the report.

Before closing, I would like to add three personal comments. Firstly, I want to put in a plea for continued efforts by the Government to assist Copland College to increase its student numbers. Secondly, I want to stress that the proposed fare structure will mean that some students will pay less rather than more but, overall, the new system is intended to apply equally for travel within one zone and equally for travel across two zones. Thirdly, if the Government adopts the suggestions made by me and my colleague Mr Rugendyke, then they should flow on into the cost of term tickets for travel across zones for the next three years.

With those comments, Mr Speaker, I conclude my remarks. I thank my colleagues. It has been a very difficult inquiry, but you will see from the results of the report that it was well rewarded in the findings of that committee. I commend the report to the house.

MR CORBELL (10.39): Mr Speaker, this was certainly a very lengthy inquiry, by the Urban Services Committee's standards, and it involved quite a large amount of evidence. I think, in general, the committee's approach is one which is very sensible; but, as my colleague the chairman, Mr Hird, pointed out, I do disagree with the extent to which two members of this committee - Mr Hird and Mr Rugendyke - have proceeded on the issue of dealing with the inequities of school bus services and the fares paid by kids who use those services.

The majority report proposes an alternative system of fare structure. I must say that I feel very strongly that that was not an appropriate course of action for the committee to take. I have outlined those concerns in the report; but, just for the record, let me state that I do believe that we are not experts on fare structures. Indeed, we do not have the information available to us to propose an alternative fare structure for children travelling on school buses which would be fair. My view was further highlighted by evidence, presented by a range of people and groups, that the information that ACTION itself had on school bus travel patterns and methods was quite inadequate. I turn to the report.

I think, on page 21 of the report, it is outlined fairly clearly that ACTION itself is not particularly confident, on the data it has on the patterns of movement of schoolchildren, to actually put in place a fare system. I will read the relevant paragraph on page 21:

In relation to the cost of school bus fares, the committee is concerned about deficiencies in key data which make it difficult to feel confident that the most appropriate fare structure has been determined. The committee also notes the government's expectation that the report of the Independent Pricing and Regulatory Commission (due in draft form in February 1999) will 'assist [DUS] -

the Department of Urban Services -

to more accurately cost and determine Community Service Obligation funding, including payments for school services'. This suggests that the department is not confident of its present information.

I agree with that finding, and that is a finding that all three members of the committee have agreed with. The problem is that there is one proposal in this report that we should actually go further and propose an alternative fare structure. If the committee is accepting that there is not sufficient evidence to be absolutely confident about costs and travel patterns for schoolchildren on school buses, then we should not be proposing an alternative fare structure. That is where I disagree with my colleagues.

Mr Speaker, I have proposed - and my comments are in the report - that ACTION and the Government really need to go back and get some decent information on patterns of movement for children who use school buses and the costs associated with those movements. It is simply not acceptable for the Government to make an arbitrary decision about how much schoolchildren will pay to travel on a school bus when it is not confident of its information.

Equally, I believe that it is not acceptable for the committee to repeat the mistake of the Government and impose an arbitrary method of determining fare structures for schoolchildren. Both of those approaches are wrong. What I am asking in my comments in the report is for the Government to go back, start again, and get some decent data which is consistent, because the three lots of data presented by ACTION to the committee were wildly different. If I recall correctly, they ranged from somewhere around 16,000 to 28,000 movements. They have got three lots of information themselves. It is certainly not a consistent lot of data on which to make such an important decision. So I hope that the Government recognises that in its response to the report.

Mr Speaker, I should say, though, that there were a number of issues on which I and my colleagues on the committee were in complete agreement. One of those was in relation to the issue of school pick-up and drop-off points for buses. We heard some disturbing evidence from a range of schools, mostly in the non-government school sector, that the arrangements for the drop-off and pick-up points for students using school buses were completely inadequate and, in some respects, dangerous. It would appear that on repeated occasions these schools have made representation to the Government in an attempt to have the situation addressed; but for one reason or another - not always the

Government's fault - this has continued to remain a problem. We are asking the Government to look again at those particular schools where there are real problems with the pick-up and drop-off points for their students outside their schools, because they are congested and, in some cases, they are accidents waiting to happen.

Mr Speaker, the final point - again, it is a point on which I and my colleagues on the committee agree - is in relation to the issue of school bus services for college students, particularly those living in the Gungahlin area. We are aware already of the problems with the zonal system and what this means for people living in the Gungahlin area generally in terms of commuter services; but there is also an impact on students attending colleges. As I am sure members are aware, Gungahlin does not have its own secondary college. It is serviced by three colleges, each of which has a priority enrolment area for Gungahlin. They are Dickson College, Copland College and Lake Ginninderra College. Those three colleges are designed to service the Gungahlin area.

There was a very clear and evident problem presented to us by Dickson College, which in many respects is the closest college for secondary college age students in Gungahlin, in that Dickson is outside the bus zone which Gungahlin is in. Gungahlin is in the northern zone. Dickson College itself is in the central zone, yet Dickson has a priority enrolment area for Gungahlin, and a lot of students from Gungahlin come to Dickson. They pointed out that it would create some real inequities if their students, simply because they lived in Gungahlin, had to pay additional fares to get to Dickson, even though they lived within the priority enrolment area for the college.

We have asked the Government to rectify that situation, because that is simply a nonsensical situation. Obviously, the most appropriate way to deal with it is to have Gungahlin with its own college. But, if that is not possible for cost and other reasons, then there are some cheaper solutions. One would be to not impose that zonal system constraint on students in Gungahlin who go to Dickson College.

On a final point, Mr Speaker, I think the issues raised with us by Copland College deserve mention in this debate. Copland College, as we are aware, is a college which is struggling to maintain its viability. They are also a priority enrolment college for secondary age students in the Gungahlin area, but they have been seeking from ACTION for some time a direct bus route service from Gungahlin, servicing their college. That has not been forthcoming. It was trialled, we understand, for a short period of time, but then discontinued. Copland expressed their frustration that this was a real chicken-and-egg problem. ACTION tells the college, "We will not provide the service because there are not enough students who use it. Not enough students travel from Gungahlin to Copland". Copland says, "Well, until you have the service in place, not enough students are going to go to the college".

We certainly are sympathetic with the college's point of view, and we would ask the Government to reconsider the provision of a direct bus service from the Gungahlin area to Copland College. Not only would it allow the college to maintain its viability; but it would also, potentially, allow the Government to not necessarily have to address the issue of a secondary college in Gungahlin itself, for budget reasons, for perhaps a little while longer. But, importantly, it would also allow students in Gungahlin the choice which they are entitled to, with three colleges having priority enrolment over the Gungahlin area.

Mr Speaker, I think, in general, the report takes a sensible approach to what is a difficult issue. But the one concern that I must raise is the concern where I disagree with my colleagues in the report, and that is that we should not be going down the same path as the Government has gone down in imposing an arbitrary fare structure on school bus students, based on inadequate information, which is exactly what ACTION did and exactly what the Government did. Instead, the Government must go back and get some better information before it starts imposing these arbitrary cost structures on students who use school bus services.

MR OSBORNE (10.51): Mr Speaker, I will speak briefly about this report. Obviously, I am very interested in the outcome, given the motion moved a couple of months ago in relation to school bus fares. I have to say that I am disappointed - confused, perhaps - Mr Speaker, with the contradictions in this report. I see there that, even though the majority of members in this Assembly voted for a single fare for schoolchildren - they would pay only one fare over the three zones - both Mr Hird and the other member of the committee, who shall remain nameless, seem to have ignored that. They have been swayed by the Minister and have set up a regime where the price goes from 45c to \$1.20, albeit over a period of three years.

That was one recommendation. I was very disappointed with that. Then I read the next point which seems to contradict that recommendation. It is about those children and families who can show that they are suffering financial hardship. I would question how the Government or ACTION proposes that people would do that. Are they going to walk in with their tax returns each year and say, "I'm in trouble and I can't afford it." I question that. I think that is stupid, Mr Speaker.

They say that children who are currently at a school and who intend staying at that school will only have to pay the one-zone fare. One fare for the three zones was, I think, the main thrust of that motion I referred to. I thought, "That is pleasing". But then I started to think about families whose children are in fifth class or sixth class, who are faced with moving schools, if not next year, the year after, and who would be faced with a hike. Families with children in Year 9 and Year 10, when travelling to a college, would more than likely need to jump over two zones. I have to say, Mr Speaker, having only briefly read through the report since it was tabled, that I think it is a poor attempt at addressing the situation.

Mr Corbell's recommendation is probably the most sensible one of the lot in relation to the fare structures for students. I am disappointed that, given that the majority of members of the Assembly have a certain view on fares for students, it was not adopted by the committee. Mr Speaker, I will spend some more time reading the report, but some of the recommendations that follow strike me as strange. I just thought I should make that point.

MR SMYTH (Minister for Urban Services) (10.54): Mr Speaker, I thank the committee for the report. These are serious issues that affect the way children travel to school. The Government will consider what has been suggested here and will respond to it in an appropriate manner at some stage.

MR HIRD (10.54), in reply: Mr Speaker, I would just like to address Mr Osborne's fears in respect of this report. The committee took evidence from a wide range of people that were interested in this subject, namely, 26 groups and individuals. These individuals and groups identified that what they feared most of all was going across the three zones, as the introduction by the Government of a big increase in the fare structure would do untold damage to families' budgeting arrangements. Some of these families had decided to send their children - in the case of, say, the Catholic fraternity - to St Edmund's, to a boys school, because of their belief that that educational system would be more beneficial to their children. This would have meant, in some cases, that they went across three zones, and the cost would be prohibitive.

But, when we got down and analysed the whole exercise, we found another problem. A student from Tuggeranong had a disability, and the only school that that student could enter was Dickson College. The committee took all these matters into consideration. On balance, it was quite clear to me and my colleague Mr Rugendyke that the fare structure should be phased in over a period of three years. Whilst this Government is trying to tackle these problems, it has not just happened overnight that the fare structure has got away from us. It has happened over a period of years, and now we are trying to do what is known as a catch-up.

Mr Osborne was talking about the problems when there is financial hardship within families. That happens now, let me tell you, Mr Osborne. There is a percentage of families that cannot afford to use the public transport system. They are large families, in the main, and they receive special arrangements via the Minister. We are talking about 11 per cent of families, a small percentage of whom may need financial assistance, having access to that arrangement which is already in-built. We do not see any problems with the Government's ability to pick it up when hardship can be shown. You do not need to bring in your tax return, Mr Osborne. I always wondered about front-row forwards, and I am still wondering about them. The fact is that, if a family can demonstrate that there is a financial - - -

Mr Berry: What position did you play?

MR HIRD: The centres were all right.

MR SPEAKER: Order! Mr Berry. You are offside.

MR HIRD: He has been offside a long time.

The financial arrangements can be made through the Minister's office, so the students themselves are not disadvantaged in their attempts to get a good education within the educational system of the Territory.

MS TUCKER: It appears that we are having a full debate on this. So I seek leave to make a statement.

Leave granted.

MS TUCKER: I was very interested to hear Mr Hird just say that financial arrangements will be organised through the Minister's office. Apparently, Mr Smyth is going to be receiving correspondence from individual families around Canberra to prove their financial disadvantage. Is that what Mr Hird just said?

Mr Corbell: Yes.

MS TUCKER: I am concerned about this report, too. I think what it is saying is that children with a disability who have no choice but to go to one school on the other side of Canberra will be supported. This is from a Liberal government which, I thought, said that choice in education is very important. Once again, those who can afford it obviously can choose and those who cannot afford it cannot choose.

I am also concerned about the very essence of this report. I agree with Mr Osborne. I thought it was pretty clear what members of this place had said on this matter, and I do not see it dealt with here. Maybe it is, and I have not found it yet. I agree that Mr Corbell has probably come up with a better position. To be honest, I hope that the Government does not take this report too seriously, because I think we are going to end up with another full debate on it in this place. It is more than inequity; it is adhocery. It does not make sense at all; and, anyway, it is not just about children on buses; it is about anyone who uses buses. We have got to just keep having that debate here.

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

Leave granted.

MR CORBELL: I thank members.

Mr Berry: I think it is already dead. You do not have to shoot it again.

MR CORBELL: My colleague Mr Berry says that it is already dead, and we do not need to shoot it again; but I just feel that it is important to note, in response to both Ms Tucker's and Mr Osborne's comments, that the resolution of the Assembly on 2 September required that the existing one-zone system remain in place until this committee's report had been presented and considered by the Assembly.

I think it is fair to point out that the committee did not have to propose a system as endorsed by the Assembly, because the Assembly was not endorsing a permanent structure for school buses. It was simply saying that the existing regime would remain in place until this report had been presented and considered. I think it is important to make that point.

There was no constraint on the committee in terms of what proposals it could come up with. Nevertheless, the point still remains that to proceed with a proposition for a new fare structure, which my colleagues Mr Hird and Mr Rugendyke have proposed, based on the same inadequate evidence as the Government has used, is, I think, an inappropriate course of action. That is why I have made the comments I have in the report. We really need to get a lot better information before we start making these sorts of arbitrary decisions.

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

Leave granted.

MR OSBORNE: Mr Speaker, I will start by answering the comment by Mr Hird that I am only a front-rower. A couple of years ago, I remember that on the front page of the *Canberra Times* there was a picture of Mr Hird, and he was saying how much I reminded him of himself. Mr Speaker, it has taken me three years to get over it; so I would ask that he refrain from doing that again. Mr Hird, please refrain from comparing us, or I will tender my resignation straightaway.

I want to respond to what Mr Corbell said, Mr Speaker. I acknowledge the wording of the Assembly's motion. However, I think that there was general consensus amongst a majority of members that our preferred option was for a single fare for the zones. At the time the motion was debated, my understanding was that the new zonal system was going to come into play before this report was to be tabled. I think it was to start in September. So I think the goalposts have shifted somewhat on both sides. I acknowledge what Mr Corbell said; but if you take the time to read *Hansard*, I think you will find that the general feeling of this Assembly was that they wanted more; that the single fare for the three zones for schoolchildren was a minimum. So I just thought it important to get that on the record, Mr Speaker.

Question resolved in the affirmative.

**LEGISLATIVE ASSEMBLY (MEMBERS' STAFF)
(AMENDMENT) BILL 1998**

MR HUMPHRIES (Acting Chief Minister, Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (11.04): Mr Speaker, I present the Legislative Assembly (Members' Staff) (Amendment) Bill 1998, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: I move:

That this Bill be agreed to in principle.

A set of employment arrangements for LA(MS) Act staff was introduced on 1 July 1997, which achieved the following outcomes: They increase flexibility of MLAs to utilise staff in ways which best suit the needs of their respective offices; they allow for the widest range of options between the employing member and staff within the overall employment framework, thus providing staff with greater choice in structuring remuneration packages to better suit their individual preferences; and they ensure responsible budget outcomes whereby the MLAs' staff allocations are known in advance and understood.

The Government is committed to continuing to provide flexibility to members beyond those arrangements. As foreshadowed in the Chief Minister's letter to MLAs on 5 May 1997, steps would be taken to give members additional flexibility by providing the capacity for the engagement of consultants and contractors to assist them to deal with matters which are necessarily incidental to members' parliamentary duties. This Bill delivers that commitment.

This does not mean that the Government has opened the purse strings further. There is still the clear expectation that members will manage within the overall staff salary allocations provided to them, but if they wish to spend some of the allocation provided for staff salary on consultants or contractors then that is for members to decide. The Bill introduces a new Part IIIB to the LA(MS) Act which will, in Division 1, enable office-holders to engage consultants and contractors, while Division 2 will enable members to engage consultants and contractors.

As I mentioned earlier, the scope of these engagements will be limited to the provision of services necessary for and incidental to the performance of parliamentary duties. As well as providing for the engagement of consultants and contractors, the Bill also provides termination arrangements along similar lines to those existing in the Act for staff of office-holders and members.

The substantial difference in the arrangements for employing staff and arrangements for engaging consultants and contractors is that there is a limit on the length of engagement of a consultant or contractor to three years for each agreement. There are automatic termination provisions if the office-holder or member ceases to be an office-holder or member, but the Chief Minister may also decide to continue the engagement up to the maximum three-year period if the continuation of the work of the consultant or contractor is considered to be in the best interests of the Territory. Where a decision for continuation is made, then the Chief Minister is able to terminate the continued engagement.

Mr Speaker, this Bill is a further example of the Government's commitment to the principle of allowing members and their staff or consultants the flexibility to choose employment arrangements which best suit their own particular requirements. It also reflects this Government's belief that the best arrangements are those decided by the parties between themselves at the workplace - not those imposed from outside by some distant trade union or tribunal. Mr Speaker, I commend this Bill to the Assembly.

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

AGENTS (AMENDMENT) BILL (NO. 2) 1998

MR HUMPHRIES (Acting Chief Minister, Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (11.08): Mr Speaker, I present the Agents (Amendment) Bill No. 2) 1998, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: I move:

That this Bill be agreed to in principle.

This Bill makes a number of minor technical amendments to the Agents Act 1968. The amendments are consequential upon amendments to the travel compensation fund trust deed, which provides for the establishment and administration of a national travel compensation fund and a compensation scheme in relation to business carried on by travel agents. The trust deed is an integral part of the national cooperative scheme for the licensing of travel agents and the compensation of consumers who experience financial loss resulting from the collapse of a travel agency. The protections afforded to consumers under the trust deed apply in the ACT by virtue of the Agents Act. To hold a licence, a travel agent must be a contributor to the travel compensation fund.

The amendments to the trust deed stem from a 1994 decision of the Ministerial Council on Consumer Affairs to review the deed as part of a general review of the travel compensation trust fund. The trustees have resolved that the amendments will come into effect on 1 January 1999. For this reason, it is proposed that the operative provisions of the Act also commence on this date.

The amendments to the Act are necessary to reflect changes in the terminology used in the amended trust deed and because there are currently specific references to numbered clauses of the trust deed in the Act which need to be amended or removed. For instance, the Bill amends subsection 98(2) of the Act which presently specifies, with reference to numbered clauses of the trust deed, the circumstances when application may be made to the ACT Administrative Appeals Tribunal for a review of a decision of the board of trustees of the travel compensation fund.

The amendments do not involve any shift in the policy underlying the relevant provisions of the Agents Act. Rather, they are necessary to preserve the protections extended to ACT consumers through the Agents Act in relation to the monitoring of the financial viability of travel agents and the compensation of consumers who experience financial loss resulting from the failure of travel agents to account for client funds. I commend the Bill to the Assembly.

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

**FAIR TRADING (PETROLEUM RETAIL MARKETING)
(REPEAL) BILL 1998**

MR HUMPHRIES (Acting Chief Minister, Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (11.11): Mr Speaker, I present the Fair Trading (Petroleum Retail Marketing) (Repeal) Bill 1998, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: I move:

That this Bill be agreed to in principle.

The Fair Trading (Petroleum Retail Marketing) Act 1995 prevented multisite franchising of petrol operations and restricted the number of service stations that the oil majors could operate. This was an appropriate response at the time to head off attempts by the major oil companies to build anti-competitive mechanisms into the Canberra retail petrol industry. Franchisees and independent operators were being forced out of the market, and this Act sought to provide certainty and security of tenure for small service station operators.

The move was widely supported by petrol retailers and vehemently opposed by the major oil companies. The Act was the solution for the time; but times change, and the ACT petrol industry has changed dramatically since 1995. The advent of independent petrol retailing and the entry of Gull and Woolworths Plus into the local market have resulted in lower petrol prices. Also we tend not to see massive hikes in petrol prices to coincide with long weekends and school holidays. There are still fluctuations in prices; but, if people shop around, petrol prices across Canberra can be very competitive. In the past year, petrol prices in Canberra have declined, on average, by 4c a litre. Mr Speaker, petrol has dropped in price by 4c a litre since the advent of Gull into the Canberra market a little over a year ago.

At the same time, changes in the industry have put many single-site franchisees in an invidious position. They occupy marginal sites and cannot compete with Woolworths, Gull or better located sites. In addition, many of their leases are coming up for renewal in the next couple of years, and this Act now makes the exit of some franchisees from the industry more difficult.

In 1997, the Government announced that it would grant exemptions from the Act on a case-by-case basis. Two exemptions have now been granted - to BP and Mobil. The reasons for my granting exemptions were compelling and impacted directly on employment and business in the ACT.

Further, the Commonwealth has announced its intention to repeal the Petroleum Retail Marketing Franchise Act 1980 and the Petroleum Retail Marketing Sites Act 1980. These Acts underpin the operation of the ACT Fair Trading (Petroleum Retail Marketing) Act 1995. This, combined with the Commonwealth's moves to introduce terminal gate pricing, will increase competition and demand greater flexibility in the petrol retail market.

I have consulted with petroleum retailers through the Motor Trades Association in the ACT, who strongly support the repeal of this Act. The MTA believes the repeal will allow service station operators more flexibility in negotiating future arrangements with oil companies. In the light of these factors, the Government proposes the repeal of the Fair Trading (Petroleum Retail Marketing) Act 1995. This will return the ACT to the position of other Australian jurisdictions and will allow a range of new multisite franchise and agency arrangements to evolve in the market. I commend the Bill to the Assembly.

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

ROADS AND PUBLIC PLACES (AMENDMENT) BILL 1998

MR SMYTH (Minister for Urban Services) (11.14): Mr Speaker, I present the Roads and Public Places (Amendment) Bill 1998, together with its explanatory memorandum.

Title read by Clerk.

MR SMYTH: I move:

That this Bill be agreed to in principle.

Mr Speaker, this is a Bill to amend the Roads and Public Places Act 1937. It contains two important changes. The first change is to introduce a simple process for regulating moveable and temporary signs in public places. The sorts of signs that we are talking about are the sandwich board signs placed in shopping centres by businesses; the sale and exhibition signs placed in suburban areas by real estate agents; and the temporary event signs placed on roadsides and other areas by community groups.

Mr Speaker, the existing legislation is not working, because it is based on the approach of “you can’t do it unless you apply for permission”, rather than the approach of “you can do it if you follow the rules”. My department recognises that there are benefits to the community in allowing this form of advertising. We also recognise that, without proper controls, moveable signs can affect the use and enjoyment of public places and can create obstructions and hazards for pedestrians and traffic. This Bill proposes a system which will allow moveable signs to be legally put in public places without the red tape of an individual permit system. The interests of the general community will be protected, because people who place signs will be required to adhere to a prescribed code of practice. A draft version of the proposed code of practice has been provided for the information of members.

Mr Speaker, the proposal does not represent a substantial change in current practice. The department has for some years been allowing moveable signs in public places so long as they complied with guidelines similar to those now being proposed as a code of practice. What it does is correct the undesirable situation we have at the moment, where we are allowing signs which are not strictly legal to remain in public places and where the party who is liable in the event of a claim for damages is not clearly identified.

The second important change to the Roads and Public Places Act is to strengthen the powers of the city rangers to remove objects from public places. This includes moveable signs which do not meet guidelines as well as some other objects in defined circumstances. The proposed amendments will give the city rangers a clear statutory power to immediately remove signs from public places where they do not comply with the code of practice. I think we all remember what occurred during the lead-up to the ACT election earlier this year. They will also give city rangers the power to remove prescribed objects which can cause a nuisance or a hazard if they are left in a public place. A draft list of these objects has been provided for the information of members.

The sorts of situations we are talking about are where a householder stores building materials or vehicles on parkland next to their house or where a business person places outdoor cafe furniture on the pavement at a shopping centre without authorisation. In the case of objects, the power for immediate removal will be limited to those situations where the object is causing a hazard or obstruction. Otherwise the options will be a direction to remove the object; a direction to apply for a permit; or, as a last resort, removal by the department after seven days.

In conclusion, Mr Speaker, these changes to the Roads and Public Places Act are designed to protect the safety and amenity of public places while keeping red tape to a minimum.

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

DRUGS OF DEPENDENCE (AMENDMENT) BILL 1998

MR MOORE (Minister for Health and Community Care) (11.18): Mr Speaker, I present the Drugs of Dependence (Amendment) Bill 1998, together with its explanatory memorandum.

Title read by Clerk.

MR MOORE: I move:

That this Bill be agreed to in principle.

Mr Speaker, this Bill amends the Drugs of Dependence Act 1989. The Act seeks to lessen the chances of diversion of drugs of dependence. The Act was jointly developed as a Commonwealth, State and Territory model, following agreement in principle at the drug summit - the Special Premiers Conference on drugs strategy in 1985 - that there should be uniformity of approach among jurisdictions on legislation governing drugs of dependence. The Act clearly delineates the responsibility amongst those who are engaged in the legal usage of drugs of dependence. All States and Territories have similar legislative controls over the prescription, requisition, supply and administration of drugs of dependence.

The Act establishes the power of the Chief Health Officer. On receiving an application from a medical practitioner to prescribe a drug of dependence, the Chief Health Officer may grant or refuse the application, or refer it to the Drugs Advisory Committee for consideration. The Act requires that a medical practitioner submit a new application to the Chief Health Officer for approval to prescribe each time a change of dosage or strength of a drug of dependence is necessary for a person's treatment.

Experience over the years has made evident the need to amend the Act to improve patient care. Good management of pain associated with terminal illness, including cancer and HIV/AIDS, is essential. Pain control for terminally ill people involves careful assessment and repeated reassessment of the pain. Good pain management for these patients involves round the clock dosage with effective analgesics. A more flexible arrangement for the prescription of morphine would lead to better pain management. The Bill amends the Act to enable the Chief Health Officer to approve an application from a medical practitioner to prescribe morphine in various forms and dosages for patients with a terminal illness which has been diagnosed by a specialist medical practitioner who estimates that the person has less than one year to live. The Bill seeks to address any underprescribing that may be occurring for the treatment of pain in terminally ill patients.

The second matter the Bill addresses concerns the supply of a drug of dependence to a drug-dependent person in hospital. The Act provides that a medical practitioner shall not supply a drug of dependence to a drug-dependent person without the written approval of the Chief Health Officer. This may lead to difficulties if a drug-dependent person is admitted to hospital and needs immediate treatment. The Bill amends the Act to enable a medical practitioner or intern to supply a drug of dependence to a drug-dependent person for up to 14 days, provided the drug is used for the patient's treatment whilst in hospital. These two amendments to the Act will facilitate administrative procedures under the Act and lead to improved patient care.

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

PRIVATISATION OF ACTEW AND OTHER GOVERNMENT SERVICES

Proposed Select Committee

MS TUCKER (11.21): I move:

That:

- (1) a Select Committee be appointed to inquire into and report on the social, environmental and economic impacts of the proposed privatisation and franchising of ACTEW and the potential privatisation of other Territory owned Corporations and Government services, with particular reference to:

- (a) the impact of privatisation on:
 - (i) the ACT Budget;
 - (ii) employment levels within the ACT public sector;
 - (iii) the ACT regional economy;
 - (iv) the protection of consumer rights;
 - (v) the maintenance and enhancement of environment protection and achievement of environmental objectives such as greenhouse gas reduction;
 - (vi) the maintenance and enhancement of social equity within the ACT community; and
 - (vii) the maintenance and enhancement of service standards and minimisation of risk of disruption of services;
 - (b) whether a sufficiently strong regulatory framework could be established to minimise the negative impacts of privatisation;
 - (c) interstate and overseas experience with privatisation of government utilities and other services and implications for the ACT; and
 - (d) any other related matter;
- (2) the Committee be composed of Ms Tucker and:
- (a) one Member to be nominated by the Government;
 - (b) one Member to be nominated by the Opposition; and
 - (c) one Member to be nominated by the Independent Members

to be notified in writing to the Speaker by 4.00 pm on Thursday, 29 October 1998 and duly appointed by the Assembly;

- (3) the Committee report by the first sitting day of June 1999 and that the Government take no action in relation to the sale of ACTEW until the Assembly has considered the report; and
- (4) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

I have put up this motion to establish a select committee because it worries me greatly that the Government is expecting this Assembly to make a decision affecting a billion dollars of the ACT people's assets - perhaps the biggest decision this Assembly will make - by the end of this year, based on a couple of consultants' reports it has commissioned. This Assembly regularly sends lesser Bills and motions to committees so that members have the opportunity to thoroughly examine the details and to give the community the chance to have their say on the issue. Surely the issue of the privatisation of the ACT's major asset deserves similar treatment.

The Government has implied during the debate so far on the privatisation of ACTEW that it has worked through all the issues relating to ACTEW's operations and the state of the ACT's finances and has come up with what it thinks is the only answer - that it must privatise ACTEW. The Government is asking the rest of the Assembly to trust it; that it knows best for the future of ACTEW. However, I do not think that the Government has yet proved its case to the Assembly. I for one am certainly not prepared to vote on this issue without all sides of the issue being fully canvassed both inside and outside the Assembly, and I would hope that the other non-government members would take the same approach to this important issue.

Mr Speaker, my terms of reference focus on the social, environmental and economic impacts of the proposed privatisation of ACTEW as well as the potential privatisation of other government services and organisations. While the focus of attention at this point of time is obviously ACTEW, I think it is important that this committee not be constrained from looking at the privatisation issue in its broadest sense across the public sector.

Not only has the Government already proposed the privatisation of ACTTAB and threatened ACTION, but the other Territory-owned corporation, Totalcare, must surely be in the Government's sights for privatisation if the ACTEW sale does proceed. The Government's refusal to rule out the privatisation of Canberra Hospital is also a major worry. In fact, the whole purchaser-provider model implemented by the Government across the public sector has as its logical conclusion the privatisation or at least the outsourcing of the provider side, so we could be seeing a procession of privatisation proposals coming from this Government over this term if the Assembly does not put the ACTEW sale proposal under intense scrutiny now.

The terms of reference I have proposed for this select committee are really designed to address the issues that have not been adequately covered by the studies undertaken by the Government so far into the future of ACTEW. The Government's studies have taken a narrow approach of primarily looking at the financial value of ACTEW, but the future of ACTEW has much broader implications to the ACT community.

The terms of reference for the ABN AMRO study were particularly focused on examining options for ACTEW with a view to maximising the financial returns to the Government while minimising commercial risk. The broader public interest questions, such as the impact of a sale on consumer protection, service standards, environmental protection, safety standards and infrastructure maintenance, and the overall net benefit to the community of a sale, were buried in the fine print of the terms of reference and in the end were dealt with very poorly in the consultants' report.

The ABN AMRO report acknowledged that there is the broader issue of the overall economic impact of alternative options, including the impact on employment, gross Territory product and household disposable income, but declined to undertake such an assessment because it thought it would be too speculative. On the other hand, being given no information at all on these issues makes it very difficult for Assembly members to make a judgment.

The report at least acknowledged the need for an improved regulatory framework to achieve the objectives of consumer and environmental protection, but made the claim that this reform is required irrespective of any options being considered in relation to the ownership of ACTEW. This claim has been questioned by the Government's own review of the ABN AMRO report by David Hughes. The report assumes that there is no difference between various forms of private and public provision of services against the environmental and consumer objectives, provided the right regulatory arrangements are in place. However, Mr Hughes notes that this view is controversial and required some comment by the consultants. He states that there is a widespread alternative view that supply is more secure under public provision and that public provision is superior on environmental and distributional grounds. Mr Hughes also notes that the treatment of ACTEW employment issues is quite cursory and no examination was done of the mechanics of transferring existing ACTEW staff to a new owner.

The ABN AMRO report is also seriously flawed in that it does not separate the issues relating to the supply of water and power. While there is an emerging electricity market in eastern Australia, where the price of electricity is the driving factor and where ACTEW is competing directly with other electricity suppliers, water provision in the ACT is a highly environmentally sensitive natural monopoly requiring long-term planning in relation to cycles in weather patterns and strict adherence to water quality standards. It is a precious resource, Mr Speaker, and not at all compatible with privatisation.

Another important aspect of this inquiry is to look at the experience interstate and overseas of privatisation of government utilities. Already we have had figures thrown around this Assembly about what has happened elsewhere when privatisation occurred, often provided second- and third-hand. Rather than having these figures debated via censure motions as we did yesterday, it would be much more helpful for Assembly members to have direct access to the source documents and get briefings from experts who have been monitoring these changes.

The Government's urgent desire to sell ACTEW to pay off our superannuation liability also needs to be seriously examined. The Assembly needs to consider whether a huge transfer of funds into the superannuation debt is the best use of that money or whether the slow and steady repayment of that debt, which would allow ACTEW to stay in government hands, would be preferable from a public interest perspective. In strict financial terms, the Government may be able to save some money in the future by paying off all our superannuation debt now, but the Assembly has to be clear about what we will be losing in other respects by selling ACTEW.

To do this whole issue justice, it will be necessary to spend a significant amount of time on this inquiry. There is just not enough time between now and December to undertake this type of inquiry, given the remaining sitting periods and other committee business occurring. Time also needs to be allowed for the various community groups and other interest groups to get together their own submissions. Given that it will be difficult to undertake this inquiry over the Christmas break, there is really no choice but to extend this inquiry significantly into the new year. While this will obviously put back the Government's timetable for privatisation, I think the issue is too important to rush through now, and I believe the community generally is of that view. If members of this parliament choose to rush this sale through, I think the community will remember that at the next election. It will show a great disrespect for the community as well as a lack of understanding of the importance of this issue.

MR KAINE (11.30): I must confess to being in somewhat of a quandary over Ms Tucker's motion. I understand what has motivated it, and I have the same concerns, I suspect, about the Government's proposal that Ms Tucker has. I think there is too much that we do not know about the consequences of simply selling off ACTEW. My decision as to how to vote on this motion when the vote comes shortly will depend on the Government convincing me that it intends to provide enough information between now and the time that a sale motion is discussed in this place to allow me to fully understand the consequences of what the Government is proposing. I am not too sure that the Government, itself, fully understands all of the ramifications of its proposal, so it is a very serious matter.

I commend Ms Tucker for attempting to establish a methodology whereby the issues can be debated fully and so that we can more fully understand what the Government is proposing, why it is proposing it and what the consequences are. If the Government can come up with an alternative proposal that can fully satisfy me in the timescale that they want to achieve, then I am prepared to listen to that.

The sad fact at the moment is that the Government has made no proposal as to how we might be informed. My understanding is that the Chief Minister has merely determined that between now and the last sitting date of this calendar year she expects us to agree with her proposal for a sale. I do not think we know enough about the matter to be able to do that in the timescale that she is proposing, certainly not without a great deal more information than we currently have available to us.

