



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

18 February 1999

## Thursday, 18 February 1999

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The Assembly met at 10.30 am.

*(Quorum formed)*

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

### **EVIDENCE (AMENDMENT) BILL 1999**

**MR HUMPHRIES** (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (10.33): Mr Speaker, I present the Evidence (Amendment) Bill 1999, together with its explanatory memorandum.

Title read by Clerk.

**MR HUMPHRIES:** I move:

That this Bill be agreed to in principle.

This Bill and the Courts and Tribunals (Audio Visual and Audio Linking) Bill 1999 are a package which reflects the Government's commitment to ensuring that ACT courts can take full advantage of technology which will improve access to, and the efficiency of, the justice system. This Bill inserts a new part into the Evidence Act 1971 to allow Territory courts to take evidence or receive submissions by audiovisual and audio links from persons interstate and to allow the courts interstate to take evidence or submissions using the same means from persons in the Territory. These particular provisions are largely based on a draft model Bill which was endorsed by the Standing Committee of Attorneys-General in 1997.

Under the Bill it is possible for evidence to be taken, using audiovisual or audio communications, from what is described as a "participating State". A participating State is a State or Territory which has equivalent legislation in place. I understand that at least South Australia, Queensland and Victoria already have legislation enacted and New South Wales and the Northern Territory will shortly have legislation in place.

Courts will retain a discretion as to whether they direct the use of audio or audiovisual technology in a particular matter. The court will have to be satisfied that appropriate facilities are available and it is more convenient for the evidence or submission to be given in this way. If it is proposed that evidence be given from interstate, the court must be satisfied that the making of the direction would not unfairly prejudice any party opposing the making of the direction.

In circumstances where the facilities are available and it would be more convenient to take evidence or receive submissions by audiovisual or audio communications, the Bill enables a Territory court to make an order to recover the cost of expenses that were incurred in providing evidence or submissions in this way. The Bill ensures that persons can be punished for behaviour, essentially amounting to contempt, where it occurs when evidence is being given or a submission has been made in the Territory, by audio or video link, to an interstate court.

As well as facilitating the giving of evidence and making of submissions from interstate, the Bill enables evidence to be taken, a submission to be made or an appearance to be made, from a place in the ACT other than the courtroom. Currently, persons who have been remanded in custody by the Magistrates Court are required to be physically brought before the court before the end of the period for which the person was remanded. An amendment to the Magistrates Court Act 1930 will enable a person remanded to the Belconnen Remand Centre to remain at the centre but appear before the Magistrates Court by video or audio link. However, this capacity will not override the court's discretion to order that a person be brought physically before the Magistrates Court in the interest of justice.

The use of this technology will reduce the inconvenience and risks associated with transportation and escorts for a remanded person, who could be taken back and forth to court many times if the delay between the person's initial remand and the matter being heard is significant.

Mr Speaker, the use of audio and audiovisual communications will provide a more efficient and less costly means by which courts can receive the evidence of expert and other witnesses required to give evidence in criminal and civil matters and in coronial inquests and inquiries.

The Bill will not have an impact on Territory expenditure. Both the ACT Supreme Court building and Magistrates Court building have existing audio link equipment. Video equipment will be acquired to take full advantage of the legislation. Facilities for the Supreme Court are being examined. The Belconnen Remand Centre will be equipped to allow remandees to appear by video link. The Bill will, potentially, result in reduced costs in civil and criminal proceedings because it will be possible to avoid the costs associated with bringing witnesses to the ACT to give evidence in court. Mr Speaker, I commend this Bill to the Assembly.

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

## **COURTS AND TRIBUNALS (AUDIO VISUAL AND AUDIO LINKING) BILL 1999**

**MR HUMPHRIES** (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (10.37): Mr Speaker, I present the Courts and Tribunals (Audio Visual and Audio Linking) Bill 1999, together with its explanatory memorandum.

Title read by Clerk.

**MR HUMPHRIES:** I move:

That this Bill be agreed to in principle.

This and the previous Bill are a package which reflects the Government's commitment to taking technology into the courts in a way which reflects the changes and developments in technology in recent years and the future development of that technology. Mr Speaker, the comments that I made on the previous Bill adequately describe the purpose of this legislation as well. I therefore commend the Bill to the house.

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

### **REPORT OF THE REVIEW OF GOVERNANCE - SELECT COMMITTEE Alteration to Resolution of Appointment**

**MR OSBORNE (10.39):** I move:

That the resolution of the Assembly of 28 April 1998, as amended on 25 June and 10 December 1998, appointing a Select Committee on the Report of the Review of Governance be amended by omitting paragraph (3) and substituting the following paragraph:

“(3) The Committee report on:

- (a) the Report's recommendations, other than those made in relation to the Report of the Electoral Commissioner entitled *Review of the Electoral Act 1992 - The 1998 ACT Legislative Assembly Election*, by the first sitting day in March 1999; and
- (b) the Electoral Commissioner's Report entitled *Review of the Electoral Act 1992 - The 1998 ACT Legislative Assembly Election* and associated matters in the Report of the Review of Governance by the first sitting day in April 1999.”.

The motion will allow the committee to table an initial report on the first sitting day in March in relation to most matters, other than those that have come about because of the Electoral Commissioner's report, which the committee has not had time to conclude its inquiries into. As you would be aware, Mr Speaker, as a member of the committee, I might just forewarn the Assembly that the issue of Aboriginal representation has come up in deliberations within this committee, and my thinking at the moment is that perhaps this committee would be the best place to have a look at that issue. I will speak with the other members - Mr Stanhope and you, Mr Speaker - about perhaps looking at extending the life of this committee to take in that very important issue. So, I hope to meet with

your good self, Mr Speaker, and Mr Stanhope some time in the next week or so, after which we will perhaps be able to come back to the Assembly with some more information on that very important issue.

Question resolved in the affirmative.

**JUSTICE AND COMMUNITY SAFETY - STANDING COMMITTEE**  
**Report on Children's Services (Amendment) Bill 1998**

Debate resumed from 10 December 1998, on motion by **Mr Osborne**:

That the report be noted.

**MR HUMPHRIES** (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (10.40): Mr Speaker, the reasons for this matter being on the notice paper today, I think, were well discussed yesterday. It is obvious to any observer that there is very little point in having a debate about a Bill which has just been passed in the last 24 hours by the Assembly. This was to have been a continuing debate about the report of the Justice and Community Safety Committee on the Children's Services (Amendment) Bill 1998. Mr Speaker, there seems to be not much point in debating a Bill which has already been passed. If members have nothing better to do, of course, I am very happy to have an inconsequential debate about anything; but I think that we have all got better things to be doing than debating matters which are no longer relevant to the Assembly.

Mr Speaker, the Government will not be producing a response to the report. It seems to me to be a complete waste of the time of the Public Service to ask them to prepare a response to a Bill which has already been considered by the Assembly. That government response was due next month, and members have seen fit to not bother to wait for the government response. I have a feeling that this issue will be revisited in some form or another in the future.

Mr Speaker, on the point of the Children's Services (Amendment) Bill, however, I would like to advise the Assembly that I have received advice from my department about the effect of amendments which were passed yesterday in the Assembly. I will table this advice, but I would like just to read verbatim what it says:

The nub of the problem with the Osborne amendments is that he has repealed the provision which formerly provided for the jurisdiction of the Court. This provision was required for the operation of a number of other provisions (section 21 - age, section 22 - procedure, section 25 - joint charges). His bill makes no allowance for the consequential amendment of any of these provisions to refer to the new jurisdiction vesting provision.

Possible consequentials which might be desirable as a result of changes to the Children's Services Act

- . Existing section 21 provides rules for determining the jurisdiction of the court by reference to age. It does this by reference to section 20 which has been repealed. The relevant rules now appear in section 20B and section 21 will need to be amended to refer to section 20B.
- . Existing section 22 provides for the procedure of the court. It does this by reference to section 20 which has been repealed. The relevant provision now appears in section 20B and section 22 will need to be amended to refer to section 20B.
- . Existing section 25 provides for proceedings where a child is jointly charged with an adult. It does this by reference to section 20 which has been repealed. The relevant provision now appears in section 20B and section 25 will need to be amended to refer to section 20B.
- . A consequential amendment may be necessary to section 10G of the Magistrates Court Act 1930 to reflect the changed arrangements concerning the constitution of the Children's Court.

I table that advice from my department.

Mr Speaker, I hope that, with a chance to sleep on this, members will have some regrets about the procedure used yesterday and they will acknowledge that the committee process of the Assembly is not simply the work of the committees themselves, but also the work that goes on around the committees, including government submissions to, and responses to the reports of, Assembly committees.

We do not yet have a situation where committees determine absolutely what the Assembly as a whole will do. In those circumstances, it is appropriate - indeed, necessary - that the Government is able to make submissions to committees and respond to committees in order to inform Assembly debate about those things. That was not possible yesterday. I will not, of course, reflect on a vote of the Assembly yesterday, but I will ask members to consider whether we should revise our processes in these areas and ensure that yesterday was not a precedent for future action on Assembly committee reports.

Question resolved in the affirmative.

**PLANNING AND ENVIRONMENT - STANDING COMMITTEE  
(THIRD ASSEMBLY)  
Report on Outdoor Lighting in the ACT - Government Response**

Debate resumed from 25 August 1998, on motion by **Mr Smyth**:

That the Assembly takes note of the paper.



**MR HARGREAVES (10.46):** I note in the Government's response to the report quite a number of things which give me cause for concern. Also, I would like to record my disappointment in the actual report from the committee. Given that it was from the Third Assembly, I do not hold any of the current members responsible for that; but it seemed to me that there was an undue emphasis on the extent to which city lights and sporting facilities affect dark skies. I do not argue the toss particularly about the importance of it. It was the relative importance of public safety that I was a bit concerned about. I am more concerned about the absence of the Government's attention to that particular aspect.

What I see under "Short Term Actions" is fine. I have no problem with that. But what I see threaded through the government response is constant attention to how much any corrective action might cost. It says that there is a basis for further examination of the matter of "cost-effective and energy-saving lighting designed for a specific task which facilitates public safety, security and recreation". Yet there is precious little in this government response which actually tells us what they are going to do about that. I had some concern when I read that one crucial issue is what relative importance should be attached to the various components of the definition. I would have thought that the definition of public safety and security was pretty self-evident, particularly when this Government starts talking about "the importance that can be attached to quality outdoor lighting as opposed to other government and community priorities".

Mr Speaker, I would have thought it would have been a little bit more important to address the safety aspects of streetlighting for such things as town centre car parks than to invest many hundreds of thousands of dollars in a piece of concrete slab whacked up in six weeks. I might say that it was whacked up in six weeks, and for months and months people have been condemning it. I have been asking for many months for some corrective action to streetlighting down in Tuggeranong, but I have got absolutely nowhere. So, that just shows, in my view, what is the commitment to this.

Mr Speaker, I will not go through every element of this report, because some of it is fine; but on section 3 I want to concur and congratulate the Government. The recommendation is to improve the coordination of matters by identifying one government agency as having overall responsibility for setting lighting standards and monitoring the implementation of those standards. I think it is a great idea. All too often, when people have some concerns about any part of the infrastructure, they have a choice of three or four, or maybe even five, different parts of the bureaucracy that they need some assistance from. This is a positive step, and the Government needs to be congratulated for agreeing with that recommendation.

Section 7, under "Medium Term Recommendations", however, gave me a little bit of concern. The committee recommended:

the Government establish a body (comprising representatives of business, the tourist industry, police, government agencies and especially lighting professionals and retailers -

quite a few people -

to develop a strategy to promote the use of full cut off lanterns in streetlights, car parks, car saleyards and other locations.

What the Government has said here is that, as far as it is concerned, work in relation to streetlighting will be contingent upon the outcome of the study referred to in previous recommendations and that lighting problems, where they exist, will be more efficiently handled on an individual basis. We would agree with that in a sense, except that, when we have brought up individual streetlighting issues connected with public safety - and proven through the attention of the police in those particular areas - those particular issues have not been addressed.

Two instances come to mind. One of them was a request by parents to have better streetlighting provided outside the Gilmore Primary School, where there was a young lass sexually assaulted and quite badly affected by the whole thing, as anybody with any sensibility could imagine. Parents in that area sought the assistance of the Government to remove some shrubbery. Well, they sent around the shrubbery-fixing mechanics and they performed a scorched earth treatment on the shrubbery around the Gilmore Primary School. That is lovely, because now nobody can lurk in there and jump out. But, of course, if the lighting there had been proper in the first place, that somebody would have been seen leaping out of the said shrubbery.

People have approached the Minister, they have approached the departments, they have approached PALM - I think they have approached nearly everybody in the ACT - and have said, "Please give us some improved lighting out there". The response they got, Mr Speaker, was: "It is a low priority". I reject that entirely. As far as I am concerned, we should not have to wait for some poor kid to get attacked before we actually provide that lighting. Certainly, if it has already happened, we have an obligation to prevent it happening again. For heaven's sake, let us have some priority here. It does not cost a barrowload of money to do that, when you compare it with some of the sillier things that we have actually costed. I suspect, Mr Speaker, that the Government is putting those other priorities ahead of public safety in that regard.

Mr Speaker, section 9 sought the Government's agreement to facilitate the development of an education strategy to inform the people of the ACT about the way that quality outdoor lighting can be provided. It was suggested that representatives of business, the tourism industry, police, resident groups, astronomical groups, lighting professionals and retailers, the NCA - that is, the National Capital Authority, although there is the possibility there of confusion with the National Crime Authority, because that would be a reason why you would want some adequate lighting in the first place - and any other interested people or organisations should be involved. In other words, the committee would recommend to the Government that all of the stakeholders who have an interest in this sort of thing get together and develop an education strategy to inform the people about how quality lighting can be provided.

The Government did not agree with that. It said:

Planning activities and, in particular, the shopping centre refurbishment program, provide an important context for installation of quality outdoor lighting and can provide clear demonstration effects. The Civic lighting and signage strategy is such an example.