There is a fundamental question, I think, in relation to this issue. The Chief Minister has linked together the sale of ACTEW and the partial solution of the superannuation funding problem. Logically, of course, those two matters are totally unrelated. It is a very easy solution for the Government to say, "Well, we will flog off ACTEW and it will go a long way towards fixing our superannuation problems". I have to ask this question of the Government: If we did not have this large, unfunded superannuation problem hanging over us like the sword of Damocles, would the Government still be proposing to sell ACTEW? I suspect the answer would be no. There would be no justification for doing it.

There is an argument that says that it has a certain value today and if we do not dash out there and sell it immediately it will have a lower value in the market tomorrow. But that argument has no validity at all if the thing is not on the market. We are told that its value in public hands today is about half its value in private hands. If we do not intend to sell it its public value, no doubt, will remain fairly constant. In five years' time it is probable that its value in public hands will be no different from what it is today. If that is not the case, can the Government please explain to me what the facts are? They have made no attempt to do so. There are some major issues here which the Government seems determined not to put on the table. Yet we are asked, on faith, to accept that we should just flog off a \$1½ billion public asset, built up painstakingly over decades by successive governments using taxpayers' money.

I think there are issues that need to be resolved. I would like to know, for example, what other options the Government has considered. We have seen the consultant's report. It offers a number of options. The Government has not picked up the option that the consultant has recommended, it has picked another one; but it has not really explained to us which of the other options put forward by the consultant have been considered and why it has rejected them. Why is this one the best and only solution? Over and above that, has the Government considered any possibility other than the ones put forward by the consultant? The consultant obviously began from the proposition that this public asset was going to be sold, and all the options put forward by the consultant deal with the sale in one form or another.

I can conceive of solutions that do not entail sale and they may well also go a long way towards addressing this problem which the Chief Minister has associated with it; that is, some resolution of the problem of the unfunded superannuation. I do not believe, on the information that I have available to me at the moment, that selling ACTEW is the only option open that would allow some solution or partial solution to the superannuation problem.

ACTEW has a demonstrated capacity to pay a significant dividend every year. It also has been clearly established, I think, that it has in its possession a very substantial amount of taxpayers' money that it took with it when it was privatised and which should be returned to the taxpayer, regardless of what its future is. If we were to take that money back and establish a sinking fund to partially fund the superannuation, ACTEW, either in its present form or in some restructured form which puts it at arm's length from the Government perhaps and gives it more freedom to operate in the commercial environment, could be required to make a substantial dividend payment every year which could be hypothecated

to the superannuation problem. Taking those two things together, plus a reasonable performance on the part of the Government in making an annual subvention from our budget towards that same purpose, over a period of years, with the interest accumulating every year, that would make a very substantial impact on the unfunded superannuation liability.

The Government has already conceded that selling ACTEW and putting \$760m or whatever it is into the superannuation fund, according to the Acting Chief Minister, only solves about half of the problem. That is the way I interpreted what he said in this place the other day.

Mr Speaker, to reiterate, I am not convinced that the Government would be even contemplating selling ACTEW were it not for the superannuation problem. I am not convinced that the Government has considered any reasonable option that might be available to it other than selling it on the terms and conditions that the Chief Minister has put forward. I am not convinced that the timescale that the Chief Minister has put upon this issue is a real one. I think it is an artificial timescale. I see nothing in the market out there that is going to change tomorrow or the next day, or even next month or early next year, that is going to materially alter the sale value of this place if it is determined at the end of the day that sale is the best way to go.

The surrounding environment is not going to change. The New South Wales Government cannot even make up its mind what to do about its assets of a similar nature, and they are the ones that are most likely to impact directly on us. So, if Great Southern Energy and other facilities out there in New South Wales do not change their status, why would we assume, in the short term, that ACTEW is going to be significantly disadvantaged?

There are answers to all of these questions that are in my mind, I am sure, but the Government has not provided them. Since the Government is putting forward this proposal as the only solution to its problems, it has an obligation to explain to me and to you, because you are going to be asked to vote on this issue, whether you agree with the Government's position. Frankly, at the moment I do not. I think more information is required.

My problem with the motion put forward by Ms Tucker for the establishment of a select committee is that I am not certain that we need to wait until next June to get the answers to these questions.

Ms Tucker: We can amend that. We can change that.

MR KAINE: Ms Tucker says I can change that. Yes, I can, but I do not want to make an arbitrary decision about what is a good reporting date for the select committee. Since there is so much information that I need, I do not know how long it would take a select committee to get the answers to all these questions. I think a better solution might be to say to the Government, "We in this place will not even debate this issue until you, the Government, have provided all the information we require in order to be able to make an intelligent decision about the matter". If the Government can do that next week,

or the week after that, or in February, so that an intelligent and informed debate can take place, I would much prefer that than waiting for a select committee to dig up the information. Where is a select committee going to get its information from? It is going to have to ask the Government for most of it. If the Government can provide it to a select committee they can provide it to this house. Why set up the structure of a select committee?

As I said at the beginning, Mr Speaker, I am in a quandary. I need information, and I am sure everybody else in this place needs a hell of a lot of information that we do not currently have before we can make an intelligent decision about this matter. I am not certain that a select committee is the best way to get it. I am not certain that the Government could not provide the data and the information if they were of a mind to do it. That would seem to me to be a more direct way of getting information. If the Government are honest and open about this need, then let us have them convince me and you.

Ms Tucker: You are so trusting. I cannot work it out.

MR KAINE: I am a trusting person. I would like to see the matter resolved. I accept that the Chief Minister has a point when she says that, if selling is the way to go, there is a strong probability that the longer you leave the decision the less money you might get for the thing. There is an element of veracity in that proposition. If we decide at the end of the day that the Chief Minister's proposal is the right one, I do not want to see us lose \$100m or \$200m by sitting here and arguing the toss about it for six or eight months. I would much prefer to get the information so that we can make the decision now, or as soon as possible. I think the Chief Minister has a point there. We should be making the decision quickly, but the decision might be that we do not sell it once all the information is on the table.

I suppose I am having six bob each way. I am waiting for the conclusion of this debate to hear what the Government has to say about the provision of all this information. I think there is an enormous amount of information that we need. If it is not available, how has the Government been able to make a decision? If they do not have the information, how have they been able to make a decision and reach this conclusion? If the information is available, they should make it available to us.

MR CORBELL (11.43): The Labor Party will be supporting this motion this morning. We believe that this is a sensible course of action for this Assembly to take. As Ms Tucker highlighted earlier, the decision on selling ACTEW, or whether or not to sell ACTEW, is undoubtedly one of the most significant decisions this Assembly has ever been asked to make since self-government. It is not a decision that can be taken lightly, and it is not a decision that can be taken without full access to all of the information, as Mr Kaine pointed out in his comments.

What is clear, Mr Speaker, is that this Assembly has mechanisms for dealing with complex and important issues in a considered way. This Assembly frequently refers matters of a complex nature to committees for inquiry and report. We have established strong conventions that the committee system is the most appropriate course of action when considering issues of a complex nature. I would be very disappointed if this Assembly

did not make a decision today to pursue a course of action which required an Assembly committee investigation of the potential sale of ACTEW. If we do not go down that path, what will we be saying about all the statements we have said previously about the strength of this Assembly's committee process? What will we be saying about the need for an open and public debate on this question, perhaps the most important issue since self-government?

Both sides of this house, indeed, all members in this house, have agreed that the committee system in this place is one of the Assembly's great strengths, and it is one of the most important elements in connecting what happens on the floor of this chamber with the community. It allows for that formal interaction between members of the community and members of the Assembly prior to having debates here in this chamber. If we do not pursue the course of an Assembly inquiry we not only do ourselves a great injustice in not having the opportunity to fully assess these issues; we also do the community a great injustice because they want that opportunity, too. So, for that reason, Mr Speaker, on that very important matter of principle, the notion of an Assembly investigation into the sale of ACTEW should be supported.

Mr Speaker, there are a range of other issues that should be addressed. Ms Tucker has outlined them in her proposed terms of reference. All of those issues are issues which the Labor Party has concerns about and which we want addressed. I want to address particularly, Mr Speaker, the concern raised that there is not much point in having a Labor member on the committee or a Greens member on the committee because these two parties have already made up their minds on the issue.

The position of the Labor Party is one born of experience, one born of the views of the people we are elected to represent, and one born of extensive consideration and assessment of the social issues that arise as a result of privatisation. The philosophical position of the Labor Party is that you measure an organisation's or an individual's worth on not just economic terms but on social terms, on environmental terms, and on a range of other important equity considerations.

It would be fair to say also, Mr Speaker, that even if you did not accept that argument you must accept the argument that this Assembly deserves to know whether or not the Government's proposed regulatory framework which they are proposing as part of the sale process would be adequate. We do not know whether it would be. We have to take on faith at the moment the Government's comments that the regulatory process will be adequate. Even if a majority of members in this place do decide that the sale of ACTEW is the most appropriate course of action, we must be confident that the regulatory process is effective. That is why, quite sensibly, that particular point is in the terms of reference.

The experience in other jurisdictions has been that all governments promise tough, regulatory frameworks when proposing the sale of public utilities. All governments propose that. Jeff Kennett stood up in Victoria and said, "We will have the toughest regulatory framework in Australia". Dean Brown stood up in South Australia and said, "We will have the toughest regulatory framework in Australia". As far as I am aware that comment was not able to be tested in those parliaments prior to a decision being made.

They had to deal with the consequences after the decision on privatisation had been made. That is not the course of action we should adopt today. Instead, we should have the opportunity to assess whether or not regulatory frameworks can be effective as well as whether or not it is appropriate in the first place to sell a public utility. We must address those issues side by side. We must address them before a decision has been made. Labor members, as much as any other member in this place, need to be informed of the consequences of the regulatory framework being proposed by the Government. That is a sensible process that should be considered through an Assembly inquiry.

Mr Speaker, at the end of the day it is appropriate that the decision about the sale of ACTEW be taken on the floor of this place. That is why the Labor Party moved amendments to the Territory Owned Corporations Act to require such a decision to come to this place. But it must be a considered decision, it must be a sensible decision, and it must be a decision based on all of the evidence available. We know that when we rely on getting information from Ministers or from the Government directly in this place it can be a somewhat tortuous process, but Assembly committees have the power and the ability to get that information in a more considered and effective way.

We should not make any mistake that this can be a quick process. It must be a considered process, and no decision should be taken on the sale of one of our most important utilities until that process has been completed. For that reason Labor supports the timeline proposed by Ms Tucker, and it supports the terms of reference. They are sensible and they allow for a considered approach in a sensible way through one of the greatest strengths of this Assembly, which is its committee process.

MR HUMPHRIES (Acting Chief Minister, Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (11.51): Mr Corbell says that the Assembly's committees are a strong part of the Assembly's work and that Assembly committee consideration is one of the strongest parts of the Assembly's consideration process. I would generally agree with that statement, but there is a case, a setting, where I do not believe that that is true and where, in the past, in my experience, the Assembly's committees have worked least well. That is where the members of the Assembly who have engaged in debate about a particular issue that then gets translated into a committee inquiry have already strongly stated a precommitted position on that issue.

Mr Berry: Tell me the exception to that.

MR HUMPHRIES: I think about the hospital beds inquiry or an inquiry into the private hospital that we had a couple of years ago. There were cases where parties in this place had very strongly stated positions and the Assembly decided, for right or wrong, to refer the issue to an inquiry and, surprise, surprise, the inquiry reported with members not shifting their position at all from their pre stated views. In those settings, Mr Speaker, the Assembly's committees are no more than an extension of the campaigns of the parties in this place on a particular issue and their work is least valuable to the Assembly and to the community. Mr Speaker, I think that is the case here.

We have seen a debate in which, perhaps necessarily, parties in this place have very clearly stated their position on this issue with crystal clarity. The Liberal Party and the Government in this place have stated, with absolute clarity, that it believes there ought to be a privatisation of ACTEW, or at least the electricity arm of ACTEW, and a concession for the water arm of ACTEW by approximately the middle of next year. The Labor Party has stated with equal clarity and certainty that it does not believe that that should take place. Ms Tucker, I think, has aligned herself with the view of the Labor Party.

To the best of my knowledge there are only three members of this Assembly who have not stated a position on this issue. They are Mr Kaine, Mr Rugendyke and Mr Osborne. Maybe an inquiry consisting of those three people would be a productive way of spending some Assembly time, but that is not what is proposed by this motion.

Mr Wood: Don't you have any confidence in your figures?

MR HUMPHRIES: I have plenty of confidence in my figures. What I do not have, Mr Speaker, is confidence in members to sit down and use a committee objectively to sift the facts. What I expect to be the case is for an Assembly inquiry of this kind to be an opportunity for opponents of this proposal - - -

Mr Berry: You do not want the facts to come out. That is your problem.

MR SPEAKER: Order, please! Mr Humphries deserves to be heard in silence, as other members were.

MR HUMPHRIES: Mr Speaker, we would see an Assembly inquiry which would be used as a massive point-scoring exercise by, in particular, the Opposition. It would be an opportunity to sift and find incriminating so-called gaps in the evidence and incriminating slip-ups by witnesses before the committee. It would be an opportunity to find anything at all that would contribute to the quite outrageous campaign of misinformation which has already begun in this community over the question of the sale of ACTEW.

To suggest, as Ms Tucker does, that this would be an opportunity to assess the facts may be true, on her view about this. I do not asperse her motivation in this, I do not know enough about it; but I have no hesitation in saying it would be used by the Labor Party as an opportunity to throw up every piece of misinformation and disinformation that could be found. Why do I say that, Mr Speaker? Because it has already occurred in this debate. It has already occurred in this debate several times. The most recent and the most egregious example was what happened in this place yesterday. Mr Corbell's use of information which was untrue created a misleading impression which - - -

Mr Wood: You did not have a good day yesterday. I would not bring yesterday up. You got done over yesterday on all sorts of things.

MR SPEAKER: Order, please! There is far too much conversation. Somebody else will be having a bad day today if they are not careful.

MR HUMPHRIES: Mr Speaker, what Mr Corbell did in the course of the debate on Tuesday, and in the media generally, was a quite outrageous misuse of information. The fact is, Mr Speaker, that Mr Corbell knew that the information - - -

Mr Corbell: I take a point of order, Mr Speaker. Mr Humphries is reflecting on a vote of the Assembly.

MR SPEAKER: No, I do not - - -

Mr Corbell: Yes, he is, Mr Speaker. He should be warned not to do that.

MR SPEAKER: I do not accept that it was a vote of the Assembly but I would suggest that Mr Humphries might like to concentrate on the issue before us, please.

MR HUMPHRIES: Mr Speaker, that is what I am doing. I am not reflecting on the vote of the Assembly. Nonetheless, we have seen, absolutely clearly, an outrageous, deliberate and premeditated breach of - - -

Mr Corbell: I take a point of order, Mr Speaker. Mr Humphries is imputing an improper motive on my part by suggesting that I have behaved in a deliberate way to be misleading. He is reflecting not only on a vote of the Assembly but also is highly disorderly in imputing an improper motive on my part and I would ask you, Mr Speaker, to direct him to withdraw.

MR SPEAKER: Just a moment, Mr Corbell. Mr Humphries did not name you in that last comment.

Mr Quinlan: Yes, he did.

MR SPEAKER: Just a moment. There is no point of order. If Mr Humphries refers to you by name then, most certainly, you should take objection. He did not mention any member's name. He made a general statement. I would like us all to get back and focus on Ms Tucker's motion, please.

MR HUMPHRIES: Mr Speaker, I am not referring to yesterday's debate. I am referring to what happened outside the Assembly.

Mr Quinlan: I thought what happened outside the Assembly did not matter a tinker's yesterday.

MR HUMPHRIES: No, no. Mr Speaker, I am not referring to what happened in the Assembly yesterday. I am referring to what happened outside the Assembly, as is my entitlement. What happened outside the Assembly was an illustration of the kind of misinformation which we have seen from the Labor Party continuously throughout this debate, and it will be used again, again and again in the debate. I do not propose to give them another platform to simply sift through information, not to find the truth but to find what they can use to attack this proposal. That is all that this proposal is going to be used for and that is why I do not support it.

Mr Speaker, there are a number of reasons not to delay this matter as suggested in this motion. There would be, I think, a serious impact on the proposal as put forward by the Government if a sale were effectively delayed until this time next year. It is hard to be sure of what extent such a delay would have on the sale price of ACTEW, if that was the decision that was made ultimately by this Assembly, but it is likely, given what the consultants have already told the Assembly in no uncertain terms - that is, that the projected decline in the value of ACTEW is very real and quite imminent - that the sale could cost the Territory tens of millions of dollars, or even more. In fact, my advice, very informally from the Office of Financial Management, is that the value loss could be anywhere between 10 and 20 per cent of its present projected value. That is a lot of money - money that belongs to the taxpayers of this Territory whom we put at risk by a delay of that kind.

Mr Berry: Not even half of it.

MR HUMPHRIES: You know better, do you, Mr Berry? You have figures, have you, from some other source? The Australia Institute perhaps? Where are the figures?

Mr Stanhope: You have figures to table, have you?

MR HUMPHRIES: We already have a clear indication, Mr Speaker. I think there is one thing that we need to come back to in this debate. Mr Kaine said we are relying on - - -

Mr Berry: You are losing the plot.

MR HUMPHRIES: Mr Speaker, can I have some quiet? I have been having to talk over these people opposite.

MR SPEAKER: Order, please! If members wish to participate in this debate they had better get to their feet to do it. I am sick and tired of interjections. There is a constant stream. It is almost as if you are trying to drown out the speaker.

MR HUMPHRIES: Mr Kaine said in this debate that the Government expects the Assembly to take on faith that this is an important and necessary thing to do. With the greatest of respect to those who think there has not been a lot of work done by the Government already, the amount of money that has been spent on the study so far amounts to almost half a million dollars. Half a million dollars of taxpayers' money has been spent preparing the case which now has been placed before the community and before this Assembly in great detail.

Members have said that they want more information. Fair enough. The Government will do its best to satisfy requests for additional information in as full and in as rapid a way as we can, Mr Speaker, and that is my particular response to Mr Kaine's concerns. We will attempt to address those concerns as quickly and as comprehensively as we can. But, Mr Speaker, it is unfair to say that the homework has not already been done. It has been done. (*Extension of time granted*)

I thank members. In light of that evidence, and in light of the urgency conveyed by those reports, the urgency to deal with this issue, we ask the Assembly to move to make a decision in the framework of the next two months.

What this Assembly committee proposal amounts to is an opportunity for some members to disrupt a legitimate process of public debate on the pretext of having an inquiry. On the other hand, it also represents a serious threat to the capacity of the community to receive a reasonable return on that sale if it has to take place. We have had the South Australian Government announcing, just in the last few weeks, its intention to sell its power utilities. It is widely expected that after the March election in New South Wales the New South Wales Government will also move towards privatising its power utilities. If the ACT puts ACTEW into the marketplace after those other sales have begun to proceed, the value of ACTEW will obviously and significantly be diminished. There is no capacity to argue against that fact. If that is the case we do our community a disservice by delaying.

Mr Kaine asked whether there was this link between the superannuation problem and the declining value of ACTEW. I would say to him that the two arguments are there. They are certainly self-supporting in this context, but if we did not have the problem with superannuation I would unreservedly say that it would still be responsible and necessary for the Government to urge the sale of ACTEW. That would still be a responsible course of action. This evidence, in my view, is quite compelling. Members opposite in this debate have attacked that evidence very consistently. They attacked the Fay Richwhite report by making all sorts of accusations about Fay Richwhite being attacked in New Zealand for being unethical. Incidentally, those claims were entirely debunked. Even before the scoping study by ABN AMRO was placed on the table they said that the document should be shredded. The Labor Party has no interest in objectively considering these matters. They have no interest whatsoever in doing that, and, Mr Speaker, I resent giving them an opportunity - - -

Mr Corbell: That is your assumption, Gary, not ours.

Mr Berry: That is why you have a proportional representation on the committee, Gary.

Mr Moore: No, it is what you have demonstrated.

MR HUMPHRIES: You have demonstrated that already. Can you explain the basis of saying the document should be shredded even before it appeared in the public eye? Can you explain that, Mr Corbell? No, you cannot. Mr Speaker, I do not pretend for one instant that the sale of ACTEW is a popular decision. I do not pretend it is not a decision which is easily misrepresented and easily characterised as selling off the family silver. It gives me no pleasure to be associated with a decision of this kind for that reason, but I believe we have to proceed to consider this seriously because I believe this is an important decision, a landmark decision, for the ACT community. I believe that if we fail to act in this way we place at risk our capacity to deliver essential services to this community, because our capacity to do so is compromised by the debt that will hang over this community's head in the future. For that reason I say that we should not adopt the policy of having this inquiry.

Mr Speaker, I think the terms of reference are also too broad and too vague in relation to potential privatisation. For example, it puts on the table all sorts of notional privatisations, such as things like Totalcare. I think there is likely to be a series of red herrings and furrphies. I see the committee chasing its tail on all sorts of issues on which there is no likelihood whatsoever of government action. In my view, we are not going to see the privatisation of the Canberra Hospital or of Totalcare or probably even of ACTTAB in the short term, Mr Speaker; but those are things that the committee will occupy itself with if it is established, and that is a waste of valuable time and community resources. Mr Speaker, I ask the Assembly not to support this motion.

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

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

That the time allotted to Assembly business be extended by 30 minutes.

MR QUINLAN (12.07): Mr Speaker, I rise to agree in part with Mr Humphries in terms of his assertions about misinformation but I would like very quickly to dissociate myself with a large part of the content of what he said and particularly his style of delivery.

In the beginning there was the Fay Richwhite report which ascribed certain risk to the operation of ACTEW. In fact, it at least put ACTEW on the front line as the asset to be sold to meet the superannuation liability. It ascribed two risks. It ascribed a market risk, and that market risk was then applied mercilessly by the Chief Minister and the Government to the whole of ACTEW, even though that risk was only applied to the retail operations of ACTEW. That was the first great element of misinformation in this debate and it is an element that might be teased out if there is a rational inquiry at which questions could be asked and examined without the limitations that apply in this chamber.

Secondly, there was the Fay Richwhite identified regulatory risk. Somehow, since the emergence of the ABN AMRO report, the Government, even though it used Fay Richwhite as the trigger to put ACTEW on the line, has found itself quite able to claim, and to claim again, that there is no problem with regulation; that there will be no problem with regulation over environmental activities; that there will be no impact on the environment; and that there will be no problem with the regulation of prices. So one or other of the elements that we have heard from the Government has been misinformation. Overall, in fact, the Fay Richwhite report, the trigger, must therefore be considered of very limited value.

We have received since that time the ABN AMRO report which, amongst other things, is highly dismissive of any consequences of the sale of ACTEW and its impact on the total ACT economy. I would have thought that any member of this place, no matter what political party he represents, would want to know, before we flog off the biggest business in town, whether there are any flow-on effects. The Government does not want that debate because it does not suit the cause. The Government has made up its mind

and therefore wants to leave that out of the debate. An inquiry might induce the Government and induce other parties who have arguments to include in this debate to examine and to let us know what is going to be the further impact on the ACT if we sell off our major asset.

It is quite clear from what Mr Humphries has said that the argument has devolved to the superannuation liability and we have to ask ourselves: Have we canvassed all the options? We have focused on a \$70m contribution as one of the options for comparison. Why not a \$69m flow or a \$68m flow or a \$50m flow? We do not know. They have some actuarial result and have picked that one. There is no justification given for that selection but that is one of the options that are given to us in examining the addressing of the superannuation liability. In fact, what has come out in relation to examining the superannuation liability has been quite limited.

Further, in the ABN AMRO report, we have a claim that there will be considerable diminution of value of ACTEW if it is not sold tomorrow, but the rationale behind that is secret consultants' business. We cannot know what that is. We cannot ask anybody to come into a committee room and explain in reasonable terms why that is so. There are some general assertions that there is a very dumb financial market out there that would pay a billion dollars for ACTEW this week and half a billion dollars in six months' time. That, clearly, has to be nonsense. I think someone wrote a letter to the *Canberra Times* and expressed the desire or hope that his particular superannuation fund was not going to be involved in the financing of it if the market was that stupid.

Mr Humphries said there is no point in having an inquiry because people will not change their attitudes, but we know that there are a number of people in this place who have not made up their mind. They have not made up their mind on whether to sell ACTEW or not, they have not made up their mind on whether to franchise water and sewerage or not, and they have not made up their mind to sell only part of the whole shebang or not. I have great sympathy for the crossbenchers in this debate.

My office and I, with our admittedly meagre resources, are trying to get through the very complicated issues that are involved with both the sale of ACTEW and the stream of consequences of decisions in relation to superannuation. We are dealing with the end result of actuarial calculations to which we are not privy and which we probably would not understand in detail if we did get them. But we have produced some modelling and some of that modelling shows that it does not necessarily follow that we should sell off ACTEW and forgo a dividend stream that potentially flows from ACTEW. We would be giving away \$20m-plus a year in income tax equivalents which the Government now receives from ACTEW's operations. That would immediately revert to the Federal Government. Do you think they would give it back to us? Not on your nelly. The sums involved in this mean that they have to be so balanced in favour of selling ACTEW that we have to offset the loss of \$20m-plus a year in perpetuity, every year. We have seen in the superannuation model and the discussion that we have addressed the peak year. We have talked about scaremongering. This is part of it. It is also part of the great misinformation process. Let us look at the full question and let us look at all of the options.

The Office of Financial Management has produced some figures, but let me tell you that the figures and the models that it has issued - they have been published and they were in last Saturday's *Canberra Times* - are not nearly as sophisticated as the models we are capable of producing in my office, and we do not feel happy yet that we have a clear picture of all of the options and what is the optimum process for addressing superannuation. But it is not just a simple yes or no. Let me tell you that much. I, for one, would really like the opportunity, as a member of this Assembly, with meagre resources, to be able to go to an inquiry and to ask OFM to modify their models and to include in their models the consequences of various decisions and to give us that information so that I am capable of knowing what is the optimum decision to be taken. We have looked at it in our office. We have done our best. We have worked on it probably far more than any other member of this Assembly. We are still working on that model and we are still unsure of some of the variables.

We cannot take the Government's word on face value because they have a predetermined decision. I agree with Mr Humphries. They are not going to change their mind. I would like more information. I would like to be able to address OFM. They have a lot more resources than I have. (*Extension of time granted*) There are very complex issues in the great argument that underlies the sale of ACTEW, and that is how we address superannuation, and they have not been addressed in this place. They have not been communicated in full. What we have seen is based more on assertion than it has been on full detail. Forgetting the political affiliations that I have, I must say that I need further information to be convinced on the whole question. I reassert my sympathy for the crossbenchers who have limited information. Yes, they are getting misinformation. We have seen some Oscar-winning performances in the misinformation stakes from the Chief Minister. We have put forward one side of an argument. That is what we are responsible for, for God's sake. We get misinformation from that side. We are told, "It will all be good", and then we cannot counterbalance that argument without being accused of providing misinformation. What bleeding nonsense.

I believe that this Assembly does not have much choice in the decision as to whether it has an inquiry or not because we are talking about the sale of the biggest business in town, and we have no information as to the flow-on impact for our economy overall. We are responsible to the people of Canberra in this decision. If we take this decision on the word of a few, without information and masked by secret consultants' business, we are not exercising our responsibility to the electorate of the ACT. This particular select committee is a must.

MR OSBORNE (12.19): Mr Speaker, I will be brief. There is no issue in Australian politics, I do not think, which has been more discussed and debated in Australia recently than the privatisation of public assets. If the principles involved are not well understood by now, then I guess they never will be. When the Government's legislation comes along both Mr Rugendyke and I will have to make up our minds. However, I do not feel that that decision will be helped one iota by yet another inquiry.

I would sincerely like to thank Ms Tucker for her concern for my colleague and I, as I heard this morning on the radio, as we consider the proposed sale of ACTEW; but I remind her of the words of one of her Federal colleagues, Senator Bob Brown,

who I am told recently made a statement along the lines of why should he agree to a select committee on the GST when more than half of the members had already made up their minds. I have some excerpts from papers in relation to what Senator Bob Brown said.

Mr Speaker, I present the same point to Ms Tucker now. Will she learn anything from her select committee that could possibly change her mind about selling ACTEW? Will the Labor Party learn anything from this inquiry that could possibly change their mind? Of course not, Mr Speaker. They have already ruled out the sale and will stick to that view regardless of what information the committee turns up. I have not heard even one word from either of those two groups that they are even close to indicating that they are open minded. The only three members who are yet to make up our minds are Mr Rugendyke, Mr Kaine and I. This is not a decision to be delayed, Mr Speaker. I cannot speak for Mr Kaine on this matter, but my colleague Mr Rugendyke and I are quite capable of making this decision without the aid of another inquiry on the general merits and principles of privatisation.

One thing that I would like to do, Mr Speaker, is to caution the Government in case they are getting a bit excited right now. Our decision to reject this inquiry is not an indication of support for the sale of ACTEW. I intend to work with Mr Rugendyke and Mr Kaine over the next few months, and I also intend to work very closely with the Labor Party, in particular Mr Quinlan, former accountant of the year at ACTEW. I will throw that in, Mr Speaker. The most positive thing that I feel has been done was a visit from Mr Stanhope last night and the meeting I had with him this morning in which we spoke generally about this issue. I certainly intend to do that again in the future.

Mr Speaker, I will not be drawn into saying anything prematurely. This is a huge decision. I will speak in more detail when I am ready and am across all the issues, not when the Labor Party or the Greens think it is time that I should say something. At the end of the day, the decision I will make will be a very tough one, but I will be making it in the best interests of the Territory as a whole. That is why I will not be supporting this inquiry, Mr Speaker.

MR Kaine: I seek leave to speak again to this issue so that I can propose some amendments to Ms Tucker's motion.

Leave granted.

MR Kaine: I thank members. I expressed some concerns earlier about the reporting date that Ms Tucker is proposing. This amendment would bring the reporting date forward from the first sitting day of June to the last sitting day of March, which reduces the timescale, not as much as I would like but it certainly brings it back somewhat. The other proposal is that the options considered by the Government and discarded should also be under consideration so that we can know at the end of the day what other options the Government did look at. I seek leave to move the amendments together.

Leave granted.

MR KAINÉ: I formally move:

- (1) After subparagraph (1)(a) insert the following new subparagraph:

“(b) other options considered by the Government, and the justification for their being discarded.”.
- (2) Renumber existing subparagraphs (b), (c) and (d) to (c), (d) and (e).
- (3) Omit “the first sitting day of June 1999”, substitute “the last sitting day of March 1999”.

While I am on my feet, Mr Speaker, I will take the opportunity to ask Mr Rugendyke and Mr Osborne to reconsider their position. Mr Osborne made the point quite forcefully that in his view neither the Government nor the Opposition will change their minds. We have a situation where the Government is determined to sell and the Opposition is determined not to sell. That makes the opinion of the crossbenchers very, very important. Clearly, what happens will be what we four crossbenchers determine should happen. I would submit to Mr Rugendyke and Mr Osborne that that places upon them a very great imperative to be certain that they know all of the facts about this.

Mr Osborne sort of indicated that he had enough information and another inquiry would not help. Does he have all the information? I am quite open. I do not believe that I do. I am perhaps a bit better informed on some of these matters than other crossbenchers by virtue of having been in the Government for a year until January or February of this year. I have analysed the consultant's report in detail and I do not believe it presents the whole picture. It presents a view that we may or may not accept.

I think that Mr Rugendyke and Mr Osborne have an obligation to make sure, for the very reason that Mr Osborne stated, that they are fully informed and are capable of making an informed decision, because the way we vote will determine the outcome. It does not matter which way the Labor Party and the Liberal Party vote. The way we vote will determine the outcome. I think that is a very significant point. I ask Mr Osborne and Mr Rugendyke to reconsider, before they vote on this issue, whether or not they just might learn a bit more about these proposals by having a committee inquiry.

MR STANHOPE (Leader of the Opposition) (12.26): I will speak briefly to the motion. As my colleagues have indicated, the Labor Party strongly endorses the motion and the need for an inquiry. There are a couple of issues that I do not think have been significantly or particularly well covered in the debate to date and I will raise them for the consideration, particularly, of Mr Rugendyke and Mr Osborne.

In the debate to date we have not concentrated on the rights of the people of Canberra, the rights of the residents of Canberra, to be empowered to participate in a formal way in the decision-making process that we are going through here. To this point in time the capacity for members of the community to participate in the public debate involves their capacity to write letters to the editor of the *Canberra Times*, in effect, and their capacity

to sign a petition. I think a very significant and important part of a decision as enormous as this for the people of Canberra is the right and the expectation that the people of Canberra have to be consulted, to be taken seriously and to be listened to, and I know of no better way for that to be achieved than through a formal public and open inquiry process.

I have mentioned before that I have attended meetings of the Belconnen Community Council with Mr Rugendyke, a colleague of mine in the electorate of Ginninderra. I acknowledge that Mr Rugendyke is a very diligent local member and attends many meetings within the electorate. I have heard Mr Rugendyke say that it is his intention to represent the will of the people of his electorate. I believe that in order for Mr Rugendyke to do that appropriately he must give those people an opportunity to express their views to him through a formal inquiry process. I do not know how else that can be achieved other than through this sort of process. The inquiry process is vital.

I am concerned at the extent to which the Acting Chief Minister diminishes the value of the Assembly committee process by suggesting that some of us have come to the process with a preconceived and concluded opinion. The point that my colleague Mr Quinlan made very strongly and that Mr Kaine has made very strongly is that there is a whole range of evidence that has not been provided to us. The most patent of the examples one can rely upon is the UMS benchmarking document. The secret document that purports to show the extent of the lost value will not be made available even to members of the Assembly, let alone the community. That is just one example.

There is the example that Mr Quinlan uses about the range of options that are potentially available to deal with the superannuation issue. There is the point that Mr Kaine makes, that it is unreasonable and unnecessary that we link the issue of the sale of ACTEW with the fact that we as a community do have a serious other problem. There are a whole range of inquiries. I have heard Mr Osborne comment frequently on the impact that the surveillance cameras inquiry had on his views on surveillance cameras. I know in relation to that inquiry that Rosemary Follett, a then member of this place, moved to a situation where she and Mr Osborne were able to sign a majority report on surveillance cameras. Each moved from the extremes to the middle and came to a consensual position.