My information and my visits indicate to me that the lighting around Civic is not the best. Certainly, the lighting around the car park area in the Tuggeranong Town Centre, at both ends, up near where the Southern Cross Club has now been built - and, I might also inform the Assembly, where the youth centre is - is substandard. The car park at the corner of Cowlshaw Street and Reed Street, which is opposite McDonald's and the Salvation Army facility, has been the subject of complaint to me by businesses, by individuals and informally by members of the police force.

There have been a number of incidents in that car park. I have been bellyaching about these for some time, to no avail. For example, we have had people who have robbed stores within the Hyperdome head that way. The police have gone into some of the establishments in that area and have said, "Do not go out there, because we cannot find the guy". That is a specific instance that comes to mind. We can provide dates and bits and pieces, if anybody is interested. We also know - and I have had complaints made to me - that there have been cars knocked off from that particular car park. Curiously, one car actually lost all four wheels. It was put up on bricks at about 9 o'clock at night. You would think, Mr Speaker - unless this is a band of absolutely incredible professionals - that to knock off four wheels in a public car park where there are people about is no mean feat. But it can be aided by substandard lighting.

We have been asking for that to be addressed for some time. Again, the response has been: "This is a low priority". I cannot find out - I have asked the Minister to tell me, and he has not done so yet - what constitutes a high priority, a medium priority and a low priority. He has not told me. I was hoping to see some of this sort of information come out of the report and also the Government's response, and it has not. So, I am very critical of that. I cannot find out what are the criteria for high, medium and low priority, but I would have thought that examples of people being injured and people being supremely frightened - as opposed to just walking down your street where the lights are a bit dim - would have constituted a high priority; but it would appear not to be so.

Mr Speaker, recommendation 10 was that the Government establish an advisory body to prepare an outdoor lighting code. It quotes the lighting code for Tucson, Arizona. If we do not have a lighting code, how on earth can we determine what is a high, medium and low priority for it? We have got nothing to measure it against. The Government says in its response that it is not convinced that the problem is significant enough to justify a lighting code of the type recommended by the committee at this stage. That is fairly consistent with the response that the Government gave to the mother of that kid who was assaulted in Gilmore. It is a low priority. It is not convinced that the problem is significant enough to justify a lighting code of the type recommended. Well, I am blessed if I know what would be.

Mr Speaker, essentially, the Government has just paid lip-service to this report. It does not seriously want to do anything. It recognises that it has got to do something about the extent to which, in a sense, we have got light pollution over the ACT. I recognise that,

and I support the activities to try to reduce that. But I question the priority. I do not question at all the motives or the work of the committee. I applaud the work of the committee and the recommendations that they have made. Had I been in the Assembly at the time when the terms of reference were drawn up, I would have asked that the public safety aspect feature a little bit more prominently in them.

But, Mr Speaker, I am very disappointed in the Government's response. They have agreed where it does not cost them a penny; they have agreed where it is not really going to get much publicity anyway; they have not agreed where it is going to cost them a quid; and they have not agreed where there is clear evidence that they should have had a greater accent on public safety for the kids and on the public car parks.

I have just mentioned those two. I have had people who are shopkeepers come to me and say, "The lighting at the rear of our shopping centre is pretty ordinary. People lurk around the place. We do not feel very safe". The Government says, "Oh, well, when we refurbish these shopping centres, we will whack a bit more lighting in" or, "When we get a developer, we will twist his arm to whack some more lighting in". I do not find that enough. I think the Government ought to be a bit more proactive about this, Mr Speaker. Apart from that we have no further comment on it.

**MS TUCKER (10.59):** As the initiator of the inquiry into the provision of quality outdoor lighting by the former Planning and Environment Committee, I have to say that I am disappointed with the Government's response. While the Government acknowledges that there is room for improvement in Canberra's outdoor lighting, it does not appear to be prepared to do much about it. As I said to this Assembly when this inquiry was set up, the problem with outdoor lighting is not just about the impact it has on the night sky and on the astronomical activities in the region, but also about the fact that poor lighting is wasteful of electricity and money.

Mr Hargreaves seemed to be concerned that there was not enough focus on the actual provision of lighting in Canberra. That was not the task of the committee. Where the lights are is another issue altogether. But I do want to point out to Mr Hargreaves, who seemed to be concerned, that the committee did not actually address the issue of safety. There are two ways in which this issue could allay your concerns. If we are saving energy and electricity costs, obviously there is more money available to be spent on providing lighting in areas where there is not adequate lighting.

Also, what is very interesting to note is that efficient lighting - that is, lighting that has the cut-offs to stop the light pollution which causes waste of electricity and light spill in the night sky - actually is better for safety. If you have lights which are just pouring light out, there is the problem of glare for people, and they cannot actually see into the shadows either. So, there is a safety benefit in having well-designed lighting. I do not think it is fair to criticise the report in terms of its lack of attention to the matters that you have just raised. That was not the task of the committee.

The lack of coordination of matters affecting the standard of outdoor lighting that was identified by the inquiry is not being seriously addressed by government. For example, the recent move to develop a stronger regulatory framework for electricity services in the ACT provides a great opportunity for reviewing streetlighting standards which are

a major contributor to light pollution. However, streetlight management gets only a passing reference in the Government's statement of regulatory intent for utilities in the ACT. All that is said is that the current arrangements will continue. I also note that the Government is not prepared to develop an ACT-wide strategy to promote more efficient lanterns in streetlights, car parks, car saleyards and other locations, preferring instead to handle lighting problems on an individual basis.

Given that development proposals that involve outdoor lighting are being put forward all the time - the Government's work on refurbishing local shopping centres being an example - I would have thought it would be more efficient to develop an overall strategy and guidelines for quality lighting that could be drawn upon at any time, that the public could draw upon when considering the upgrading of the existing outdoor lighting or the installation of new lighting.

There was an interesting example of that lack of coordination. Recently, I went to have a look at some government housing where there had been quite an expensive refurbishment carried out, and the request from residents had been that there be more lighting actually put in the grounds of the government housing complex. This was done; but, unfortunately, because of the poor design of that lighting, there is now a very disturbing element of light for the residents in the flats. In other words, they cannot actually have darkness in their flats unless they have very strong and thick curtains. That is not only poor design in terms of wasting electricity and not efficiently lighting the area for safety reasons; it is actually causing a significant problem for people who live there. So, if we did have that overall coordination of high standards of lighting, that mistake would not have occurred.

I do note, however, that the Government has committed itself to undertake research on more efficient streetlight fittings. The committee's recommendation states that the analysis should be reported to the Legislative Assembly. I would therefore like the Minister for Urban Services to confirm that he will provide to the Assembly a report on this work.

**MR HUMPHRIES** (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (11.03): Mr Speaker, I just want to make a few brief comments, given my involvement in the earlier stages of this process as Minister for the Environment, Land and Planning. I can see that there is some disappointment that the Government has not taken up the issues as fully as some members would like; but I have to emphasise to members of the Assembly that some of the recommendations involved, inherently, a very large expenditure to be able to reprofile Canberra's lighting system. The sort of thing that Ms Tucker was talking about is certainly possible, but it also comes at a very considerable cost.

**Ms Tucker:** But it will save money, too, remember.

**MR HUMPHRIES:** Ultimately, the running costs would be lower; that is true. But the time it would take to return that saving would be very great, particularly if, as some appearing before the committee argue - at least, some argument was put to the Government - to make this work you would need to actually change the frequency of light poles in the ACT. The present profile demanded that, to change the system of lighting

that we had, you would need to change the location of the poles. That would clearly be a matter of very considerable expense to the Territory. That may or may not be necessary; but that was certainly the view that was put to the Government.

The other extraordinary thing, though - I am sorry that Mr Hargreaves has left - was the comments of Mr Hargreaves in this debate about how we need to improve public lighting in the ACT and that there should be more public lights in various public places. I do not know whether Mr Hargreaves has read this report; but this report is about reducing the impact of public lighting overall, not increasing it. It seems to me to be somewhat inconsistent to argue that the Government should be more fully picking up the issue of reducing the profile - at least in terms of light pollution into the sky - of lighting in the ACT and, by the same token, that it should be increasing public lighting in public places to improve safety. Regrettably, Mr Hargreaves seems to have those ironies wash over him fairly frequently without realising that they are actually happening.

Mr Speaker, I think that this government response is appropriate because, overall, whereas a significant change in direction on lighting may have some benefits, it would be delivered at a very considerable cost. And, frankly, I think the Government is right to acknowledge that, given the state of the ACT fiscus and the pressures that are on it at the moment, remodelling the Territory's lighting profile is simply not a high enough priority to demand a fuller response than the one that has been given.

**MR CORBELL** (11.06): Mr Speaker, in this debate this morning I first of all want to correct some comments by Mr Humphries. He suggested that my colleague Mr Hargreaves had missed the point of the standing committee's report on outdoor lighting. I would have to say, Mr Speaker, that that is not the case at all. I think what my colleague Mr Hargreaves was endeavouring to put forward was that we need a better quality of lighting for public safety in the ACT. I do not think Mr Hargreaves was suggesting that we need - - -

**Mr Humphries:** You were not even here. How would you know what he was saying?

**MR CORBELL:** Mr Humphries, there is this thing called a TV in my office, and I can listen to the debate on that. Mr Speaker, what my colleague Mr Hargreaves was saying, quite sensibly, was that there are issues to do with public safety that need to be addressed through more adequate and effective mechanisms of lighting in the ACT. Indeed, that is something that the outdoor lighting report itself addresses. That report says, quite sensibly, that there are aspects of inappropriate lighting that, whilst being seen to be bright and all-encompassing, actually make public spaces less safe than they could be if they were lit more appropriately. I think that what my colleague Mr Hargreaves was endeavouring to say was just that.

Mr Speaker, I had the opportunity to go on a night tour of Canberra with some of the people who were progressing this issue. I congratulate them on their efforts, because it certainly drew my attention to some of the serious deficiencies we have in the existing stock of public lighting in Canberra and the adverse impact it has on our night-time environment. There is not an occasion now, Mr Speaker, when I drive along at night and look at the streetlights, when I do not think, "Is that a full cut-off light or is it a partial cut-off light?". As you drive through various parts of Canberra, along various sections of

road, you can certainly see the very distinct differences in the types of lighting and the impact they have in terms of glare, in terms of casting glow into the sky - all these sorts of issues - and whether they are actually being used effectively to light appropriately and safely with minimum glare.

Mr Speaker, it was disappointing to see the Government's response to this report. What the committee was able to find - I should not be saying the committee's "report" because it was not a report, it was a discussion paper - was that - - -

**Mr Humphries:** It was a report - Report No. 38.

**MR CORBELL:** Was it a report?

**Mr Moore:** Yes.

**MR CORBELL:** I apologise.

**Mr Moore:** We did a discussion paper first, then a report.

**MR CORBELL:** It was a discussion paper first, and then a report. I apologise. Quite clearly, a number of cities around the world are now making a very conscious decision that the scale and type of lighting that they use have to be reconsidered and dealt with in a way which reduces glare, which reduces glow escaping into areas where it is not needed. Those cities are ones where they have an increasing and very important role in terms of night sky observatories. I would have to say that one of the great beauties and advantages of living in Canberra is still the opportunity to see the night-time sky in pretty much all of its glory. I live in Gungahlin. I have, I think, a privileged position, in that there is not an enormous amount of glare being cast from the Gungahlin area yet and much of the night sky, particularly to the north and north-west, is still very dark. We get quite a spectacular view as a result.

But, Mr Speaker, that is under threat. We have certainly seen that with some of the developments of lighting around the new Gungahlin Town Centre, where there have been some very large floodlights put into place to light the car parks around the town centre, and they cast a considerable glow into the night sky. Perhaps that issue could have been addressed at an earlier stage with a more proactive government policy.

I take Mr Humphries' point about the considerable cost in relation to this. But it would seem to me that, even in relation to new developments, where there is the opportunity to reduce the amount of glare from specific new developments such as the Gungahlin Town Centre, that opportunity has not been taken. Indeed, that is a situation that needs to be addressed.

I think, if the Government is not prepared to deal with the all-encompassing issue of existing lighting across Canberra, it should be prepared to perhaps look at some of these newer developments and the opportunities to reduce glare in those developments. For instance, in Gungahlin, there is an opportunity to significantly cut down on the amount of glare that escapes to the night sky, but we have not seen that really effectively done yet.

**MR MOORE** (Minister for Health and Community Care) (11.12): Mr Speaker, as the chair of that committee, I have been particularly interested in the government response here. I think that we ought not to be negative about it. I realise from my discussions with Mr Smyth that there is a long-term issue as well as the short-term issue. I remember discussing with Louise Littlewood her dissenting comments, which I think can be summarised as saying: “There is a physical constraint. How quickly can we do this?”, rather than saying: “There is a problem with the notion itself”.

I think that anybody who takes the opportunity to enjoy our night sky should realise what a phenomenal tourist opportunity we have in selling it - particularly because we have the Mount Stromlo Observatory, which has now become more tourist oriented, as well as the observatories in Dickson and so forth.

As part of the work within that committee report, I also spent a night near Coonabarabran at the observatory there. I must say that it reminds me just how fantastic an Australian night sky can be, compared to almost anywhere else in the world. It is something that, I think, does give us a huge amount of opportunity. It is something that, provided that we put in a graded approach, a transitionary approach, with the long-term goals in mind, we can achieve. It is something that we can then hand onto our children to keep going and something that they can enjoy. I think it is a worthwhile exercise. It is really just a matter of how we go about the long-term implementation.

**MR SMYTH** (Minister for Urban Services) (11.13), in reply: Mr Speaker, I thank all members for their interest in this issue. Very clearly, as Mr Corbell has pointed out and as Mr Moore has confirmed, what we have in the ACT is a wonderful opportunity to look at the night sky. Part of what the report said, though, was that, before we go ahead, we need to work through those technical issues and come to an agreement on what is appropriate and should be used in the ACT. The Government has said that we will look at these issues. Ms Tucker asked whether, when we had done our analysis, I would report to the Assembly. The report actually says that we will bring that back to the Assembly so that we all know of that.

There are short-term and immediate issues and there are long-term issues. I think the Government in its response indicates that it is aware of all of these issues and we will move to address them. We might not agree entirely with the committee in the way that they should be addressed; but, in terms of starting, it is to set the technical parameters and get that right and then work forward from there. So, for all the work that was done by the committee members, I would thank them. I think it is an interesting subject. I have been up to the observatory. Several people have spoken to me about developing the night tourist industry, which depends on the night sky. The ACT has wonderful access, being quite high and not having some of the air quality problems that other cities have. The Government would like to see that occur.

Two points were made earlier by Mr Hargreaves about the incident at Gilmore and the car park at the Tuggeranong Town Centre. We seem to be having a plethora of imaginary friends and informal reports appearing. Last week, with section 41, there was an unnamed tree specialist who was giving reports. When Mr Hargreaves raised with me the



issue of the car park at Tuggeranong, I checked with the police, and they said that the incidence of crime in that car park was very low and they did not see it as a priority. I will ask the police again to see whether or not that has changed.

The other incident was the incident in Gilmore - a most unfortunate incident where a young girl was attacked. The curious thing about that was that the attack occurred at 4.30 on a December afternoon. It does not get any better lit than 4.30 on a December afternoon in Canberra. Whether or not there was lighting at that underpass, it would have made no difference in regard to the time of day. What we have actually done since then is wait until school went back so that we could get an understanding of the numbers of people that use that underpass. There is some traffic on that underpass, not a lot, but I think that, in the community there, there is a perception that it needs to be better lit. Following the analysis done by my department, I have said, "Put a streetlight in". It is very important that people do feel safe. But the point has to be made that that most unfortunate attack occurred at 4.30 in the afternoon, and it should not be linked to this report. I think that it is quite sad that that has been done.

The Government will move forward on this. As information becomes available, I will make periodic reports back to the Assembly about what agreement we have been able to reach, certainly on the technical issues. I would like to thank the members for their input. I think it raises some interesting questions. In fact, it raises some great opportunities for Canberra in the future.

Question resolved in the affirmative.

## **VISITORS**

**MR SPEAKER:** Before we move on to the next item, I would like to acknowledge the presence in the gallery of staff and students of Years 5 and 6 from St John Vianney's Primary School, Waramanga. Welcome to your Assembly.

## **LEAVE OF ABSENCE TO MEMBER**

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

That leave of absence from 1 to 14 March 1999 inclusive be given to Mr Michael Moore, MLA.

## **HEALTH AND COMMUNITY CARE - STANDING COMMITTEE Report on Mental Health Services - Strategic Plan 1998-2001**

Debate resumed from 27 August 1998, on motion by **Mr Wood**:

That the report be noted.

**MR MOORE** (Minister for Health and Community Care) (11.18): Mr Speaker, I would like to thank the committee for the work they did on this report. What is important is not so much what is in the report, but that it demonstrates the amount of work that can be done by this Assembly together. While the primary school students from Waramanga are here, it is a very important opportunity for us to say that often what happens in this Assembly is that members work together in order to get a very good outcome. This report on mental health illustrates what happened.

The story is this: When there was some disagreement about the mental health strategic plan, Mr Wood and his committee said, "Why don't we sit around at a round table and sort out what are the differences?". Everybody in this Assembly is really interested in ensuring that we get the possible health services for people with mental illness. Mr Wood was able to chair a meeting like that to resolve differences of opinion. So, we are able to bring down a strategic plan on mental health services that is largely agreed to by all the key players.

We now have a challenge with the mental health legislation, which also has some fundamental differences of opinion. Just last week, I postponed a similar round table meeting on that because a couple of the key players were not there; but we will follow the same process. I think it is an excellent process. With regard to the mental health legislation, I have assured some people who have come into my office that we will then move to a public process of attempting to achieve the same goals. I thank the committee for their input and for what has been achieved through the process which was advocated and delivered by Mr Wood.

**MR WOOD** (11.20), in reply: Mr Moore has indicated that we all know that there is a great deal of work to be done in promoting the interests of those who suffer some form of mental illness. The path ahead is not always clear. It has been made more difficult by the deinstitutionalisation that occurred some years ago. You may have watched the *Four Corners* program on schizophrenia the other night. We were presented again with the traumas, the difficulties, that sufferers of that ailment have and the responsibilities that we in the community have to see that we attend to their needs. Those people are, quite properly, part of our community. But, sadly, they are not always a full part, as they should be, because of marginalisation and because they do not always have the support they need following a significant change.

I want to pay particular attention to page 7 of the Minister's strategy. The item that was inserted after our round table points to the fact that outcomes and strategies will be further defined, the timetable will be developed and we will get a clearer definition of where we are going. I think that is very important. The strategy is now in place, and we look forward to its successful implementation.

Question resolved in the affirmative.

**MR SPEAKER:** Members, it being 45 minutes after the commencement of Assembly business, the debate is interrupted, in accordance with standing order 77.

**URBAN SERVICES - STANDING COMMITTEE**  
**Report on Existing Petrol Sites Policy**

**MR HIRD** (11.23): I present Report No. 17 of the Standing Committee on Urban Services, entitled "The Existing Petrol Sites Policy", together with a copy of extracts of the minutes of proceedings. I move:

That the report be noted.

Mr Speaker, as chair of the Urban Services Committee, I am pleased to table the report by that committee. The origin of the report lay in a motion moved in this parliament by our honourable colleague Mr Hargreaves on 2 September last year. Mr Hargreaves' motion called upon the Government to amend the existing petrol sites policy, largely in order to improve and formalise the requirement for proper remediation measures. In debate upon Mr Hargreaves' motion, an amendment was successfully moved which referred the whole matter to my committee; that is, the Urban Services Committee.

We advertised for public comment, and held a public hearing on 16 October last year. This public hearing involved not just the petrol sites issue but another issue which the committee was examining and which is very closely related. This was our inquiry into the exposure draft of the Government's Environment Protection (Amendment) Bill 1998. That Bill provides for the management of contaminated land, whether on petrol sites or elsewhere, and its remediation.

The Urban Services Committee reported on the exposure draft in October last year. We made many detailed recommendations on how to improve aspects of the Bill, but fundamentally we supported its purpose and nature. We have reproduced, in the report I have tabled today, those particular recommendations which bear directly on the issue of existing petrol sites policy. Members will find these set out on pages 12 to 14 of our report.

Mr Speaker, the motion passed by the house required us to report on six specific terms of reference contained in Mr Hargreaves' motion. Members will find that we have done this on pages 14 to 18 of our report. In addition, we have made seven specific recommendations of our own. Members will find a summary of these on page v of the report and a longer elaboration of them on pages 14 to 18. I would like to mention two of these recommendations, if I may, Mr Speaker.

Recommendation 5 calls upon the Government to advise the parliament about the manner in which appropriate environmental controls may be exercised over small operators, such as backyard workshops. This recommendation arises out of the concern expressed in evidence given to the committee by the Motor Trades Association that, while its members are doing all that they can to comply with the tough environmental controls placed on them, some small private operators - backyard operators - are not properly monitored for the way in which they handle oil and other products and their disposal. The committee is worried by this possibility and would like the Government to examine the matter further.

The second recommendation I would like to mention is the committee's last recommendation; that is, recommendation 7. This calls upon the Government to advise the parliament within the next two months on the experience to date with the policy on use of service station sites and, in particular, on whether it appears that the level of change of use charge is acting as a deterrent to the redevelopment of service station sites, especially adjacent to local shopping centres.

Members will be aware of the background to such a recommendation. We, as members in this parliament, have all received complaints by residents about the number of disused service station sites that have been lying vacant for too long. Something needs to be done to encourage these sites to be used once more for productive purposes. The committee is asking the Government to review the existing policy and tell us how it is working, and whether it needs to be changed.

Mr Deputy Speaker and members, I think that this all shows that the committee did its work carefully and faithfully. I would like to thank my colleagues on the committee and I would also like to thank those that gave up their time to give both written and verbal submissions to our inquiry. In particular, I would like to thank our hardworking secretary, Mr Rod Power. I commend the report to the parliament.

Question resolved in the affirmative.

#### **CHIEF MINISTER'S PORTFOLIO - STANDING COMMITTEE** **Report on Review of Auditor-General's Report No. 6 of 1998**

**MR QUINLAN** (11.29): I present Public Accounts Committee Report No. 13 of the Standing Committee for the Chief Minister's Portfolio, entitled "Review of Auditor-General's Report No. 6, 1998 - Assembly Members' Superannuation and Severance Payments to Former Members' Staffers", together with a copy of the extracts of the minutes of proceedings. I move:

That the report be noted.

Mr Deputy Speaker, this audit covered superannuation payments made to Assembly members and their staffers who retired during the last Assembly and those who were not re-elected last year. It also covers severance payments to staff members of a former Minister. The main findings were that certain superannuation payments were not calculated correctly and that a staff member was overpaid by a small amount.

The committee has examined the matters and is satisfied that they have been addressed. It notes that the Chief Minister's Department's procedures have been reviewed to ensure that final and other payments due to members separating from the Assembly and their staff are calculated in accordance with the appropriate authority. In other words, there has been a fair bit of sloppy work in the Chief Minister's Department, but they are doing something about it. I commend the report to the Assembly.

Question resolved in the affirmative.

## **EDUCATION - STANDING COMMITTEE**

### **Inquiries - Educational Services for Children with Disabilities : Adolescents and Young Adults at Risk of Not Achieving Satisfactory Education**

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

Leave granted.

**MS TUCKER:** I wish to inform the Assembly that on 8 October 1998 the Standing Committee on Education resolved to inquire into and report on educational services for children with a disability, with particular reference to:

- (1) the integration of students with a disability, eligible for special schools/units, in mainstream schools;
- (2) school organisation required to meet educational and personal care needs of students with a disability integrated in mainstream schools;
- (3) social and educational outcomes for students with a disability in the ACT;
- (4) appropriateness of resources available in schools for students with a disability;
- (5) the involvement of parents, carers and advocates in planning services and programs for students with a disability;
- (6) the adequacy of support services for schools and families;
- (7) interagency cooperation; and
- (8) any other related matter.

I further wish to inform the Assembly that on 15 February 1999 the Standing Committee on Education resolved to inquire into and report on adolescents and young adults at risk of not achieving satisfactory education and training outcomes, with particular reference to:

- (1) the relevance of mainstream school programs for young people at risk;
- (2) the availability of alternative educational programs;
- (3) support for families and young people to encourage retention in education and training, including financial support and support for schools and other agencies;

- (4) support and programs available for young people at risk of not developing adequate literacy and numeracy skills;
- (5) attendance and truancy;
- (6) gaps in services;
- (7) the impact of common youth allowance on young people and educational institutions; and
- (8) any other related matter.

**BUSINESS PROGRAM FOR 1999-2000 - MR MOORE**  
**Paper and Statement**

**MR MOORE** (Minister for Health and Community Care): I present the Executive members business program for Michael Moore, MLA, and I ask for leave to make a very brief statement.

Leave granted.

**MR MOORE:** As members are aware, my participation in the Carnell Government is on the basis that my colleagues accept the independent views I represent and allow me the freedom to work independently and to take a different position from the Government on certain issues central to my beliefs, including promises made during the last election. In August last year I presented to the Assembly a private members business program outlining a range of such independent matters and providing a Bills program for the following 18 months. Since that time we have amended our standing orders to provide for Executive members business in which I will henceforth deal with my independent business.

I am therefore pleased to present an updated program of business, providing an outline of my intentions for the next 18 months. As with my first program, it is my expectation that by presenting this program I will assist members, the public and public servants, particularly in the Office of Parliamentary Counsel, to know well in advance what business I aim to bring forward. Unfortunately, Mr Speaker, there are a few words missing from the statement that I have tabled. I am sure we will be able to manage. I am disappointed that I have not been able to do as much as I wanted because I have had to devote so much more time to my executive duties. I do not regret the extent to which I am working to improve the health system in this Territory, but I must admit that balancing the executive and independent sides of my Assembly duties has been more difficult than I expected.

There is no small irony here. Members will be aware that from time to time I have been accused of neglecting my executive duties by pursuing a great abundance of private members business. In fact, the calls on my time last year were limited to the presentation of two relatively short Bills, the Litter (Amendment) Bill 1998 and the Director of Public

Prosecutions (Amendment) Bill 1998 which required very little development work, the small amount of time required to debate the Litter (Amendment) Bill, and some development work and some public discussion of two issues related to the Assembly - four-year terms and a population-based formula determining the number of members. If anything, I must concede that I have found less time to attend to my private members business than I would have liked.

Mr Speaker, other events have overtaken a few items on my spring program of last August. I am pleased to say that my longstanding efforts to see the use of commercial-in-confidence status to protect documents from FOI legislation have been in large measure addressed. The Government released last year some much improved rules relating to the use of this status. The new rules have been reviewed by the Standing Committee for the Chief Minister's Portfolio and, in general, have been well received. I am content with these reforms, although I will continue to monitor their use.

On another issue, I am aware that the Minister for Urban Services is in the process of developing for the ACT a possible archives Act to govern the protection of ACT records. I will make a contribution to the development of such legislation, in particular focusing on the need for a rule governing the release of Cabinet documents, in which regard I personally favour a 10-year rule. I have therefore removed this item from my private agenda.

My proposals for four-year terms and population-based size of the Assembly are more or less ready to go, but, in deference to the work of the select committee examining the Pettit report, I am awaiting the outcome of that committee's deliberations. I say as an aside for members, particularly for members of that committee, that if they prefer that that sort of legislation be put by the Government or someone else in the Assembly, I would respect that view. The reason I have it there is that it was part of my election platform. However, I do not mind how I deliver my election platform. If the legislation is tabled by someone else, I am quite content so long as the outcome is the same.