We have the suggestion by the Acting Chief Minister that he does not accept the legitimacy of members of this place with a settled position on an issue conducting or being involved in inquiries on that issue; that it is all a waste of time. The most stark of the examples of that, I guess, is the euthanasia inquiry, yet I am prepared to accept that the euthanasia inquiry served a very valuable purpose. But to suggest that we should not have had an inquiry into euthanasia because Mr Moore has a view known to the world on that subject and was unlikely to move an inch from that position basically denies the legitimacy of that inquiry. Do we now simply trash that particular report? Do we just throw it in the bin and say, "Well, this just represents Mr Moore's views."?

Ms Tucker: I think we just trashed the whole committee system, actually.

Mr Moore: That is what this sort of committee does.

MR STANHOPE: Well, I fear that is where the position put by the Acting Chief Minister, supported by interjections by Mr Moore, leaves us. It actually makes me question the value of a single inquiry that the Assembly undertakes. Each of us does have views on a whole range of issues that we take into inquiries, but we go into them with a preparedness to open our minds.

I come back to my opening point, and I think it has not been reinforced significantly in the debate to date, that to not support an inquiry into this issue disempowers and disenfranchises the people of Canberra. It denies them the opportunity to participate in a full way in the debate on this issue, and it denies us, the members of this Assembly, access to all that expert opinion - opinions such as that of Professor Bob Douglas, if I might dare to say - about issues relating to the privatisation of publicly-owned assets.

MR SMYTH (Minister for Urban Services) (12.33): Mr Speaker, the Liberal Party went to the last election with a promise that we would protect the value of the asset. We have had advice from two consultancies. The first, the Fay Richwhite report, said that there were two things you could do. One was that you could put your head in the sand and ignore what was going to happen. The other was to look at options which included selling ACTEW. The ABN AMRO report put forward options about how it could be sold, and again just reinforces the point that says the best way to protect the value of the asset is to sell it.

The inescapable fact here is that the electricity market in Australia will change at the end of this year when the new national electricity market commences. It cannot be taken in isolation because the projections are that the market will change; that the current 28 distributors that the market has will reduce in number. For instance, Mr Quinlan, how are you going to ensure that ACTEW is one of the survivors in the new market? How many hundreds of millions of dollars of taxpayers' money are you willing to pour into ACTEW and willing to risk in the hope that ACTEW might survive in the new market of distributors?

Mr Quinlan: Do you know how much of the business is actually at risk? Do you know how much of it is actually at risk to the market?

MR SMYTH: Mr Speaker, the new market will change this equation for ever.

MR SPEAKER: Order! You were all heard in silence.

Mr Quinlan: He is supposed to address his question through you.

MR SPEAKER: He is.

MR SMYTH: What the Opposition is asking us is that we stand by and play our fiddles, like Nero, while the whole market changes. They are willing to fiddle while the market changes forever. The argument has been put that the superannuation is independent of the question of the sale of ACTEW and that successive generations of Canberrans have built up the asset that we now have as ACTEW. Surely, then, these same successive generations have also contributed to the building up of that unfunded liability that is the

superannuation that all our public servants deserve. To say that you have done a good thing by building this up through the hard work of taxpayers and so therefore you should keep it, but at the same time say that you cannot allow the Government to fund the liability that comes back to all of us because all of us will be responsible for this, is naive.

On superannuation, Mr Quinlan misses the point, Mr Speaker. He says, "Who cares if it is \$69m or \$70m dollars?". That is not the point. The point is that the long-term problem is not the actuarial assessment, but the strategy to fund that debt. I note that, after repeated calls from the Government, the Labor Party, on every occasion, has failed to nominate how it would fund this debt.

Mr Speaker, this proposed inquiry runs the risk of becoming a privatisation Spanish Inquisition. It is a very broad inquiry that will not add much to the debate. What we are hearing here is that no matter how much change - - -

Mr Kaine: I take a point of order, Mr Speaker. I think that to refer to an inquiry of this Assembly as a Spanish Inquisition is going a bit far. I think the Minister might withdraw that.

MR SMYTH: I will withdraw it if it has offended Mr Kaine.

Mr Kaine: It might be a Canberran inquisition but not a Spanish one.

MR SMYTH: It was perhaps a Monty Pythonish Spanish Inquisition rather than the historical one that I was referring to. What we are hearing here is that there should be no change, not now, not ever, and that is without regard for any changing circumstances, changing technologies, changing marketplaces, or the future world that we are growing into. For weeks we have been accused by the Labor Party of being the ideologues.

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

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

That so much of the standing and temporary orders be suspended as would prevent debate continuing until the resolution of any questions on Assembly business, Notice No. 1.

MR SMYTH: What we are hearing here, Mr Speaker, is that there should be no change - not now, not ever. From the Labor Party, without regard for circumstances, changing technologies, changing marketplaces, or a move to the future, we are hearing that things should not change. They have accused us for weeks of being the ideologues of privatisation. What we have across the chamber here, Mr Speaker, are the real ideologues of the Left in this place. They are, in fact, the true conservatives of this place. They do not want to change. They simply do not wish to change, ever. They wish to live in the past. They believe that if they stick their heads in the sand things will never have to change.

Mr Humphries has said that he will supply additional information should the crossbenchers seek it. We are happy to do that. What this debate has done, Mr Speaker, is show - - -

Mr Corbell: The member's time has expired.

MR SPEAKER: The member's time has not expired, Mr Corbell. He had six minutes left when we had to extend the debate.

MR SMYTH: Sad, sad, sad. They do not want to hear this, Mr Speaker. They have no intention of listening to this. The real ideologues, the true conservatives of the ACT, sit on the other side, and may they stay there for a long, long time.

Mr Speaker, this debate has prompted the need for increased legislation. In fact, several of the debates recently, and I refer to the ACTION debate, have shown that we need to put in place legislation to protect the rights of the residents, the consumers of the ACT, and we will do that. We will put into place a legislative base to guarantee their rights, and we will learn from other jurisdictions that have travelled this path.

There is no need for this inquiry. This inquiry is, I believe, simply a stunt to continue to ferment the pot of privatisation. It is the ideologues on the far side who do not want to be portrayed or seen as the true conservatives in this place, the no-change party. What this Government is about is moving ahead. It is about building a better city. It is about securing a base for the future. It is about not leaving debts for our children. It is about building the clever, caring city that Canberra can be, and we will do that. Part of that process will be the sale of ACTEW to cover liabilities that previous generations have incurred that we need to secure before we hand them on to our children. We will be opposing this motion.

MR CORBELL (12.39): I will speak to Mr Kaine's amendment. I am angry. I am very angry. For the people who have sat in this place for as long as I have been a member, which is not very long, and talk to this side of the house about how good they are at consultation, of how fervently and stridently they believe in the effectiveness of the committee system, of how they talk about integrating the committee system into the decision-making processes of this place, of how good that is for governance in the Territory, of how committed they are to it, and then to stand up in this place and say that it does not matter, that the people of Canberra can go and get stuffed, that they will make the decision and the people can just butt out is, I think, a disgrace, Mr Speaker. It is a down and out disgrace, particularly from people in this place who have come into it suggesting that they represent the interests of the people of Canberra.

They have signalled very clearly today, Mr Speaker, what they feel about the interests of the people of Canberra. They will say, "We will make the decision in a cosy little room behind closed doors". That is the sort of approach we have got from this Government, Mr Speaker, and those who have chosen to support them on this motion. I only hope that they will remain open to a range of other issues as this debate progresses.

The signal they have sent to the community today is a disappointing one. In fact, it is a disgraceful one. No other issue could be more important. No other issue could be more serious. What a majority of members in this place are going to be saying today is that it does not matter. What they are going to be saying today is: "We will not give the people of Canberra an opportunity to present submissions. We will not give the people of Canberra an opportunity to say what they think. We will not give them the opportunity to come before a committee of this place and, with the protection of privilege, state clearly and openly what they feel". Instead, the people will continue to suffer the malaise of a debate which is governed by 10-second clichés in news grabs on nightly TV.

Is that the sort of public debate we want on this sort of issue? Is that the sort of level of information we are going to provide to people? Is that how we are going to engender this sort of discussion? Are we serious as a parliament in saying that we believe in consultation when that is the sort of attitude we adopt? I think it is disgraceful, Mr Speaker. I think it is absolutely disgraceful.

It is a cheap and redundant argument to suggest that just because some people have a view on this matter there is no point in having an inquiry. If that was the view we always adopted on these sorts of issues Mr Rugendyke would not have sat on the Urban Services Committee when it considered bus services for Canberra schoolchildren, because he supported a resolution which suggested that there should be only one zone. It is a silly argument, Mr Speaker. It does not make sense. The question I am left asking, Mr Speaker, is: What will the people of Canberra be thinking when this, the most important decision since self-government, will be left to be done behind closed doors?

MR MOORE (Minister for Health and Community Care) (12.44): Mr Speaker, I think Mr Corbell is wrong about a number of matters. The first one is the final thing he said - that it is the most important decision since self-government. Yes, this is a very important decision, but to suggest it is the most important decision since self-government is nonsense. I can think of a number of decisions that were much more important. One was to do with the Electoral Act, which was debated in this Assembly, and the way this Assembly is structured, the way we work. I think a much more important decision was made on the issue of citizen-initiated referenda, which I have long opposed and will continue to oppose.

Mr Corbell is angry, he says, Mr Speaker, and, yes, I can understand that anger. The real anger though is because the plan of the Labor Party, in particular, and Ms Tucker to a much lesser extent - she has an entirely different set of motives, I think - is likely to be thwarted. The result of the plan is, unfortunately, to politicise the committee system. An example was used earlier of the Select Committee on Euthanasia. I must say that if I had that to do again I would do it very differently. I think there were some significant mistakes. I think it was a mistake for me to go on that as the chair. That was the biggest mistake. Yes, I had the numbers to do it and I did it, but I think that was the wrong way to go.

I think we have a very clear-cut case here where there is such a strong ideological divide on this issue. Those who oppose privatisation in any of its forms, the Labor Party, are opposed to the rest of us who will look at these issues and think about them. That was illustrated very clearly, Mr Speaker, during the Estimates Committee when

members of the Labor Party made it very clear that they considered that the intensive care unit having a safety valve to send three patients over to the National Capital Private Hospital was privatising the intensive care unit. What absolute nonsense, Mr Speaker. I even had to remind Mr Berry that he, when he was Health Minister, used to purchase public health services from Calvary Hospital, a private organisation. Yet he throws up his hands and says this is terrible; this Government is only interested in privatisation. He wants to dress everything we want to do in the cloak of privatisation. It is simply nonsense.

Mr Speaker, this is not just about depriving the people of Canberra of a say; it is about depriving the Labor Party of another tool of politicisation. That part is fine. I do not mind them going out and giving their views in the strongest way they possibly can. I do object, of course, when those views are based on very poor research or on misrepresenting figures. Aside from that, Mr Speaker, it seems to me that we have a situation where the Labor Party, in particular, wants to use the committee system to continue their campaign. They want to use it as a campaigning tool, and it is that campaigning tool that I believe undermines the system.

Mr Wood: It is Ms Tucker's proposal. Whose proposal is it?

MR MOORE: I think Ms Tucker has an entirely different motive for it. Nevertheless, in supporting this committee approach, that is what we would be doing. We would be politicising the committee system. It is a system that has worked extremely well in this Assembly on many occasions and has been particularly effective at either finding compromises or finding results. There is no compromise on this. We are either going to sell ACTEW or we are not going to sell ACTEW.

Ms Tucker: The whole regulatory framework has to be debated.

MR MOORE: When the regulatory framework comes into question it will be debated in this Assembly as a matter of legislation. For that legislation then to be referred to a committee is another matter that we would consider at the time in that context. This is not about that issue at all. This is about the support that we get. The strength of the support from the Labor Party in particular is about ensuring that they have the opportunity to further politicise the issue. It is the first time that the Labor Party feels that they have an issue upon which they can show some credibility with people.

Mr Kaine raised a series of questions before putting his amendment and some of those questions were about getting information to him. I have said to him personally that I think we as a government should have been much quicker in responding to the questions he asked or in getting the information. At the very least we should have said to him, "Mr Kaine, we are trying to provide this information. Here is the first part of it. We need a bit more detail about getting the other". I certainly invite him to approach me so that I can follow up and ensure that he does get appropriate response and information whenever it is necessary.

Yes, this is a controversial issue. Yes, there are some significant differences of opinion, and, in the end, it will come down to an opinion. I am now of the opinion that the value of ACTEW will diminish significantly over the next four or five years. It is a matter of judgment. I am of the opinion that if we leave it in public ownership there will be a significant loss of jobs over the next five or six years because they will not be able to maintain the business. The business will be taken over through competition - a competition that was started through agreements that were arranged by Rosemary Follett, the Labor Chief Minister, no doubt with the support of her Ministers in Cabinet. That was the arrangement that was made. That is where this problem started.

Mr Wood: What a lot of rubbish.

MR MOORE: Now we have to look at resolving that problem. I understand why Mr Wood would call out, "What a lot of rubbish". He is appropriately embarrassed about what he put in train. Were they able to resist it, considering that the rest of the Australian jurisdiction supported it? Probably they would not have been able to resist it. Nevertheless, that is what we are dealing with. We have a matter of opinion here that is not going to be changed by the advent of a select committee inquiring into this issue. Mr Speaker, under these circumstances, I will not be supporting this motion for a select committee.

MR HARGREAVES (12.52): I have sat here all morning and I have seen and heard quite a lot. One of the shareholders in this thing is swanning around overseas and the other shareholder has not deigned to grace this chamber with his presence and listen to the debate. He just came down here, gave everybody a serve and then went back to his lair. I suggest that sums up what you quite rightly said, Mr Moore - that we have two positions that are absolutely intractable.

Whilst I think that the position of the Liberal Party-Michael Moore coalition is despicable, and I would expect a similar sort of feeling coming our way, I still would like to appeal to the people on the crossbenches. This is what this debate is all about. It is not about our side trying to convince the Government to do anything because clearly their minds are not open. Their minds are empty. I am really fed up with the way they ramrod things through, just bulldoze them through, and do not give the crossbenchers or anybody else the courtesy that they are due.

When all is said and done, we were elected to represent a constituency and we have to do the best for that constituency, not only for the vested interests which may support the group from which we come but also for the average bloke who is sitting in the electorate. When I sit in my caucus, or when I sit in this chamber, or when I talk as a member of this Assembly, I am influenced by the people with whom I live and work and with whom I move in my electorate. They are the people we are answerable to. They are the people who are going to do us over if we make the wrong decision. They are the people to whom we are going to have to say, "This is why we did it", not people in here. We can rant and rave for a while and we can score some points. We can all have a big giggle and go home. But at the end of the day, when we all go back to our constituencies and we go down to the clubs and the pubs and the parks and we look these people square in the eye and they say, "Why did you agree to sell ACTEW?", we had better have a really good reason for that.

I suggest very strongly that the information that we have had given to us so far has been selective at best and pathetic at worst. It does not address quite a number of things. Furthermore, we had a blue in this chamber yesterday over the selective use of numbers. It just shows to me that we can both produce a report which says that the other is talking rot. What check have we got on which one of them is the right one? What check have we had? We have seen many people comment in the newspaper about these things, ranging from learned people to ordinary people who live in the suburbs and have wanted to express a view. We have all heard them tell us personally. What chance have they got of comparing those two reports that are diametrically opposed to each other? They have not got one. Mr Speaker, I suggest that it is incumbent upon this Assembly to make sure we get it right.

Mr Moore says he does not regard the selling of ACTEW as the most important decision taken. I did notice that the examples of better ones that he quoted actually affected his career as a politician in this place. Quite frankly, I consider that flogging off \$1 billion worth of assets in this town when we have such a tiny budget is a little bit more important than Mr Moore's career, from being a rather loud-mouthed Independent into, now, a loud-mouthed member of the Government. Frankly, I had a lot of respect for Mr Moore, and I still do on quite a number of issues and on a personal level, but in this case I think he is talking absolute claptrap.

Mr Speaker, the one beautiful thing about these Assembly committees is that they contribute to the transparency of debate. They actually give us an opportunity to put everything on the table. Perhaps this Government is afraid of putting the stuff down on the table and having it checked out by those Independents, those crossbenchers who think that they have enough information. Well, I challenge the crossbenchers, and I challenge the empty seat of Mr Osborne, yet again, to come in and have it tested.

Mr Moore: Challenge it again or that his seat is empty yet again?

MR HARGREAVES: I agree with you, Mr Moore. I challenge him again. That was a bit tautological and I apologise for that. The simple fact is that if he had a commitment to the biggest decision, in my view, that this Assembly has faced in an awfully long time, he would be in this chamber and listening to the arguments. So too would the Acting Chief Minister, a shareholder in the big building across the road with a "For Sale" sign on it.

The one thing that amazed me about Assembly life when I first came into this place was the way in which the committees could become non-polarised. You could actually sit there and discuss an issue. I accept the fact that we have polarised positions on this issue, but what we do have at the end of the day is an opportunity, free of the point-scoring environment of this chamber, of putting our views in a report and saying, "This is it". If they are dissenting reports, fine, but there is an opportunity to sit down together behind closed doors, instead of behind closed doors one at a time, and to debate these things. Our committee system is not a debating chamber; it is an information retrieval system. Let us get it from out there. How about we start listening to the people out there who are really concerned about it?

This Government has a magnificent tome on community consultation but I suggest to you that it is absolute rot. They do not believe a word of it. They could easily have done the same thing with one piece of paper with "Please turn over" on both sides of it, because it means nothing. I want to quote Mr Humphries. He said that this side of the house is trying to use this committee process to stifle debate. Well, excuse me! If we bring a report back to this chamber we are going to have a debate on it. We are not stifling this debate. These people on the other side of this chamber are actually denying us the democratic right to have an issue, a very important issue, researched, and I deplore that. I cannot believe it.

Mr Speaker, I think I have probably said enough for the moment, but we on this side were accused of trying to politicise the committee system. I have not heard any reason for that. There is no justification for that. There is no backup for that. It is just another piece of absolute codswallop. What we have here is a responsible member of the crossbench saying, "Basically we do not believe you, Mrs Government. How about you putting it open for scrutiny? How about you having people who know what they are talking about come and tell us about it?"

Why don't you people across there on the other benches listen for once? I appeal to Mr Rugendyke. I pay him the credit of seeing his face in this chamber all the way through this debate. I appreciate that very much. I know how concerned he is about this issue. I urge you very seriously to support Ms Tucker's motion. What she is saying is the sorts of things that you and I believed in before we came here. We are here to represent the constituents the best way we can. These people are trying to stop us from doing this. Do not let them do it. Do not let these people stop us from doing this. We have not talked about who is going to sit on this select committee. Quite frankly, from where I stand, regardless of what the party position is, I do not care who sits on it so long as there is transparency; that what we are talking about here is revealed and can be examined.

I do not urge those members opposite me to do anything except to go and examine their own claptrap. I do remind the members of the crossbench, Mr Osborne, Mr Rugendyke and Mr Kaine, that we are going to have to answer for this decision, and it is a really big one, even if it is not the biggest one in Mr Moore's mind. We are going to have to answer for this thing. Let us get it right.

Mr Smyth: Will your party give you a conscience vote on it?

MR HARGREAVES: I will treat the remark from the Minister for Urban Services with the contempt that it is due. Mr Speaker, I urge the Assembly to support very strongly Ms Tucker's motion and any amendments that may be forthcoming.

MR BERRY (1.01): After listening to Mr Moore I was encouraged to enter the debate because Mr Moore is the king of committees, or he has been in the past. In fact he has paraded himself as such throughout the community from the day he entered this Assembly. I want to read from the *Chronicle* of 27 October Mr Osborne's quotes as they appear there. Mr Osborne said:

... I guess once you've sold your soul the rest is easy.

Mr Speaker, where you sit is where you stand, and Mr Moore has demonstrated that he is quite comfortable with the conservative agenda of the Liberals opposite. I have always said that Mr Moore is of a conservative nature, and he will now protect the conservatives from open scrutiny in relation to this matter. At the basis of conservatism is a conservative economic policy, and obviously Mr Moore is comfortable with the economics of the conservatives opposite. But that in the end, of course, finds its way into social policy, and Mr Moore should keep that in mind. I am extremely disappointed that Mr Moore would for so long trumpet his support for the important committee system in the ACT Legislative Assembly and then abandon it so quickly. But, as I said, where you sit is where you stand.

Mr Speaker, I am also a little concerned, too, that Mr Osborne has taken the stand that he has. He went on to say in this newspaper article:

If there was ever any doubt left that he is a Liberal then take a good look at the blue streak running down his back on this issue.

I say to you, Mr Osborne, that if I look at your performance in relation to this debate it is always hard to see where the streak is that is running down the middle of your back.

Mr Osborne: The problem with you, Mr Berry, is that if we do not vote with you on everything we are not with you. You want people to vote with you on every single issue.

MR BERRY: Mr Speaker, what I say to Mr Osborne is that he should take the opportunity - - -

Mr Osborne: You never acknowledge when we vote with you.

MR BERRY: You should take the opportunity to better inform yourself in relation to one of the most significant issues which are going to affect the people of this Territory. Covering up for the conservatives opposite is not going to help the future of the ACT. Preventing access to information and preventing community protest about this issue might make life easier for you, Mr Osborne, but it is not going to help the future of the ACT. I believe and stand by Mr Moore's former view, that the committee system in the ACT Legislative Assembly is important. It is no more important than it is now in respect of this issue.

MR TEMPORARY DEPUTY SPEAKER (Mr Hird): I understand, Mr Kaine, that you wish to add to your amendment, by leave. Is that right?

MR KAINE: Yes, thank you, Mr Temporary Deputy Speaker. Before this matter is voted on, I seek leave to add a further amendment to those already submitted.

Leave granted.

MR KAINE: Thank you, members. In relation to paragraph (2) of Ms Tucker's motion, I move the following amendment, which will be amendment No. (4) of mine:

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

“(2) the Committee members to be Mr Osborne, Mr Rugendyke and Mr Kaine.”.

I do this because of some comments that have been made during this debate. The Acting Chief Minister said that he did not think that a select committee would have any value because the government member would have one view and the opposition member would have another view and therefore we would get no resolution of the issue. I agree. That is a possibility. He also said that the only three people in this place who had not made up their minds about what the outcome should be were Mr Osborne, Mr Rugendyke and me.

Based on those two statements from the Government, it seems to me that a committee consisting of we three would remove the politics from it, allow us to look objectively at the issues and come back to this place with an unbiased, unpoliticised view that the Assembly could then consider. It seems to me to be an eminently sensible way to go. That being the case, it would be my intention, and I am sure the other two members would agree, that the report that we make should be sooner rather than later. While the target date established in Ms Tucker's motion would stand, we would certainly seek, I believe, to come back much more quickly than that if any information was made available to us so that we could come to some reasoned conclusions.

Mr Temporary Deputy Speaker, I think it is a sensible way to go. The crossbenchers now have an opportunity to really influence the outcomes on this issue, uncontaminated by the politics of the Government and the Opposition. I think it is a wonderful compromise. I seek the support of all members of this place.

MR QUINLAN (1.07): Let me speak in support of Mr Kaine's last amendment, very briefly. It seems to me that a committee as now proposed would be a much more effective method of informing those within this place who are yet to determine a position. They could call for information from people other than those of us who stand accused of having a fixed and immutable position on this question. They would have the opportunity to call for information from the impacted stakeholders and from external experts. The committee members can demand particular information and particular resolutions of issues that may be before them. It is a very sensible amendment to the motion. I commend Ms Tucker for standing aside, effectively, and allowing this particular composition of the committee. Really, I do not think there is anybody in the place who could object to it at this stage.

MR CORBELL (1.09): I will sit again if Mr Osborne or Mr Rugendyke want to comment on the proposal. This, I think, is a sensible proposition, whilst it is not, in my view, the ideal one because our standing orders provide for proportional representation on committees. In the light of these rather exceptional circumstances, I think there is an argument to be made, quite reasonably, that if the only objection to the establishment of

the select committee is the fact that it will be peopled by members who have fixed views on the matter, which I think is a silly argument, and if the only way to provide for the people of Canberra, for interested individuals and groups, to make formal representation to this place is through this proposal, then it is important that it be supported. That is why the Labor Party is supporting it.

We will have the opportunity, if this proposition is supported, to give evidence before the committee, just as other members previously in this place have given evidence before committees. The ALP can make a submission, the Government can make a submission, the Greens can make a submission, they can give evidence, and those decisions can be weighed up.

I cannot see how anyone could not support this unless they feel a little uncomfortable with having all that responsibility on them and have to actually weigh up the arguments. This is a sensible proposition. I hope that members of the crossbenches feel it is one that they can support. They can actually act in the best interest of the people of Canberra by giving members of the community an opportunity to formally have their say.

MS TUCKER (1.11): I also am willing to support this amendment. I also acknowledge that it is a very unusual proposal. If you listened to the arguments that have come from the Liberal Party and Mr Osborne - I am still waiting to hear Mr Rugendyke explain his position to us and to the community - they denied the credibility of a committee which had a Labor person on it, which is a most extraordinary argument in this place. It would suggest that most committees that we have should be made invalid. We may as well throw the reports into the bin because most of them, under this particular view, would be invalid.

I think there is a point that we have to make here. There is some confusion about having a fixed position and having concerns, very strong concerns, about an issue. There is a difference. You may well have both. You may have a fixed position and you may well have strong concerns. The terms of reference of my inquiry would have allowed those concerns to be addressed. There are genuine concerns around the issue of the privatisation of ACTEW in particular and the regulatory framework.

I found it extraordinary that Mr Moore could say, "We have the discussion about the sale of ACTEW and then we have the discussion on the regulatory framework". Why that is extraordinary is because Mr Rugendyke and Mr Osborne have confidently said to the ACT community, "We care. We care about the community. We care about employment. We care about the water". They keep telling us that. If their decision to sell ACTEW or not to sell ACTEW is based on whether or not their concerns are addressed, they must understand and approve of the regulatory framework first. How can they possibly support the sale of ACTEW if they do not know that those issues can be addressed?

We have had a thumbnail sketch of a regulatory framework presented to us so far. That is acknowledged by the reports and the consultants. We do not know that those issues can be addressed by a regulatory framework at all. There is dispute about whether private and public sectors deliver services with the same adherence to environmental and

social concerns, as I said in my opening speech. For that reason the arguments that are coming from Mr Moore on that issue are very, very worrying, as are the arguments generally from the other side because of their absolute trashing of the committee system by suggesting that someone with a strong point of view cannot be on it.

I have a very strong point of view on this. I have very strong concerns about how the long-term benefit of the ACT community will be affected by privatisation. I want to see that addressed and I want to see the community involved. I absolutely support Jon Stanhope's position on the absolute contempt with which the Liberal Party and Rugendyke and Osborne are treating the community by the position that they appear to be taking today. I do not agree with their argument that having someone with a strong position is somehow making a committee inquiry invalid. It is a nonsense of an argument.

If this is the only way we can allow the community to look at this issue then I am quite happy to stand aside and let Mr Kaine, Mr Osborne and Mr Rugendyke do it. Mr Osborne said to us, "I will be brief". That is an insult to begin with. How dare he be brief on this issue. How dare Mr Rugendyke not yet have spoken on this issue. The community has a right to know why they are taking the position they are taking.

Mr Osborne also said he could be brief because the principles are understood by everyone. This afternoon I will seek to suspend all standing orders that are necessary in order to give Mr Osborne unlimited time to explain to us all the issues around the privatisation of ACTEW because he told us today, "The principles are well understood. We don't need an inquiry because we already understand the issues". Mr Rugendyke, however, whom we still have not heard from, has said to me that he does not understand all the issues, but maybe he has got across them since I spoke to him.

For that reason I will support Mr Kaine's amendment. I hope that in this particular form of committee the community at least will have an opportunity to have input into this debate.

MR HUMPHRIES (Acting Chief Minister, Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (1.16): Mr Speaker, I want to briefly indicate that the Government does not support this amendment. Members should not be fooled about what this means. It is obviously possible, under the standing orders, for members who are not members of a committee to jump up and take part in the process.

Opposition members interjected.

MR SPEAKER: Order! Settle down, please.

MR HUMPHRIES: I do not know what they have been having for lunch. Mr Speaker, the standing orders are quite clear. Members who are not members of a committee are entitled to sit with members of that committee, to ask questions of witnesses appearing before the committee, and to take part fully in the proceedings of that committee except insofar as a vote is concerned or insofar as private meetings - - -

Mr Wood: You have exposed yourself. You have exposed it all.

Mr Stanhope: Dear me!

Ms Tucker: What are you afraid of here?

MR SPEAKER: Order! Settle down, please.

MR HUMPHRIES: Mr Speaker, I think we have seen today an example of the sort of process we are going to see on this committee. Shout down your opponents. Do not care whose interest you trample over, or whom you do not get to hear. Just shout as loudly as you can until your point of view prevails over others. Mr Speaker, what we have here is an illustration of why we should not do this; why we should approach this matter from the point of view of assessing the evidence now available before the community.

This community has no shortage of information about this proposal. The Government has placed extensive information on it. The views of most of those people who have commented on this issue with expertise in the field, either on the question of superannuation liability or on the question of the future of the trading position of this utility, are almost unanimous on the dangers facing us at the present time. I think that is more than enough reason to move as swiftly as the circumstances require to make a decision. That, Mr Speaker, is why I do not support the amendment.

MR STANHOPE (Leader of the Opposition) (1.19): I have one very brief comment, Mr Speaker. I think the process revealed through this debate is one of the best examples I have seen since I have been a member of this place of how the Assembly can work appropriately to meet the concerns of members expressed during a debate. Ms Tucker moved a motion which this side of the house was happy to support. In the opening remarks from the Government, Mr Humphries gave his reasons as to why the Government would not support this motion. The crux of the Government's argument was that the committee would have on it, as representatives, a member of the Government with a fixed view and a member of the Opposition with a fixed view, and that there was little to be gained in a committee of that constitution deliberating on this issue.

Mr Osborne made a contribution to the debate and echoed those same concerns. He quoted Senator Bob Brown. He used Senator Bob Brown as a model on which he would base himself in relation to this motion. He accepted the proposition of Senator Bob Brown that perhaps a committee inquiring into a most significant matter where some of the players had a predetermined position was not all that helpful.

Amendments moved by, dare I say, Solomon, Mr Kaine, have been accepted by the mover of the initial motion. They have been accepted by every member of this side of the house and they are aimed precisely at the concerns expressed by Mr Humphries and the concerns echoed later by Mr Osborne. They meet the very concerns raised by the Government. The crux of their opposition has now been removed through the

amendments which Mr Kaine has moved, which Ms Tucker has accepted and which the Labor Party, without actually necessarily accepting that this is the best model, is more than happy to support. I think this is a great example of how we can resolve issues to meet the concerns of members of the Assembly. I think there is no option.

Mr Humphries: Except the Government's concerns, of course.

MR STANHOPE: Your concern was that you were going to have a member of your own and a member of the Labor Party on the committee. That objection has now been removed. We have moved to meet the very concerns of the Government and of Mr Osborne. We are allowing Mr Osborne, Mr Rugendyke and Mr Kaine freedom to inquire in whatever way they wish, to go down whatever paths they wish, and to take whatever evidence they wish to take on this issue. We have put it in their hands. They may gather the evidence that they require, not only on their own behalf but also on behalf of the rest of us. Most importantly, they might meet the legitimate right and expectation of the people of Canberra to participate in this process.

It is important to add a rider to that. We must not forget that this Government did not go to the election with a promise to do this. There is no mandate to take this action. It is doubly necessary, therefore, acknowledging that the Government is determined to go down this path, that this Assembly must give the people of Canberra a right to participate in this decision. I include, of course, the rights of the more than 1,000 people whose livelihoods and quality of life depend on their employment with ACTEW. We must respect the rights of those workers, along with the entire people of Canberra, to a say in this decision.

Question put:

That the amendments (**Mr Kaine's**), as amended, be agreed to.

The Assembly voted -

AYES, 7

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

NOES, 8

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

Question so resolved in the negative.

MS TUCKER (1.26), in reply: I would like to make a couple of concluding comments. Basically, I believe that what has just happened has made this Assembly totally - - -

Mr Moore: I take a point of order. Ms Tucker does not have the right to comment on what has happened. That would be a reflection on a vote of the Assembly. She can continue to talk about her perceptions, but she cannot do that.

MS TUCKER: Mr Moore apparently does not know what I was going to talk about. I was going to talk about the whole debate.

MR SPEAKER: Ms Tucker, you are closing the debate on your motion, please.

MS TUCKER: I am closing the debate on my motion, yes. I want to respond to a couple of issues raised in the debate. We have seen arguments put forward by the Liberal Party and by Mr Rugendyke and Mr Osborne which have no real substance in them. I am looking forward to giving them an opportunity to actually clarify their statements. As I said, Mr Osborne will have that opportunity this afternoon if we give support to that.

Mr Humphries said he was concerned because the terms of reference were so broad. I just want to ask members here which of these are so broad that we should not be looking at them when we are considering selling ACTEW? Is it too broad to be looking at the impact of privatisation on the ACT budget? Is it too broad to be looking at employment levels, the ACT regional economy, consumer rights, the maintenance and enhancement of environment protection and the achievement of environmental objectives, the maintenance and enhancement of social equity within the ACT community, the maintenance and enhancement of service standards and the minimisation of risks of disruption of services? Is it too broad to be looking at whether a sufficiently strong regulatory framework could be established to minimise the negative impacts of privatisation, the interstate and overseas experience with privatisation and any other related matter? Maybe that is too broad. Maybe it was the “any other related matter” that was too broad for Mr Humphries.

I would suggest that all these concerns which have not been dealt with by the other reviews and consultants’ reports on this issue are absolutely critical to this debate before we are asked to vote on this issue. I ask Mr Humphries, if he believes that he can argue that these things are too broad, to explain that to the ACT community, as should Mr Rugendyke and Mr Osborne. I still cannot believe that Mr Rugendyke has not spoken on this issue.

Question put:

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

The Assembly voted -

AYES, 7

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

NOES, 8

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

Question so resolved in the negative.