Mr Speaker, as I stated last August, I cannot give an absolute guarantee that I will not bring forward any additional materials, but members and others are entitled to expect that I will strive to keep as closely as possible to this program. As with my earlier program, I invite members to contact me if they have interests overlapping my own. I am, as always, open to the fullest possible cooperation in this Assembly. I thank members.

## **PRISONERS (INTERNATIONAL TRANSFER) BILL 1998**

Debate resumed from 19 November 1998, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

**MR STANHOPE** (Leader of the Opposition) (11.37): Mr Speaker, the Labor Party is happy to support this Bill. I will speak briefly on the matter. The Labor Party accepts the rationale put forward by the Government for introducing the legislation.

Briefly, the situation is that Commonwealth legislation currently provides for a scheme for the transfer of prisoners between Australia and other countries. With the implementation of the scheme, Australia will be able to enter into bilateral and multilateral treaties with other countries for prison transfers. As the Attorney explained in his tabling speech, the Bill is based on draft model complementary legislation of the States and Territories and if enacted will allow the ACT to participate in the scheme.

Under the scheme, Australians held in foreign gaols will be able to return to Australia to serve their sentences. Foreigners gaoled in Australia will similarly be able to serve their sentences in their home countries. I note from the legislation that the term “prisoner” does include mentally impaired prisoners and parolees.

A prisoner returned to Australia under the legislation will be treated as if he or she is a Federal prisoner serving a sentence imposed under Commonwealth law. For return to the Territory, a prisoner will have to demonstrate community ties with the ACT, and the ACT Minister’s consent will be required before a prisoner is transferred from or to the Territory. It is noted that until the ACT has its own prison an incoming prisoner would be held in New South Wales and the consent of a New South Wales Minister would be needed.

The Bill provides that the Commonwealth Attorney-General may give directions on the release of a prisoner transferred to the Territory. A prisoner might be released, for example, when granted a pardon under the law of Australia or the transfer country, or when the conviction is quashed in the transfer country. The Bill offers the prospect of more humanitarian treatment of prisoners. As I mentioned before, it is part of a complementary national scheme developed by the Standing Committee of Attorneys-General.

In a previous existence as the chief of staff to the Federal Attorney-General, I was pleased to attend a significant number of meetings of the Standing Committee of Attorneys-General. I crossed paths with the ACT Attorney at some of those meetings when I was with Mr Lavarch. I recall the lengthy discussions that occurred at the standing committee meetings on the question of international transfer of prisoners. I recall that it was New Zealand that had some significant difficulty with some of the potentialities that might arise from the Prisoners (International Transfer) Bill. There is a significantly higher number of New Zealand prisoners in Australia than there are Australian prisoners in New Zealand, and the consequences for New Zealand of entering into these sorts of bilateral arrangements with Australia would have had a very significant impact on their gaols.

There are issues, too, for the ACT, or potential issues, in terms of financial imposts that might be visited on particular jurisdictions as a result of a significant number of prisoners.

I take the point that the Attorney makes in his tabling speech and the explanatory memorandum and note that there are some very significant reasons for embracing this sort of legislation. I doubt that it will impact greatly on the ACT, but the mechanism that is provided for prisoners to be detained in their own communities, close to family and



friends, most certainly would enhance the prospects that prisoners will have to better integrate back into the mainstream of society following their release. This is a significant argument that both the Government and the Opposition advance in relation to the desirability of constructing a prison in the ACT.

There are further issues also. I have recently had an exchange of correspondence with the Attorney in relation to ACT citizens currently imprisoned in other States and Territories and the strong desire that some of those prisoners have to be returned to the ACT in terms of their concern for their rehabilitation back into the community following their imprisonment. There are very difficult issues raised in relation to applications by ACT residents imprisoned elsewhere who desperately wish to return to the ACT and whose families desperately wish to have them within the community in terms of their desire to assist them in their rehabilitation back into the community.

I understand the extreme financial burdens that may, nevertheless, be imposed on those receiving States if these things go ahead without some reciprocal arrangements. I do not disagree with the Attorney's response to me in that case, but I have to say that my heartstrings were tugged by the family of that particular prisoner who wished to see his return to the ACT and I have great sympathy for them. As I said, the Opposition is very pleased to support this legislation.

**MS TUCKER** (11.44): The Greens also will be supporting this Bill. Obviously, it is important for prisoners to be able to serve their prison term in their home country, for the reasons that members have stated. They can be with family and be familiar with the culture of the prison and services that are available as well, which is often important in terms of advocacy and dealing with problems.

Of course, there are some countries where, I imagine, prisoners would prefer not to be returned to and which would actually make our prisons look quite luxurious. I do not think we can assume that it is always necessarily going to be an improvement in the situation, and I want to have that put on the record. However, generally, of course, it is better to have people imprisoned, if they have to be, in a situation where they have contact with their families.

The other issues of the economic imposts and so on of accommodating people in our prisons have to be taken into account as well.

**MR HUMPHRIES** (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (11.45), in reply: Mr Speaker, I want to thank members for their support for this Bill. It goes without saying that this legislation is not going to be heavily used. We are not going to see a great flow of prisoners to and from the ACT, even when the ACT has its own gaol. These are likely to be rarely used provisions, but, when they are used, obviously the legislative framework needs to be there and needs to be clear. Having a framework which fits in with the national framework as agreed through the Standing Committee of Attorneys-General facilitates the ACT's participation in that process very smoothly.

Members have raised the issue of cost. Cost is a factor. Members are aware of the high cost - it is over \$50,000 per person per year - of housing somebody in the New South Wales gaol system. One obviously hopes that we can reduce that cost in an ACT prison system, although I would have to put on the record that that is by no means guaranteed, given that we will have a smaller system, obviously, than New South Wales and economies of scale will not be there. So, notwithstanding the fact that the New South Wales gaol system makes a profit on ACT prisoners transported to that jurisdiction, we have to work very hard to make sure that the system is kept cost effective to the ACT.

If the case Mr Stanhope was referring to was the one that I have in mind, it certainly was quite an unhappy experience for me to have to turn down the family of that particular prisoner in another jurisdiction. I might advise the Assembly that I have indicated to that family that, if it is possible for a prisoner to be found who would wish a transfer in the opposite direction and that prisoner's term is likely to be approximately of the same duration as that of the prisoner in the other jurisdiction, we may be able to organise, in effect, a swap. This is not exactly the sort of on-the-border-of-the-Iron-Curtain-type swap of prisoners that you see in movies, but it obviously is related to the question of costs borne by different jurisdictions. The ACT, being a very small jurisdiction, simply cannot afford to have large numbers of prisoners being transferred into our area of responsibility, obviously, for the meantime, housed in New South Wales, if that is not offset by similar movements outside the ACT's area of responsibility.

I was not aware that Mr Stanhope had been at those meetings of SCAG as an assistant to the Federal Attorney-General. I will have to go back and review what I said at those meetings now that - - -

**Mr Stanhope:** I have a record, Mr Humphries.

**MR HUMPHRIES:** You have a record? That worries me considerably. I will have to review carefully what I said.

**Mr Stanhope:** It's the SCAG dinner that I have recorded.

**MR HUMPHRIES:** Oh, dear. Now I am extremely worried, Mr Speaker. I will have to see Mr Stanhope afterwards and carry a sum of money with me to buy his silence. Mr Speaker, I thank members for their support for the legislation which, as I say, will not be used often, but when it is used it will need to be comprehensive, and I think that is what it is.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## DUTIES BILL 1998

[COGNATE BILL:

DUTIES (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 1998]

Debate resumed from 10 December 1998, on motion by **Ms Carnell**:

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 Duties (Consequential and Transitional Provisions) Bill 1998? There being no objection, that course will be followed. I remind members that in debating order of the day No. 2 they may also address their remarks to order of the day No. 3.

**MR QUINLAN (11.50):** Mr Speaker, this is quite a large slice of legislation. It is, I gather, part of the Government's program to review and standardise taxation legislation. It is a machinery Bill and I have to say that in supporting the Bill and the foreshadowed amendments we are, to a large extent, committing an act of faith.

The Bill aims to close certain loopholes and to update the list of dutiable transactions that are not currently caught up in the stamp duties net. The Duties (Consequential and Transitional Provisions) Bill repeals current Acts and will ensure the smooth transition of the Bill. The Treasurer assures us that the Bill will be revenue positive to an estimated \$5.4m a year, so who am I to knock such legislation.

Many organisations have been consulted, mainly business ones, I would have to say, and one, ACTCOSS, a broader community group. I noted in yesterday's print media that a couple of the business groups were complaining about a lack of notification and notice of some of the amendments that are coming forward. In fact, no later than about 15 minutes ago, my office was receiving a briefing on those amendments. So far we remain reasonably assured that there are no sneakies in here somewhere that we missed.

In introducing the legislation the Chief Minister might have said that she was also pursuing uniform legislation in plainer, contemporary language. It rather depends on whether you have had a classical education or not. You can immediately understand what is meant by profit a prendre. A little bit of French is thrown into our legislation to give it a cosmopolitan air and a little dignity of its own. I will take a moment to share with you some of this plainer language. I quote:

In this Chapter -

“declaration of trust” means any declaration (other than by a will or testamentary instrument) that any identified property vested or to be vested in the person making the declaration is or is to be held in trust for the person or persons, or the purpose or purposes, mentioned in the declaration although the beneficial owner of the property, or the person entitled to appoint the property, may not have joined in or assented to the declaration;

That is the sort of stuff that we really need. Remain assured that the legal profession will really have to lift its game because, with such legislation, we will be needing fewer of them. My office, particularly Mr Kirchner in my office, has spent many, many hours wading through this. He is still, I am assured, reasonably sane. Overall, we are prepared to support the Bill, the consequential Bill, and the amendments that we have received so far. We share the reservations voiced by a couple of business organisations that notification of the amendments might have been a bit sooner and that maybe more amendments are to come. At the bottom line, this is machinery legislation which, we are assured, does not impose additional taxes, so it remains the responsibility of government. We just take that small leap of faith in supporting it.

**MR KAINE** (11.54): Mr Speaker, I have noted the Bill in general and I support it, but there are a couple of issues that I would like the Chief Minister to explain when she closes the debate. In the closing paragraphs of her tabling speech she referred to some matters that were still under discussion and she said that the amendments would be forthcoming before the Bill was debated here. I see that we have some amendments, both to the Bill and to the Duties (Consequential and Transitional Provisions) Bill, but I have not had a chance to go through them carefully to make sure that all of the matters that she referred to have been taken care of. I can see, specifically, the one about purchasing a combination of blocks and making sure that the developer is not charged at the total cumulative value. I can see the reason for that amendment.

Another point was whether or not the conveyancing rate or the lower market securities rate would be payable in certain cases. I think the amendment to the Duties (Consequential and Transitional Provisions) Bill deals with that, but I am not sure. If the Chief Minister could explain that, I would appreciate it.

**MS CARNELL** (Chief Minister and Treasurer) (11.55), in reply: Mr Speaker, I thank members for their support for this legislation. I take this opportunity to thank all of the officers who have spent, literally, very long periods of time getting this legislation and the legislation that we passed on Tuesday up and in such a readable form.

Mr Speaker, I take exception to the comments printed in the *Canberra Times* yesterday and comments that Mr Quinlan made earlier with regard to consultation. The consultation process with regard to this Bill has been significant. Copies of early drafts of the Bill were made available to major business and industry groups since September-October last year. Drafts were also placed on the Revenue Office web site for the information of businesses and their professional advisers. Following the issue of drafts, meetings were held with a number of industry groups, including the Canberra Business Council on 2 December last year, and it was as a result of this meeting that the Government foreshadowed amendments to the Bill when I tabled it in the Legislative Assembly on 10 December.

These amendments related to the aggregation provisions that Mr Kaine has spoken about and to the continued imposition of duty at marketable security rates on the transfer of business assets, to maintain the current duty imposition on the building industry, and to

limit the impact of the Bill on the sale of business in the ACT. These amendments should not be a surprise, as was said to key business groups, as they reflect the intention of the Government as foreshadowed in a presentation speech in December.

The only other amendment of substance relates to the omission of certain transactions from the dutiable transaction lists which, of course, will only be of benefit to ACT taxpayers. In fact, the list of consultation and meetings with regard to this legislation has been quite long and very comprehensive.

I understand a briefing was offered to members of the Assembly by the Revenue Office. I think Mr Rugendyke and Ms Tucker availed themselves of that briefing, at which stage the amendments were provided and explained. I believe that the Revenue Office has done a very good job with regard to consultation generally.

In answer to Mr Kaine's questions about ensuring that the amendments that I foreshadowed are the amendments that I am going to bring down today, I can assure Mr Kaine that all of the issues have been covered in the amendments that I will put on the table in a few minutes time. Thank you to those members who availed themselves of the briefing given by the Revenue Office.

Mr Speaker, this is a revenue-positive piece of legislation. It will ensure that the ACT's legislation is in line with the national approach that various States and Territories have been working on for a long time. It fulfils a commitment of successive ACT governments to provide a more uniform stamp duty regime which will particularly benefit businesses operating across the border. As our business climate changes in the ACT, more and more home-grown ACT businesses are setting up offices and subsidiaries or businesses outside the ACT, so the benefits for businesses operating in both New South Wales and the ACT are very real.

The Bill also closes a number of loopholes, particularly in the area of trusts and the transfer of interests in land through companies and unit trusts. I am sure every member of this Assembly believes that companies that attempt, shall we say, to minimise their taxation situation or use loopholes in any legislation should be stopped, and this legislation does that. I am very pleased that there is general support.

I am very appreciative of the positive reactions of various interest groups to the Bill, and I wish to thank all of those who took part in the extensive consultation that I have spoken about. The Commissioner for ACT Revenue has assured me that on passage of the Bill she will continue to consult with industry groups and the community to ensure a smooth implementation. I thank all members for their support for this important piece of legislation.