Sitting suspended from 1.30 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Periodic Detention Centre

MR STANHOPE: Mr Speaker, my question is to the Acting Chief Minister in his capacity as the Minister for Justice and Community Safety. If, as the Minister told the Assembly yesterday, police found insufficient evidence to mount a criminal prosecution over alleged misconduct by officers of the Periodic Detention Centre, can he explain on what evidence the head of Corrective Services in his department relied on when he made his decision to apply for the early release of the detainee who made the complaint?

MR HUMPHRIES: Mr Speaker, in answering that question I urge, as I have done in the past - but I am not sure with what effect - members to be cautious about this matter. I know the police investigation is complete, but the Auditor-General's investigation of the public interest disclosure allegations is still afoot. That is not exactly a sub judice matter, but we ought to respect his capacity to be able to get to the bottom of matters that are worthy of investigation without there being a background of comment and allegation in this place to contend with. What was the question, Mr Stanhope?

Mr Stanhope: I understand the advice the police gave you was to the effect that there was insufficient evidence to mount a criminal prosecution. I was asking whether or not you could then explain what evidence the head of Corrective Services, a unit in your department, relied on when he made his decision to apply to the Chief Magistrate for the prisoner who made the complaint to be released.

MR HUMPHRIES: That is right - the early release of the prisoner who was subject to the allegations. Mr Speaker, there was not a decision by the head of Corrective Services to release the prisoner. Of course, there is no capacity on the part of the director to release a prisoner at all. That is a decision to be made by a court. The decision was made by the court. Mr Cahill, the Chief Magistrate, heard the application to release the detainee early.

Mr Speaker, the reason the subsequent application was made is very simple. There was an allegation afoot at that time, which I understand emanated at least in part from that particular detainee, that there had been improper offers made to him in respect of the future of some custodial officers of the PDC. Now, an investigation was getting under way. The question of whether this detainee had been prevailed upon was in issue. Corrective Services felt, quite appropriately, that to have him remain as a detainee in the centre while allegations were being investigated about the relationship between him and custodial officers at that centre would be a quite impossible situation to have to deal with. Quite appropriately, the director decided that he should apply to the court to have the last, I think, two or three weeks of the weekends of the detainee's detention remitted in order that he would not be a detainee in the centre during the period of that investigation. That is an entirely proper and appropriate thing to do. I fully support the director in having made that application which, of course, was supported by the court.

MR STANHOPE: Mr Speaker, my supplementary question to the Minister is this: Is the Minister confident that the police investigation into the affair was as broad-ranging as necessary to address the serious allegations, given that the day following the initial report to you that there was insufficient evidence to sustain the allegations a police and customs raid on the Periodic Detention Centre uncovered a cache of drugs?

MR HUMPHRIES: Yes, I am. I met with the chief officer investigating this matter shortly before that weekend that you refer to and I discussed extensively with him, and with the assistant commissioner, Mr Stoll, the circumstances of the investigation. They explained to me the very extensive nature of their analysis and their investigation, the way in which they conducted that investigation and the conclusions that they had reached.

The evidence they put before me convinced me absolutely that they had approached this matter thoroughly and comprehensively and that the advice they were providing about the outcome was advice well based on the evidence. I am absolutely certain about that. The question of whether there should have been some other approach, I think, is hypothetical. I do not know whether there was any better way of conducting an investigation than the way it was conducted. I think it was very thorough and I commend the officers concerned for their work.

The suggestion that we should link the discovery of drugs in the PDC subsequently with this, I think, is misleading. I would see the discovery of drugs in the circumstances in which they were discovered the following weekend as proof of the effectiveness of the PDC as an institution. Bear in mind that this is a case where people broke into the PDC by cutting a hole in the fence and left a cache of drugs, presumably for the use of a detainee, or detainees, during the weekend.

The officers discovered the break-in. When they discovered the hole in the fence they immediately checked on the detainees to see whether there had been a break-out. All detainees were accounted for. The staff there quickly realised that it was clear no-one had broken out and, therefore, the only reasonable conclusion was that someone had broken in. The purpose for which they had broken in was deduced fairly quickly. They made a search and they discovered the drugs. That, Mr Speaker, in my view, is proof of the effectiveness of that institution as a secure institution capable of identifying these sorts of problems in this setting. I have publicly commended the officers concerned for having acted so quickly and discovered those drugs.

Mr Speaker, I do not think there is any adverse inference to be drawn from that incident with respect to officers of the PDC. As I say, in respect of a number of the other allegations made in particular by an officer of the Corrective Services, the police response indicated that the allegations against a number of people, including those in Corrective Services, were quite without foundation. I think we should be relieved as a community that that finding was made.

MR SPEAKER: Before I call Mr Kaine I would like to acknowledge the presence in the gallery of members of the University of the Third Age. Welcome to your Assembly.

ACT Drivers

MR KAINE: My question, through you, Mr Speaker, is to the Minister for Urban Services, Mr Smyth. By way of introduction, my question has to do with driver behaviour in the Territory. I think we could argue that we have probably the best arrangements that you would find anywhere in Australia. We have good roads, we have a competency-based driver training scheme and we have driver awareness programs. On the penalty side, we have some pretty harsh penalties for misbehaviour. We have made it more difficult for people to get their drivers licences back once they have lost them. Yet empirical and anecdotal evidence suggests that we have a very poor driving record. You have only to go out on the roads yourself to see people speeding and running red lights. They tailgate and generally behave in a reckless fashion. That, of course, is beginning to reflect in a higher than previous fatality rate, and I think it is reaching proportions that are of major concern. Having regard to all that background, Minister, have you, perhaps in conjunction with the Minister for Justice, developed any kind of a strategy to bring home to Canberrans their responsibilities when they are on the road and to enforce the good legislative regime that we have in place? I think that enforcement is probably the missing ingredient.

MR SMYTH: Mr Speaker, I thank Mr Kaine for his question. It is timely that he should ask such a question, given the results of the survey that AAMI, the insurance company, have done that would suggest that we have some of the worst drivers in the country. It is curious that on - - -

Mr Moore: No, they don't say that. The results of the survey in every capital city in Australia were the same.

MR SPEAKER: Order! Mr Smyth is answering the question.

MR SMYTH: It is curious, as Mr Moore points out, that similar headlines ran in every capital city that same day that they also had the worst drivers in the country. The AAMI survey - and it confirms some information that we also gather through the Department of Urban Services, through road user services - does indicate that we tend to drive too fast and to push the rules to their limits. You are quite right in regard to things like tailgating and running red lights.

Mr Humphries' department and mine have set up a committee that will look at the issue of enforcement. Ideally, one would hope that, as you have already so ably pointed out, an education system would encourage people to drive properly, and indeed the new attitudes program that we are implementing is aimed at education. In terms of encouragement and reminding people of their obligations, we are currently running a series of ads on the television. There is a theme every fortnight. That will look at things like speeding, running red lights, not wearing a seatbelt, drink-driving, et cetera.

But you then get to the point where you have to question whether or not enforcement is an issue that we have to look at. Indeed, the AAMI survey would suggest that enforcement is something that is lacking, particularly in terms of running red lights. With that in mind we are investigating new technologies, particularly speed cameras and red-light cameras, to ensure that our road system is the safest road system that it can be.

MR KAINE: I have a supplementary question, Mr Speaker. Minister, I know that every time something like this comes up we are told there is a shortage of police and resources, but it seems to me, from my own observations, that if we had a police presence on some of our major arterial roads in peak hours when people are travelling to and from work they would have a wonderful time, and they would pick up a lot of revenue as well. Just driving to work and driving home at night I see all kinds of reckless behaviour, but there is never a police presence in sight. It might be more valuable if police resources were reprogrammed in some way so that, instead of being on the sides of streets at 11 o'clock at night picking up people for drink-driving, they were put on the sides of roads at 8.30 in the morning to pick up people for reckless driving.

MR HUMPHRIES: As Minister for Police, I might take that question. There is certainly an issue about the best deployment of traffic police. There has been a continuous reassessment, almost on a daily basis, about the best way of being able to deploy traffic police. I have been out with traffic police on a number of occasions to see the work that they do and to try to get a feel for the effectiveness of the work that they do.

I think it is true to say, Mr Speaker, that they take the view that they have two roles. They have a role in deterring general bad behaviour on the roads and they have a role in being able to be there when the most serious and dangerous incidents take place. There are certain places where the police will often, for example, wait in a marked or an unmarked car to pick up people drinking and driving. That presence, I am told, is often very effective in terms of being able to pick up a high rate of people coming out of particular drinking establishments who are drinking and driving.

But they also take the view that too much of that thing is good for revenue but is not actually good for establishing a high presence on the streets of Canberra. They have, therefore, focused on relatively high profile exercises in, for example, random breath testing, to try to discourage the ordinary citizen of Canberra who would rarely be in this position from considering lapsing into careless behaviour because they see police cars at the side of the road. Police are conducting, on average, several hundred random breath tests in the ACT each week and, on some days, they conduct several hundred by themselves. So we are getting a good coverage of those things. They are very often taking place in locations where the police actually expect to get not many hits but to be seen by a large number of people. I support that strategy.

I will discuss with the police the question of whether there should not be more presence in peak-hour traffic, Mr Speaker. I have seen lots of bad behaviour in peak hour as well. Obviously bad behaviour or bad driving during that period can lead to quite serious consequences. If there is a crash and a pile-up occurs, obviously the potential for damage is quite high. I am told that sometimes traffic patrolling in those circumstances is not as effective as it might seem because, for example, having a squad car in the middle of a long stream of traffic does not necessarily have a large impact on all of that traffic. Those within sight of the squad car could certainly change their behaviour but those that are out of sight will not. I will raise that issue with traffic police, Mr Speaker, to see whether a higher profile can be taken during peak hours.

ACTEW - Contracts

MR QUINLAN: Mr Speaker, my question is directed to the Acting Chief Minister. Further to my yet unanswered question of yesterday, in relation to contracts for ACTEW executives, can the Assembly be informed, in a general sense, so as not to risk the Acting Chief Minister scuttling behind the old commercial-in-confidence defence, of the approximate salary increases received by ACTEW executives as part of the renewal of contracts, despite the quite well-developed existence of a scoping study with a view to selling ACTEW?

MR HUMPHRIES: I thank Mr Quinlan for that question. I can go through it and provide more information about the matter. Mr Speaker, I table a letter from the chief executive officer of ACTEW to me, which I received today. In that letter he explained that there were some recent renewals of executive contracts within ACTEW, making those contracts operative for a period of five years. I will not read the whole letter, but he pointed out that the contracts were effective from 1 July this year. They resulted from a survey undertaken by Cullen Egan Dell, a job sizing survey, in which new contracts were signed. These were not five-year contracts from nothing. They were five-year contracts which replaced existing four-year contracts. So they amount to a one-year extension of existing contracts for, I understand, eight executives in the ACTEW executive. They resulted in salary increases for at least some of those officers, and they have been adjusted, according to this letter, to a point where general managers in ACTEW are now paid some 15 per cent below the industry average for comparable positions - according to Mr Mackay.

Mr Stanhope: How much is that?

MR HUMPHRIES: I do not have a dollar figure. The dollar figure is not referred to in this letter, but that is the figure that is referred to.

Mr Mackay pointed out that the decision to renegotiate those contracts was made by him as chief executive officer, without consultation with the Chief Minister, because, in his view, it was a relatively small adjustment to existing contractual arrangements and because discussions in relation to the contracts were well advanced at the time that the caretaker provisions were imposed on or about 14 July this year. Mr Speaker, he also pointed out, in relation to those contracts, that the staff who have benefited from the increased contracts are not in the same position as staff who are subject to the 12-month employment guarantee. Those staff, as the guarantee implies, are unable to be retrenched for a period of at least 12 months. The executives on these contracts could be retrenched, for argument's sake, the day after a private owner may acquire ownership of ACTEW. Mr Speaker, these increases, I am told, were, on average, less than 10 per cent of their existing salary. Again, I do not know what the dollar figure is, but, on average, they were less than 10 per cent.

Mr Speaker, I do not rise in this place to defend the granting of extensions to those contracts. I think that in the present circumstances the imagery could be seen as unfortunate, with other workers not receiving increases. I am doubtful that there would have been an immediate response in favour of such a proposal had there been consultation with the ACT Government. But, nonetheless, Mr Speaker, that decision was made without consultation with the Government and the information contained in Mr Mackay's letter sets out the circumstances of it.

MR QUINLAN: I ask a supplementary question. Can the Acting Chief Minister advise whether there are any other valuable employees at ACTEW who have enjoyed any significant, up to 10 per cent, salary increases in the interests of maintaining the value of the asset? I think that is an assertion ascribed to you in today's local newspaper.

MR HUMPHRIES: Mr Speaker, I am not aware of any other workers who either are going to get or have received increases. I do not think the terms of the caretaker arrangements we have asked ACTEW to observe prevent some wage increases, but they do certainly require ACTEW to consult with the Government on things like EBA negotiations which cover, I would think, most of the workers of ACTEW. As I say, I am not aware of any increases to be granted or that have been granted to workers at ACTEW.

Disability Services Advisory Committee

MR RUGENDYKE: My question is to the Minister for Health and Community Care, Mr Moore. Minister, the Disability Services Advisory Committee is a body which gives the disabled community a voice to your department. At the end of the recently completed financial year, the former chairman, Mr Ian Trehwella, completed his term. Can you advise the Assembly who the new chairman is and whether the committee has met since the start of the current financial year?

MR MOORE: Thank you, Mr Rugendyke. What a timely question indeed! I spent basically all of lunchtime with somebody from my office discussing the very issue of appointments to the Disability Services Advisory Committee. No, I have not reappointed anybody to the advisory committee. I have asked the Department of Health and Community Care to provide me with a series of advices about how to deal with advisory committees. Less than an hour ago, I determined that with each of these advisory committees - there are a number of them within the Department of Health and Community Care - I would wish to meet with them at least three times a year. There are some conditions that I would like to look at in terms of each of them and I have asked my office staff to arrange a meeting with the chairs of each of my advisory committees. I did that literally only a few minutes ago.

In terms of the Disability Services Advisory Committee, I have a list of possible names of people to go on the committee and I am debating what is the best way to deal with it. I believe that the person you have spoken of has provided very good service and I need to make a decision as to whether I think that that should continue or that it is time for a fresh approach, which in no way diminishes the value of the contribution he has made. I am of the view that, after a term or two terms in such positions, it is probably time to give somebody else a try so that we get a fresh view. I am working on that at the moment.

You also asked about when they had last met. To the best of my knowledge, they have not met since that time.

ACTEW - Contracts

MR HARGREAVES: My question is also to the Acting Chief Minister. Minister, can you tell us whether it is true - I am referring a bit to this document, for your assistance - that some of the senior executives of ACTEW who have had their contracts renewed for five years actually had two years or more to run on their contracts? Is it true that none of those people who have had a so-called renewal of their contracts have actually had their four-year contracts expire?

MR HUMPHRIES: The extent of my information is coextensive with what is in this letter from Mr Mackay. He says, in the third paragraph:

In virtually all cases this meant that contracts were extended from their existing four-year period to a five-year period.

I understand that there were eight contracts; so I interpret the words "virtually all cases" to mean that there were one or possibly two exceptions to that statement that there were four-year contracts extended to five years. I do not know exactly how many might have been in some different position, but I assume from this that there were some.

Mr Kaine: Were there four years still to run or were they just four-year contracts?

MR HUMPHRIES: I do not know. I know that there was a four-year contract afoot which was converted, as I understand it, to a five-year contract. He says, “existing four-year period to a five-year period”. However, I will get further information about that and supply it to Mr Hargreaves.

MR HARGREAVES: Thank you, Minister, for that. Can you also confirm - I think I heard it said, but I would just like you to confirm it for me - that the Government now does not condone the issuing of these rather generous contracts, five-year contracts, to senior executives while other members of the staff there have been guaranteed security only for 12 months? Can you also tell us what conditions would apply to those executives who, in your words, did have their contracts cancelled, say, five minutes afterwards? What sorts of compensatory provisions, separation provisions, would apply?

MR HUMPHRIES: Mr Speaker, I could not answer the second half of that question. I would have to obtain information about that. I point out that there is a second round of estimates coming up very soon and Mr Hargreaves might be able to get more information about that at that point. As I say, I do not know the answer to the second half of that question. As far as the first half of the question is concerned, I chose my words very carefully. I repeat: The Government was not consulted about the extensions. It could be said that the imagery of providing those extensions in the context of the present debate is unfortunate and I doubt that the Government would have provided a swift affirmative response to the chief executive or to ACTEW had it consulted the Government before making those extensions.

Mr Stanhope: Did you tell him that?

MR HUMPHRIES: I have not spoken to him, Mr Stanhope.

ACTEW - Sale

MS TUCKER: My question is directed to the Acting Chief Minister and relates to the sale of ACTEW. The Government’s decision to sell ACTEW was influenced by the advice contained in the ABN AMRO report; yet the Government’s review of this report by David Hughes pointed out that the report had a number of shortcomings. In particular, Mr Hughes notes that the discussion of which option best meets policy interest, consumer business and employee objectives could have been done more comprehensively. Given these inadequacies, will you be requiring the consultant to do further work on these aspects of this report or commissioning further studies to deal with these issues?

MR HUMPHRIES: Mr Speaker, there are two ways of approaching that issue. One is to seek further studies and further work, either to obtain the same consultant’s further work on it or to get other consultants to do that kind of work. Mr Speaker, I think that the issue is such a complex one and such a large one that it would be literally impossible to endlessly obtain new information on this subject, quite literally never come to the bottom of the well, if one descended down that path.

Mr Speaker, it is quite possible, were we a government prone to want to dither over such matters, to construct a scenario where we never had to make a decision on this matter. There are, I have to say to Ms Tucker, some very attractive angles in not making a decision on this matter, because, as I said this morning, I do not pretend that a decision of this kind is a passport to popularity. But, Mr Speaker, I will say this to Ms Tucker once again, as I have said many times before: We have put on the table a proposal and a timetable around that proposal because we believe that the problem facing the ACT warrants that degree of urgency; not because we have made up in our own heads some imminent problem, some imminent deadline, but because we have been told by among the best possible consultants in this field that that is the fact.

I come back to what I said the other day. Governments have been known to fall on ignoring advice of that kind of a much less serious nature. If the setting were reversed and there was some urgent advice, for example, about an imminent environmental crisis and we chose to ignore the advice of that kind that was coming through from very reliable expert sources, we would be condemned by, among other people, Ms Tucker for ignoring the evidence coming forward in that way. We are not going to do that, Mr Speaker. The advice has been extensive, expensive and, I think, fairly comprehensive.

Mr Corbell: And flawed.

MR HUMPHRIES: Those opposite have had to say that the advice is flawed because their position all along has been that privatisation is wrong. It follows that they have to find some way of being able to say that these pre-eminent experts in this field, the largest merchant bank in the world, as I understand it, somehow do not have the wherewithal to put together a comprehensive and accurate report. Those opposite have to say it, otherwise they are left in the position of saying, "The evidence is this, but we are going to say, notwithstanding it, that".

Mr Speaker, we do not have the luxury of resorting to that little intellectual device. We have the responsibility of offering good government to this Territory as best we can perceive it. That imposes on us, I believe, an obligation to act where the public interest demands. Mr Speaker, we propose to do so. We have set out a timetable for that. We have allowed for what I think is reasonable public discussion and Assembly information-gathering over that period of time and we will propose to the Assembly in December that a decision be made on that matter.

MS TUCKER: I have a supplementary question, Mr Speaker. I take that to be a no to my question. Was that a no?

Mr Humphries: Yes, I did say no, Ms Tucker.

MS TUCKER: Okay. You have just said that you believe that you have a responsibility to have good government. I am just curious to know how you can actually fill that responsibility when you are reluctant to look at the impacts on consumer business and employee objectives. How do you reconcile that with your statement about endless information and a bottomless well? Are there any factors that you believe have not been adequately addressed in the reviews that you have undertaken to this point?

MR HUMPHRIES: Mr Speaker, I am saying that I have a different frame of mind from Ms Tucker. I do not believe that it is open to governments to have every conceivable piece of possibly relevant information at their fingertips before they make a decision. I think I can say after sitting in this place with Ms Tucker for the last four years that she would probably say that she did want every relevant piece of information before her before making a decision. I would like to be able to be in that position, but I cannot put myself in that position, nor can any government in that setting.

Mr Speaker, I think we have obtained as much information on this subject as any government in Australia which has previously undertaken a task of privatisation. In fact, I would be fairly certain that we have been more comprehensive about this than any other government that has gone down this path before. I am open to being contradicted, but I do not think that I will be. Yes, I think that it would be nice, it would be valuable, it would be of interest and value to the community, to the Assembly and to the Government, to have further work done on things like environmental impact, social impact and budgetary impact, but I know of two areas where the impact is going to be extremely great if we make the wrong decision.

One is on the future operating viability of ACTEW. If we do not act to protect that asset, we run the risk that the dividend will decline sharply in the coming few years and the value of that asset to the people of Canberra will diminish. The second thing is that I know that the capacity to provide a sum of money to deal with our superannuation problem is adversely affected by a failure to make the right decision. That is why I believe that we need to use that information to make this decision, not every other piece of information which may or may not be relevant.

ACTEW - Privatisation Seminar

MR CORBELL: Mr Speaker, my question is to the Acting Chief Minister. Can the Acting Chief Minister confirm that senior executive officers in the Chief Minister's Department were required to attend a seminar last Friday afternoon on the privatisation of ACTEW? Can the Acting Chief Minister tell the Assembly who conducted the seminar and, if possible, how much it cost to run, which staff were required to attend and why? Further, Minister, were staff on paid time and for how long did the seminar go last Friday afternoon?

MR HUMPHRIES: Mr Corbell will hardly be surprised to hear me say that I will take that question on notice.

MR CORBELL: I have a supplementary question, Mr Speaker. I appreciate that the Acting Chief Minister would not be across everything that is going on in the Chief Minister's Department; in fact, he does not seem to be across much at all. My supplementary question is: Is it not true, Acting Chief Minister, that requiring public servants to attend this exercise on privatisation sends a very clear signal that the Government is not interested in objective advice provided without fear or favour, but indicates to all senior executives that the Government is determined to make sure that nothing gets in the way of its privatisation agenda? Chief Minister, is this not just a politicisation of the Public Service to suit the Government's agenda?

MR SPEAKER: It is getting awfully close to an expression of opinion, Mr Humphries.

MR HUMPHRIES: I think that it is a stupid question, Mr Speaker. I simply say this to it: This Government will continue to provide information to people about what it is that the Government is trying to do, both within the Government's ranks and outside it. If that is a crime, Mr Speaker, then we certainly stand guilty of that.

Southside Youth Refuge

MR OSBORNE: My question is to the Minister for Education, Mr Stefaniak. I have given him some notice of this question, Mr Speaker. Minister, you may recall some questions I asked you towards the end of last year regarding an incident at the Southside Youth Refuge in Kambah. Just to refresh your mind, towards the end of September last year the board of that refuge suspected that something was going on there in regard to some funds and eventually called in the police. I believe that three of the staff were sacked and the police began an investigation to see whether criminal charges should be laid against those staff. Minister, I certainly do not want you to mention any names, but you did indicate at the time that the police inquiry was ongoing. As a year has elapsed since this incident, could you inform the Assembly whether the police have concluded their inquiry? What is the current situation in regard to the Southside Youth Refuge?

MR STEFANIAK: Thank you, Mr Osborne, for the question. I certainly will not be mentioning any names, but I understand that the police were called and investigated a number of allegations. A number of other matters have occurred over the course of the last 12 months in relation to that, including some problems which will result in some matters being heard in the Industrial Relations Court in February 1999. In relation to the police investigation, I am advised that they have taken some action. No doubt, those matters will be dealt with in due course as a result of the action that the police have taken. In terms of the operation of the centre, apart from two weeks when the centre was actually being painted, I understand, and closed for maintenance, it has maintained its responsibilities in terms of young people.

MR OSBORNE: Minister, I understand that the Government is considering tendering out the running of the Southside Youth Refuge on a similar basis to the Erindale and Tuggeranong youth centres. Can you confirm whether this is true?

MR STEFANIAK: Yes, Mr Osborne, I understand that there is an interim management committee which it is proposed will remain until such time as a tender has been successful. I also understand that the issue of the tender is quite satisfactory in terms of the management committee. That committee will continue in place as an interim committee until such time as the tender is successful.

University of Canberra - Bar

MR WOOD: Mr Speaker, my question is to Mr Humphries. Minister, do you accept the comments of the University of Canberra's vice-chancellor, Don Aitkin, reported in this morning's *Canberra Times*, that your letter to him about supposed plans to operate a 24-hour university bar was, in his words, "extremely peremptory" and "outrageous" and that your letter suggested that "the university is a minor part of the ACT administrative machinery" rather than "an autonomous higher-education institution"? Do you accept those comments? Secondly, do you now regret the way you approached this matter?

MR HUMPHRIES: Mr Speaker, I am not going to comment in detail on Professor Aitkin's letter, but I certainly do regret having suggested to him that the university bar or bars intended to trade on a 24-hour basis. That information, apparently, was quite unreliable. It just goes to show, Mr Speaker, that you cannot rely on everything that you get asked in question time in this place. Mr Speaker, I think with hindsight that I would agree that the letter I wrote to Professor Aitkin was inappropriate. I have already written back to him - yesterday, in fact - to indicate that. When I have a chance, I will speak to him and convey that information.

MR WOOD: I have a supplementary question. Given some of your remarks in an earlier debate today, will you now re-examine your own style of doing things and perhaps change this undesirable approach?

MR SPEAKER: That could almost come under Executive policy. I would have to rule it out of order, then.

MR HUMPHRIES: I think he has asked me to announce government policy, Mr Speaker. I am not prepared to do that.

Superannuation

MR BERRY: My question is to the Acting Chief Minister. On Monday the Acting Chief Minister issued a media release stating the preferred position of the Government with regard to the ACT's superannuation liability. Can he now say, firstly, whether he has decided to totally ignore the options and recommendations of consultants Towers Perrin by presenting only two alternatives to the sale of ACTEW and, secondly, whether the information in his media release means that the Government will make an effort to address the unfunded liability only if the Assembly agrees to sell ACTEW?

MR HUMPHRIES: Mr Speaker, as far as the options in Towers Perrin are concerned, the Government has clearly identified what it believes is the most effective way of dealing with the options. Obviously, we have considered all the options which have been placed before the Government in that document and other documents, and we will continue to assess ways of dealing with this issue, but we have identified what we believe is an effective way of doing so. In fact, I think I heard Mr Smyth in the debate this morning point out that, since succeeding generations of Canberrans have both built up the

asset which is ACTEW and also to some degree built up the liability which is our superannuation debt, it is appropriate to offset one against the other. Some see this as being inappropriate; but, Mr Speaker, I think there is a high degree of social justice, to use a term Mr Berry might be familiar with, at least rhetorically, in being able to identify a solution based on that ground. I think it is only appropriate to ensure that we look at those options.

I think you asked whether we would be addressing the liability of superannuation if we did not have the sale of ACTEW at hand. As I said this morning, we have to address both of those issues, and I suspect that we would take this course of action if one or the other of these imperatives was standing before us. But both imperatives are standing before us. Therefore, we propose, Mr Speaker, to take this action on both grounds.

MR BERRY: Given that the Government requires its agencies to contribute \$340m to the Superannuation and Insurance Provision Unit over the next three financial years, yet has foreshadowed in the budget papers that \$150m of that contribution will flow back to general government use, how can the Acting Chief Minister explain how the community can be sure that the \$700m that the Government says will be applied to the Territory's superannuation liability from the proposed sale of ACTEW will, in fact, be applied to that liability?

MR HUMPHRIES: That is a question of government policy, and if government policy is to apply the proceeds of the sale towards the - - -

Mr Berry: Government policy can change.

MR HUMPHRIES: Yes, it could. It could, Mr Speaker; it certainly could. If Mr Berry, by saying that, is indicating the possibility of, say, a future Labor government - let us call it a Quinlan government, for argument's sake - deciding to raid this fund for the purposes of short-term budgetary requirements, then it would be open to them to do so, unless the Assembly took some step to protect that asset - - -

Mr Stanhope: Will you rule it out? Rule out that you will not do it.

MR SPEAKER: Order!

MR HUMPHRIES: I could say, Mr Speaker, as far as this side of the chamber is concerned, that we absolutely rule it out - absolutely - because we have - - -

Mr Berry: So, we will just have it sitting there in a big lump. How much did you take out this year?

MR SPEAKER: Mr Berry, you asked the question; you are not answering it.

MR HUMPHRIES: Mr Berry is very interested in asking the question and not getting an answer. The answer is, Mr Speaker, that under - - -

Mr Stanhope: We just want a full answer.

MR HUMPHRIES: You have had a full answer, Mr Stanhope. To every answer we give in this place, Mr Speaker, the response is, “You have not answered the question”. Mr Berry can repeat that mantra, but I will simply say to the house, as I have said before, that we are interested in protecting the Territory’s future financial position by covering that superannuation liability.

We, unlike the Opposition in this place, have indicated a strategy for dealing with that, and the utter political bankruptcy of saying that the problem is not serious, that it can be managed on some sort of cash flow basis or that it is simply a question for future governments to consider is, I think, reprehensible in the extreme. I repeat my challenge to those opposite to match this Government’s honesty in putting a proposed solution on the table and to show us the colour of their money on that issue. If they think that we have the wrong solution, Mr Speaker - - -

Mr Moore: They accrued the superannuation liability.

MR HUMPHRIES: Yes, that is right. The people opposite were in office for five years and the rate of accrual was enormous during that period, but and you did nothing about it. We know what your approach is. We know what your strategy is. Why should we expect that you have a solution to this problem when you are not prepared to put it on the table? We are entitled to assume that you have no solution. You want to beat the Government over the head because it is prepared to take this course of action. We are covering up for your mistakes in the past by putting in place a strategy to deal with the rising superannuation and you complain about it. Mr Speaker, the fact is that Mr Berry does not understand, despite having had it explained to him many times, the flow of superannuation within the budget papers. The budget papers show a full recognition of the total liability and the biggest payment ever of \$200m over four years. Mr Berry does not understand that. I can see why - - -

Mr Berry: Tell us about the leakage.

Mr Stanhope: Tell us about the leakage. Tell us.

MR SPEAKER: Order! If interjections continue, somebody is going to be warned and, I guess, ultimately named.

MR HUMPHRIES: Mr Speaker, I can see why Mr Berry, as the alternative Treasurer at the last election, was rejected by the people of the ACT. They knew what his financial competency was. “Working Capital” gave that to him pretty much in spades. Mr Speaker, he is again showing his lack of understanding of these issues by his question and the comments he has made today.

ACTEW - Customer Base

MR HIRD: I address my question to the Acting Chief Minister, Mr Humphries. Can you explain how ACTEW's customer base is being affected in the deregulated electricity industry? What effect is this likely to have on a government-run utility?

MR HUMPHRIES: Yes, I can, and I thank Mr Hird for that question. There is no doubt that we are entering a highly-competitive market for electricity at the present time - an era in which electricity suppliers will face a high degree of uncertainty. That is unfortunate for electricity suppliers, but I think it is worth pointing out that electricity consumers are likely to stand to gain very handsomely. That is an essential point, Mr Speaker, which I think has been lost so far in the debate about ACTEW. With increased competition comes increased attention to consumer satisfaction, to wider choice and, importantly, to competitive price structures.

Do not take my word for it. Look at the experience with the privatisation of other major government utilities in the last few years. Who recalls the dark ages in Australian telecommunications when Telstra - Telecom, as it was then known - had a telephone service monopoly in this country. We thought very little in those days of paying \$3 a minute to call relatives in the UK, the US or New Zealand because that was the going rate, the only rate that the monopoly provider, Telecom, provided. But we have had competition. Optus and other providers have entered the marketplace. The result is that we now can get phone calls for as little as 48c a minute to the US and 45c a minute to New Zealand.

That happened because of the Labor Party, Mr Speaker - a Labor Party prepared to privatise when it was in the public interest. Mr Stanhope and Mr Quinlan know that because their faction in other branches of the Labor Party around Australia are involved at the present time and have been involved over the past with major exercises in privatisation - the Commonwealth Bank, Qantas, OTC and a whole host of other important Commonwealth government enterprises. Consumers have been big winners in that process. They have got the benefit of those processes. Retail contestability in the Australian context is being phased into the electricity market, Mr Speaker.

The latest figures indicate that ACTEW is losing more customers than it is winning. I know that members opposite do not like the idea of sites or businesses being talked about, so I will go with some other term. It has lost contracts to supply 167 gigawatts of energy and in its place it has won contracts to supply just 80 gigawatts of energy. It has gained less than half the number it has lost. That is not because ACTEW's quality of service has been substandard, because it has not been. ACTEW has been a very good supplier of services and a quality of service. Why have they lost those customers, Mr Speaker? Because of price. Price is a very key issue in the market. ACTEW on-sells electricity from elsewhere. It is, to some extent, a victim of the prices being charged elsewhere. ACTEW cannot on-sell electricity cheaper than it is paying for it unless, of course, it gets a government subsidy. Members opposite have already told us that they want ACTEW to be subsidising us, not the other way round.

Mr Speaker, a survey by Ernst & Young and Sinclair Knight Merz that was published in *Business Review Weekly* this week showed a very interesting result when it comes to customer loyalty in that area. It found that electricity customers feel very little loyalty to their local networks when it comes to buying services. Bear in mind that within 24 months ACT residential customers will also be floating customers, like phone purchasers before and other people, able to purchase electricity from people other than ACTEW. That survey found that the price was an overriding impetus prompting customers to switch power contracts and already 50 per cent of customers surveyed across Australia had signed contracts with alternative suppliers. Of the 200 customers surveyed, 38 per cent were reporting savings of at least 30 per cent on their power bills. Mr Speaker, I ask members of this place to ask themselves this question: If it is possible to obtain savings of that kind from other suppliers in the retail market when ACTEW is open to residential competition, do people seriously imagine that the people who are busily signing off these petitions on ACTEW will not move over to the new suppliers when they get that competitive price edge? Of course they will. Thirty-eight per cent of customers on top of that first 38 per cent were saving between 15 and 30 per cent. The *BRW* article quotes Mark Green as saying:

Generators are being squeezed by low prices in the wholesale electricity market and retailers are getting zero or negative margins.

What that means, Mr Speaker, is that ACTEW, as a retailer of electricity, can expect to get a zero or a negative margin as it competes to retain current business or bid for new businesses.

Mr Smyth: Can you run a business with a zero margin?

MR HUMPHRIES: It is not very easy, Mr Smyth, not very easy at all. For one thing, it means that your dividend as a shareholder goes down. It goes down really fast, Mr Speaker, and the benefits of retention by a shareholder are pretty marginal, if they exist at all. Mr Speaker, ACTEW's market is being eroded already and, as I say, we have not yet hit the big hurdle, which is the residential market hurdle. When the residential market is open to competition, the asset that those people opposite seem to think is so valuable is suddenly going to be subject to such fierce competition that it is going to be very hard indeed - in fact, it is almost inconceivable - for ACTEW to be able to retain all the customers it now has.

Where is it going to obtain the money to provide the dividends it now does, without all those customers? Mr Speaker, perhaps the ALP would prefer to retain ACTEW as a monopoly with a status which it enjoyed in the past, not to allow other people - - -

Mr Quinlan: You can.

MR HUMPHRIES: Mr Quinlan says that it can. It could have, except for the deal reached in 1994 by the Follett Government to open up the market to competition. When that deal was reached, the capacity of ACTEW to remain insulated from competition ended, as of that date. So, Mr Speaker - - -

Mr Quinlan: This is misinformation, which he was talking about earlier today.

MR HUMPHRIES: No, it is not. Your party opened up competition by agreeing to the national competition principles agreement. Your party opened that up. The consequence is that we now have to accept competition for ACTEW.

Mr Corbell: Will the wires be a natural monopoly?

Mr Quinlan: A perpetual act of misinformation.

MR HUMPHRIES: You can shout me down all you like, Mr Corbell, and you can shout me down all you like, Mr Quinlan, but it is not going to change the fact that these are realities in our marketplace, affecting us now as far as commercial suppliers are concerned and in the very near future as far as residential suppliers are concerned. I am concerned to make sure that, while we have value in an asset, we can turn it to the advantage of the people of this Territory. I, as a member of the Government, will act to protect that asset. Mr Speaker, the community will be grateful, I think, if in the long term we are able to protect the value of the asset to meet oncoming liabilities.

MR HIRD: Minister, I heard you talk about superannuation and ACTEW. A lot has been said about it. My supplementary question is about the large amount of superannuation debt which has accrued over a number of years. Has the Opposition come up with any solid idea as to how this debt can be met, or is it just a lot of talk and no action? Is it the fact that the Government is acting according to the only avenue that it can take?

MR SPEAKER: The question is out of order, because the matter does not fall within the Minister's portfolio responsibility. You may be saddened, but that happens to be the truth.

Mr Humphries: I ask that any further questions be placed on the notice paper.

Calvary Hospital

MR MOORE: Yesterday Mr Hargreaves asked me a question about Calvary Hospital. It had nothing to do with the fact that we had no superannuation liability at the beginning of self-government and that it was created by those opposite. He asked whether I could find out how many public beds had closed at Calvary Hospital and whether the decrease in public beds was equal to the increase in private beds. I think that was the nub of the question.

The answer is as follows: Calvary has 50 medical beds within the total of 162 public beds. Since December 1997, Calvary has varied the number of medical beds actually in use, in line with demand. At present they are using 36 of the nominal 50. A number of the beds not being used by the public hospital are used by the private hospital for overflow admissions, but there is no matching of public beds closing to private ones opening.

The number of medical beds currently being used by the public hospital is matched to the level of medical cost weights Calvary have contracted to deliver over the financial year and to clinical demand. In other words, the number of beds in use reflects the expected total of throughput for the year, but it is flexible to cope with seasonal variations that may occur - given that medical admissions are rarely booked; they are non-elective. This is very similar to the answer I think I gave yesterday.

At present - end of September figures - Calvary is under its notional year-to-date target for medical patient cost weights and has experienced no excess pressure on the beds in use. In other words, Calvary is meeting community demand with the available beds, and the level of community demand is more than adequately provided for by the level of cost weights purchased by the department.

Periodic Detention Centre

MR HUMPHRIES: Mr Speaker, yesterday Mr Berry asked me a question in relation to a report to me by police upon the conclusion of their investigation into allegations of corrupt conduct by custodial staff at the Periodic Detention Centre. I undertook to seek advice on two aspects of the question and the investigation. Before I add those details, I should inform members, as I informed them during question time, that there is an ongoing Public Interest Disclosure Act investigation by the Auditor-General. In addition, the names of parties involved in proceedings before the court over this matter are still suppressed by court order.

Mr Speaker, I hope soon to be in a position to table a letter to me from the assistant commissioner which deals with this matter. The advice I have received is that tabling the report as it was initially provided may be at least prejudicial to a person against whom no adverse finding had been made by the courts. I have asked for a report to be produced for the information of members, and I will table that document at the earliest opportunity.

Secondly, Mr Berry asked me to confirm that two officers had no involvement in the investigation. Mr Speaker, I have studied fully my words in answers to previous questions in this place. I do not believe I have made such a statement in the Assembly to confirm. Nevertheless, I am happy to table advice from the director of Corrective Services about the involvement of two staff members in the investigation. I should point out that at the time I made such a public statement the investigation had been handed over to the police and the Auditor-General now that those two officers had no further involvement in the investigation.

Both officers, as the brief I will table reveals, declared knowledge of the accused officer. In one case the director felt that because there was an ongoing financial relationship it would be inappropriate for that officer to be involved in the investigation. That officer was identified as "Y" in the briefing I will table. The second officer, known as "X", knew the accused custodial staff member, as I would expect he would in an organisation the size of ACT Corrective Services. The director decided that there was no conflict of interest. In any case, further investigations were undertaken by the AFP. I table that briefing for the information of members.

The conduct of this matter by ACT Corrective Services remains a question before the Auditor-General, and I do not think it appropriate to add anything further than the information contained in this briefing until the Auditor-General has reported to the Assembly.

AUTHORITY TO BROADCAST PROCEEDINGS
Paper

MR SPEAKER: I present, for the information of members and pursuant to subsection 8(4) of the Legislative Assembly (Broadcasting of Proceedings) Act 1997, an authorisation to broadcast given to a number of television and radio networks in relation to proceedings of the Assembly for Wednesday, 28 October 1998, concerning the motion on Downer Preschool.

CHIEF MINISTER'S PORTFOLIO - STANDING COMMITTEE
Report on Review of Auditor-General's Report No. 5 of 1997 -
Government Response

MR HUMPHRIES (Acting Chief Minister, Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (3.35): Mr Speaker, I present, for the information of members, the Government's response to the Standing Committee for the Chief Minister's Portfolio Public Accounts Committee Report No. 3, entitled "Review of Auditor-General's Report No. 5, 1997 - Management of Leave Liabilities", which was presented to the Assembly on 24 June 1998. I move:

That the Assembly takes note of the paper.

The committee's report was tabled in the Assembly on 25 June 1998. The Government's response was referred to the chair of the committee at the end of September 1998. Unfortunately, some administrative delays in the development of the response meant that the Government was unable to table the response within the usual three-month timeframe. I regret any inconvenience that may have been caused to members.

The Government acknowledges the importance of the active management of leave liabilities and notes that guidelines reinforcing this principle were issued to all ACT Public Service agencies earlier this year. These guidelines will assist agencies to develop better leave management practices and reaffirm the Government's position that chief executives are responsible for the day-to-day management of agency costs and employment conditions. Agencies are being encouraged to negotiate directly with staff on further improvements to leave administration. The Government does not intend to introduce a more centralised system of leave management. It is also important to recognise that ACT leave entitlements and management provisions are similar to those of other jurisdictions and that there has been no suggestion that any ACT agency has acted outside the current legislative and industrial framework for the management of leave.

Question resolved in the affirmative.

URBAN SERVICES - STANDING COMMITTEE
Report on 1998-99 Draft Capital Works Program - Government Response

MR HUMPHRIES (Acting Chief Minister, Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (3.37): For the information of members, I present the Government's response to the Standing Committee on Urban Services Report No. 4, entitled "1998-99 Draft Capital Works Program", which was presented to the Assembly on 26 August 1998. I move:

That the Assembly takes note of the paper.

I wish to thank the committee for its work and cooperation in considering the draft program. Due to the timing of the 1998-99 budget this year, the committee's recommendations were unable to be considered by the Government in the lead-up to the budget. However, it was agreed that the recommendations supported by the Government would be implemented during 1998-99.

The committee made five key recommendations. The committee recommended that details be provided on the extent of community consultation associated with projects which did not make the draft capital works program. The Government does not agree with this recommendation, because to do so would severely curtail the Government's capacity to negotiate with the community. The business case for capital works currently requires agencies to identify all community consultation. This, however, will cover only those proposals brought forward for consideration in the draft program. It does not cover those proposals still being considered within agencies. To overcome this, we believe that by providing the indicative outyear proposals to the committee we have identified the bulk, if not all, of the proposals being considered by agencies for the next four years.

A recommendation was also made by the committee that the Government act urgently to ensure that the level of expenditure devoted to maintaining and rehabilitating the ACT's roads be appropriate to ensure that the value of the asset is maintained. A strategy is to be developed during 1998-99 covering all aspects of the Territory's transport network, including roads. This will identify key priorities and include maintenance, rehabilitation and new works. The Government's asset management strategy highlights a need to improve information on the condition of roads. Priority is also being given to enhancing the management information systems to support long-term planning decisions.

The committee also recommended that the proposed Belconnen leisure centre be built. Mr Speaker, the Government has not abandoned this project. We must, however, honour the obligations under the national competition policy agreement, agreed to by the former Follett Government, to address the formal complaints made. A study into the financial viability and public benefits of the pool is to be completed in January 1999. This will allow the Government to consider the study well in advance of the 1999-2000 budget. The study will be provided to the Assembly for consideration prior to any decision being made.

The Assembly has played an important role in improving the capital works arrangements over recent years. Further reforms are being planned for 1998-99. These focus on improving program formulation and accountability as well as program performance and reporting. The listing of indicative proposals provided to the committee this year will form the starting point for the development of future years' programs. The starting point will no longer be zero based. The outyear proposals will also be further developed. A reserve of key projects will be available to be substituted into the current year's program where existing projects are unable to proceed.

The business case guidelines are to be strengthened to include a more systematic approach for environmental assessment. This again will be developed from the principles outlined in the asset management strategy. All projects over \$250,000 will be required to be accompanied by a detailed project implementation plan. Reporting on the program both within the Government and to the Assembly will be enhanced. This will allow individual projects to be more easily tracked through to their completion. Construction and contractual arrangements will be reviewed during the year. Mechanisms will be incorporated to address time delays and cost overruns. These and other reforms will provide greater scrutiny and openness across the program. The size of the program, \$90m per year approximately, justifies a higher level of accountability to the Assembly and the community.

Capital works is one area where significant progress and improvements have been achieved. This has been achieved only through the assistance and cooperation of the Assembly. Mr Speaker, the Government hopes that we can continue these improvements into the future.

Question resolved in the affirmative.

AGENCY REGULATORY PLANS 1998-99

Paper

MR HUMPHRIES (Acting Chief Minister, Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer): Mr Speaker, for the information of members, I present agency regulatory plans for 1998-99.

GUNG AHLIN DEVELOPMENT AUTHORITY ACT - PALMERSTON 4 JOINT VENTURE

Paper

MR HUMPHRIES (Acting Chief Minister, Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (3.42): Mr Speaker, for the information of members and pursuant to subsection 10(3) of the Gungahlin Development Authority Act 1996, I present a statement of the particulars and reasons for the Palmerston 4 joint venture and move:

That the Assembly takes note of the paper.

The Gungahlin Development Authority was created by statute on 19 August 1996 and its principal objective is to ensure that the Gungahlin central area is developed in accordance with the principles and policies for that area set out in the Territory Plan in order to provide for the social and economic needs of the community. Subsection 10(3) of the Gungahlin Development Authority Act 1996 requires that, where the authority enters into an agreement for a joint venture, the responsible Minister table a statement setting out particulars of, and reasons for, the joint venture.

The Palmerston 4 estate site is bounded by Gungahlin Drive in the north and Kosciuszko Avenue in the west and is the only undeveloped area of Palmerston. The site will provide for the development of up to 230 dwelling units. In agreeing to develop the estate as a joint venture, the authority has undertaken a thorough analysis of the appropriate commercial, financial, legal, operational and risk issues. In addition to providing a financial return to the authority, the development of the Palmerston 4 estate will add to the critical mass of housing close to the town centre and offers the opportunity to develop a quality residential estate consistent with the standards of urban design in the Gungahlin central area and will provide a variety of housing types to meet market needs.

Question resolved in the affirmative.

PATIENT ACTIVITY DATA Papers

MR MOORE (Minister for Health and Community Care): For the information of members, I present the information bulletins relating to patient activity data for the Calvary Public Hospital and Canberra Hospital for August 1998.

MENTAL HEALTH SERVICES - REVISED STRATEGIC PLAN Paper and Ministerial Statement

MR MOORE (Minister for Health and Community Care): For the information of members, I present a revised whole-of-Territory strategic plan for 1998 entitled "The Future of Mental Health Services in the Australian Capital Territory". I ask for leave to make a statement in relation to the revised strategic plan.

Leave granted.

MR MOORE: Mr Speaker, I am pleased to table this printed version of the whole-of-Territory strategic plan for mental health. As you are aware, this strategic plan was tabled in June of this year. After consideration by the Standing Committee on Health and Community Care, some changes were made which strengthen the document. I outlined these changes in my tabling statement in response to the committee's report.

Since that time minor amendments have been made to the financial resources section to be found on pages 46 and 47. This section was correct at the time of tabling in June, but has since been updated with the final 1997-98 financial year information. The document has been debated on several occasions. I chose to table the whole-of-Territory strategic plan for mental health in order to bring the printed version and the minor amendment to the notice of members.

SUBORDINATE LEGISLATION

Paper

MR SMYTH (Minister for Urban Services): Pursuant to section 6 of the Subordinate Laws Act 1989, I present Subordinate Law No. 32 of 1998, being the Land (Planning and Environment) Regulations (Amendment) made under the Land (Planning and Environment) Act 1991 and notified in *Gazette* No. 42 dated 21 October 1998.

RURAL RESIDENTIAL DEVELOPMENT IN THE A.C.T. - DISCUSSION PAPER Ministerial Statement

MR SMYTH (Minister for Urban Services) (3.45): Mr Speaker, I seek leave of the Assembly to make a ministerial statement on the discussion paper "A Study of Rural Residential Development in the Australian Capital Territory".

Leave granted.

MR SMYTH: Mr Speaker, today I am releasing for community consultation an independent discussion paper on rural residential development in the ACT. The community will have a period of six weeks from 30 October to 14 December 1998 in which to consider the study and make comments. The discussion paper was prepared as part of an independent study for the Territory by an expert team of planning and economic consultants, TBA Planners, in association with Spiller Gibbins Swan and Planning Australia Consultants. The study was undertaken in the context of the Assembly's resolution of 28 May 1998 supporting the Government's commitment to rural residential development in the ACT.

As well as taking the Assembly's resolution forward, the study also forms part of the implementation of the Government's response to the Rural Policy Taskforce report. In particular, it moves forward the Government's response to the task force's recommendation on rural residential development. The task force recommended that where land not set aside for long-term primary production is identified for rural residential purposes it be subject to detailed planning and environmental management policies developed in consultation with relevant parties. This discussion paper has been prepared to meet these requirements. The consultants have been diligent in their consultation with key stakeholders and they have carefully examined suitable areas outside those identified for long-term agriculture.

The Assembly will be aware also that the study responds to the interests expressed by a number of those in the development industry who believe there is a market for rural residential blocks in the ACT. Any rural residential development would clearly be a new policy direction for the Territory. It would provide opportunities for investment in a new lifestyle and housing choice currently unavailable to the residents of the ACT. It is important that any such development would occur only within a responsible planning context which maintains environmental quality.

Any rural residential development in the ACT would need to be provided in a manner consistent with the recently published ACT and subregion planning strategy which pursue the clustering of growth around specific nodes. The study shows there is a demand for rural residential development in the ACT which is currently unmet. Rural residential subdivision would provide avenues for investment which target a quality niche market not well catered for, even outside the ACT. This could be achieved responsibly by providing smaller rural residential blocks serviced by sealed roads and appropriate environmentally acceptable water supply and effluent treatment systems.

Mr Speaker, using a set of assessment criteria, the study identifies three areas as potentially the first sites for rural residential development in the ACT. These areas are northern Gungahlin, Kinlyside and the Melrose Valley in Tuggeranong. The study also undertakes an indicative analysis of the financial implications of providing rural residential development in the ACT based on broad-brush assumptions. It provides, under a number of scenarios, indicative benchmark land values which the Territory would need to realise in order to ensure there is no overall cost to the community of introducing this development type.

Given the competition from areas in New South Wales and the planning context of Canberra, attention would need to be given to the type and characteristics of such development, and we need to recognise that this report is merely the first stage in a comprehensive planning process. Further detailed environmental evaluations, a variation to the Territory Plan and the development and implementation of high environmental management standards will be needed for potential sites to be developed.

This discussion paper has been prepared to inform debate and invite community and industry comment on this new policy direction for the ACT. The period of consultation runs from 30 October to 14 December this year. It is proposed that, following community comment and the Government's assessment of those comments, a stage 2 study would prepare detailed planning policies and environmental management guidelines. Ultimately, these would be implemented by a variation to the Territory Plan accompanied by environmental impact assessments, both requiring formal statutory consultation processes.

I present the following paper:

A Study of Rural Residential Development in the ACT - Discussion Paper -
ministerial statement, 29 October 1998.

I move:

That the Assembly takes note of the paper.

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

JUSTICE AND COMMUNITY SAFETY - STANDING COMMITTEE
Scrutiny Report No. 10 of 1998 and Statement

MR OSBORNE: Mr Speaker, I present Scrutiny Report No. 10 of 1998 of the Standing Committee on Justice and Community Safety performing the duties of a scrutiny of Bills and subordinate legislation committee and ask for leave to make a brief statement on the report.

Leave granted.

MR OSBORNE: It is a very short report. It contains the committee's comments on one Bill. I commend the report to the Assembly.

URBAN SERVICES - STANDING COMMITTEE
Report on Draft Variation to the Territory Plan - Federal Highway Duplication

MR HIRD (3.51): As chairman of the Standing Committee on Urban Services, I present Report No. 8, entitled "Draft Variation to the Territory Plan No. 67 relating to the Federal Highway Duplication", together with a copy of the extracts of the minutes of proceedings. This report was provided to the Speaker for circulation on Friday, 23 October this year, pursuant to the resolution of appointment. I move:

That the report be noted.

This report deals with a proposed variation to the Territory Plan covering the Federal Highway duplication within the ACT boundary, an alteration to the proposed Horse Park Drive and an alteration to Majura Road. On 12 August this year the committee was asked by the Minister to report on the draft variation. We called for public comment and received four submissions. We held one public hearing. We were unanimous in coming to the view that the draft variation should go ahead. We have added some remarks about the desirability of setting up an informal consultative group to monitor construction activity. We also suggest that new plantings of trees along the new road come from species native to this area. I commend the report to the house.

MR CORBELL (3.53): Mr Speaker, this is a very brief report from the Urban Services Committee but, as my colleague Mr Hird has indicated, it does reflect on a number of important issues. I urge the Government, in considering its response to this report, to look closely at the recommendations for the continuation of an effective mechanism for

consultation between those responsible for the development of the dual carriageway and interested parties, particularly members of the various conservation groups concerned with the development, and to ensure that the opportunity is taken to have a very strong planting of trees and understorey shrubs, bushes and grasses native to that area so that we have an interesting and representative entrance to the national capital.

Question resolved in the affirmative.

URBAN SERVICES - STANDING COMMITTEE
Report on Final Draft Management Plans for Urban Parks and Sportsgrounds

MR HIRD (3.54): Mr Speaker, I present Report No. 9 of the Standing Committee on Urban Services, entitled “Final Draft Management Plans for Urban Parks and Sportsgrounds in Woden, Weston Creek and Belconnen, and for Lake Ginninderra”, together with a copy of the extracts of the minutes of proceedings. This report was provided to you as Speaker for circulation on Friday, 16 October this year, pursuant to the resolution of appointment. I move:

That the report be noted.

Mr Speaker, on 10 August this year the Minister referred the revised draft management plans for urban parks and sportsgrounds in Woden, Weston Creek and Belconnen, and for Lake Ginninderra to the committee. The committee called for public comment but, to our surprise, received no response. However, we carefully took into account the issues raised by the public in responding to the invitation by PALM for comment on the initial proposals. We held one public hearing. We asked government officials a number of questions about the management plans. We unanimously came to the view that the management plans should be endorsed. I commend the report to the house.

Question resolved in the affirmative.

URBAN SERVICES - STANDING COMMITTEE
Report on Water Resources Bill 1998 and Amendments

MR HIRD (3.55): Mr Speaker, I present Report No. 12 of the Standing Committee on Urban Services, entitled “Water Resources Bill 1998 and Amendments”, including a dissenting report, together with a copy of the extracts of the minutes of proceedings. I move:

That the report be noted.

Mr Speaker, it is with pleasure that I table the committee’s report on the Water Resources Bill 1998 and amendments circulated by the Minister and by Ms Tucker. The Bill was referred to the committee by the Assembly on 27 August this year. We invited the public to comment on the Bill and to contact the secretary if they wished to appear at

a public hearing. We held a public hearing on 4 September this year. Actually, we held both a public hearing and a public meeting. The public hearing component was to hear government officials and members of the public. The public meeting component was to give members of the public an opportunity to raise questions concerning the Government's proposals on this important matter. In essence, what we did was combine the State-type role with the local government role, rather similar to the traditional town hall type of meeting. This proved a very successful exercise, and we commend it to other committees within the parliament.

The committee has carefully considered the many matters raised by the public. Our report is unanimous on all points except one. My colleague Mr Corbell has dissented from the proposal to allow for trading and sale of water allocations - and I dare say he will comment on that - but on other points we are as one. We recommend that some specific improvements should be made to the manner in which the proposed environmental flow guidelines are determined. We recommend that they take account of a broad range of factors and that public comment be a prerequisite of their preparation. I commend the report to the parliament.

MR CORBELL (3.57): Mr Speaker, this is in many respects one of the most important inquiries that the Standing Committee on Urban Services has undertaken since the Fourth Assembly convened. It is important because we are dealing with nothing less than the future management of the Territory's water resources and establishing a new regime for the management of those resources. Whilst in almost all respects the committee has come to a unanimous view on the important range of issues that were before it, there is one issue on which I have raised some serious concerns and that is the reason why I chose to issue a dissenting report.

Mr Speaker, what concerned me during the period of the hearings the committee undertook into the Water Resources Bill and the proposed amendments to the Bill was the notion of the sale and trading of water allocations. I was not convinced that the provisions proposed by the Government would adequately protect and ensure the continued provision of clean, safe drinking water for the ACT into the future, and I was concerned that the proposed sale of allocations could ultimately result in the Territory's valuable resources becoming overcommitted as a result of a competitive water trading market. These were concerns that obviously I tested during the private and public hearings that the committee conducted. In my discussions with various officers of Environment ACT I was not convinced that the scenarios that I raised could be prevented by the proposals being put forward by the Government. That is fundamentally the reason for my dissent.

My concerns are exacerbated by the fact that the Government is proposing a new regime for the management of the ACT's water resources and infrastructure through the privatisation and franchising of ACTEW's operations. If that goes ahead, Mr Speaker, I feel that the possibilities for effective regulatory control will be weakened rather than strengthened and the potential threat I see to the ACT's water supplies will be even greater.

The Government has argued that the use of water allocations, in combination with a licence system and the use of environmental flow guidelines, would provide the greatest possible level of environmental protection. I feel that this position fails to recognise that the water allocation proposal is closely tied to provisions to allow for the trading and sale of such allocations and that this area has received no attention in the majority report. Yet I believe it is the one which poses the most significant potential change to the management of, and the demand for, the Territory's water resources. I am concerned that in their deliberations a majority of committee members, with all due respect, did not give consideration to this.

Mr Speaker, let me outline to you the sorts of possibilities I am concerned about which have led me to put forward this dissenting report in relation to the sale and trading of water allocations. I am concerned that we could see a situation, particularly but not necessarily under a franchise arrangement and under the privatisation model, where the creation of a tradable market in water could result in the Territory's water being seen as a very marketable commodity.

Its quality and its level of treatment are very high compared to many other jurisdictions in Australia, and as a result there is a risk that its quality, its potential and its treatment could result in a higher price in a competitive water market and a private operator may well seek to sell water outside of the Territory, with the result that the supply available for Canberra itself could be diminished. This presents a real possibility that other population centres may choose to take water from Canberra and may choose to buy water from Canberra and postpone the necessary infrastructure work they should be required to undertake to satisfy their own water requirements. They may choose to draw on the Territory's supply instead and undermine the ability of the Territory to meet its own future water needs. Mr Speaker, it does not take much imagining to see that the consequences of this situation occurring should be a cause for very serious concern.

I believe that the provisions of the Water Resources Bill, in relation to allowing for trade in water allocations, should be of significant concern for all Canberrans. The level of uncertainty surrounding the development of a tradable water allocations regime is simply too great to be accepted in the straightforward way that it has been in the majority report. The consequences of this approach, I believe, risk the effective and safe management of the ACT's water supply into the future. For that reason I am unable to support the majority report's recommendation in this regard.

MS TUCKER (4.04): I have had only a short time to look at this report, but already I can say clearly that I will be supporting Simon Corbell's dissenting report. I am concerned that we have not seen the issues that I raised addressed.

Mr Hird: Surprise, surprise.

MS TUCKER: I hear, "Surprise, surprise" over the floor from Mr Hird. That is a really silly thing to say, Mr Hird. I have been raising concerns about this water issue for some time.

Mr Hird: You had an opportunity to come and give evidence.

MS TUCKER: I did speak to the committee. You may have forgotten that. I am saying that I do not believe the concerns I raised with the committee have been taken significantly into account. We do not see why the rush for this in the ACT is necessary. We are different from other States. We do not have huge pressure from an agricultural industry that requires these allocations.

What I have said consistently, and say again at this point, is that we do not know the detail of how this trading will work interstate. We have no necessity to get involved in this at this point. We have an urban water supply, basically. It is very worrying, particularly in light of other government policies such as the privatisation of ACTEW, which we have already talked about at length today. I would like to put as the bottom line once again that water is a very precious resource, and the Greens are not comfortable with it hastily being put into the hands of the private sector, whose main objective, as always, is profit, not necessarily the long-term environmental benefits of good management of water.

Question resolved in the affirmative.

CHIEF MINISTER'S PORTFOLIO - STANDING COMMITTEE **Report on Implementation of an Independent Council on Competition Policy**

MR QUINLAN (4.06): Mr Speaker, I present Portfolio Committee Report No. 1 from the Standing Committee for the Chief Minister's Portfolio, entitled "Report on an Independent Council on Competition Policy", together with a copy of the extracts of the minutes of proceedings, and I move:

That the report be noted.

Mr Speaker, on 27 August the Chief Minister, as required by resolution of this Assembly, Mr Osborne's motion, presented to the Assembly a model for an Independent Council on Competition Policy. The Assembly referred the model to the committee for inquiry and report. The Chief Minister's model followed Assembly debate on 24 June 1998 during which the need for a representative council was clearly in the minds of members. The model put forward provides for an Independent Competition and Regulatory Commission, ICRC, which would continue to exercise the functions of the independent pricing regulator under the Independent Pricing and Regulatory Commission Act 1997.

The proposed ICRC would remain as a single part-time commissioner with the power to receive references from the Government, through the Assembly, and from the community concerning matters of competition policy and competition neutrality across a wide range of commercial activities. It would replace the existing Competition Policy Forum.

The committee identified three principal issues, namely, whether the proposed new ICRC would be appropriate for its tasks outlined by the Chief Minister, whether it should be a single commissioner or comprise a representative council, and whether it would be both accessible and accountable to the Assembly and to the wider community.

Following detailed examination of these issues, the committee considers that an Independent Competition and Regulatory Commission incorporating changes to the Chief Minister's model which are outlined in the report would be an appropriate independent body capable of identifying the public interest across a broad spectrum of activities. The committee recommends an ICRC of five commissioners, with a chair of appropriate standing within the community. Remember that the genesis of this matter before the committee concerned the public benefit dimension of competition policy. Therefore, the committee agreed that we needed a representative council and that it was asking a bit too much of a single individual to take into account all the dimensions of the public benefit or public interest.

The committee recommends a pricing regulator as a separate entity but recommends that it could be incorporated into the overall council. Effectively, the independent pricing regulator would be a member of the council. There would be cross-fertilisation between that regulator and the other members of the council in the council's considerations of the wider questions of competition policy.

The committee recommends defined criteria for the ICRC to assess Territory and public interest in accepting references for inquiry from the community. It recommends provision for references by government through the Assembly and provision for the council to initiate its own inquiries. It recommends appropriate reporting arrangements for the council. It also recommends that the Chief Minister's Portfolio Committee be consulted on appointments to the council. I commend the report to the Assembly.

Question resolved in the affirmative.

CHIEF MINISTER'S PORTFOLIO - STANDING COMMITTEE
Report on Draft Guidelines for the Treatment of Commercial Information
Held by Government Agencies

MR QUINLAN (4.10): Mr Speaker, I present the Portfolio Committee Report No. 2 of the Standing Committee for the Chief Minister's Portfolio, entitled "Report on Draft Guidelines for the Treatment of Commercial Information Held by ACT Government Agencies", together with a copy of the extracts of the minutes of proceedings. I move:

That the report be noted.

Mr Speaker, on 24 September the Chief Minister presented to the Assembly a paper embodying draft principles and guidelines for the treatment of commercial information held by government agencies. The paper was referred to this committee for inquiry and report. There is a background to the paper. Providing commercial information to

the Assembly through its committees has been an issue over a lengthy period. More recently, it was raised by the Public Accounts Committee in 1997 and within the Estimates Committee in July of this year.

During the estimates hearing, when dealing with the business incentive scheme, I raised with the Chief Minister the possibility of setting up some process whereby, in the interests of maintaining public accountability, the Assembly could access commercial-in-confidence material. This committee subsequently corresponded with the Chief Minister on the matter, and the draft guidelines presented to the Assembly on 24 September are the result of that dialogue.

The committee's guiding principle in its examination of the draft paper has been the recognition for necessary guidelines for the ACT Public Service in dealing with requests for disclosure of commercial information. The committee has no difficulty with the guidelines presented as they apply to disclosure in these circumstances, that is, information within the Public Service. The guidelines establish an appropriate balance between government accountability, public interest and the rights of individuals and businesses which claim confidentiality for information provided to government. The committee did see the need for a relatively minor alteration to the guidelines, and it has recommended accordingly.

A more significant matter is the absence within these guidelines of confidentiality protection for the Territory's future bargaining position through disclosure of material relative to the Territory's commercial relationships. The committee has recommended that the guidelines be extended to cover this aspect. Unfortunately, we are talking about a little bit more coverage for commercial-in-confidence where it is necessary.

The committee had some difficulty with disclosure to Assembly committees. In the majority of cases there is little reason for not disclosing to a committee on a confidential basis material which is disclosed to government and its officials. The guidelines fail to draw a distinction between disclosure of information to a committee and its publication by that committee. The draft guidelines do not accord proper recognition of the responsibility of the Assembly as a whole and its committee structure in holding the Executive accountable to the community.

The paper from the Chief Minister also advances the concept of a ministerial claim of public interest immunity as a condition under which disclosure may or may not be made to a committee. The committee argues that the Assembly cannot accord a blanket recognition to claims of public interest immunity. Accordingly, the committee recommends a procedure whereby a Minister who claims public interest immunity should be required to provide for the committee's consideration a *prima facie* justification for such a claim. Where the committee does not accept such a claim and the information being sought is still withheld, then the committee should report to the Assembly its reasons for not accepting the Minister's claim. Obviously, the committee would then arbitrate on the matter.

The guidelines also propose a protocol for the circumstances where in-camera evidence to a committee would be appropriate. This proposal overlooks the powers and responsibilities of the Assembly and its committees. The committee, noting the role of the Standing Committee on Administration and Procedure in matters concerning the operation of the Assembly and its standing orders, has recommended that the Assembly invite the Administration and Procedure Committee to examine this proposal, together with the public interest immunity concept.

My committee recognises the difficulty in writing a set of rules which cover every eventuality. It further observes that Federal privacy legislation represents a model for a positive approach to the disclosure of information and expresses a view that the basis of disclosure will depend to a large degree on Ministers and the Government acting in good faith.

The committee expresses a hope that goodwill and commonsense will prevail in dealing with committee requests for disclosure. It is vital for good government that we take a positive view to the promulgation of information. For example, the guidelines could incorporate an indicative confidentiality clause which would allow for confidentiality unless certain conditions prevailed. As an example of how guidelines should be constructed, the committee has recommended the inversion of that provision so that the norm is publication unless there are very good reasons not to publish. As I mentioned earlier, Federal freedom of information legislation is a model in its positive approach and its requirement for people who are requested to provide information to assist in providing information relevant to the particular inquiry of the requester. I commend the report to the Assembly.

Question resolved in the affirmative.

CHIEF MINISTER'S PORTFOLIO - STANDING COMMITTEE **Report on Review of Auditor-General's Report No. 7 of 1997**

MR QUINLAN (4.17): Mr Speaker, I present Public Accounts Committee Report No. 10 of the Standing Committee for the Chief Minister's Portfolio, entitled "Review of Auditor-General's Report No. 7, 1997 - The Disability Program and Community Nursing", together with a copy of the extracts of the minutes of proceedings. I move:

That the report be noted.

Within this audit report, the significant findings were that, with some exceptions, the disability program in the ACT was managed reasonably and effectively. It also found that it was not possible to form an opinion on efficiency, because of lack of financial data, but observed that residential costs within the disability program are materially higher than those in other States. It is a little disturbing, given that ACT Community Care, which operates this program, is a fairly recent offshoot of the department itself. The audit report also concluded that community nursing was managed efficiently and effectively. It found that there was no clear planning approach to meeting the demand for disability program services.