Question resolved in the affirmative.

### **Detail Stage**

Bill, by leave, taken as a whole

**MS CARNELL** (12.01), by leave: I move the following amendments circulated in my name:

Page 1, line 3, heading to Part I, omit the heading, substitute the following heading:

**CHAPTER 1 - PRELIMINARY**

Page 4, line 8, clause 4, definition of “Crown lease”, omit “any”, substitute “a”.

Page 17, line 18, clause 7, subparagraphs (1)(b)(iv), (v) and (vi), omit the subparagraphs, substitute the following subparagraph:

“(iv) a vesting of dutiable property on a merger of corporations, being a merger specifically provided for by a statute or subordinate law of the Territory, a State or another Territory.”.

Page 18, line 12, clause 8, Table in subclause (2), omit the table, substitute the following table:

“TABLE

Column 1	Column 2	Column 3	Column 4
Dutiable transaction	Property transferred	Transferee	When transfer occurs
Agreement for sale or transfer	The property agreed to be sold or transferred	The purchaser or transferee	When the agreement is entered into
Declaration of trust	The property vested or to be vested in the declarant	The person declaring the trust	When the declaration is made
Grant of a Crown lease	The leasehold interest	The lessee	When the lease is granted
Vesting on merger	The vested property	The person in whom the property is vested	When the vesting occurs”

Page 23, line 3, clause 17, subclause (5), omit the subclause.

Page 23, line 30, clause 20, subclause (2), omit the subclause.

Page 26, line 2, subclause (2), omit the subclause, substitute the following subclause:

“(2) Dutiable transactions are not to be aggregated under this section if the Commissioner is satisfied -

- (a) that the transactions are for the purpose of acquiring 2 or more blocks of land in the same subdivision for the purpose of developing the blocks for resale;
- (b) that the transactions are for the purpose of purchasing 2 or more units in the same subdivision of land under the Unit Titles Act 1970 for the purpose of investment;
- (c) that the transactions are for the purpose of acquiring 2 or more parcels of shares in a company or 2 or more parcels of units in a units trust scheme which parcels either alone or together with a lease or licence give an entitlement to occupy 2 or more areas that are on a single parcel of land; or
- (d) that it would not be just and reasonable for the transactions to be so aggregated.”.

*New clause -*

Page 30, line 11, after clause 32, insert the following new clause in the Bill:

“**32A. Certain business assets**

(1) Duty is chargeable at the determined rate on a dutiable transaction insofar as it is in respect of -

- (a) a business asset referred to in paragraph 10(g);
- (b) a statutory licence or permission referred to in paragraph 10(h);
- (c) a partnership interest referred to in paragraph 10(i) insofar as it is not constituted by -
  - (i) an interest in property referred to in paragraph 10(a), (b) or (c); or

- (ii) an interest in property referred to in paragraph 10(l), being dutiable property referred to in paragraph 10(a) (b) or (c);
- (d) goods referred to in paragraph 10(g) that are used solely for business purposes; or
- (e) an interest in property referred to in paragraph 10(l), not being -
  - (i) an interest in dutiable property referred to in paragraph 10(a), (b) or (c); or
  - (ii) an interest in dutiable property that is used for purposes other than business purposes.

(2) The proportion of the dutiable value of a partnership interest that is chargeable with duty under paragraph (1)(c) is -

- (a) if no interest in property of a kind referred to in subparagraph (1)(c)(i) or (ii) is transferred as a result of the transfer of the partnership interest - the whole of the value of the partnership interest; or
- (b) if an interest in property of a kind referred to in either of those subparagraphs is transferred as a result of the transfer of the partnership interest - the proportion of the value of the partnership interest that is equal to the proportion of so much of the unencumbered value of all the dutiable assets of the partnership as is not constituted by the unencumbered value of the dutiable assets of the partnership that are property of a kind referred to in either of those subparagraphs.”.

Page 104, line 24, clause 215, omit the clause, substitute the following clause:

**“215. Repossessed motor vehicles**

Duty under this Chapter is not chargeable on an application to register a motor vehicle if -

- (a) the applicant is in the business of financing the purchase or use of motor vehicles;
- (b) the vehicle was repossessed by, or voluntarily surrendered to, the applicant; and



- (c) the applicant, in the course of that business, does not dispose of a repossessed or surrendered vehicle except by public tender or public auction or through a person who is a licensed dealer under the Sale of Motor Vehicles Act 1977.”.

I present the supplementary explanatory memorandum. I understand that has been circulated, Mr Speaker.

These amendments to the Duties Bill and the Duties (Consequential and Transitional Provisions) Bill arise as a consequence of consultation with various industry and professional groups and include the amendments foreshadowed in my tabling speech. They include an amendment to clause 24 of the Duties Bill, the aggregation provision, which will ensure that where blocks of land in a development are purchased separately by the same builder, or strata units within the same strata unit title are separately purchased by the same investor, the value of the separate blocks or strata units is not aggregated together. The application of the aggregation provisions to these situations would have resulted in a significant increase in the stamp duty payable which would in turn be passed on to home buyers.

The other foreshadowed amendment to the Duties Bill involves the insertion of a new clause 32A which, together with an amendment to clause 31 of the Duties (Consequential and Transitional Provisions) Bill, will ensure that duty at marketable security rates will continue to apply to all business assets other than land. This will maintain the current concessional treatment of business assets and ensure that, in purchases of businesses, ACT duty continues to be more favourable for businesses operating in the ACT compared to New South Wales.

The other substantive amendment to the Duties Bill, affecting both clauses 7 and 8, will reduce the number of dutiable transactions deemed to be transfers. Following consultation with the ACT Law Society, industry groups and also with the New South Wales Office of State Revenue, it was considered appropriate to drop from the dutiable transactions list surrenders of interests in ACT land, foreclosures of mortgages over dutiable property, and vesting of dutiable property by a court order.

At the same time the provision relating to the vesting of dutiable property by statute has been specifically limited to situations where there is a merger of corporations under State and Territory statutes - for example, under the ACT Bank Mergers Act. These changes have been made because of the complexity these dutiable items would have added to the administration of the Bill, and because of the small amount of revenue that they were expected to generate for the ACT.

The only other substantive amendment to the Duties Bill relates to clause 215 and involves the replacement of an existing ACT concession with that provided in New South Wales. While both relate to the repossession of a motor vehicle by a finance company, the ACT provision is limited to cases where vehicles have been specifically financed under a lease or hire purchase agreement. The New South Wales provision is sufficiently broad

to cover all forms of motor vehicle financing and has been adopted following consideration of representations made by the Australian Finance Conference, which represents the finance and leasing industry.

Other amendments to the heading to Part I of the Duties Bill and to the definition of “Crown lease” are of a minor administrative nature. Mr Speaker, I commend the amendments to the Assembly.

Amendments agreed to.

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

Bill, as amended, agreed to.

### **DUTIES (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 1998**

Debate resumed from 10 December 1998, on motion by **Ms Carnell**:

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail Stage**

Bill, by leave, taken as a whole

**MS CARNELL** (Chief Minister and Treasurer) (12.06): I move the amendment circulated in my name, which reads:

Page 12, line 24, clause 31, after paragraph (1)(b), insert the following paragraph:

“(ba) the rate of 60 cents for every \$100, or part of \$100, of the dutiable value of the property the subject of the transaction, insofar as it is property to which subsection 32A(1) of the Duties Act applies, shall be taken to have been determined for the purposes of that subsection;”.

Amendment agreed to.

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

Bill, as amended, agreed to.

**Sitting suspended from 12.07 to 2.30 pm**

## QUESTIONS WITHOUT NOTICE

### Belconnen Pool

**MR STANHOPE:** Mr Speaker, my question is to the Chief Minister. In the Government's draft capital works program for 1999, revealed - not surprisingly - in this morning's *Canberra Times*, the Government has apparently allocated \$1.2m towards the construction of the long-awaited and much-promised Belconnen pool. On ABC radio this morning the Chief Minister admitted that the capital works program allocation pre-empted findings of the quite unnecessary Allen Consulting Group's feasibility study into the proposal. The report of that study, which was originally planned to be delivered by January, is now apparently, according to this morning's news, weeks away, according to Ms Carnell. Mr Speaker, can the Chief Minister say why she has pre-empted the Allen so-called feasibility study by including this allocation for the Belconnen pool in the capital works program? Is the Chief Minister aware of the contents of the Allen study?

**MS CARNELL:** The question was whether I am aware of what is in the Allen study. The answer is no. I am not. The reason that we put it in - and I might go into a little bit of a lecture - is that budgets are about planning. This particular budget is for the next financial year. It goes from July this year through to June next year. If we do not put it in and the Allen Consulting Group says, "Yes, you should go ahead", what then happens, Mr Speaker? There is not any money. If there was no money for a whole 12 months - and not just 12 months from now but right up until the end of June next year - that would not be good planning, would it?

Members interjected.

**MR SPEAKER:** Order, please! The Chief Minister is answering the question.

**MS CARNELL:** Instead of doing what Mr Stanhope would do - and that is obviously nothing - we decided - - -

**Mr Stanhope:** That is what you did. Mr Stefaniak turned the sod. You have done nothing.

**MR SPEAKER:** Order, Mr Stanhope! Would you please be quiet. You have asked your question. The Chief Minister is now giving you an answer. You may not like the answer but she is giving you an answer.

**MS CARNELL:** Mr Speaker, I am not surprised that he is embarrassed. Obviously, Mr Stanhope's approach to budgeting would be to wait until we get the Allen report, which I am told is a few weeks away - and not put anything in the capital works - - -

**Mr Stanhope:** Have you seen a draft?

**MS CARNELL:** No. He would not put anything in the capital works budget at all. We would pass the budget, and then the Allen report would come down. If it suggested that we should go ahead, we would have to say, "Oh, dear, no money. There is nothing we can do". Mr Speaker, if the Allen report does not suggest going ahead or comes down with some different way to go ahead, no problem. What did we do? We approached Mr Stefaniak's department and asked Mr Stefaniak what, if the pool was to go ahead - - -

**Mr Stanhope:** You were consulted, Bill? I cannot believe that, Bill.

**MR SPEAKER:** Order! Please continue, Chief Minister. I am listening, if nobody else is.

**MS CARNELL:** I understand their embarrassment. Mr Speaker, ask them what sort of money they believe we would be able to spend in the next financial year if the pool was to go ahead. What did we do? We planned. We planned appropriately, and in a way that obviously those opposite would not. They have now made it quite clear that their approach to budgeting would be to say, "We do not have the Allen report so we will not put any money into it". No wonder those opposite are not on this side of the house; that is all I can say.

**MR STANHOPE:** I ask a supplementary question. Given that the original promise on which the Government went to the last election, a promise which it promptly broke, was to build a \$15m aquatic centre, will the Chief Minister confirm that the project has now been scaled down? What will the people of Belconnen get for the \$8m allocation, subject to the outcome of the Allen so-called feasibility study? What parts of the original plan have been abandoned?

**MS CARNELL:** I just need the crystal ball. Is it here, Gary? Have we got it here somewhere? We must have a crystal ball because - - -

**Mr Stanhope:** You knew enough to take \$7m out of it. You know something.

**MR SPEAKER:** Order!

**MS CARNELL:** Thank you very much, Mr Speaker. We do not have a crystal ball here, which is a bit of a pity because it is the only way you could answer this question. We still do not have the Allen report. Therefore, it is very hard to work out exactly what the pool will look like.

**Mr Stanhope:** It will have water in it.

**MR SPEAKER:** Order! What did you all have for lunch? It was quite pleasant this morning, and now we seem to have a lot of fuss going on. There will be a record here in a minute.

## **Manuka Car Park Development**

**MS TUCKER:** Was that the answer?

**MR SPEAKER:** If they do not want to listen, there is no point in the Chief Minister speaking.

**MS TUCKER:** I thought someone was taking a point of order. My question is to the Minister for Urban Services and relates to the development of section 41 at Manuka. Minister, you will be aware that on Tuesday last week some Manuka residents brought public attention to the fact that the developer of this section, Barry Morris, was being allowed to pump muddy water from the site into Griffith Park and that action had made a big mess in the park. I want to find out more about how the situation arose. I understand that there has been a problem for some months with the muddy water being pumped from the excavation into the stormwater drain that flows through Telopea Park into Lake Burley Griffin. In fact, the excavation is very prone to waterlogging as it lies in the original creek line through that area. My question is: Why has it taken the Government so long to take action to stop this dirty water from going into the stormwater system when it is arguably in breach of the Environment Protection Act, and why have you allowed the developer to spread mud over a public park and not required him to clean up the water on site before its release? Why was this not part of the planning requirements? I also want to know why no action is being taken to control the dust coming off the site, as I have received complaints that in the adjacent child-care centre children playing outdoors are being affected. They have grit in their eyes. It is a physical problem for the child-care centre and the children in it. The dust is getting into the centre to an unacceptable degree.

**MR SMYTH:** Mr Speaker, I thank the member for her question. I will answer the second part first. I was unaware of the dust problem but will make inquiries as to why that is happening and what the developer can do to stop it. The question of the water is something that we take very seriously and have been monitoring constantly since the development started. The issue of ground water and the water flow was part of the DA. The site lies on a natural floodway. We have kept an eye on it. Indeed, on one occasion last year an on-the-spot fine was issued when the requirements of the DA were not complied with.

As to the use of the park, the developer has approached PALM and Environment ACT to look at better ways to handle the water problem. Only clean water is allowed to be pumped into the stormwater system. The weekend before last some muddy water, water with a lot of silt in it, was accidentally pumped into the stormwater system. When that was discovered, the developer was made to clean it up to the satisfaction of Environment ACT. The department was approached to look for options as to what to do with the water. That was when the suggestion was made that Griffith Park be used. The water that is flowing there is coming out of the bottom of the development. It is just silted water. The water is now draining back into the ground and the silt will be removed.