The Government's response to the committee fully considered issues, and the committee generally accepts that concerns arising from the audit appear to have been largely addressed. The committee notes that areas for further development in the disability program are to be addressed. Audit findings were presented some 14 months ago, and the Chief Minister's comments on them were made some five months ago. We believe it is reasonable that the Government be accountable, as it always is, to these audit reports. There is a lot of promise in the Government's response to the audit report in relation to plans in place or reviews in place. We have set in place a series of recommendations in relation to those.

The committee has recommended in particular that disability services programs should be subject, as the Auditor-General's report recommends, to an independent external review within the next six months to assess the effectiveness of implementation of planning, operational and financial reforms within the program. As I said, there has been considerable internal review but not that much external review.

On a personal note, I observed considerable disquiet within the community services sector as to whether ACT Community Care is at genuine arm's length from government as would be required under the perfect purchaser-provider model, and there is concern as to the care and comfort that particular organisation may get. It may be worth while the Government and the Minister having a second look at the structure that sets up ACT Community Care. I commend the report to the Assembly.

Question resolved in the affirmative.

CHIEF MINISTER'S PORTFOLIO - STANDING COMMITTEE **Report on Review of Auditor-General's Report No. 3**

MR QUINLAN (4.22): I present Public Accounts Committee Report No. 11 of the Standing Committee for the Chief Minister's Portfolio, entitled "Review of Auditor-General's Report No. 3, 1998 - Major IT Projects - Follow-up Review", together with a copy of the extracts of the minutes of proceedings. I move:

That the report be noted.

The audit follows up an audit report on the implementation of major IT projects in 1994 and covers the status of six projects under way at the time to determine whether the use of the systems continues to justify the investment; to determine, for systems abandoned, whether conditions that precipitated the abandonment could have reasonably been foreseen; and to determine, for systems not fully implemented in 1994, whether the subsequent implementation and operation have been effective.

The substantive findings were that most projects were affected. In some cases agencies have not tested contingency plans for systems failures, and that is a cause of concern. In other cases projects were found to be deficient in either their databases or their developmental controls. The committee is generally satisfied that agencies either have addressed or are addressing these matters.

In particular, though, the committee is aware from information outside of the audit report that the transport regulation information processing system, TRIPS, originally involved eight volunteer motor dealers participating in a pilot scheme whereby they spent some thousands of dollars on equipment and extra resources on training of staff on the promise that this system would eventuate in them and other motor dealers being effectively on line to the Motor Registry and the registration, re-registration and deregistration of motor vehicles being expedited.

Little has been done in that regard, and the dealers concerned have been left with a substantial financial outlay for the pilot scheme. The committee recommends that the Government either make some guarantees to these particular dealers that their investment will bear fruit in the long run or consider reimbursement of those dealers for their outlays. I commend the report to the Assembly.

Question resolved in the affirmative.

URBAN SERVICES - STANDING COMMITTEE **Inquiry - Tree Management**

MR HIRD: Mr Speaker, I ask for leave to make a statement relating to a new inquiry to be undertaken by my committee, the Standing Committee on Urban Services.

Leave granted.

MR HIRD: On behalf of the Standing Committee on Urban Services, I advise members that on 25 September this year the committee resolved to inquire into and report on an appropriate tree management and protection policy for the ACT, and any related matter. I do not need to tell members that the issue of tree management has been around for a long time in the ACT. The committee considers the time has come to review the existing policies and to consider what is the best and most appropriate policy for our city at this time. The committee has called for public comment and will hold at least one public hearing. As is our usual custom, I invite any interested members to attend the hearing and to ask questions and put forward their views. I thank members.

LITTER (AMENDMENT) BILL 1998

Debate resumed from 21 May 1998, on motion by **Mr Moore:**

That this Bill be agreed to in principle.

MR SMYTH (Minister for Urban Services) (4.26): Ms Carnell adjourned the debate, so I will speak on her behalf. The Government sees this proposal to prohibit placing advertising leaflets on parked vehicles as a step in the right direction for the ACT community. This practice, I think, has been seen by many as a nuisance, particularly by vehicle owners, and a large proportion of these leaflets are discarded on the spot and simply add to the problems that we face with regard to litter in public places.

In deciding to support this Bill, Mr Speaker, we have considered the effects that it may have on the business community, particularly the small business community, by restricting this form of advertising. However, other methods of handbill distribution, such as letterbox drops, will still be available, and we believe that the benefits that this Bill proposes far outweigh the drawbacks.

I foreshadow that the Government is proposing four amendments to the Bill as presented. The amendments do not change the intent of the Bill; they simply clarify its application. We believe that they will improve our ability to enforce the proposed offences. The amendments will restrict the application of the offence to public places only; amend the definition of a "public place" in the principal Act to pick up areas such as off-street parking; omit the qualification that a personal message to the vehicle owner be handwritten; and include a presumption that material is unsolicited unless proven otherwise.

Mr Speaker, the Bill complements other government initiatives aimed at reducing the litter problem, such as our Adopt a Road program, our support for the Clean Up Australia program and the litter reduction strategy which I announced in September. We also plan to do a more comprehensive review of the Litter Act down the track. That process will consider the option of widening this offence to include the beneficiary of such advertising as well as the person placing it. Mr Speaker, in conclusion, the Government supports this private members Bill, subject to the amendments that I will be moving later.

MR HARGREAVES (4.29): I rise actually to congratulate Mr Moore for winning the legislation race. In my view, this piece of legislation, compared with the blues and bunfights we have had over the last couple of days, is quite insignificant, and really I wonder why we are doing it. It is a minor issue. I would have thought that Mr Moore would be far more concerned with things to do with his ministerial portfolio. He has a hell of a lot more things to worry about in this town than sticking something in somebody's letterbox or on the windscreen of a car.

I take the point that it is often a nuisance when you get to your car and you find that some idiot has put it on the left-hand side; and you turn your windscreen wiper on, stick your hand out, and you still cannot grab it. I know that that is really irritating. I know that it is irritating to come along to a car park and see a whole stack of stuff sitting there on the ground. But it is a form of expression. It is an opportunity for some people to actually make a statement. I do not like the idea of people putting on cars advertisements for fast food and free photography. However, I have often gone to my car in a car park and have found messages from the Boy Scouts, some youth group or something like that, advertising something that they are going to be doing. Sometimes I have treated it like junk mail and sometimes I have not. Sometimes I have been grateful for it.

Those of us who have done it very recently - I know that Mr Smyth has gone around, knocked on a stack of doors and stuck things in people's letterboxes over the period of the last election campaign - would know just how difficult it is to get people out there to actually shove things into letterboxes. A lot of these groups, like the scouts, just do not have enough troops to do that sort of stuff, and I think this actually stands in their way.

We are trying to get a youth centre up in the Lanyon Valley. One of the ways in which we tried to attract people to that particular activity and to get support for it was to advertise various events that were happening at the time. One of them is the Tuggeranong community festival, which is coming up. The Lanyon Marketplace is having a birthday, and the kids there are going to be doing all sorts of things to raise money for the youth centre. A ban on sticking things on the windscreens of people's cars closes off an option for this community group. They are not an incorporated body. They do not have a stack of people behind them. They have got a lot of people who are, in spirit, behind them, but they do not have a lot of shoe leather. This is one way in which we can reach a lot of people, but we are closing that option off.

Mr Speaker, we really need to think about it. On the surface, it sounds like a great idea; but, when I dig a little bit deeper, I am not so sure about it. It is a bit like banning how-to-vote cards at polling booths. All we did was move them to the shopping centres the week before. It does not actually work. I guess what I am saying here is that it is not going to work. Nobody is going to congratulate Mr Moore for winning the legislation race on this one.

I do not think we should be taking away people's right of expression just because we do not like the sight of an advertisement for a McDonald's burger freebie or a Foxy's Fast Foto freebie sitting on the windscreen or because we get frustrated that we are not tall enough to reach over and get it off the windscreen, that the windscreen wipers will not bring it around or that they stick to it. It is an inconvenience. Just because it is an inconvenience does not mean that we ought to take away people's freedom to actually make some sort of an expression.

We are saying in this legislation that, if you write it out by hand and you address it to the guy who owns the car, that is fine. How do we define the driver of the car? If there is a handwritten note on there that says, "To the driver of vehicle YXZ3611", we do not know. The legislation does not tell us that. I would defy you to say whether or not it is in handwriting. Is a photocopy of handwriting sufficient? We do not know. I think that what we are doing is actually taking away the freedom for these young people to do it. If, for example, you were to change the wording and say that it is illegal for a commercial enterprise to stick it on your windscreen, I might be a little bit more inclined to favour it; but at the moment, I know from my contacts with kids, you cannot do it.

Mr Moore: Why did you not draw an amendment?

MR HARGREAVES: With your indulgence, Mr Speaker, I will respond to Mr Moore's interjection. The reason why I did not put in an amendment was that I think it is an absolutely silly piece of claptrap that we should not even be debating in the first place. I think it is an infringement of people's civil liberties, and I urge the Assembly to vote it down.

MR HIRD (4.34): Mr Speaker, I was interested in what Mr Hargreaves just said.

Mr Hargreaves: That is a first, Mr Hird.

MR HIRD: Mr Hargreaves, I will come to some of your comments in a moment. I would like to say that, on the road to self-government back in 1977, when we had the first Legislative Assembly, the first piece of legislation moved by the advisory body that was ever accepted by the Federal Government was Mr Kaine's piece of legislation, which was a Bill for an ordinance for litter. It was the first time. It was a tremendous breakthrough - - -

Mr Kaine: I was in the forefront then, and now.

MR HIRD: I heard Mr Kaine. Earlier today, the Leader of the Opposition referred to you as Solomon, and we are wondering when you are going to attempt to walk across Lake Burley Griffin.

Mr Stanhope: Solomon did not do that.

MR HIRD: I know that Solomon did not walk across Lake Burley Griffin, or any lake, but I am saying that he may well try. The fact is that I personally support this piece of legislation. Now I will turn briefly to Mr Hargreaves' nonsense - I should say "to his remarks". He said something about people's rights. Let me tell you about people's rights. A person comes along and puts a piece of paper on the windscreen of a car. Then the driver comes along, takes the piece of paper and throws it on the ground, which I have seen, and so have you, many times. They have breached the Litter Act. In what he is saying, Mr Hargreaves is aiding and abetting a breach of legislation, but he has sworn in this place to uphold the legislation.

Mr Hargreaves: On a point of order, Mr Speaker: Mr Hird has just accused me of actually being complicit in breaking the law in the ACT, and I ask him to withdraw it.

MR HIRD: I withdraw. But he has to realise that, by putting pieces of paper, notices or whatever, on a motor car, people not only are breaching the Litter Act but also could be seen to be doing damage to a motor vehicle, which has occurred on a number of occasions. If Mr Hargreaves goes around putting pieces of paper on windscreens to tell people to vote for John Hargreaves and if he damages one of the windscreens, he might lose a vote, and I would not like to see Mr Hargreaves lose a vote on that count.

What I am saying is that it is very important to consider the rights of people, but what about the rights of the drivers and what about their inconvenience? I invite Mrs Tucker to stand up, as I know that she is very concerned about this area - - -

Mr Stanhope: Ms Tucker.

MR HIRD: Ms Tucker - I thank the Leader of the Opposition. It was a slip of the tongue. I invite Ms Tucker to involve herself in this and join me and my colleagues, and Mr Moore, in supporting this Bill. I say this because I know that she is concerned about paper and chopping down trees, as she has said many times. You know that all the trees are put on windscreens. I know that you will be supporting this Bill.

MR STANHOPE (Leader of the Opposition) (4.37): I follow my colleague Mr Hargreaves, simply to acknowledge that the Labor Party will not be supporting this Bill, for a number of very good reasons. Initially, there is a genuine concern within the community about litter; there is no doubt about that. I think that is generally accepted. There are other concerns that we have to consider in the context of this debate. One is whether or not a fine of \$1,000 should attach to the placing of a leaflet under a windscreen-wiper. I honestly do not believe that this community should be in the business of imposing a fine of up to \$1,000 for putting a leaflet under a windscreen-wiper. I really do think that we need, at times, in this place to pause and consider our legislation program and our willingness to enter into and pass legislation. We need to think about it for a whole range of reasons.

I am minded of a discussion that I had just recently with an officer of the legislative drafting branch within the ACT Government - a discussion with a friend, not a formal discussion, I hasten to add - about the legislative attitude in the ACT and in this Assembly. He commented on a seminar that he had attended, at which there was a representative from the South Pacific - I think, from Fiji. He commented that the moral that affects the attitude of the legislators in Fiji is: "The less legislation, the better". It seems to me that in this place we have developed a culture of "Legislation swift and fast, let's get the numbers up". There is a legislation race. There is a determination to actually see whether or not we can legislate on a continuing range of issues.

Mr Hird: The more the merrier!

MR STANHOPE: The more the merrier! The list is never ending. The extent to which we will go to trammel, actually control, human behaviour is almost unlimited; whereas in Fiji, it was suggested to me, there is a culture of "Do we genuinely need to constrain every single human activity that we can imagine? Do we need to go around dreaming up every possible circumstance that we can legislate on?". So at the end of the day, in some other jurisdictions, there is a pride in not having rushed in to legislate on every conceivable thing.

I think that we have got the balance wrong - not just in the ACT, but perhaps in Australia - and that we are too inclined, too ready, to legislate on an ever-increasing range of issues. We continue to confine the range of human activities that are unconstrained, that we do not impose on, and we find it easier and easier. Today we ban the placement of leaflets under windscreen-wipers; tomorrow we ban the placement of unsolicited mail in letterboxes; and it goes on and on. We inhibit free speech.

The standing committee on scrutiny of Bills recognises this particular problem and raises the question in its report on this Bill, without comment or recommendation. But, once again, we have a piece of legislation that is balancing a human right - a right to free speech, a right to publicise views - with a right not to have a leaflet placed under the windscreen-wiper of our car. I have to say that, when I weigh up those competing rights - the right to freedom of speech, as identified by the scrutiny of Bills committee, and the passing inconvenience of a leaflet under a windscreen-wiper - my inclination is to come down on the side of the right to free speech, the right to publicise a view, a product or an event. That is what I come down to in this debate.

I have a number of concerns with the legislation. We rush too readily into legislation. It is simply not appropriate. We do not, in this community, need to provide a penalty of up to \$1,000 for a community organisation, for instance, wishing to advertise a fete or some such thing. I also do not believe that the evil which this legislation pretends to correct is that great an evil. It is not a significant problem in Canberra. The problem of leaflets under windscreen-wipers is not the sort of thing over which any of us wake up in the middle of the night in a sweat. It is a threat to free speech. There are some legitimate reasons on certain occasions - not actually taken account of in this piece of legislation - why we might, from time to time, want to stick information under windscreen-wipers. For instance, a car park may be closed or some road arrangements may have changed. There is a whole range of other official reasons why one might, from time to time, want to advertise a particular circumstance to a motorist in that way.

I think there is another issue, which was touched on briefly by my colleague Mr Hargreaves. I was minded of it just this morning in reading today's newspaper. There is not a single detoxification space available in Canberra. I just raise that as one issue in the Minister's portfolio that I think demands his attention more than littering car parks. I think the Minister should be thinking more about whether or not he really does intend to privatise the Canberra Hospital than about whether or not patients at the Canberra Hospital have leaflets under their windscreen-wipers when they come out. That is if they are lucky enough to get in.

I think this really is an unfortunate diversion of the Minister's time and attention from the incredibly pressing demands of his portfolio. The issue uppermost in the minds of the people of Canberra is whether or not they have access to a public health system that they have a right to expect and demand. Whether or not a Minister who can flash around introducing legislation on litter has got his mind well and truly focused on the needs of the public health system of Canberra raises serious concerns for me. I would urge the Minister to concentrate on the issues within his portfolio and to simply scrap proposals such as this.

MR QUINLAN (4.45): Mr Speaker, I actually rise to congratulate Mr Moore on his sense of humour and breadth of thought in his attempts to rack up the body count of legislation. I do not want to say much more except that, consistent with our approach of a positive contribution to government, and given that we have the two Ministers here, I suggest that they get together, we vote this down and we issue with every car registration sticker another discreet little sticker that says "No junk mail". It is optional. If you do not want to receive the notices, stick that on your windscreen-wiper, and we will have the best of both worlds.

MR BERRY (4.46): As the debate crystallises, the ideas that are coming forward obviously have not been thought of by this mob opposite.

Mr Stanhope: "Feel the Power of Canberra" on those stickers?

MR BERRY: Yes. We can look at this Government's performance with the Feel the Power of Canberra campaign, yet we ban putting leaflets under windscreen-wipers! They will be the memorable parts of this Government's performance throughout this term.

Mr Moore: This is my legislation, not theirs.

MR BERRY: Do not kid us, Michael. Where you sit is where you stand, remember. Mr Quinlan's idea is a good one. Why can people not put on their windscreens a little sticker saying "No junk mail"? It was an idea that I heard from Ms Tucker as well. She thought it was not a bad idea.

Ms Tucker: I just should not have these ideas, obviously. You guys pick them up and use them.

MR BERRY: No; you mentioned it to me. It was not mine.

Ms Tucker: I have got an argument against it. It is my idea, so I can argue against it. It is all right.

MR BERRY: It is a jolly good idea - just a little sticker saying "No leaflets, please". That makes a bit of sense. Let us look at a couple of things here. This is the charade that Mr Moore is going through to demonstrate his independence from the Government. We have just seen what a charade it is. Here we have the Minister responsible for the portfolio which might have dealt with this agreeing wholeheartedly with Mr Moore that this is a good idea. I wonder why in Cabinet they did not agree on this idea and the appropriate portfolio Minister carry this forward. That would have seemed to me to be a sensible idea. But, no, we have this situation where Mr Moore is still keen to go through this sham. Nobody is fooled by it anymore, Mr Moore. Nobody believes that there is any shade of independence. Everybody has woken up to the proposition that where you sit is where you stand.

Mr Stanhope: What did Mr Osborne say?

MR BERRY: And what did Mr Osborne say? He was pretty close to the mark, I think. So we have this ridiculous situation where a Minister in the Cabinet comes up with an idea. Why did you not just talk to Mr Smyth and perhaps your other Cabinet colleagues and say, "What do you think about this idea, colleagues"? "Well", they might say, as they seem to have said - the Government seems to have supported this - "we think it is a good idea". Then you might say, "Well, would you mind putting it on your legislation program for me, please?". And Mr Smyth might say, "Well, Michael, I will". That would have saved us from all of this nonsense. We could have had Mr Smyth come in here and say, "I have got a good idea". Mr Moore could have been off worrying about his hospitals, methadone programs and the like, as he should be; and Mr Smyth could have been worrying about litter, as he should be. But now we have two of them worrying about litter and Mr Moore not worrying about what is going on in his hospital.

Mr Kaine: But it is okay, because Mr Smyth's next Bill will be about free methadone.

MR BERRY: I am glad that you mentioned that. People who are trying to get on the methadone program, who are strung out because they cannot get heroin, will be really pleased when they get to their car and, as a result of Mr Moore's legislation, there will be no sticker under their windscreen-wiper. They will be really happy about that.

Of course, there are the people who are trying to get into the hospital. If they go out to accident and emergency and they are told, "Sorry, we have got no beds tonight; you cannot come in", when they go back to the car park they will be really happy that there is no sticker under their windscreen-wiper. They will be really thankful for Mr Moore's foresight. They will be really thankful that he spent a lot of time worrying about this instead of worrying about the provision of a bed for them or a spot on the methadone program so they can get their methadone.

This has to be a bit of a joke. What do we do next? Because we see little spots of chewing gum around the place, do we ban chewing gum? You might do that. They did it in one Asian country. I am not allowed to mention which Asian country, otherwise I may cause an international stir. I will not mention "recalcitrant". We might get to the point where we ban chewing gum. We might get to the point where, because it is popular, we ban stuffing leaflets in letterboxes, under doors and so on. There was one place - again, overseas - where you had to have a haircut before you were allowed into the country if your hair was too long.

It just gets to be so ridiculous when you go to the point of legislating about these sorts of issues. How many more things can you legislate against? It is just a lot of nonsense. I think it is fair to say that, if you polled the community, you would discover that most people have at some time or another been upset by a piece of paper stuck under their windscreen-wiper. So, it might be seen to be a popular thing to do; but is it a sensible thing to do? My view is that it is not a sensible thing to do.

Mr Moore: It is enormously popular and environmentally sound.

MR BERRY: My colleague Mr Stanhope made the very good point that this is a restriction on the right to speak, because motor vehicles have been used for ages as a means of putting information out to people about all sorts of things. Mr Moore mumbled about the environment. Mr Moore, if you were serious about the environment, you would ban the motor car, too. Then you could not stick the leaflet under the windscreen-wiper, because the motor car would not be there. Let us not get carried away about this. Yes, it is an environmental issue and, yes, it can be a litter problem. But how about using a little bit of intellect to come up with some sort of alternative idea? Apply some intellectual assessment to some different ideas to deal with the problem rather than legislating against it.

A few of us, including Ms Tucker - I was not responsible for this idea; I just repeated it - with a very small amount of application of grey matter, came up with a good idea: Put a sticker on your windscreen and then we would not have to legislate against the right. Some people, obviously, do not mind receiving this sort of stuff - - -

Mr Smyth: Do we legislate about having the sticker there or not?

MR BERRY: It could be a plastic sticker or whatever. But we would not have to legislate against the right. It is just so silly to be legislating against everything. Because it is unpopular, we will legislate it out. Mr Speaker, I just think this is a lot of nonsense.

Yes, we have devoted some time to it, and we might be criticised for even bothering to speak on the matter if we believe that it does not deserve the attention that we are giving it; but it is just so silly that it needs to be pointed to. It is silly on all fronts. It is silly that the Health Minister is wasting his time on it. He has more important things to do. It is silly that the Urban Services Minister is worrying about it, because he has more important things to do.

What is it next? Is it chewing gum, is it shoelaces, is it haircuts? What about those community organisations and ordinary people out there who do not have access to media streams on their fax machines and so on and so forth? What about people who want to get a simple message out to a few hundred people? This takes away their right to do it. We are going to impose a \$1,000 fine on somebody who puts a leaflet under a windscreen-wiper. Well, no wonder people giggle about this place from time to time.

MR HUMPHRIES (Acting Chief Minister, Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (4.55): Mr Deputy Speaker, Mr Berry frets about the Government banning everything. He need not worry. The Government will never ban stupidity. So there is always a market left for Mr Berry in arguments like this. This debate is not about leaflets under windcreens; it is about the audacity Mr Moore has shown to initiate a new approach towards the management of legislation in this place by exercising the prerogative to put forward legislation as an Independent member of the Assembly, which he remains, despite being a member of the Government. Mr Deputy Speaker, is it not extraordinary to see how terribly unsettled and insecure the Opposition of this Territory becomes in the light of that development? Their response is: "We have got an Independent member introducing independent Bills, even though he is a part of the Government! Oh, we can't cope!". Hair is starting to fall out or turn grey.

It really is pretty pathetic to view the response of those opposite. There is a word that springs to mind, and that word is "conservative". These conservatives opposite cannot cope with the thought that we could actually innovate on the Westminster system, that we could actually have a Minister who is, despite being a Minister in the Government, still capable of introducing an independent agenda on particular issues. Is it not sad to see that?

MS TUCKER (4.57): The Greens will be supporting this legislation. The main reason for supporting it is that it is about sending out a message to discourage wasteful practices. Basically, this is about paper. It is about paper being given to people in an unsolicited way. It is quite correct that I did suggest that you could have a "No junk mail" sticker on your windscreen, but I was not really serious. Once again, it brings a kind of policing element to it. If you are going to have that and then someone puts it there, there is an issue about making those people accountable anyway. I do not think it is actually the way to address the issue, if it is free speech that is worrying the Labor Party.

Obviously, I do not bring my car here very often at all; but, when I have done so, I have not been targeted by a lot of community organisations. It has usually been by businesses. I think a good example of how you can do it differently, and how I think people should do it, is what happened this week with the rally against Paul Osborne's Bill.

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Pro-choice members of the community, who were opposing the legislation and who wanted to raise awareness, were actually in the city offering people information about that particular event. I came across that several times when leaving the bus in the morning. So I had a choice about whether or not to take that information.

I do not see that the labour involved in doing that is very different from the labour involved in putting it on people's windscreens. I have noticed that, when it is put on people's windscreens, especially when it is on the left-hand side, it does get left there, it blows off and it is a litter issue. It is also a waste issue, because many of us do not want that information anyway. So I think there is an alternative way for community organisations or small businesses, if they want to broadcast their business activities or their events, to do that without imposing those views on people who do not want that information.

Debate interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

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

Question resolved in the negative.

LITTER (AMENDMENT) BILL 1998

Debate resumed.

MS TUCKER: Thank you, Mr Deputy Speaker. That was very nicely done. In conclusion, I would just say that I think the legislation does have environmental benefits. I think it is in line with the Government's no waste by 2010 strategy. I do not think the community is going to be disadvantaged as a result of it. So I am happy to support it.

MR RUGENDYKE (5.01): Mr Deputy Speaker, I was considering two ways to move on this important issue. My experience in a far distant, prior career brought back memories of the Litter Act - it was a couple of hundred dollars for throwing something on the road; or, if you smashed a bottle, that was a dangerous thing, and that was a couple of hundred dollars extra. The other thing I remember about the Litter Act, if my memory serves me correctly, is that the penalties were in the form of litter infringement notices.

In fact, my recollection is that they were nothing more than a bluff. If the person who received the litter infringement notice chose not to pay the bill - the hundred or couple of hundred dollars - there was argument as to whether there was a sufficient mechanism for some department to actually recoup the unpaid fine. So I do not think a great many litter infringement notices were given out by police, based on that apparently useless outcome - once again, if my memory serves me correctly.

When I look at the obviously upgraded Litter Act of 1977 I see:

A person shall not deposit litter in or on a public place. Penalty -

- (a) if the litter is likely to cause injury to persons or damage to property - \$5,000; or
- (b) in any other case - \$3,000.

That is a very large jump from the couple of hundred dollars I recall playing with.

Mr Kaine: Worth every cent, David.

Mr Humphries: It was probably a hundred pounds in those days, Dave.

MR RUGENDYKE: We must not jest. It is a serious issue. There were some constables who would give out a litter infringement notice if someone did not like his traffic infringement notice and threw it on the road. That was a couple of hundred dollars. But I doubt that any police officer would do that, knowing that these days it could cost \$3,000. It seems quite outrageous.

Mr Hargreaves: It is less if you have got dangerous fireworks.

MR RUGENDYKE: It is silly, isn't it? I genuinely think that when Mr Moore had this Bill drafted he did so in good faith and the penalties were inserted into the proposed amendment in line with the rest of the Litter Act. I thank Mr Stanhope for alerting us to the apparently heavy-handed 10 penalty units for sticking something under a windscreen-wiper - \$1,000.

Mr Hargreaves: In each instance.

MR RUGENDYKE: Thank you, John. It pains me greatly that I must agree with Mr Berry, but it does seem as though he is correct.

Mr Kaine: You are going soft, David.

MR RUGENDYKE: I may be going soft, but my mind is boggled by the steep fines involved with this Litter Act. I feel great irritation when junk is placed under my windscreen-wiper. Invariably, when you get in the car, as Mr Hargreaves said, you cannot reach it when you turn the wipers on, and the thing ends up shredding as you drive along, and blowing away.

Mr Kaine: Or sticking to the windscreen, which is worse.

MR RUGENDYKE: Or, in the rain, sticking to the windscreen, yes. So, Mr Deputy Speaker, while I do acknowledge that there are some businesses that might rely upon this form of advertising, I think that they perhaps should be able to do that if the alternative is to bear the \$1,000 fine, if this Bill is introduced, for the privilege. The more you think about it, the more outrageous it gets. It also pains me that I feel unable to start Mr Moore off on the legislation race, as challenged by Mr Hargreaves. I feel that I am unable to support this Bill, given the apparent, to my mind, heavy penalty for such a minor offence.

MR MOORE (Minister for Health and Community Care) (5.06), in reply: Mr Deputy Speaker, I appreciate the contributions of most members. There is no doubt that this is a sensible, popular and environmentally sound piece of legislation. I appreciate the support from the Government. Mr Deputy Speaker, for your information and for the information of members of the Assembly, when the Government considered this in Cabinet, I stood aside from Cabinet, as is my practice on a number of issues. You may be surprised to find out that it actually happens that at pretty close to every sitting of Cabinet I stand aside for consideration of some matter or another.

The nub of Mr Hargreaves' argument really was that there are more important things that I could be doing. Mr Deputy Speaker, I do do those important things. I would be very happy to compare my six months' work in Health with the four or five years or whatever it was that Mr Berry spent there. I would be happy to draw comparisons between the two in terms of what has been achieved and what has been set down for achievement.

It does not surprise us to hear the other arguments put by Labor, but, really, Mr Berry put the nub of it. It is not about opposition to this piece of legislation; it is opposition to the fact that I have an arrangement with the Government by which I can introduce legislation as an Independent member, as I will continue to do. Yes, it is a different arrangement and it has not been tried before. We are trying it. Interestingly enough, it seems to be working quite well.

I certainly appreciate the very sensible approach taken by both Mr Rugendyke and Ms Tucker, and I think it is appropriate for me to answer the question on penalties. I drew the legislation up and asked for advice on penalties. You heard Mr Rugendyke say that a normal penalty for littering is \$3,000. The Bill was drawn up to be consistent with the Litter Act. It seems to me that a judge dealing with a littering crime such as somebody putting litter on a windscreen, a \$1,000 penalty, compared to somebody who dropped litter on the street, with a maximum \$3,000 penalty, will take into account the circumstances of the situation and the penalty would be levied appropriately. This is about the deterrent effect and asking people not to do this.

Mr Deputy Speaker, I must say that of all the things that I have done in the last year or so, and certainly during the election campaign when I indicated that I would take this approach, nothing has been more popular. I was flabbergasted at the number of people who phoned and the number of people who commented and said, "Yes, that is a good idea at last". I realise that I am 15 years behind Mr Kaine who did this

a decade-and-a-half ago, as Mr Hird pointed out. The only thing that worries me about looking 15 years hence is whether I will still be in here doing some of the things that Mr Kaine is doing now. It worries me greatly.

Mr Deputy Speaker, I thank those members who have supported the Bill and I hope it will go through. I think we should take the Bill as a whole and accept the Government's amendments, which to me are a significant improvement to the Act. I feel very comfortable about them.

Question put:

That this Bill be agreed to in principle.

The Assembly voted -

AYES, 9

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

NOES, 6

Mr Corbell
Mr Hargreaves
Mr Quinlan
Mr Rugendyke
Mr Stanhope
Mr Wood

Question so resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MR SMYTH (Minister for Urban Services) (5.14): Mr Deputy Speaker, I ask for leave to move together the four amendments circulated in my name.

Leave granted.

MR SMYTH: Mr Deputy Speaker, briefly, the four amendments will restrict the application of the offence to public places only. They will amend the definition of public place in the principal Act to pick up areas such as off-street parking areas, will omit the qualification that a personal message to the vehicle owner be handwritten, and include a presumption that material is unsolicited unless proven otherwise. I move:

Page 2, line 4, after clause 3, insert the following clause:

“3A. Interpretation

Section 2 of the Principal Act is amended —

- (a) by omitting the definition of ‘public place’ and substituting the following definition:

“ ‘public place’ means a public street or a public place within the meaning of the Motor Traffic Act 1936;” and

- (b) by omitting the definition of ‘public street’.”.

Page 2, line 8, clause 4, proposed new subsection 7B(1), after “vehicle”, insert “in a public place”.

Page 2, line 17, clause 4, proposed new subparagraph 7B(2)(b)(i), omit the subparagraph.

Page 2, line 20, clause 4, proposed new section 7B, at the end of the section, add the following subsection:

“(3) A leaflet, handbill or other document placed in or on a motor vehicle in a public place shall be presumed to be unsolicited unless the contrary is proved.”.

I present the supplementary explanatory memorandum.

Amendments agreed to.

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

Bill, as amended, agreed to.

**GAMBLING - SELECT COMMITTEE
Second Interim Report**

MR KAINE (5.16): Pursuant to the resolution of the Assembly of 23 June 1998, I present the second interim report of the Select Committee on Gambling, entitled “The Proposed Gaming and Racing Commission”, together with a copy of the extracts of the minutes of proceedings. I move:

That the report be noted.

Essentially, what I am attempting to do by tabling this report today is to formalise something that actually has been happening informally. Although the Select Committee on Gambling was appointed by the Assembly with some terms of reference to get on with an inquiry and report by next February, the Chief Minister actually sent a copy of the Allen report, entitled "Gambling and Related Legislation in the Australian Capital Territory", directly to me as the chairman of the committee, seeking the committee's comments in respect of it. We had a look at it. In general, the committee gave it no great priority because our report was not due until February and the committee is of the opinion that the matters dealt with in that report should be considered by the Government concurrently with whatever our committee comes up with in February. In other words, the Government should make its decisions based on the full facts available to it - not only the information in the Allen report but also the information in ours.

However, on 4 October the Government announced that it intended to go ahead and establish a gaming and racing commission. That was a consequence of one of the recommendations of the Allen report. At that point, I wrote to the Chief Minister and said, "We have the Allen report. We really have not considered it yet. We note your desire to go ahead and appoint a new gaming commission. The committee is in no position to comment on that because we have not seen the detail. In any case, we recommend that you do not go ahead with any of those recommendations until after we report". So, we are in this strange position that the committee is responding to a request directly from the Chief Minister and it was not a matter that was before the Assembly at all.

The situation at the moment is that we have a difference of opinion. The committee believes that no recommendations of the Allen report should be implemented by the Government until we report in February. The Government obviously seeks to proceed, at least with this one recommendation from the Allen report, and set up a new gaming commission, which the committee has not had a chance to look at in detail, although we have since been provided with some detail on what the Chief Minister is proposing.