**MS TUCKER:** I ask a supplementary question. I have also been told that on Tuesday night of last week a number of people and associated motor vehicles were seen cleaning out the stormwater channel between Wentworth Avenue and Lake Burley Griffin, presumably to remove the mud that had washed down from Manuka. Could you advise whether these were employees of Barry Morris or were government employees and, if they were government employees, whether Barry Morris is being charged the full cost of cleaning up the stormwater drains downstream from the Manuka site.

**MR SMYTH:** I am aware of that clean-up, Mr Speaker. When the silt was discovered, the developer was made to clean it up and has borne the full cost of cleaning up any mess that was made and restoring the stormwater drain to the condition that it should be in.

### **Bruce Stadium**

**MR QUINLAN:** My question is to the Chief Minister, who, it has been recently confirmed, answers questions on Bruce Stadium. Yesterday we found out that the Chief Minister does not know, or at least would not tell us, how many corporate boxes were sold or whether naming rights had been sold. We were informed that the marketing campaign by a crew that have not done much since Cazaly played for Carlton was performance based, which I suspect is code for: "We have incurred some substantial expenditure, but we will incur more if the promoters actually sell anything". Can we get an update on negotiations with the Federal Government, given Saturday's *Canberra Times* report that a senior officer of the administration thought that they would be resolved in a month? The representative of the Federal Minister for Finance and Administration, Mr Fahey, did not agree with that. The Minister's representative thought that they need to value it and sell it, so they have not even got to the valuation stage. Can we have an update, given that we have spent a lot of money there and we are now thinking about negotiating to buy it? If you want the question put another way, how do you get yourself in a situation where you spend over \$30m on something that you then turn around and start negotiating on buying?

**MS CARNELL:** I wonder whether Mr Quinlan would like the answer to the question from yesterday now or later. He made some very interesting suppositions in his preamble to his question. He suggested that my comments yesterday on the marketing were simply ambiguous. Mr Quinlan asked me a question yesterday on the number of corporate boxes that had been sold. A total of 40 corporate boxes have been sold to date and a total of six corporate suites have been sold to date. I expect that the number of suites sold will be at least 10 in time for the new rugby union and rugby league seasons, which open next month.

There are two other issues which members should be aware of. The first is that suites will be available for occasional hire on an event-by-event basis, and the Government expects that a significant number of suites will be taken up on that basis. The second issue is that you have to appreciate that this is the first season that this product has been offered in the Canberra market. People are used to corporate boxes. Selling some 40 is a really good outcome. However, corporate suites are very much a new product. Sales so far have

been very good, but we expect it to be a season or two before the new product is fully understood and appreciated by corporate clients in Canberra. Six people have bought suites on an annual basis already.

The second part of Mr Quinlan's question yesterday and his preamble today were about marketing. The marketing of Bruce Stadium corporate products is a joint effort between the stadium operations and the three major hirers. The stadium's marketing budget is part of the operating budget of the stadium. It is not part of the redevelopment budget.

The stadium's sales team operates on a commission basis - that is, no sale, no commission. It is quite simple. I think I made the point yesterday that it is based on performance - no sale, no commission. I do not know what rate the Brumbies and the Cosmos marketing teams are paid, nor should I.

With regard to the sale or, alternatively, extension of the lease for Bruce Stadium, our current lease expires in 2009, and we have a peppercorn rent. The ACT's offer to the ASC is to transfer under a deferred payment plan which will be funded from the operations of the stadium.

Federal government Ministers were in the process of signing off that proposal when the election was called. We now have a new Sports Minister, who has agreed to the transfer. At this stage the Minister for Finance has not agreed. I have had discussions with Mr Fahey on this issue.

From an ACT perspective, it really does not matter whether we extend the current lease at peppercorn rent or go down the path of sale. Mr Fahey and I are having discussions on which way we go. Again, from an ACT perspective, an extended lease would do the job or, alternatively, a sale would be good as well. Mr Fahey and I are having discussions, and those discussions are going very well.

**MR QUINLAN:** I ask a supplementary question. Chief Minister, I would be interested to discover whether any of the other areas in the Bruce AIS precinct have entered into negotiations and, while I am on my feet, as you are well advanced in your discussions with Mr Fahey, I ask whether he has put a value on it this week.

**MS CARNELL:** Mr Speaker, as I said, the discussions I have had with Mr Fahey in the last couple of weeks have been on the basis that if the transfer of ownership cannot be agreed to in the short term then we are discussing the extension of the lease at a peppercorn rent by the 2009 date. That would give a sufficient period over which to amortise the financial structure of Bruce Stadium. Those discussions are going well. What more can I say?

Again, it does not matter whether we have an extended lease at a peppercorn rent, which Mr Fahey is very positive about, or we get the transfer of Bruce Stadium. From our perspective, the issue is to ensure that we have control of the stadium in the medium to long term.

## Canberra Cosmos

**MR KAINE:** Mr Speaker, my question, through you, is to the Minister for sports. I have not asked him a question for a long time. Minister, I know that it is high on the Government's agenda to keep the Cosmos afloat until the Olympic Games, since we have built so much of our reputation on the games around the game of soccer. Can you tell me how much the ACT Government has committed to supporting the Cosmos, whether by grant or loan, or by guarantee of loans that the Cosmos might raise elsewhere?

**MR STEFANIAK:** This question has probably been asked before, Mr Kaine. I recollect a guarantee of \$600,000 over about three years. Off the top of my head, that seems to ring a bell, Mr Kaine. I think there was one other as well. The Chief Minister can elucidate on one other thing in the business area which she looked after in the last Assembly. I am pleased to see that the crowds have been very good in recent weeks. I go out there each week. One of the sure-fire ways of ensuring the Cosmos not only stay afloat but prosper - and we certainly hope they prosper well and truly past the Olympics - is to have a solid crowd base. I was pleased to see just before Christmas - in fact, I lost a bet on it - a crowd of over 5,000 people. This was during the time when the Cosmos did not look like winning a game.

**Mr Moore:** Did you back 10,000?

**MR STEFANIAK:** No. I was fairly close. I thought about 4,500 but I lost badly, because it was well over 5,000.

**Mr Corbell:** I take a point of order, Mr Speaker, on the grounds of relevance.

**MR STEFANIAK:** It is relevant to Mr Kaine's question about keeping the Cosmos afloat. Even though until recently there had been a series of losses, the crowds were fairly good, Mr Kaine. You would see 2,000 or so there regularly. Now that they have started winning, the crowds have increased. Obviously, that is very healthy. Having been out there to a couple of games, I think the crowd support even when they did lose indicates that they have got every chance of not only staying afloat but surviving. I found that very positive.

In terms of anything additional to the \$600,000, having made about 10 yards up the middle of the field, I will pass the ball over to the Chief Minister so that she can go in under the posts.

**MR SPEAKER:** Mr Stefaniak, you are very close to being offside.

**Mr Kaine:** Mr Speaker, before the Chief Minister springs to her feet, I would ask you to rule on when the sports Minister is not the sports Minister.

**MR SPEAKER:** I cannot rule on that, Mr Kaine.



**MR KAINE:** I have a supplementary question, Mr Speaker. The Minister for sports seemed quite uncertain as to how much the Government has committed itself to. Will he undertake to confirm whether or not the amount is in excess of \$600,000 and, if so, by how much? Will he also amplify and tell us how much of it is by way of grant, how much by way of loan and how much by way of guarantee?

**MR SPEAKER:** Mr Kaine, I am conscious of the fact that your original question has not been answered.

**Mr Stefaniak:** Not entirely - - -

**MR SPEAKER:** Just a moment, please. Mr Kaine asked a specific question about costs. It has not been answered. Therefore, if another Minister can answer it and the sports Minister wishes to refer the matter to somebody else, that is perfectly in order. Otherwise, I guess the question has to be taken on notice.

**MR STEFANIAK:** Mr Speaker, I will refer one thing to the Chief Minister. I can tell Mr Kaine that apart from that \$600,000 over three years there is also the Government's initiative last year of assistance for major sporting teams. I understand the Cosmos get \$100,000 from that. There is one other area about which I think the Chief Minister is able to answer. That is the business area, and I pass over to her for that.

**Mr Kaine:** I take a point of order, Mr Speaker. I presume you have not yet ruled on whether the sports Minister is the sports Minister.

**MR SPEAKER:** It is not my position to rule on that, Mr Kaine.

**MS CARNELL:** Mr Speaker, I can guarantee that Mr Stefaniak is the sports Minister but he is not the Treasurer.

**Mr Kaine:** The Minister for sport does not know. He does not have a clue. That would be about right.

**MR SPEAKER:** Order! Mr Kaine, you have asked a question and I think the Chief Minister is about to give you some information about it.

**MS CARNELL:** Mr Speaker, I am surprised that Mr Kaine needs to ask this question, because he was assistant Treasurer, I seem to remember. Maybe he has forgotten that.

**Mr Kaine:** I have not been the Minister Assisting the Treasurer for over a year, and a great deal has happened in that time, I am sure.

**MS CARNELL:** When I give the dates, you will see what I mean, Mr Speaker. A guarantee of payment of up to \$200,000 for the Canberra Cosmos was originally signed off on 5 May 1997. Could Mr Kaine have just been the assistant Treasurer at that time? Obviously Mr Kaine forgot. Mr Kaine, I am surprised that you needed to ask the question. The approval of guarantee was signed on the same date and tabled in the

Legislative Assembly on 8 May 1997. The guarantee was effective until 31 October 1998. A new guarantee of up to \$200,000 was signed and is effective until 31 October 2000. It is a continuation of the same guarantee.

The Government's decision to provide and to continue the guarantee recognises the Cosmos's developing role in the sporting life of Canberra and our desire to maintain a strong connection between Canberra and the 2000 Olympic soccer tournament, something that I would have assumed that everyone in this place was very positive about - although you really have to wonder. Those opposite seem to be fixated about opposing Bruce Stadium, which of course is the basis of Olympic soccer coming to Canberra. It appears that Mr Kaine would like the Cosmos to sink. This Government is very positive about Olympic soccer coming to Canberra.

When Mr Stefaniak was talking about \$600,000, I think that he was actually talking about \$600,000 to Soccer Canberra, not to the Cosmos. That was a grant that was given to Soccer Canberra.

**Mr Kaine:** The Minister for sports does not know, but she thinks I should know.

**MS CARNELL:** Mr Speaker, do I have to yell the whole time?

**MR SPEAKER:** Order, please!

**MS CARNELL:** It was a grant that was given to Soccer Canberra to promote soccer and to facilitate the soccer tournaments leading up to the Olympics generally, to ensure that Canberra gets the most we possibly can out of the great honour of being an Olympic city.

**Mr Kaine:** I take a point of order, Mr Speaker. In terms of the non-answer to my question - - -

**MS CARNELL:** I take a point of order, Mr Speaker. You cannot have two supplementary questions.

**MR SPEAKER:** I am sorry, Mr Kaine. You have asked your question.

**Mr Kaine:** I just want to make the point, Mr Speaker, that the Chief Minister asserts that I should know, when her own Minister for sports obviously does not know.

**MR SPEAKER:** You may ask the question under standing order 46.

### **Futsal Stadium**

**MR CORBELL:** I know how it feels, Trevor. Mr Speaker, my question is to the Chief Minister. Did the Chief Minister have any direct formal or informal discussions in 1996 with an officer or officers of the National Capital Authority in which she discussed a proposal to build the futsal stadium?

**MS CARNELL:** Mr Corbell expects me to remember what informal discussions I had with people in 1996. Mr Speaker, I understand - - -

**Mr Berry:** You managed to remember what Trevor Kaine was doing?

**MS CARNELL:** Yes, I do remember who my Ministers were in 1997. That is not a big ask. I do understand from documents that I have had a look at today that Mr David Wright, who is an officer with NCA, indicated that he had an informal discussion with me at a Canberra Cosmos soccer game at which - - -

**Mr Quinlan:** “Fancy meeting you here”, he said.

**MS CARNELL:** I see him at every soccer match, because he goes and I go. He said that at that game, which was when the futsal slab issue was on the table, he informed me that he would not be participating in that decision-making process because of his relationship in the past with futsal and with soccer generally. I do not remember that informal conversation at a soccer match, but I am confident that Mr Wright’s recollections are real.

### **ACT Housing**

**MR WOOD:** Mr Speaker, my question is to Mr Smyth. Minister, in a recent article in the *Canberra Times*, a claim was made that ACT Housing was likely to dispose of 1,000 houses in the current financial year. ACT Housing has announced plans to continue to dispose of property. How many housing units will it dispose of in this financial year?

**MR SMYTH:** Mr Speaker, this is a line of questioning that Mr Wood pursued at estimates. I think then we said that the plan was that the number of houses lost over the next three years would be something like 200, and that still stays. That is the business plan. That has not been changed. The line of questioning in the *Canberra Times* is quite curious. Suddenly, at a time of raised union activity in ACT Housing, the old fear and scare tactics are used and we are told that all these houses are going to go; that therefore all these jobs are going to go; and that therefore the Government is doing a lousy job. As was clearly pointed out to Mr Wood at estimates, the business plan says that the number of houses over the next three years will be reduced by 200.

### **Canberra Hospital - Consultants’ Reports**

**MR HARGREAVES:** The reason why I gestured so nicely to the crossbenches, Mr Humphries, is that I treat these people with respect. Mr Speaker, through you, I ask a question of the Minister for Health and Community Care. Over the past four years ACT taxpayers have paid for a range of consultants and financial experts to provide the Government with expert advice on the Canberra Hospital. Can the Minister say how many consultants’ reports have been commissioned on Canberra Hospital over the past four years and how much the Government paid for them?