The Chief Minister did comment in her latest communication with me that she wanted to set up this commission sooner rather than later. The committee has no problem with that in principle. I do not think the committee, essentially, has any problem, in principle, with the idea of establishing a new gaming commission. But we would want to know more about it than we do now and we would want a chance to analyse the Government's proposals and to seek community input on it, rather than simply going ahead and implementing something. It is a fairly major change from what we have now and what we have had in the past.

We do not think that the Government should go ahead at this stage and appoint that commission. However, as I say, that communication has been going on simply between me, as chairman of the committee, and the Chief Minister, and the Assembly itself has not been within the loop. My purpose today in tabling this report is to inform the committee

that that action has been taking place, to inform the Assembly of the committee's view with respect to the recommendations of the Allen report, which has been referred to us directly by the Chief Minister, and to formally put forward our recommendation that the Government should defer the introduction of any legislation in connection with this new regulatory body before we report. That is the purpose of our report, Mr Speaker. It is now before the Assembly. I hope that the report is self-explanatory.

MR HUMPHRIES (Acting Chief Minister, Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (5.21): Mr Speaker, I want to make a few comments on the report, because I have had some involvement in the last couple of months in discussing with members of the committee the Government's proposals for a gaming commission to see what might be possible. As I have not heard all of Mr Kaine's remarks, I cannot be sure whether he mentioned this or not, but members may be aware that there is, I think, a date early in the new year when appointments to the Casino Surveillance Authority - - -

Ms Tucker: We addressed that in there.

MR HUMPHRIES: He did mention that in his remarks, did he?

Ms Tucker: No, it is addressed in the report.

MR HUMPHRIES: Okay. For the benefit of the members here, I mention that there is a date early in the new year when appointments to that body expire and need to be renewed. The Government was anxious not to have to arrange for a period of renewal of membership of that authority if, in fact, it would result in some members being appointed for quite short periods of time, pending the establishment of a replacement gaming and racing commission, Mr Speaker. So, the Government had proposed - I think it is not likely to be viable at this stage - that it put on the table its proposals in legislation for the new commission at the earliest available stage, so that members of the committee, of the Assembly and of the public, for that matter, would be able to see what it was that we were proposing. In particular, the Select Committee on Gambling would be able to see what the Government had in mind for that area that would help it to frame any recommendations it would make in its final report or further reports later this year or early next year.

I have to say that I am still not entirely clear, having looked through this report and heard Mr Kaine's remarks, why it is that producing the legislation and putting it on the table in this place is, necessarily, a bad thing and prevents the committee from being able to consider its own reference and make recommendations at the end of the day. It is a question of whether the committee is influenced by the legislation or the legislation is influenced by the committee. I would have thought that the committee's recommendations in that respect were the more important matter and, therefore, the legislation being on the table would allow the committee to be able to consider its position based on what the Government was proposing in tangible terms rather than on what might have been the Government's end product with the legislation. Mr Kaine commented that there was a need for public consideration of these matters. I entirely agree. For that reason, it seemed to me to be sensible for the legislation to be on the table sooner rather than later.

The Government, obviously, accepts that this is the view of the committee. The committee consists of members, none of whom are members of the Government. Mr Speaker, I would urge members to ask themselves whether it is, necessarily, the most sensible state of affairs not to have the legislation on the table. I fully accept that there should not be any attempt to pass legislation before the committee is ready to consider it, but I cannot quite see the logic of saying that the committee should not be able to see the legislation before that point. I would appreciate some comment on that in due course.

MR KAINE: I seek leave to speak again on this issue and to comment on the matters referred to by the Minister.

Leave granted.

MR KAINE: Mr Speaker, the intention of the Chief Minister in terms of what she has conveyed to me is not just to table the legislation; she intends to go ahead and establish the commission. It is more than just tabling the legislation for either the Assembly or the committee itself to be aware of. It goes much further than that. Hence, the Chief Minister's statement that she wants to establish this new commission sooner rather than later. By that, I take it that she meant sooner than the time that we are scheduled to report, which is not until the first sitting day in February.

It is another one of these cases where, for some reason, the Government is placing rather undue haste on making a significant change, and that would deny to not only the committee but also the Assembly the ability to debate intelligently what the Government is proposing to do. It is rather more than just questioning whether the committee sees anything wrong with the Government tabling its draft legislation. If that was all the Government intended to do, I would say that that is probably a good thing, because the Assembly can then refer that legislation to the select committee. It would mean, perhaps, that our terms of reference would have to be modified because it does not include consideration of this matter as a separate reference at the moment.

If that were the intention, that would probably be a good thing, but my understanding of what the Chief Minister proposes is that there is an urgency to appoint this new commission in January. I understand that is based on the fact that the existing Casino Surveillance Authority runs out of time about the end of the year, to which my response would be to extend it for another three or four months, if needs be. But there appears to be an intention on the part of the Government to go ahead and create this new body while our committee is still looking at aspects of the matter that, perhaps, ought to be reflected in the legislation and certainly should be reflected in the operating charter of this new commission. We are putting the cart before the horse a bit. I would be quite reassured and quite prepared to operate on the basis that the Deputy Chief Minister wishes to start on, but I do not think that that is the Government's intention.

MR QUINLAN (5.27): I just want to endorse some of the things that Mr Kaine said. As shadow Minister for racing and gaming, I am anxious to get the findings of the select committee and to digest them and appreciate the direction that they represent before we make decisions as to how we will control racing and gaming in the Territory.

It would seem to be extremely pre-emptive on the part of the Chief Minister and the Government to wish to push ahead with putting this commission in place purely because - no other reason is given - it is anxious not to have term appointments for the Casino Surveillance Authority. That is nonsense. There is no reason why there cannot be term appointments. I am sure that the people involved would happily continue what they are doing now for an interim period, possibly with a view to some of them remaining involved in the control and regulation of racing and gaming anyway. I do not see the sense of this, other than ignoring the work of this committee and saying, "It does not matter what they are doing anyway. We know what we want to do. So, we will just go ahead and do it". I must fully endorse what Mr Kaine has said and will be looking forward to resisting any premature attempt to put a racing and gaming commission in place.

Question resolved in the affirmative.

EDUCATION - STANDING COMMITTEE
Inquiry - Work for the Dole Project in Primary Schools

MS TUCKER: I ask for leave to make a statement relating to a new inquiry to be undertaken by the Standing Committee on Education.

Leave granted.

MS TUCKER: I wish to inform the Assembly that on 9 October 1998 the Standing Committee on Education resolved to inquire into and report on the work for the dole project planned for primary schools, with particular reference to the processes adopted to consult with key stakeholders who would be involved in or have an interest in the project; the selection of participants; the adequacy of the training component of the project; the adequacy of the support for the young people and staff involved in the project; and any other related matter.

EVIDENCE (CLOSED-CIRCUIT TELEVISION)
(AMENDMENT) BILL 1998

Debate resumed from 27 October 1998, on motion by **Mr Humphries:**

That this Bill be agreed to in principle.

MR STANHOPE (Leader of the Opposition) (5.30): Mr Speaker, the Labor Party is quite happy to support this Bill. It is an important piece of legislation. I understand the intention behind it, but I do not understand the reason for the delay in introducing this Bill to cover the hiatus from the term of the previous Act allowing for closed-circuit television evidence. I think it is an important piece of legislation. I would like to see it continued as a trial. I am very keen for the assessment of the use of closed-circuit television to be undertaken when those concerned with the issue believe that there is a sufficient body of evidence on which to undertake a qualitative assessment of its worth. It seems to me intuitively that it is an experiment worth persisting with. Frankly, I would be surprised that any other result could be achieved.

In those instances where witnesses to certain matters before courts need the sort of protection that the giving of evidence by closed-circuit television grants - particularly in matters involving young children and sexual abuse and offences against women, particularly sexual assaults and rape - it seems to me more than appropriate that those witnesses have available to them the opportunity of using closed-circuit television.

The sunset clause in the previous Act expired some months ago. In closing the debate, the Minister might like to address why we have been without this particular provision since June. As I say, I think the legislation is very worth while, and I would like to see it continued and assessed in due course.

MS TUCKER (5.33): The Greens will also be supporting this Bill. I believe that closed-circuit television is a very important choice that should be allowed, particularly to victims of crime. We have had it in use in the ACT in sexual assault matters since 1994. It is about giving the victims of crime a choice to avoid being excessively cross-examined, which can be a discouragement to people to take offences to trial. It does not seem to have had a negative impact on outcomes of proceedings. It is an accepted practice in a number of jurisdictions in Australia. I think it is very important, and we are happy to support it.

MR HUMPHRIES (Acting Chief Minister, Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (5.34), in reply: Mr Speaker, I want to thank crossbenchers and the Opposition for their support for the Bill. It is an important piece of legislation to make sure that members of the community are not left unprotected when they are in the unfortunate position of needing to give evidence in trials involving, for example, sexual assault or child abuse. This legislation will ensure that the protection available to them continues.

Mr Stanhope asked why the legislation was allowed to lapse before it was renewed. I think the short answer to that question, Mr Speaker, is that we have a relatively small government body called the Department of Justice and Community Safety, divided into a number of even smaller units, each of which juggles a large number of ongoing pieces of legislation. The department is relatively small compared with other departments in the ACT, and the volume of legislation that it looks after of course is much larger than in any other department. The result is that a large number of matters are looked after by a handful of people, and it is inevitable on occasions that some matters will be overlooked. In this case no harm has been done, and I hope that we can proceed quickly to gazette the legislation and make it effective. I thank members for their support.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

HEALTH (AMENDMENT) BILL 1998
Detail Stage

Bill as a whole

Debate resumed from 27 October 1998.

MR MOORE (Minister for Health and Community Care) (5.36): Mr Speaker, I seek leave to move two amendments together.

Leave granted.

MR MOORE: Mr Speaker, I move:

Page 3, line 18, clause 11, proposed new section 11, omit the section, substitute the following section:

“ ‘11. **Admissibility of evidence**

‘(1) The following are not admissible as evidence in proceedings before a court, tribunal, board or person:

- (a) an oral statement made in proceedings before an approved public sector committee;
- (b) a document produced to an approved public sector committee, to the extent that it was prepared solely for the purposes of the committee;
- (c) a document prepared by an approved public sector committee.

‘(2) In this section -

“document” includes -

- (a) any part of a document;
- (b) any copy, reproduction or duplicate of a document or of any part of a document; and
- (c) any part of such a copy, reproduction or duplicate.’”.

Page 6, line 23, clause 15, proposed new section 13AG, omit the section, substitute the following section:

“ ‘13AG. **Admissibility of evidence**

‘(1) The following are not admissible as evidence in proceedings before a court, tribunal, board or person:

- (a) an oral statement made in proceedings before an approved private sector committee;
- (b) a document produced to an approved private sector committee, to the extent that it was prepared solely for the purposes of the committee;
- (c) a document prepared by an approved private sector committee.

‘(2) In this section -

“document” includes -

- (a) any part of a document;
- (b) any copy, reproduction or duplicate of a document or of any part of a document; and
- (c) any part of such a copy, reproduction or duplicate.’.”.

I present a supplementary explanatory memorandum to the Bill. These amendments, which respond to the scrutiny of Bills committee, were debated at length at the in-principle stage of the legislation. Mr Stanhope indicated that these amendments deal with the fourth area dealt with by the scrutiny of Bills committee. The other three areas were about whether this Bill had the appropriate balance between health outcomes and the infringement on civil liberties.

I concede that it is a matter of judgment as to whether the balance is right and hope that we have the support from the Assembly to ensure that we get better health outcomes. Remember that the infringement on civil liberties is very narrow. It is very tight. It is tied specifically to the quality assurance committees of the hospitals and applies only in those circumstances. Nevertheless, it is a matter of judgment. I hope that members will join the Government in ensuring that we can improve the health systems within our hospitals by this approach.

MR STANHOPE (Leader of the Opposition) (5.30): As the Minister indicated, we did deal with this issue the other day. In that debate I did indicate that because the Government's response to the scrutiny of Bills committee report had been provided just that day or the day before I would welcome an opportunity for another look at the matter. I acknowledge the readiness with which the Minister agreed that the matter be adjourned to today. I will not repeat the issues I raised then.

I believe this is a good piece of legislation. I think it is only appropriate that the quality assurance standard that applies to the public health system apply to the private health sector. I did mention some issues raised by the scrutiny of Bills committee. The Minister, in his amendments, does address one issue raised by the committee. I asked the Minister why he chose to address the fourth of the issues raised and not the other three. The Minister's response, which I accept, is that these are matters for judgment and that, as in so many things we do, we must balance individual rights against, in some instances, a perceived greater good.

I accept, and the Labor Party accepts, that the health outcomes potentially available as a result of the extension of quality assurance committees to the private sector do perhaps justify the lessening of some of the rights identified to the extent that they have been. I think these are issues that must always be monitored. I accept the judgment that the Minister has made. I do not take any great issue with it but would indicate that it is an issue that I think requires careful monitoring. Subject to that rider, the Labor Party is happy to support this legislation.

MS TUCKER (5.33): We are also happy to support this Bill to ensure quality in all sectors of the health system.

Amendments agreed to.

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

Bill, as amended, agreed to.

ELECTRICITY (AMENDMENT) BILL 1998

[COGNATE BILLS:

BUILDING (AMENDMENT) BILL (NO. 2) 1998
CONSTRUCTION PRACTITIONERS REGISTRATION BILL 1998]

Debate resumed from 24 September 1998, on motion by **Mr Smyth**:

That this Bill be agreed to in principle.

MR SPEAKER: Is it the wish of the Assembly to debate this order of the day concurrently with the Building (Amendment) Bill (No. 2) 1998 and the Construction Practitioners Registration Bill 1998? There being no objection, that course will be followed. I remind members that in debating order of the day No. 3 they may also address their remarks to orders of the day Nos 4 and 5.

MR HARGREAVES (5.41): Before addressing the actual legislation, I would like to compliment the Minister and his department on the process put in place for the consideration of this legislation. I would like to acknowledge the particularly good work that Mr Steve Ryan and Mr John Thwaite did in briefing us and for bringing together around the table a group of at times difficult people who had divergent views. They did an excellent job and they should be commended. I commend the Minister for allowing this process to go on, and I would ask him to keep that sort of thing up.

Mr Speaker, a cursory reading of the three Bills before us today would reveal a reasonable approach to the checking for sound construction of buildings in the ACT. Initially, I was in favour of the provisions and, to some extent, the philosophy of the Bills, but on closer scrutiny, further consultation and closer examination I find that there are some serious flaws in the legislation. The issues which I would like to address here are the fundamental philosophies behind the Bills, the positive parts of the Bills and the negative parts of them.

Until this Government significantly downsized the inspection role of BEPCON, the guardians of public safety in respect of building construction were inspectors from BEPCON. In other words, the government of the day was charged with ensuring that we could all expect, and would have delivered, safe, well-constructed and professionally engineered buildings in which to live and work. These Bills remove that responsibility and put it in the hands of the varying industries responsible for the construction. It is in a sense a case of: Who guards the guards while the guards are guarding Rome? Even they see problems. So, too, does the legal adviser to the scrutiny of Bills committee, but more of this later.

Mr Speaker, what we are experiencing in the privatisation agenda is its implementation at all costs. Just who is behind this agenda? I do not know, but I must say that the taxpaying member of the public is not. What are the steps towards privatisation? We can begin by corporatisation, then move to partial privatisation, then to whole-scale sale. This was the case with ACTTAB, is the case with ACTEW and was the threat behind the sale of ACTION. But there is another method.

What we do is downsize a function, say BEPCON, under the guise of cost-efficiency savings across the board. We split off functions to reduce opportunities for cross-subsidisation, we put more pressure on those staff members who remain behind and we watch them slip into poor service delivery. Similar sorts of things are happening in elements of Totalcare, such as survey. We tell the public that they are not getting the service they deserve and we bring in body hire companies to do the job for them. However, in this case the Government has dispensed with the body hire company concept and gone for the big one. What they have done is to offer some of the staff there attractive packages while they are in a situation of crisis. The crisis is the constant threat of being sold off. We have known of the Government's agenda in this regard for many months. It is a common feature of life in the Department of Urban Services. Just ask anyone in CityScape.

However, Mr Speaker, I must at this point again congratulate departmental officers on the consultation process. However, there was always a predetermined outcome. Some staff in BEPCON were offered packages, and the remaining staff were offered new career directions. They were to become the auditors. This would complete the picture and the Government could not be blamed for not looking after its staff. After all, Mr Speaker, they had bought some off and the rest were reprofiled, to quote the Police Commissioner when he was reducing police numbers. We are just seeing a clever way of privatising what is essentially core business. Let there be no mistake about it. This is core business and should be retained as part of public service.

Let me turn my attention to the positive parts of the legislation. I would not wish to be accused of not being fair. Mr Speaker, this legislation actually provides another bureaucratic layer on the certification of work performed. How it works is like this: First the designer, say an engineer, designs the work, and the plans are approved by a registered certifier. That is fine. The work is performed by a builder or similar tradesperson and checked by a registered certifier. Fine again. So far, this is much the same as before, when BEPCON inspectors did the checking. Once a building is in a state for occupancy, the Building Controller issues a certificate of occupancy based on the certificates he has received. Same again. But here is the extra layer. The auditors can, and will, check the certifiers. That adds an extra layer of protection.

Self-certification can be quicker and certainly less expensive. Private certification can be almost as quick. With more private certifiers available, and also available on the weekend, it should be quicker to have the certificates issued. Thus we could hope they would be less costly. The legislation also talks about codes of ethics and preclusions from acting as certifiers where conflicts of interest may be seen to apply. All good stuff, also most appropriate. The disciplinary action is pretty sound as well.

So, apart from the philosophical opposition to privatisation and self-certification, why would anyone want to oppose the Bills when they make it tighter, cost less and make things quicker? The march towards self-certification must be stopped. The consumer is entitled to protection from those elements in the industry who, through greed, incompetence, inefficiency or cost-saving imperatives, would provide a dangerously constructed building. It is just not good enough to say, "We are professionals. Leave it up to us". It was an archconservative who said, "Don't you worry about that!". We do worry about that.

Do we leave the regulation of the health industry to the AMA or other health industry peak bodies? Do we leave the regulation of the food industry to the industry peak bodies? Do we leave the administration of explosive materials to the industry? No, of course not. The reason we do not do this - and it applies in many other industries as well - is that they are providing services which affect our wellbeing. We have health industry registration boards, health inspectors and dangerous goods inspectors to represent the community. Government has a role to play in ensuring the quality of the product inspection and implementing sanctions when the services are below par. To be below par is to court serious injury or worse.

Mr Speaker, I know that in many government services collusion is found to occur, and often poor service results. But when it is found, the action which ensues is heavy. The community calls for blood and usually gets it. I do have a worry that where the interests of public safety are involved and government inspection has no role the opportunity for collusion is heightened, and the quality of certification and its reputation for being that one step removed are reduced.

A further problem is forum shopping. I know that this exists with solicitors, doctors and other professionals, but that does not excuse it. I quote a concern from one group which contacted me:

... with the introduction of private certification, there is a risk that hidden influence could be exerted on certifiers by unscrupulous developers with a consequent detriment to the community.

Basically, this means that where certifiers are too tough they will not be hired by developers or builders, and those whose standards are marginal will be. The result? Poor-quality product.

Mr Speaker, we have heard concerns expressed by the scrutiny of Bills and subordinate legislation committee. These concerns, I believe, are valid ones and ones which I am not sure can be addressed by amendment. I note the Government's response to the committee's concerns and I thank the Minister for providing that response before debate was brought on, but I am not satisfied that the Government's response was an adequate one.

In the proposed legislation, much power is given to the chief executive, who "may" do something. On the other hand, he may not. For example, in the Construction Practitioners Registration Bill, clause 11(5), relating to a request for access to information about who is on the register, says that the chief executive "may" grant access. This small example is only one of many where the action of the chief executive is discretionary. In most cases this power is non-reviewable. It is odd that we are taking away the power of a government inspector and making him an auditor, yet conferring on the chief executive rather more power than appears warranted. Further, much is often made of industry's code of ethics. This legislation does not require such a code. Clause 12 of the Construction Practitioners Registration Bill says that the chief executive "may cause to be prepared and published" a code of ethics. Again this word "may".

Mr Speaker, when I was thinking of supporting the legislation and before the end of my current round of consultations, I noticed that there was no requirement for the auditors to be qualified in the same way as the certifiers. I entertained the idea of proposing an amendment to change clause 15(3) to include after subsection (2) the words "and holding qualifications as set out in regulation". This would have had the effect of requiring the qualifications to be listed in a disallowable instrument. I am grateful for the assistance of departmental officers in framing those words and I am grateful for the assistance of officers from Mr Smyth's office in concurring with the spirit behind that change. I would hope that if this legislation does get up the Minister folds those words in.

This Government has wound down BEPCON, with this agenda on its mind all the time. We do not support this philosophy and would urge the Government to embrace its responsibilities to the community in safeguarding the safety of its citizens and restore resources to BEPCON to discharge their responsibilities as they did before. I urge the Assembly not to support the Bill.

MS TUCKER (5.53): These Bills represent yet another example of the Government attempting to transfer public sector functions to the private sector. In this case it is the transfer of the work of government building inspectors to private certifiers who will be able to undertake plan approval and inspection of building work. At present a statutory office-holder, the Building Controller, or the controller's staff, approves plans for building, issues a permit to a builder to carry out the work and issues a certificate of occupancy for the work when completed. Under this new scheme, private certifiers registered with the Government will be able to approve plans and inspect the building work. The private certifier will also ensure that the consent of other parts of government or other bodies affected by the building work is obtained. In the case of electrical work, electricians will be able to certify their own work. The Building Controller's role is reduced to receiving copies of approved plans from the certifier and issuing certificates of occupancy based on a certificate from the certifier at the end of the job. Checking of the certifier's work will be done only through random auditing.

I have a number of concerns about this virtual privatisation of building control. Inspection work should really be carried out by people who are totally impartial and independent of the person being inspected so that there is nothing to stop the inspector from taking all necessary action against inadequate work. I am therefore concerned that these Bills reduce a government regulatory control over building standards to a commercial relationship between builder and certifier. This sets up a whole range of conflicts which are not present where the certifier is an employee of the Government.

While the proposed new system may have less red tape, it could also lead to lower standards of construction work which could have long-term implications for the health and safety of building occupants. Private certifiers will be under the same financial pressures as those builders and tradespeople they are supposed to be regulating. The temptation will be there to cut corners to increase profits or just to remain competitive. There will be much more risk management in the sense of weighing up the amount of work needed to do a job properly versus the remuneration that will be received for the job. In a small construction market like the ACT there is also the potential for cosy relationships to develop between builders and certifiers.

If substandard or faulty work is carried out, then the proposed auditing process of only a small percentage of jobs is unlikely to pick all of these up. I understand that current building inspections reveal a number of faults with building work and that in a significant number of cases there is a need for reinspection of work after correction. I think that people in the community would be very concerned if the houses in which they live had undetected faulty construction. This could not only lead to maintenance expenses in the future but also have environmental and health implications in the case of faulty water and sewerage connections.

I understand that the local construction industry is supporting the Government's proposals, but that does not make them the best way of regulating building work. The construction industry obviously has a vested interest in minimising the regulation under which it operates and thinks that the government scheme will give it more flexibility. I should note, however, that the support for these changes is not uniform across the construction industry. The plumbing profession in particular has taken a strong public interest in this issue and has raised a number of concerns about the potential drop in plumbing standards from these changes and about the public health implications.

The plumbing industry's concerns illustrate that the Assembly needs to assess these Bills on the basis of the broader community's interest in having building work undertaken to the highest possible standards. It is not good enough just to apply the privatisation model so favoured by the Liberal Government to whichever government regulatory function seems to require improvement.

MR HIRD (5.57): Mr Speaker, we are debating the Construction Practitioners Registration Bill 1998, the Building (Amendment) Bill (No. 2) 1998 and the Electricity (Amendment) Bill 1998, which were looked at by the scrutiny of Bills committee, which I am a member of. I would like to thank the Minister and his departmental officers for a quick response. They certainly laid to rest some of the concerns of that committee.

Mr Speaker, I wish to support the legislation. I believe that private certification and self-certification will provide a more satisfactory form of regulation of the construction industry. Other parts of Australia have been introducing the private certification of building over the last five years. The Northern Territory was the first to do so and our neighbours in New South Wales, under Labor Premier Carr - surprise, surprise - are the most recent. If the ACT adopts private certification, only two States will remain to follow. I understand that one of them, Tasmania, under a new Labor government, is putting into train steps to bring in these proposals. That will leave only Western Australia to follow. The Commonwealth Small Business Deregulation Task Force recommended private certification of building, and the legislation carries out an ACT commitment to implement that recommendation.

Development of the legislation included a long process of consultation with the ACT community. I understand that it began 2½ years ago when a discussion paper was widely circulated. Responses came from those involved in the regulation of building, electricity and plumbing in other parts of Australia as well as from the ACT. The responses were incorporated in a preferred options paper that was distributed in 1997 and discussed with the industry groups concerned. These included the Housing Industry Association, the HIA; the Master Builders Association, the MBA; the Master Plumbers, Drainers and Gasfitters Association; and the National Electrical Contractors Association. Consultations with the industry associations have continued this year during the drafting of the legislation and I compliment the Minister on this. I am told that one industry representative has travelled regularly from Parramatta to attend workshops that produced the Bills in their present form. We thank that person for that. Regulations will

be required to complement and explain the legislative scheme. The Government will ensure that industry representatives continue to be consulted over the next few weeks as the drafting is completed. It is expected that the regulations will all be tabled by Christmas this year so that this legislation can come into effect at some time in January next year.

Earlier this year members of all groups in the Legislative Assembly - the Opposition and crossbenchers - together with the industry groups I have referred to, were briefed on the Government's intentions at a meeting convened by the Minister for Urban Services, Mr Brendan Smyth. This legislation is consistent with the proposal tabled at the meeting and meets the commitments made at that time. One person at that round table conference who spoke earlier today has done a complete backflip. I do not want to name the person - the Minister may care to do so at another time - but that person gave a commitment and now he has done a complete 360. I am surprised.

I heard Mr Hargreaves putting his concerns, and they may well be justified, but the fact is that I know that under the legislation there is the opportunity to have audits. Audits can be taken at any time. If, for example, an electrical contractor does work on a house, at some time an audit can be undertaken to check his work. I understand that this will happen.

Mr Speaker, I believe these Bills should be supported and I hope they will receive general support from the parliament. I recommend that we support these Bills.

MR OSBORNE (6.02): We have just heard a very nice speech from Mr Hird, but unfortunately it did not convince me. I will not be supporting this package of Bills. It was not a very hard decision for me to make either. To some extent I accept the Government's argument that our current inspection system has its faults. However, I do not believe that it has enough faults to throw it out completely and replace it with the proposed new system, which I think has even more. Mr Speaker, I always find it a bit unnerving when I see legislation such as these Bills establishing the basic framework and we allow the Minister and his chief executive to fill in the blanks on their own as time goes by. I do not think that as a parliament we ought to allow that very often, and even then only when it is totally unavoidable. Yet that is what we are being asked to do once again today. Mr Speaker, I believe the legislation has too many blanks to be filled in and that the chief executive has too much unchecked authority, especially when he would deal with intended disciplinary action.

Mr Speaker, the inspection of properties during and after construction is a matter of trust. The public rely on inspectors to give them protection against shonky builders and poor workmanship and to ensure that their house complies with all safety aspects. It is a form of protection and insurance provided to the public by the government of the day. I do not believe that the level of protection contained in this legislation is adequate. Protection should therefore continue to be provided by the Government.

Various Ministers have argued a case over the past year or so that their government-provided inspection system has some flaws. As I said before, I have been unfortunate enough to have seen enough houses and units in Tuggeranong to agree with them. But in saying that I also agree with the Labor Party that in the long run the people of Canberra would be better served through keeping the government inspectors. I believe that the Minister would have a greater level of control over his inspectors and that there would be less potential for problems than if there were private inspectors.

Finally, I wish to comment on the proposed savings that this package of Bills would produce. As members are well aware, I am greatly concerned that the Territory has never lived within its means, and I recently tabled legislation seeking to establish in law certain principles which must be followed in the preparation of the annual budget. In tabling that legislation, I made it clear that, while I believe living within your means is important, the Government is not a business and that every decision made by it ought not to be made with a view to the bottom line.

When society is moving away from self-regulation in most areas - police, solicitors and many others - I am not prepared to support these Bills and I am not prepared to put at risk the trust expected, even demanded, by the public in the construction of the family home, and I intend to vote accordingly.

MR QUINLAN (6.05): Mr Speaker, a long time ago my job in Canberra was working with Readymix Concrete, and I well remember the saga of the rusty reo.

Mr Moore: That is the stuff that is crumbling out there.

MR QUINLAN: That is right, mate. It has a heritage stamp on it, though. I remember the saga of the rusty reo. This is the same reinforcing metal that went from footing to footing as the same builder saved a few bob. I am not painting every contractor in the building game as bad, but we still have to recognise that human nature is exactly that - human nature. There is a propensity from time to time for people in the building industry to cut corners. There is a great temptation to do so, inspectors or no, and it is very necessary that we provide the maximum protection for people. For most families, investment in a family home is the greatest investment in their lives. I do not particularly want to be a party to a process of diminution of the protection and the assurance of protection that home builders have.

Regulation is, to my mind, like the law of the land. It is not there for most of us. It is unnecessary for most of us, because it is our standards and our principles that guide us rather than the law of the land. The law is there to cater for the lowest common denominators in society. Unfortunately, it is the same thing with regulation. Just because the regulation is there it does not accuse every contractor, every builder and every tradesperson of being crooked. It ensures protection against those few who might cut corners. There are temptations in business to cut corners, particularly if you have a tight economy as we have now. Businesses on the edge make money or die. They make money or go out of business. They cut corners or go out of business. There is not a lot to lose. I would dearly love to have faith in self-regulation but I do not. I have a bit more faith in human nature.

I also share Mr Hargreaves' concern at the downsizing of BEPCON and then the employment of dissatisfaction with the performance of the inspecting regime, or the regulation regime that exists now, as an argument to replace it. I think we have that argument wrong. If there is something wrong with the system, let us first look at whether the system needs to be improved rather than thrown out. Too often that argument is used these days.

I am not prepared to endorse what is effectively the privatisation of something that I believe is not only the province of government but the responsibility of government to ensure that we all have protection within the community.

MR KAINE (6.09): I am supporting these Bills from the Government. I hear the concerns expressed by some members, but I believe that the self-regulation of industries is a well-established practice today and I see no reason why the construction industry is less able to regulate itself than some others that have been self-regulating for some time. At the end of the day, of course, it is not left to individual tradesmen to certify their own work. After they have done any certification, copies of documents have to go to the Building Controller, and the Building Controller is still responsible to determine whether the job has been properly done. I am sure the Building Controller will make it clear to certifying officers from the private sector that, if they are not doing their job right, their right to continue to certify may disappear.

I do not have the same concerns as some members do. I think that it is possible to control what these people do and to make sure that they perform. Besides any action that the Government itself might take, of course, the professional bodies which collectively add up to the building industry - the Master Builders Association, the Housing Industry Association, consulting engineers and the others who are involved in the building industry - have themselves a responsibility to make sure that their members perform their tasks properly. It is not just the Government that is going to be oversighting what is happening. The professional bodies that constitute the construction industry are going to be oversighting their members as well. By and large that sort of oversight works in other industries, and I believe it can work here.

I do have one concern. If there is no provision already by agreement with the building industry or in some other fashion for anybody who has a house built and finds that they have a lemon - and there have been a few of those over the years - I would expect the Government or the industry, or the Government and the industry working together, to set up some sort of a compensation scheme for people who do end up with the product of a bad tradesman's work.

No matter how much control you have and no matter how much supervision you provide, as has been clearly demonstrated in the past, there is always the opportunity for somebody to fail in his duty in terms of trade qualifications, trade standards and the like and produce an end product that does not meet the standards. As long as there is some provision for catching that sort of substandard behaviour or performance and compensating people who might otherwise find that they have made a big investment and did not get their money's worth, then I can see no difficulty. If any such proposal is in mind or if it is going to be

part of this self-regulatory system I would ask the Minister to ensure that people do not suffer some major disadvantage. Beyond that, I see no reason why it cannot work. There will still be plenty of supervision, both government and private, of what is going on and I would expect that it should work very well.

MR RUGENDYKE (6.12): I shall speak briefly in this debate. Mr Speaker, the main issues for me are those of due process, an efficient inspection system, an efficient plan section and an efficient procedure right through. It has become clear to me over the years that the system in the ACT is not up to scratch. Things could be done better, with fewer delays, and in a much more efficient way. Certainly, the process is more efficient elsewhere in Australia. I believe that we need to improve the efficiency of the inspection system.

The three Bills on the table are a step in the right direction to rectify the ongoing glitches that have been in the system. I am satisfied that the mechanisms proposed in the Bills for policing standards have the capacity to keep the industry honest. The Government ultimately retains the watchdog role, but at the other end of the process the community stands to gain a better building and inspection service. I am certainly prepared to take that step if it does mean making an improvement.

The other factor for me, Mr Speaker, is that private inspectors are already being utilised within the industry. In some cases the inspection of footings and concrete slabs, for example, is already being undertaken by people other than BEPCON employees. So, in a sense, there has already been a move towards this system.

We must be sure that the building inspection process retains the standards that are set, retains the accountability and delivers fewer delays for people having their homes built. That is what we should be striving to achieve. I believe that these Bills can achieve this outcome, and that is why I am prepared to vote for them.

MR MOORE (Minister for Health and Community Care) (6.15): Mr Speaker, I rise to support this legislation. I made my decision to support this legislation towards the end of last year when the in-principle discussions were going on. My decision came from watching how inspections occur. Having heard the arguments from Labor, Mr Osborne and others, I think all of us would agree there is some weight to those arguments. But when we make decisions in this Assembly rarely are things black and white. It is a matter of deciding what is the best outcome.

I believe that this will be an improved system, just because of the number of inspections that we can now expect to happen. For the Government to provide the number of inspections we would like to see, it would require a significant injection of funds into the inspection system, which I think would be inappropriate. I think there are more important priorities for funds. We can achieve the same goals or better goals by a better method. It seems to me that both methods have their downsides, but on a cost-benefit analysis this is a more sensible way to go, and that is why I am supporting the legislation.

MR SMYTH (Minister for Urban Services) (6.17), in reply: Mr Speaker, I thank members for their contributions to this debate. In particular, I thank Mr Hargreaves for his compliments about staff and about the process. Mr Thwaite and Mr Ryan are with us here this evening. I would offer my thanks to them as well for an excellent job. It is a job that has been going on for three years. This is not something with which we crept up on the Assembly. It was announced last November by the Chief Minister. Mr Humphries reiterated it during the election campaign.

Until Monday I thought the Labor Party was going to support this legislation. When Mr Hargreaves cites closer scrutiny as his reason for the change in their decision on this, I guess we have to read that as Labor Party code for "rolled in Caucus". When you go through it and you find excuses to have your out, you have to read it as the Right being rolled by the loony Left in the ACT yet again. It is quite clear that the parliamentary wing of the ALP in the ACT again have not taken on board the suggestions made in their own internal reviews. I have some sadness, because I thought this legislation would get through with the unanimous support of the Assembly.

Mr Hargreaves, in his speech, quite clearly identified that it is ideology that stops them from doing something that is cheaper. He himself identified the proposed system as tighter, quicker and cheaper, but they cannot vote for it because of ideology. What we see here tonight is the mask slipping on Mr Stanhope's new Labor. It is really run by Mr Berry's old Labor, which I think is a shame.

Ms Tucker mentioned that the plumbers had difficulty. Yes, the plumbers did have difficulty, but with the process, the round table, departmental officers giving briefings and answering questions, changing things as we went, and putting out an exposure draft before we brought the legislation to this place we have endeavoured to work very hard to meet everybody's needs.

Mr Osborne said that he had seen too many problems in Tuggeranong. That he has seen any problems in Tuggeranong is disappointing, but you have to remember that those problems occurred under the current system. We seek to build a better system - indeed, the system Mr Hargreaves identified as tighter, quicker and cheaper. Mr Quinlan also had some stories like those of Mr Osborne. I am sure we have all heard horror stories about buildings. My own parents replaced their bathroom three times in 1969 because the timber was rotten. What we offer through this legislation is protection. There is an extra level, a third tier, where we will be auditing the private certifiers to ensure that we are getting it right. Contrary to what some people here would say, the Government is not shirking its responsibility.

Mr Kaine raised concerns about those who end up with lemons. Unfortunately sometimes we do see this with people's dream home. I think it is a great thing to call it a dream home. It is something we all hold dear. Housing lemons are already covered by the home owners warranty requirements in Part IV of the Building Act. But in addition, as another level of protection, certifiers will be required to hold personal indemnity insurance. If certifiers certify something that is faulty and it is found to be faulty, they too will be liable for prosecution.

After this process, a process that Mr Hargreaves praised, we also offered that by the end of next year we would review how the system was working. We would look at it to make sure that we had got it right. If it is too loose we will tighten it up. I hope that when that review occurs Mr Hargreaves will take the opportunity to put forward the amendment. He had some sensible ideas about the very nature of looking at the auditors and how it worked. I hope that at some time in the future that may come forward.

I hope the legislation will get through. I feel that it will get through. The sad thing is that what we have is a day of revelation. The Labor Party are the true ideologues in this place. They would like to think we are the ideologues. They have no regard for changing circumstance, no regard for changing technologies, no regard for changing markets, not now, not ever. It is head-in-the-sand sort of stuff that the Labor Party will be known for. I wish they would read the review of their own party and see what they have done.

Mr Speaker, these three Bills will see a new system that will allow the Government to charge less. It will be a system that will be more convenient. It is a system with better safeguards. It now offers three levels of security instead of the current two. The Government will set the standards. The Government will do the auditing and the records will still have to be lodged with the Government, unlike any other jurisdiction in Australia. The Government will continue to provide that protection through our auditing of what the private certifiers do.

It is curious that Mr Hargreaves put out a press release about midday, I am told, after all the months of consultation. We have not heard any of these concerns from Mr Hargreaves. It is quite curious. I guess his walk on the road to Damascus is subject to a left-hand turn, so we are now heading off in a left direction.

Mr Hargreaves: That is getting pretty ugly.

MR SMYTH: It is, following that left track, John. It is a disappointment to you to see the Right, the sensible Right, rolled by the loony Left yet again in the ACT. It is just absolutely sad. But it says here:

My concerns are that not enough safeguards will be set in place to protect the home owner.

I guess that flies in the face of what he said about it being tighter. That is quite odd. The press release says there are not enough safeguards but he acknowledges that it is a tighter system than we currently have. As I have said, Mr Speaker, it will go from two tiers to three tiers. The press release then says:

Down the track there will always be the possibility that the home owner will be the victim, and the Labor Party want to ensure that this does not happen.

Labor, when they were in office, did nothing about this. What we have now is actually another level of guarantee. The certifiers will have to have liability insurance, Mr Speaker, and home owners who feel that they have been duded can certainly take it out on the certifier. The press release says:

Also, this Bill does nothing to address the issue of possible collusion amongst builders and building surveyors, which would only disadvantage home owners. Furthermore, the process of appeal is limited.

Mr Hargreaves, in his speech, identified the part of the Act that strengthens that. That could happen now. I do not believe it does, but clause 8 of the Construction Practitioners Registration Bill says:

A registered construction practitioner is not entitled to perform services as a certifier in relation to construction work if he or she has an interest in the work.

So, in Mr Hargreaves' own words, Mr Speaker, it is tighter, it is quicker and it is cheaper, but it is not good enough for the Labor Party. I stand amazed.

Mr Hargreaves also raised the point that we would not let the AMA oversee the medical arena. That is a good point, but we are not seeking to have the MBA or the HIA do the certifying. This Government will have its role, and it will keep its role, to protect the people of the ACT.

These are three good Bills. These are three Bills that, after a three-year process, go forward. They offer a better process. According to Mr Hargreaves' own words, it is a cheaper, quicker, tighter process. These Bills should be voted in favour of by all members here this evening. Even the New South Wales ALP this year have put legislation in place that will allow private certification in New South Wales. This is a step forward. This offers the people of the ACT a better service. In Mr Hargreaves' own words, it offers a tighter, quicker and cheaper service. I commend the three Bills to the house.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Question put:

That this Bill be agreed to.

The Assembly voted -

AYES, 8

NOES, 7

Mr Cornwell
Mr Hird
Mr Humphries
Mr Kaine
Mr Moore
Mr Rugendyke
Mr Smyth
Mr Stefaniak

Mr Corbell
Mr Hargreaves
Mr Osborne
Mr Quinlan
Mr Stanhope
Ms Tucker
Mr Wood

Question so resolved in the affirmative.

Bill agreed to.

BUILDING (AMENDMENT) BILL (NO. 2) 1998

Debate resumed from 24 September 1998, on motion by **Mr Smyth**:

That this Bill be agreed to in principle.

Question put.

The Assembly voted -

AYES, 8

NOES, 7

Mr Cornwell
Mr Hird
Mr Humphries
Mr Kaine
Mr Moore
Mr Rugendyke
Mr Smyth
Mr Stefaniak

Mr Corbell
Mr Hargreaves
Mr Osborne
Mr Quinlan
Mr Stanhope
Ms Tucker
Mr Wood

Question so resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

CONSTRUCTION PRACTITIONERS REGISTRATION BILL 1998

Debate resumed from 24 September 1998, on motion by **Mr Smyth**:

That this Bill be agreed to in principle.

Question put.

The Assembly voted -

AYES, 8

NOES, 7

Mr Cornwell
Mr Hird
Mr Humphries
Mr Kaine
Mr Moore
Mr Rugendyke
Mr Smyth
Mr Stefaniak

Mr Corbell
Mr Hargreaves
Mr Osborne
Mr Quinlan
Mr Stanhope
Ms Tucker
Mr Wood

Question so resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

ADJOURNMENT

Retirement of Detective Sergeant Gary Brodie

MR HUMPHRIES (Acting Chief Minister, Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (6.33): Mr Speaker, I move:

That the Assembly do now adjourn.

Mr Speaker, I wanted to mention briefly today the retirement of one of Canberra's most experienced and specialist police officers. Detective Sergeant Gary Brodie retires this week after 33 years as a member of the Commonwealth Police and the Australian Federal Police, most of which have been spent serving the Canberra community.

Sergeant Brodie is currently the team leader of the AFP's Bomb Response Team. He has been a member of the team since 1986. His experience as a police officer is very wide-ranging. He has worked in such areas as the Sydney Airport Squad, the General Crime and Cheque Squad, the Crime Intelligence and Organised Crime Squad, and he performed duties with the 13th United Nations Police Contingent to Cyprus in 1976.

He was a member of the Cyclone Tracy relief team sent to Darwin in 1974 to work in search and rescue. When he joined the AFP he transferred to the ACT Region where he was a member of the Fraud Squad and was also an instructor in recruit training and detective training.

It is since 1986, Mr Speaker, that Sergeant Brodie has been in his element. Never before have I met someone with such a knowledge of bombs, incendiary devices and other forms of explosives. He is regarded as one of Australia's foremost police officers in this field, and his advice is regularly sought by fellow bomb technicians all over Australia. He also regularly participates in national anti-terrorist exercises, including as an umpire and adviser. But, above all that, Sergeant Brodie is a professional police officer whose leadership to younger officers is exceptional, and his strength and courage are to be admired by every citizen of Canberra.

I spoke about his recognition around Australia for his expertise in the field, but his modesty is another character trait for which he is well recognised. I do not follow how one can be modest dealing with devices which, as he tells me, explode at 20 kilometres per second. That is roughly 50 times the speed of sound. Of all the people I have ever met, I think Sergeant Brodie has the safest and steadiest hands, and it is not surprising why. As one of his colleagues told me today, he has served his country through law enforcement for over 30 years at a standard many have aimed for but few have achieved, and few ever will. I wish Sergeant Brodie and his wife, Lynne, every success and happiness in his retirement.

Carers Week - Children Who Care

MR WOOD (6.36): At a forum this morning about young carers, I heard that about 600 children under 15 in Canberra are carers; 600 children as young as nine provide care to a parent or sibling with a disability or chronic illness; 250 of them provide the majority of care, often with little adult support. Young carers take on the full range of responsibilities, from personal care and medication to shopping, cooking and cleaning for the family.

One report of a nine-year-old is an example. She gets up early to help her mother get dressed, bathed and fed, then does the same for her younger brothers. She says she is tired at school and often gets into trouble for not doing her homework. She says that she wishes she had someone to help her. When her friends are playing or watching TV after school, she is still caring for the younger ones and coping with the many tasks involved in running a home. Children like her have incredible responsibilities that many adults would find almost an intolerable burden.

Let me quote one of the stories I heard about today. A 12-year-old, David, provides considerable care for his older brother who is 14 and who has a disability. His mother works part time and three afternoons each week arrives home after the bus drops the brother off. On those afternoons David is responsible for watching Ben to ensure that he does not hurt himself. He assists his brother with toileting and prepares his afternoon tea. While David does not complain about his family situation, he often wishes he had the same amount of freedom as his friends.

How does caring affect these young people? There are the positives - strong family bonds, enhanced sensitivity and empathy for others, and pride in their maturity. There are also the negatives - economic difficulties, the restrictions on their normal activities, the educational difficulties and the health and emotional problems. There are also the long-term worries about the future: "What will happen to my family when I get older and want to leave? Will I ever be able to leave?"

The Carers Association of the ACT, along with Marymead and St Vincent de Paul, has formed a support network for these children. They will be offered holiday camps, outings, advice and counselling. By meeting other children in similar situations and having a chance to talk, they can gain support by sharing their problems and realising that they are not the only children with these responsibilities.

Among the points I heard during this morning's forum were that young carers are identified as those under 18 caring for the aged, sick or disabled. Many provide a high level of care. Their own education or development may be affected. They lack training while carrying out work that adults are often trained for. Teachers and peers often misunderstand them, especially as they are reluctant to discuss their circumstances, and many do not have the type of childhood we expect children to have.

Mr Speaker, the invitation to the forum stated that its purpose was to raise awareness of the needs of children who are carers and to make a commitment to assisting them. In this Assembly, we must pay particular attention to that. The importance was emphasised by one speaker who said, "A young carer is a child in need".

Retirement of Detective Sergeant Gary Brodie

MR RUGENDYKE (6.40): Very briefly, Mr Speaker, I want to echo the words of Mr Humphries in relation to Sergeant Gary Brodie. I have had a long and exciting association with Gary Brodie over the years. He is one of life's gentlemen. There is something about people who specialise in bomb work. You do notice a rather psychotic glint in the eye and a twist of the mind that not even Sigmund Freud would find easy to diagnose properly. Having said that, I do have a great admiration for Sergeant Brodie, and I do wish him well in the future in his retirement.

Osborne Child

MR OSBORNE (6.41): Mr Speaker, I want to speak briefly on a personal matter. I am very pleased to announce that my son has a name. He was born 31 days ago but we have had a bit of trouble. When you have the first boy it is not too hard. For the second boy it is a little bit easier. By the time you get to the third and fourth you are starting to run out of names that you both agree on. He has been Thomas for a week now so I am taking that to mean that he will stay Thomas. I have not spoken to my wife this afternoon, but I am keeping my fingers crossed, Mr Speaker, that he stays Thomas.

I tried very hard for Brian, which is my father's name, and she would not cop that. She said, "If we are going to call him Brian, what about Cecil?", which is her father's name. I said, "Cecil? I'll have to teach the poor kid to fight if I call him Cecil". But he is Thomas.

I would like to thank very specially Dr Roger Heaton who has delivered my four children who have been born here in Canberra. I first met Roger in 1994. I knew we were going to get on well when I walked in because the first thing I saw in his window was a St George football card. I knew I was in the right place. He has delivered all four of my boys. We had a pretty ordinary experience in Sydney with the first gynaecologist. He was not the nicest bloke in the world. We were very lucky to have had Roger. He is a tremendous support. His encouragement and his gentleness with Sally was terrific, and I would like to thank him. I got on very well with Roger. In fact the last couple of kids have been barred from going to most of the appointments because we spoke about footy for most of the time. He was great. I think everyone who has children would acknowledge that childbirth is quite a daunting experience, especially for the pregnant women involved. Roger was a real comfort for Sally and I would like to thank him for that as well as the staff at John James.

MR SPEAKER: If it is any help, Mr Osborne, if you have any trouble with your wife you can say that if it is not Thomas you have misled the house and will therefore be facing censure.

MR OSBORNE: We have had sillier censure motions, Mr Speaker.

Question resolved in the affirmative.

Assembly adjourned at 6.44 pm until Tuesday, 17 November 1998, at 10.30 am

29 October 1998

ANSWERS TO QUESTIONS

MINISTER FOR HEALTH AND COMMUNITY CARE

QUESTION ON NOTICE: No. 42

Disability Support Programs

Mr Wood - on 2 September 1998 asked the Minister for Health and Community Care questions in relation to:

Given that the ACT Government is currently consulting on the individual support packages (ISPs) and individual funding arrangements (IFAs) programs for people with a disability -

- (1) Since 1 July 1996, how many (a) IFAs and (b) ISPs have been allocated; and against what criteria were they allocated.
- (2) Who made the decisions about which individuals with a disability got the packages.
- (3) What were the mechanisms used to determine the appropriate hours of support for each recipient.
- (4) How were these decisions reviewed.
- (5) On what dates were the successful applications lodged for each ISP allocated after 1 July 1996.
- (6) How many of these successful applications were included in the outstanding applications lodged prior to 1 July 1996.
- (7) Why did the Government abolish the former open and transparent previous model established to allocate ISPs.

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

- (1) Three Individual Funding Arrangements (IFA's) have been created since 1 July 1996. Individual Funding Arrangements are created by separation of funds from organisational block funding. This occurs when funds can reasonably be attributed to an individual client.

In August 1996 two IFAs were created when service recipients individualised funds from a service provider. Authority was provided by the then Minister for Health and Community Care, Mrs Kate Carnell MLA.

In July 1998, \$140,000 was individualised to facilitate the provision of appropriately tailored accommodation support for a person requiring high levels of support.

Four Individual Support Packages have been allocated since July 1996.

In April 1997 an ISP of \$8,942 was allocated. The package was provided on the basis of the recipient's extraordinarily challenging behaviour and the need to support his family. In addition to the recipient's youth, the immediate consequences of inadequate support levels and the incremental financial implications of escalating support needs motivated the decision to provide a package.

In May 1998 an ISP of \$11,900 was allocated for the provision of support to siblings requiring physical and medical support. The children have a combination of disability, challenging behaviours and potentially critical illness.

In July 1998 an ISP of \$13,800 was allocated to a recipient with both terminal illness and challenging behaviour. The package was created to provide flexible overnight and weekend support. Inadequate support had resulted in frequent, inappropriate hospital admission. The package was contracted for a three month period. This recipient also received a one off package in April 1997. In this instance, under approval from the then Minister for Health and Community Care, Mrs Kate Carnell MLA, funds allocated to, but unexpended, the implementation costs of the Social and Community Service (SACS) Award were utilised.

In July 1998 an ISP of \$42,800 was allocated to a recipient following acquired brain injury. The personal circumstances of the recipient, in combination with overwhelming medical and community support to facilitate the recipients continued (highly successful) rehabilitation prompted the reallocation of a relinquished packaged.

(2) IFAs are determined through a negotiation process between the individual and/or their carer/advocate and the relevant service provider. The Department has facilitated the process through contract variation.

The ISP allocations have occurred in circumstances of extraordinary need. The decisions to allocate packages in these circumstances have been made at a senior departmental level or following Ministerial advice.

(3) The extent of the Individual Funding Arrangements has been determined by the pre-existing level of service to the individual, where that has been reasonably discernible.

The service provision level determined in the circumstances of ISP allocation has been determined by both professional assessment, including psychologist,

medical specialist and social worker assessment and an assessment of pre-existing support levels.

(4) One ISP recipient has had their support needs reviewed. The review was undertaken by Ms Sunny Dell from the NSW Department of Community Services in August 1998. The report identified the individual's funding package should be increased from \$13,800 to \$91,000 per year because of the specialised nature of support needed. Because of lack of funds within the Disability Services program and the current review of the ISP program, additional funding has not been allocated at this time.

The review of the ISP program will provide a mechanism for all existing packages to be reviewed in relation to eligibility and funding level.

Monitoring of the financial management of the packages occurs within the Department via the contractually required quarterly and annual reporting mechanisms.

(5) The Individual Support Packages have been allocated, following extensive correspondence between individuals, their families and advocates, service providers, members of the Assembly and the Department of Health and Community Care. The dates for the receipt of the initial submissions to the Department are listed below.

IFA/ISP	Decision made by	Determination of hours	Review	Date application lodged	Date package started	Outstanding application from pre July 1996
ifa	Minister for Health and Community Care	existing level of service			August 96	no
ifa	Minister for Health and Community Care	existing level of service			August 96	no
ifa	Minister for Health and Community Care	existing level of service			August 96	no
ifa	Executive Director, Financial Management and Contracting	existing level of service, MAP			December 97	no
isp	Executive Director, Financial Management and Contracting	service provider, psychologist	August 1998	March 1997	April 97	unsuccessfully application lodged in 1995

IFA/ISP	Decision made by	Determination of hours	Review	Date application lodged	Date package started	Outstanding application from pre July 1996
isp	Executive Director, Financial Management and Contracting	service provider, social worker and medical practitioner		first application: March 1997 second application April 1998	first allocation April 1997 (one off) second allocation July 98 (one off)	no
isp	Executive Director, Financial Management and Contracting	social worker		April 1998	July 98	no
isp	Executive Director, Financial Management and Contracting	social worker, dietitian, medical practitioner		October 1997	May 1998	no

(6) One of the ISP recipients applied unsuccessfully for an ISP prior to 1 July 1996.

(7) A major initiative of the previous Government has been the expansion and development of Individual Support Package program. The tailoring of support packages facilitates the choice and control of the recipient in accessing the service system.

In the 1995-96 Budget, the Government provided \$600 000 to fund additional packages. 35 new packages were purchased, resulting in a total of 71 Individual Support Packages.

In order that the process of allocation be transparent and impartial, expressions of interest were invited from members of the public to serve on an independent panel. The panel was appointed in late 1995, to consider assessments and make recommendations to the Department. No significant additional growth funds have been allocated to the ISP program since 1996. A small amount of funding has returned the program through relinquishment or underspending of existing packages. The limited availability of funds has not warranted reconvening the panel.

A major objective of the ACT Government has been to expand the range of service options in the community sector. This has been achieved through

directing *growth and transition funds* under the Commonwealth Territory Disability Agreement to accommodation support, day time activity, community access and respite care services.

The ACT Government has borne the majority of the cost of expanding services in the area of disability services. Since 1993 the Commonwealth growth monies under the CSDA has increased by 18%. The ACT Government's contribution to the development of disability support services has increased by 82% during the same period.

The reform of the ISP program will establish operational processes which ensure the maintenance of the program's integrity. This requires that the packages are utilised in a way that facilitates the individual's needs and ambitions. The reforms will strengthen the choice and control of the recipients over the development and delivery of their support packages.

The allocation of Individual Support Packages subsequent to July 1996 represent prompt and appropriate responses to critical and complex situations.

MINISTER FOR HEALTH AND COMMUNITY CARE

QUESTION ON NOTICE: No. 43

Health and Community Care Growth Funds

Mr Wood - on 2 September 1998 asked the Minister for Health and Community Care questions in relation to the HACC funding:

- (1) Of the 1998-99 HACC growth funds -
 - (a) what percentage was used to spot/directly purchase support services for (i) older people and (ii) people with disabilities in the ACT.
 - (b) what percentage was (i) put to tender and (ii) how were they determined.
 - (c) what was the basis of the decision to tender respite care and in-home support services and not to spot purchase from existing provider agencies in the ACT.
- (2) In relation to the allocation of funds to Kincare (a NSW based organisation) -
 - (a) what consideration was given to the impact on the current and future community based service system for (i) older people and (ii) people with disabilities in the ACT.
- (3) When was the Kincare Community Service incorporated as a non-profit organisation, and
 - (a) who is eligible to be a member;
 - (b) where is it incorporated;
 - (c) what are its objectives;
 - (d) who is on the board; and
 - (e) are there any ACT residents who are (i) members of the organisation or (ii) on its board of management.
- (4) Will Kincare Community Services be required to establish an administration office in the ACT or will it be run from Sydney.
- (5) Will ACT HACC funds be used to purchase administration services for Kincare in NSW.

- (6) What percentage of funds will Kincare Community Service direct to administration services in NSW.
- (7) Does the decision to bring a new player into the community service sector indicate that it is the Government's view that there are insufficient service providers in the ACT or will the Government leave this to market forces.

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

(1)

(a) Funds of \$839 000 are available in the 1998/99 HACC growth round. Priorities for expenditure of these funds are currently being determined in keeping with the ACT HACC Action Plan and the 1998 - 2000 ACT HACC Strategic Plan

(b) To be determined in keeping with identified priorities for purchase in the 1998/99 growth round. The Department uses a mixed purchasing methodology and as a general rule, we go to tender for the purchase of services with new monies.

(c) No such decision has been made in relation to the 1998/99 growth funds.

(2)

(a) The tender process takes into account the needs of individuals to receive flexible and appropriate services as a priority. The needs of the service system are considered in light of the needs of individuals. The tender submissions were evaluated against published selection criteria, designed to ensure that the services purchased were of the highest quality and represented value for money for the ACT. These were drafted to ensure the selection of the best service for older people and people with a disability in the ACT.

(3)

According to a company extract obtained from the Australian Securities and Investments Commission on 4 June 1998, Kincare Community Service Limited ACN 082 296 437 was incorporated on 14 April 1998, as an Australian public company limited by guarantee. The company has stated in the extract to have the subclass "unlisted public company - non-profit company".

(a) The directors of the company are listed under 3(d).

(b) Under the Corporations Law, all companies are now incorporated as Australian companies and there is therefore no distinction made in terms of which Territory or State jurisdiction the company was incorporated. However, it is known that the lodgement of the application for incorporation was made in New South Wales.

(c) The company extract states the principal activity as "Aged Care". Memorandum and Articles of Division 1 Company effective 14 April 1998.

(d) Directors of the company are listed as:

James Ian Howie

Margaret Lynette Howie (Company Secretary)

Jason Andrew Howie

(e) There are no ACT residents listed as Directors of the company.

(4)

Kincare Community Service Limited is currently recruiting staff in the ACT and will establish an ACT office to run the service in the ACT.

(5)

ACT HACC funds will be acquitted against service provided in the ACT under the terms and conditions of the ACT government purchase contract which identifies quantity, price and quality indicators. Under output based funding no distinction is made as to the specific purposes to which funding is applied. Obviously, most agencies would apply part of their funding to administration.

(6)

Any funds applied to administration will support the provision of services in the ACT.

(7)

The government uses tendering to ensure that services purchased represent the highest quality and best value for money for the ACT giving the highest level of service for ACT citizens. Kincare Community Services Limited was judged by the tender evaluation panels to be the leading contender against published selection criteria in this case. This does not indicate that the government views the community services sector in the ACT to be lacking in any aspect. Rather, the decision to award the tender to Kincare Community Service Limited is a result of an open tender process and brings an additional service provider to the ACT which will encourage competition and increase consumer choice in the ACT.

MINISTER FOR HEALTH AND COMMUNITY CARE

QUESTION ON NOTICE: No. 44

Health and Community Care Growth Funds

Mr Wood - on 2 September 1998 asked the Minister for Health and Community Care questions in relation to the HACC funding:

- (1) How much of the (a) 1997-98 and (b) 1998-99 HACC growth funds have been used to (i) directly fund ACT Government run services and (ii) fund community based non-government services.
- (2) Did previous governments use these HACC funds to expand non-government community based services.
- (3) When did this government policy change.
- (4) How much did ACT Community Care get in the 1998-99 budget to expand its disability and HACC services.
- (5) What percentage of funding is provided to ACT Community Care's Disability Services compared to community based non-government disability organisations.
- (6) How much has ACT Community Care spent to redevelop its services in the disability area over the last five years and why was this necessary.
- (7) How much has the ACT Government provided to non-government services to assist in the development of their services over the same period.
- (8) Is it the Government's intention that ACT Community Care compete with non-government organisations in the market. If so, has this step been taken in any policy framework and what is this policy framework.
- (9) What is the Government's plan to put to open tender the services currently provided by government agencies in the disability field.

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

- (1)(a) In 1997 - 98 HACC growth funds equalled \$872,000. The following allocations were made in line with the 1997/98 - 1999/2000 HACC Strategic Plan:
- | | |
|-----------|---|
| \$120,000 | for cost supplementation (related to CPI movement) of existing services; |
| \$300,000 | for the purchase of additional home and activity based respite care; |
| \$250,000 | for expansion of integrated in home support, where a range of basic maintenance and support is provided from a single service outlet; and |
| \$200,000 | for funds to purchase individually tailored services, brokered through an information, negotiation and brokerage service. |

Of the 1997-87 HACC growth funds, the amounts provided to

- (i) directly fund ACT Government run services were \$18,120, (1.3% of \$1,393,983) and for integrated in home support \$125,000 has been awarded to ACT Community Care in partnership with HomeHelp Services ACT Inc : and
- (ii) the balance to fund community based non-government services were \$728,880 (including \$125,000 (full year effect) to Kincare Services Inc. for integrated in-home support).
- (1)(b) At this time 1998 - 99 HACC growth funds have not been allocated other than in the provision of price supplementation of 1.6% to all HACC providers
- (2) Previous governments have historically used HACC growth funds to expand non-government community based services. The exception to this is the usage of growth funds to provide cost supplementation to all HACC (non-government and government) providers. It should be noted that ACT Government run services, such as ACT Community Care are not excluded from competing for HACC growth funds.
- (3) The policy of utilising HACC growth funds has not changed. The Department will purchase outputs on the basis of achieving best value from the purchase fund in order to provide the outcomes desired. The criteria will be quality, quantity, timeliness and price.
- (4) In the context of HACC funds, in 1997 - 98 ACT Community Care received in the Disability Program \$100,175 HACC funding plus \$1,293,808 HACC funding for Community Nursing in the Community Health Care Program. This provided a total of \$1,393,983 in 1997 - 98.
In 1998 - 99 ACT Community Care received in the Disability Program \$103,100 HACC funding and \$1,331,700 HACC funding for Community Nursing in the Community Health Care Program. This provided a total of \$1,434,800 in 1998 - 99. This represents an increase of \$40,817.

- (5) The total HACC funds for 1998 - 99 is \$10,851,000. This provides for both aged and disability services. It is not possible to dissect this amount into aged or disability only. Of this the amount in the ACT Community Care 1998 - 99 purchase contract for the Disability Program is \$103,100 HACC funding. This represents 0.95% of the allocation.
- (6) With the exception of 1993-94 when \$10,000 was paid for training in the then Housing and Community Services Bureau, in relation to HACC there has been no expenditure by ACT Community Care of HACC funds in the redevelopment of its disability services over the past five years. It should be noted however, that ACT Community Care has expended other funds in redeveloping its Disability Program as a result of the continuing commitment to reform the program following the review of ACT Disability Services by Ms Sunny Dell in 1994.

- (7) A review of records since 1994-95 indicates the following service development that has occurred for the non-government sector:

1993-94

Service Provider Training	\$10,000
Red Cross Training for primary carers	\$7,000
Belconnen Community Service Computer Upgrade	\$6,853
Carers Association Strategic Planning	\$8,000
FaBRiC Computer Workstations	\$6,738
HomeHelp Computer Equipment	\$20,000
Respite Care Computer Equipment	\$4,692

1994-95

Carers Training in the ACT	\$10,515
Service Provider Training	\$24,533
Home Help Consultancy	\$25,000

1995-96

Home Help Consultancy	\$69,906
National HACC Project	\$6,000
Sharing Places Consultancy	\$309
Carers Training in ACT	\$69,900

1996-97

ADACAS Education Support Project	\$75,000
Carers Training in ACT	\$62,727
Spot Audits	\$30,000

1997-98

Service Provider Training	\$24,546
Carers Training in ACT	\$62,727
Service Audits	\$7,803

- (8) All new services and significant expansions in service are open to competition. This provides an opportunity for both government (ACT Community Care) and non-government providers to compete in tendering for new services. This step has been taken in line with the new purchaser/provider arrangements, ACT Government financial reform program and competition policy principles.
- (9) The Government has no plans for tendering out services currently provided by government agencies in the disability field including those receiving HACC funding.

MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 46

Tenants Council - Meetings

Mr Bill Wood MLA - asked the Minister for Urban Services - In relation to the Tenants Council -

- (1) How often does the council meet and what was the date of the last meeting.
- (2) Where are the meetings held.
- (3) How many attend and what government agencies are represented.
- (4) Which ACT Housing residents are eligible to attend and how are they nominated/elected.
- (5) What have been the main topics at meetings over the last 12 months.
- (6) What recommendations/actions have resulted from these meetings.
- (7) When is the next scheduled meeting.
- (8) How are decisions made at meetings implemented and/or advised to residents.

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

- (1) The Tenants Council meets when members decide that there are matters for discussion such as local level organisational issues; issues involving other government agencies; to ensure information flow between local groups and interstate regional councils through newsletters and social events.
- (2) The last recorded meeting of the Council on ACT Housing's records was 6 February 1996 at the Bega, Allawah and Currong Residents Association Community Room, Braddon. The Tenants Council determines where meetings are held.

- (3) Two elected representatives from existing Tenant Groups and, by invitation, representatives from Government Agencies to respond to issues raised by Council members.

- (4) See (3) above. All public Housing tenants may attend.

The representatives of tenants groups are elected by members of their groups.

- (5) The Tenants Council has not met during the past 12 months.

- (6)
 - (a) Preparation of the aims and objectives of the Council.
 - (b) Nomination of two representatives from the Council to represent it at meetings with “Bureaucrats”.
 - (c) Write a letter to the Commissioner for Housing and the General Manager informing them of the establishment of the Tenants Council.
 - (d) Write to the Commissioner for Housing regarding maintenance problems.

- (7) The Tenants Council is responsible for deciding when meetings will be held.

- (8) Refer to (5) above. The Tenants Council decision making process is not documented on ACT Housing records.

APPENDIX 1: Incorporated in Hansard on 27 October 1998 at page 2283

QUESTION WITHOUT NOTICE TAKEN ON NOTICE

TUESDAY, 25 AUGUST 1998

WINE INDUSTRY NETWORK

Question from Mr Wood to the Chief Minister:

1. What are the outcomes of the feasibility study into the wine industry?
2. Did it recommend the establishment of an ACT wide wine industry network and for the network to begin operations to market regional wines from an inner city shopfront?
3. What was the reaction of the wine industry to the proposal to establish the network?
4. Is there a conflict of interest in that the person who managed the Feasibility Study for ACT AusIndustry, and who remains under contract to the Chief Minister's Department, is the same person who is likely to operate the venture (Wine Industry Network)?

Suggested answer:

1. The Canberra District Wine Industry Feasibility Study was commissioned by ACT AusIndustry. The purpose of the study was:
 - . to identify network business opportunities throughout the ACT and region;
 - . to promote Canberra District wineries; and
 - . to identify markets and products to fill market needs and trends.

The recommendations from the Wine Industry Feasibility Study included:

- . the development of a strategic marketing and development plan for the Canberra District Wine Industry
 - . the formation of a multi-sectorial wine industry marketing and networking organisation
 - . the development of industry training packages
 - . continued support and development of regional wine industry festivals and events
 - . facilitation of sustainable investment and development in the region, by identifying and creating an inventory of existing growers
 - . addressing regulatory and legislative issues including whole- sale tax and issuing of irrigation licences by the NSW Government.
2. The Feasibility Study did not specifically recommend the formation of an ACT wide wine industry network that would market wines from an inner city shopfront. However, it did recommend the ‘formation of a multi-sectorial wine industry marketing and networking organisation’.
3. There was no proposal to establish a Wine Industry Network in the Feasibility Study. However, the Canberra Region Wine Industry was very supportive during the preparation of the Feasibility Study, providing significant input into the report. An Executive Summary was made available for contributors following completion of the study.
4. I can advise the Assembly that the person who managed the Feasibility Study on behalf of the ACT AusIndustry recently resigned his contract with the ACT Government following his declaration of a financial interest in a new business called ‘Wine Industry Network’.