**MR MOORE:** I will take the part of the question about the exact number on notice, but I am aware of the Grants Commission report, the Productivity Commission reports, the Booz Allen report, the Renfrey report and Mr Andersen's report. There is also a series of reports on particular areas in the hospital. Mr Hargreaves, I would like you to clarify whether you want to know only about reports such as the one on the investigation into the intensive care unit, for example, or whether you also want to know about every small report that a particular manager has organised - and there must be hundreds of them. I think, if I am right in understanding that, you are talking about the overall reports that look at the financial circumstances, the budget circumstances, of the hospital. I am happy to provide you with the exact details of those.

We know that all those reports have indicated that the hospital is significantly overfunded compared to Australian standards. The reason why that is significant is that that is how we are funded. That is what the Grants Commission looks at. That is how we wind up getting our funds back through the Grants Commission, as you would well know. That is why it is a critical issue.

But it is a further critical issue for us in Canberra, because we know that a fair proportion of people who go to our hospitals are from the surrounding region. At the moment, for each person who comes to us, for each unit of service, for each cost-weighted separation, we get 110 per cent of the Australian value. That will go down to 105 per cent and then to 100 per cent. So there are reasons for us to want to push to change the situation in the budget. I am very pleased that the indication from this Assembly yesterday, after a long debate, was that I need to keep my hand strongly on the tiller.

**Mr Berry:** No, it was not.

**Mr Stanhope:** That is a very artful interpretation.

**MR MOORE:** Labor may forget that this Assembly removed from the motion they put out that I was not to meddle. I have to keep a strong hand on it. I have to tell you that what that means, as far as I am concerned, is that, having gone through those reports, I will make sure that as priority one we continue providing the best possible service we can. And to whom? As I said in "Setting the Agenda", to the patient. There is nothing interfering in that.

Priority 2 is making sure that we can do that as far as possible within budget. If our hospital budget runs at 110 per cent, then this Government will make a decision that that may be the appropriate level because we can see why we are spending the extra money - to get better customer service. But when we cannot see that we are spending the money to get better customer service we will look very carefully at those reports to give us ideas on how to change the culture of the hospital. We will continue to do it using the sort of process that Mr Rayment is using and that, interestingly enough, Mr Quinlan described, although very tongue in cheek, yesterday in his speech. It is the sort of process that is being used by the other Ted, Ted Rayment, at the hospital. It is something that, generally, is delegated to the hospital. On the very specific issue, I will provide this Assembly with the names of particular consultancies to do with broad budget issues.

**MR HARGREAVES:** I ask a supplementary question, Mr Speaker. By way of explanation, when the Minister said that my question was a general question he was quite right. I am very interested in that particular aspect. Page 39 of the 1997-98 financial report gives a list of consultants, 559,000 bucks worth, and not one of them to do with financial management. You are quite right. My supplementary question is about this Government's obsession with the appointment of outside experts and its willingness to spend millions of dollars on consultancies. As I mentioned, there were \$559,000 worth - and I have not turned the page yet. If we want to go into some big numbers, I will come back later and tell you. In fact, there was a consultancy for ACTEW for \$1.5m.

**MR SPEAKER:** Would you mind asking your supplementary, please, Mr Hargreaves? You have given enough background.

**MR HARGREAVES:** I am halfway through it, Mr Speaker, and I keep getting interjections from the parrots opposite. With your permission, Mr Speaker, I will start again.

**Mr Moore:** No.

**MR HARGREAVES:** Are you the Speaker now? You speak the most around the place. Given this Government's obsession with the appointment of outside experts and its willingness to spend millions of dollars on consultancies, can the Minister tell the Assembly how many of these recommendations from consultants' reports on the Canberra Hospital have been implemented and what savings were achieved from them?

**MR MOORE:** I will give you a generic answer to make sure that you understand the value of these things. The Booz Allen report, as an example, saved approximately \$18m.

**Mr Kaine:** Where is that reflected in the budget?

**MR MOORE:** Just think how bad things would have been, Mr Kaine, if it had not been for that \$18m.

**Mr Hargreaves:** Under the four-year rule of her ladyship.

**MR MOORE:** Excuse me. You asked a question. I am trying to answer it. If you want to get the details of all the reports, they are in the annual reports. That is what I think government is about. That is what we do. I will still provide them for you - and by the way that is where I will find them, in the annual reports - plus the more recent ones such as the Renfrey report and the Andersen report.

It seems to me, Mr Speaker, that each of us should be aware that this Government is very careful when we commission a particular report. We are interested in specific outcomes, and those outcomes are not necessarily about saving money. Sometimes they are about other things. One good example, in an area where the Chief Minister and I had some difference of opinion which we were reasonably open about, was when I appointed Fiona Tito to look at adverse incidents in the hospital. This is not about saving money. It is about better quality. I am expecting to see that report on my desk in a short while.

There are reports that we do for specific reasons, often about improving health but also about making sure we have efficiency. It is a very sensible thing to do. I think Booz Allen illustrates that very clearly. I do not remember the cost of Booz Allen.

**Ms Carnell:** It was about \$1m.

**MR MOORE:** The Chief Minister indicates that it was about \$1m. If you can turn that around to save \$18m, then I think most of us would say that that was a pretty good investment.

### **Calvary Hospital - Accident and Emergency Department**

**MR RUGENDYKE:** My question is to the Health Minister, Mr Moore. I advise members that I forewarned Mr Moore about this question, but I must say that I am surprised that he was unaware of the situation. I have received a report from a constituent about an alleged closure of the emergency department at Calvary Hospital. Last Friday an elderly lady was seeking treatment for a broken arm. When her daughter went to Calvary to acquire assistance, she was informed that the emergency department was closed and would be closed for five days. Mr Speaker, in light of yesterday's debate about the management of the health system, this information, which came to me only this morning, concerns me. Can the Minister please inform the Assembly for exactly what periods Calvary emergency department has been closed this year, and can he please explain why?

**MR MOORE:** Thank you very much, Mr Rugendyke. Because you gave us a little bit of warning of that question I am able to give you a sensible answer to it. The myth that Calvary accident and emergency department was somehow closed for five days can be immediately put to rest. That was not the case. In fact, last Friday, 12 February, the accident and emergency department at Calvary Hospital went on bypass for a couple of hours until 10.30. During that time this particular woman you speak about - I gather that she had been down by the lake - came to Calvary to ask for assistance because her mother, still at the lake, had broken her arm. That is my understanding of what happened. The ambulance was called. In the normal situation, an ambulance called under those circumstances would go immediately to the Canberra Hospital, bypassing Calvary. If it is obvious to an ambulance officer that it is a very simple break, it might be dealt with at Calvary. Most times the ambulance officer will judge that it is better to take an orthopaedic accident and emergency case to the Canberra Hospital. That is exactly what happened.

I presume that it was indicated to the woman, who no doubt was under quite a bit of stress, or that she received a message that this was a five-day thing. It was not a five-day thing. It was for a couple of hours while Calvary was on bypass. It is standard practice that when all beds in the accident and emergency department are full for all ambulances to be redirected to the Canberra Hospital when they may need a bed. It is their normal practice. It occurred for a couple of hours. This particular person probably would not have been taken to Calvary anyway.

**MR RUGENDYKE:** Mr Speaker, I ask a supplementary question. Minister, when the hospital is in this bypass mode, how is the community advised? What processes are followed to allow the community to know not to go to Calvary casualty when it is in bypass mode?

**MR MOORE:** The bypass is for serious things. If your child is vomiting or has cut their hand and you are concerned, you can still go to Calvary. The advice goes to the ambulance officers so that when there are serious matters they know not to waste time going to Calvary but to go directly to the Canberra Hospital. Of course, that puts extra strain on the Canberra Hospital, which very rarely goes onto bypass. Bypass of the Canberra Hospital means that both hospitals are full. That means transport out of Canberra. That happens very rarely, and we are trying to make sure that it happens even less often, with the appointment recently of some extra specialists to the accident and emergency department at Canberra Hospital.

### **Health Budget**

**MR BERRY:** Mr Speaker, my question is to the Chief Minister. On 16 April 1996, when introducing Appropriation Bill (No. 2) to deal with the health budget blow-out, the Chief Minister said in this place, boastfully and blush free:

Put simply, we are not prepared to adopt the practice that has been used in previous years of making artificial cash management arrangements to conceal what is a significant overrun in the health and community care budget. This Government believes that a second appropriation by the Assembly is a more open and transparent mechanism for budget adjustment.

Mr Speaker, today I will outline why this overrun has occurred and what steps the Department of Health and Community Care is taking to address what is a clearly unacceptable budget performance. The community should demand nothing less.

When will the Chief Minister and Treasurer announce Appropriation Bill (No. 2) 1998-99 so that she can once again “outline why this overrun has occurred and what steps the Department of Health and Community Care is taking to address what is a clearly unacceptable budget performance”?

**MS CARNELL:** Mr Speaker, at this stage it is my advice that it is simply not necessary, so why would I inform the Assembly that we needed to do it? We do not need to at this stage.

**MR BERRY:** I ask a supplementary question, Mr Speaker. Where will the money come from and what services to the community will be cut to make up for the overrun?

**MS CARNELL:** Mr Speaker, it is obvious that Mr Berry still does not understand accrual accounting or the way that we operate our budgets. At this stage the Department of Health and the hospital have sufficient cash. An appropriation brings cash over into the department. It has sufficient cash to be able to operate, so there is no need for a second appropriation at this stage. I think we heard at length yesterday that the hospital is working very hard to reduce its expenditure and to improve revenue levels and all of those sorts of things to be able to manage, or to bring down, the projected operating loss.

**Mr Moore:** It is only projected at this stage, Wayne.

**MS CARNELL:** It is only projected at this stage, as Mr Moore says. Mr Berry started by saying that I made a comment in 1996 about transparency. That is exactly why we had the debate yesterday. The fact is that now every member of this Assembly knows the scenario. Every member gets monthly reports on exactly where every department and every area is up to, and not just reports on what the scenario is now but also projections on what could happen by the end of the year if no changes occur.

Those projections give the Government an opportunity to get in and manage, as Mr Moore is doing, to bring down a projected operating loss. That is serious transparency, not what we saw under the previous Government but something that every year gets better under this Government.

Just very briefly while I am on my feet, Mr Hargreaves brought up the issue of consultancies in 1997-98. The ACT Government spent \$6m on consultancies in 1997-98. In the last year of Labor, the figure was \$9.2m.

**Mr Berry:** Mr Speaker, I take a point of order. The Chief Minister is now attempting to answer a question by Mr Hargreaves. Mr Hargreaves is not the questioner this time. I am, and I would appreciate - - -

**MR SPEAKER:** Chief Minister, you will have the opportunity of answering it at the end of question time if you like.

**Ms Carnell:** Mr Speaker, I am very happy to do that, but I just thought the fact that the Labor Party spent 50 per cent more than the Liberal Party was of interest to everybody.

**Mr Berry:** Mr Speaker, I have not finished raising my point of order. A moment ago you acknowledged that the Minister for sports had not answered a question. Would you make a similar acknowledgment in relation to the Chief Minister? All I asked her was whether services would be cut. She may well try to rule them out if she has the courage.

**MR SPEAKER:** The question that was asked of the Minister for sports was about a specific amount of money and could have been answered. The question that you asked did not necessarily require a response, much as you would have liked one, Mr Berry.



## Joint Emergency Services Centre, Woden

**MR HIRD:** Mr Berry is all of a sudden a Speaker. We have two in the house. Through you, Mr Speaker, I address a question to the Minister for Justice and Community Safety. It is in regard to the announcement by this great Government of the 1999-2000 draft capital works program, which proposes a new joint emergency services centre for Woden and has some provision for an ACT prison. Is the Minister aware of claims by our honourable colleague Mr Hargreaves that the new joint emergency services centre at Woden will be, as he says, too small to accommodate police in Woden and that police will be lost from Woden? To where we do not know. Is this true, Minister? Can you inform the parliament?

**MR HUMPHRIES:** Yes, I can. I have to say to Mr Hird that it is almost foolish to ask whether something Mr Hargreaves has said in the media is true. The answer is almost axiomatic. I have heard these claims. They would be laughable if they were not so serious. The claims Mr Hargreaves is fond of making not only are wrong but also have the potential to frighten people and to create a very wrong impression. This community has enough trouble trusting what the Assembly does without people simply creating completely false stories to cause alarm in the community.

No, there is no truth to the allegation that the JESC will be too small to accommodate police and the police will be lost from Woden; quite the contrary. The fact is that the Woden JESC will have 25 per cent more space than the three present operational centres - that is, the police station, the ambulance station and the fire station - have put together. The police station is 1,290 square metres, the ambulance station is 600 square metres and the fire station is 510 square metres. If you add that up - blink, blink, blink - you get 2,400 square metres. The proposal is for a JESC of 3,000 square metres, 25 per cent larger.

Mr Hargreaves might imagine in the fevered pictures of his imagination that somehow we are going to expand the fire and ambulance services at the expense of the police. Not so, Mr Speaker. The current Woden patrol has an establishment of 77 officers. The design brief for the new JESC will have a requirement for an establishment of 90 police officers - an enlargement from 77 to 90.

**Mr Hargreaves:** Have you told that to the Justice Committee? We are still waiting on the numbers from you.

**MR HUMPHRIES:** I see. That is it, is it? Because we have not told the Justice Committee, then he is entitled to make up any figures he likes. Apparently Mr Hargreaves believes that if he has not had the information supplied to him he can make up any figures he wants. He says, "It is all right. I have not had the figures supplied to me. In that case, I will make them up instead". It does not become the people of this place, particularly those opposite, to take that approach.

The fact is that the people of Woden are going to get a substantial boost in the provision of emergency services, including police services, from the establishment of a JESC in that valley. It will bring together those services in a cost-effective way. It will improve the

quality of delivery of services to allow those officers to work together. It will produce economies of scale and it will provide more space, and more comfortable space, for all of those workers. That, in anyone's language, is an improvement.

**MR HIRD:** I will not give a preamble, Mr Speaker. As you know, I do not. I will go straight to my supplementary question. Minister, are you aware of other comments by Labor MLAs in response to - - -

**Mr Hargreaves:** We will deal with you on Monday.

**MR HIRD:** Did you try to intimidate me, Mr Hargreaves? I am starting to worry. I will start again. Minister, are you aware of other comments by Labor MLAs in response to the draft capital works program, announced this morning by our great Chief Minister, which are also wrong?

**Mr Corbell:** I take a point of order, Mr Speaker. A supplementary question should have something to do with the substantive question. That was an entirely new question.

**MR HUMPHRIES:** Mr Speaker, the first question was about the capital works program. The second question was about the capital works program as well.

**Mr Corbell:** On the point of order, Mr Speaker: The substantive question was not about the capital works program. It was about Mr Hargreaves' comments in relation to proposals for the Woden Valley JESC.

**MR HUMPHRIES:** Mr Speaker, it was about the Labor Party's comments, including Mr Hargreaves'. Mr Hird referred to the Labor Party's comments. He has now asked me about further comments by the Labor Party.

**MR SPEAKER:** We have been through this before.

**MR HIRD:** I will rephrase it if you like.

**MR SPEAKER:** Yes, please.

**MR HIRD:** I ask you, Minister, in my supplementary question: What other comments made in response to the draft capital works program for 1999-2000 are wrong or inconsistent with the facts you have just given the house? I would be very interested to know.

**Mr Corbell:** I take a point of order, Mr Speaker. That is even more irrelevant as a supplementary question than the previous one was. It does not relate in any way to the substantive question asked by Mr Hird. Therefore, you should rule it out of order. His supplementary question must relate to the subject matter he raised in the original question. That is the issue, and I would ask you, Mr Speaker, to rule on that.

**MR SPEAKER:** The question is related to the capital works program and certain comments that were made by other people that may very well be erroneous. It is perfectly legitimate for the government of the day to correct them if they are erroneous.

**MR HUMPHRIES:** Mr Speaker, in Mr Hird's question, he referred to the prison. He asked that in the first question. I am happy to comment on the prison as well. We have heard today the Labor Party - Mr Stanhope, I think - say, "How dare the Government put money aside in this capital works program for the prison. How dare it refer to the prison in the capital works program. The Justice Committee of the Assembly has not yet decided whether it believes that there should be a prison, let alone whether it should be publicly or privately operated". Indeed, the Justice Committee of the Assembly is considering this question. I look forward to its recommendations. Mr Speaker, if it happens to be the case that the Justice Committee recommends that we have a prison in the ACT and creates an environment in which it is possible at least for the Government to proceed with a privately operated prison, how are we going to go about producing that option if we have not put aside and properly described money in the capital works program for that project?

**Mr Stanhope:** How much money did you put aside for the prison?

**MR SPEAKER:** Order! We seem to have come full circle. I seem to remember that the first question was about this.

**Mr Stanhope:** How much money do you put aside for the prison?

**MR HUMPHRIES:** The money put aside, the money referred to in our capital works program, is \$12m, which is to be funded by the private sector, for the creation of an ACT gaol. If members opposite have a problem with that, that is fine.

**Mr Stanhope:** No, we do not have a problem with that.

**MR HUMPHRIES:** You do not have a problem with it? What are you complaining about then?

**Mr Stanhope:** It is your money, is it?

**MR HUMPHRIES:** You do not have a problem with it?

**Mr Stanhope:** What is this money? What is the money you have put aside for - - -

**MR SPEAKER:** Order, members! Come to order! Mr Hird asked a question.

**MR HUMPHRIES:** I think they have been drinking paraffin or something, Mr Speaker. Either we should not put it in the capital works program or we should. Which is it? Should we have it there or should we not? Which is it? In or out?

**Mr Quinlan:** Out.

**MR HUMPHRIES:** It should be outside the capital works program?

**Ms Carnell:** You guys have ruled the opposite in the past and told us we need to put it in.

**MR HUMPHRIES:** That is right. Mr Speaker, how do we go about financing a component of capital works if it is not in the capital works program? Mr Speaker, this is unbelievable. Members opposite in past years have asked that off-budget sources of funding be in the capital works program.

**Mr Quinlan:** That is when it is part-financing.

**MR HUMPHRIES:** “Oh”, says Mr Quinlan. It is true. You did. Go back to previous reports in a previous Assembly. You have asked for it to be there in that form. That is why it is there.

**Mr Quinlan:** But you did not put it aside. You were using the term: “We have put it aside”.

**Mr Stanhope:** That is what you said.

**MR HUMPHRIES:** Mr Speaker, we have done that.

**Mr Quinlan:** You have not put it aside.

**MR SPEAKER:** You have asked your questions, gentlemen. I suggest that you be quiet and allow Mr Humphries to answer Mr Hird’s question.

**Mr Smyth:** They are not interested in prisons, Gary. Tell them all about Gungahlin.

**MR HUMPHRIES:** Thank you for the prompt. I think Gungahlin speaks for itself. Ten million dollars, is it?

**Ms Carnell:** Eight point three.

**MR HUMPHRIES:** There is \$8.3m for the improvement of facilities, services and infrastructure for the people of Gungahlin. We indicated that we take seriously the development of that new township in the ACT and we have met that commitment by putting aside the money in this year’s capital works program for that to happen. I have already heard the president of the Gungahlin Community Council comment on that in favourable terms. I hope the people in Gungahlin appreciate that we are prepared to support their aspirations for that township by continuing to support development of important infrastructure there.

**Mr Hargreaves:** It is only because Simon Corbell has made you uncomfortable about it.

**MR HUMPHRIES:** It is sad, is it not? We put \$8m on the table for capital works and these people are unhappy about it. Look at the long faces over there. It is quite extraordinary.

Mr Speaker, my last comment on the Labor Party’s response to the capital works program is about the extraordinary comments by Mr Stanhope this morning about the program to upgrade the quality of our streets and public places, our streetscape program.

Mr Stanhope said this morning on the radio, “Always a bit sceptical about these ad hoc beautifying of cities”. He did not say “program”, just “ad hoc beautifying”. Mr Speaker, I would have thought that investing some money in increasing the quality of life of this city through the state of appearance of our public places was a good thing in anyone’s language, but obviously - - -

**Mr Stanhope:** You are carving up the road to the airport. That benefits nobody. We would be better off fixing the footpaths that Mr Smyth will not fix for the pensioners who live out there and trip over.

**MR HUMPHRIES:** Mr Speaker, I am getting a wall of noise from over there. Can I ask for some - - -

**MR SPEAKER:** Yes, it never stops, does it? I am getting very tired of it. I think somebody is going to end up being warned.

**MR HUMPHRIES:** Mr Speaker, I could understand them being unhappy if they felt that this was something which came too late or was not big enough or whatever, but they appear to have attacked the very concept of a program to beautify Canberra streets.

The extraordinary thing about that is that when I look back to the 1998 election platform of the Australian Labor Party in the ACT I see in Labor’s - dare I mention it? - “Working Capital” policy a promise to create a renewing Canberra fund. I quote what this is all about:

... Labor will establish the Renewing Canberra Fund - the fund to restore pride in the state of our city.

It is a \$3 million fund over three years ...

**Mr Stanhope:** Read it out.

**MR HUMPHRIES:** I just did.

**Mr Kaine:** I take a point of order, Mr Speaker. I have been listening patiently to the Minister’s long answer to Mr Hird’s supplementary question, but I think he is getting a long way from the question when he is starting to talk about the Labor Party’s election platform of a year ago. It has nothing to do with the question that Mr Hird asked. I think you have to draw his attention to the point of relevance.

**Mr Moore:** Mr Speaker, while we are on points of order - I know Mr Kaine refers to standing order 118 - I would like to refer to standing order 202(e) with reference to Mr Stanhope and Mr Quinlan.

**MR SPEAKER:** Mr Humphries, I am aware, is making a comparison between then and now in terms of promises and initiatives.

**MR HUMPHRIES:** I am saying that Labor's statements this morning about the capital works program, the subject of Mr Hird's question, simply are inconsistent with what they have already said about beautifying Canberra streets. They apparently want a program to beautify the city, which is exactly what Mr Stanhope attacked this morning. I realise that Mr Stanhope was on the B team in the last election and perhaps did not know about all the promises that were being made by the Labor Party during that time, but the fact is that you did promise it. We are now delivering on your promise. I would have thought that would have been one thing we were sure to get support about but obviously not. Mr Speaker, we think it is important to make Canberra look good, to restore pride in our city and, to quote Labor Party policy, to create a green, clean city. We are setting about delivering it.

### **Children's Services Legislation**

**MR OSBORNE:** I find it interesting when we spent a long time yesterday talking about process that the Government should announce their plans for the JESC at Woden without taking the time to inform the committee looking into the issue of JESCs. Nevertheless, I will ask my question of the Attorney-General. I ask this question, having discussed it at length with the Minister at lunchtime. The question needs to be asked so that we can let people know that steps are being taken to rectify the problem. Mr Speaker, could you speak to this fool here and ask him to be quiet while I am asking my question?

**Mr Rugendyke:** I take a point of order, Mr Speaker. Yesterday Mr Osborne attempted to assist me in my speech. I am just attempting to assist him in his speech today.

**MR SPEAKER:** Considering the cacophony of sound that I have been listening to for all of question time, that was minor, Mr Osborne.

**MR OSBORNE:** The day I ask you to help, Mr Rugendyke, will be the day I will be writing my resignation speech.

**Mr Smyth:** Serious question.

**MR OSBORNE:** It is a serious question. I noted this morning, Minister, that you referred to the passing of the Children's Services (Amendment) Bill yesterday establishing a children's magistrate and to some problems your department had come forward with. Can you inform the Assembly in detail what these problems are, and what steps you and I have agreed to take to rectify the problem? Can I also just let you know, before you stand up, Minister, that my office has spoken with the parliamentary drafter and he has indicated that the amendments that are needed will be ready for the next sitting. Here is your opportunity, Minister.

**MR HUMPHRIES:** I thank Mr Osborne for that question. He has indeed raised an extremely serious question. I mentioned this morning a number of problems to do with the Children's Services (Amendment) Bill that was carried yesterday. I have received a slightly more detailed brief - I am happy to table it in the Assembly - which details some

of those problems. I table that advice from Mr Keady in my department. It appears that those problems are relatively minor in comparison with another rather more serious problem which has been discovered with the Bill itself, on the advice given to me.

Mr Speaker, the Bill passed yesterday repeals section 20 of the Children's Services Act. That particular section of the Act establishes the jurisdiction of the ACT Children's Court. I read that section:

The Magistrates Court has jurisdiction -

- (a) to hear and determine informations against children; and
- (b) to hear and determine applications and other proceedings under this Act with respect to children

and, when exercising that jurisdiction, shall be known as the Childrens Court.

Yesterday section 20 was repealed and, as a result, the jurisdiction of the Children's Court has been abolished, if not the Children's Court itself.

**Ms Tucker:** It is a drafting error. Just fix it. They are making drafting errors all the time. It is an art.

**MR HUMPHRIES:** Mr Speaker, this is a particularly serious drafting error. I put this comment in the context of the remarks made yesterday by the Government that we believed that we were taking this particular Bill too quickly. We asked specifically for more time and indeed moved, as I recall, that the debate be adjourned, which motion was rejected by the Assembly, including, as I recall, Ms Tucker. On the basis of inadequate time to consider this particular legislation and its amendments, we warned that there was a problem. Yet we were ignored by the Assembly, in particular Mr Hargreaves. I notice that he has left the chamber pretty quickly. He said yesterday:

I urge this Assembly to stop messing around, to stop talking any further and to just vote on the thing and have it passed.

Mr Hargreaves says, "Just do it. Forget about these technical details. Forget about the problems that your department might be having. Get on and just do it". We have just abolished the Children's Court or at least abolished its jurisdiction.

**Mr Stanhope:** Why did the Attorney not raise this in the debate yesterday?

**MR HUMPHRIES:** Because we did not have time to consider the issue, Mr Stanhope. We wanted more time to consider the issue.

**Mr Stanhope:** What was the Attorney-General doing in the debate? He is not across his portfolio. He is not up to it.

**Mr Moore:** I take a point of order, Mr Speaker. Earlier you called for silence. Mr Stanhope, I have suggested standing order 202(e) already, and I will suggest it again.

**MR SPEAKER:** Continue, Mr Humphries. This is a serious matter and it deserves serious consideration.

**MR HUMPHRIES:** Mr Speaker, we have a perfectly good question asked across the chamber. Why did the Attorney-General not raise this question yesterday? If Mr Stanhope had been attentive, he would have heard the answer to that question yesterday. I said yesterday that my department had not prepared a response to the Justice Committee's report and a consideration of the Bill, because it was not due until March. That is why. As I indicated clearly to the Assembly, we received notice of the bringing on of this legislation late on Tuesday. I see that Mr Stanhope runs away after asking this question.

After having notice on Tuesday that this Bill would be coming up for debate, having it put forward on Wednesday, not having had time to consider it and having asked the Assembly for more time, we now see that the problem has arisen that the Bill has - accidentally, I trust - abolished the jurisdiction of the Children's Court. Mr Speaker, this is a matter of considerable concern. I acknowledge that Mr Osborne has been forthright about the need - - -

**MR SPEAKER:** Order! Mr Osborne has asked the question. I think he deserves the answer but he should also listen to it, might I suggest.

**MR HUMPHRIES:** Mr Speaker, there is a serious question here. I have advised the Chief Minister not to sign that Bill into law, as is her power. We have a period of one month before it must be signed into law, as I understand it. In that time, of course, the Assembly will sit again. I have discussed with Mr Osborne a process whereby it will be possible for the Assembly to bring the legislation which was passed back on for reconsideration, in effect, as I understand the process, to rescind the passage of the legislation and have it amended before it becomes a law. That is not an amendment to the Bill. The Bill, in a sense, has already passed the stage of being a Bill. It is now on its way to being an Act. It would be a reconsideration of the legislation to allow it to be considered again as a Bill subject to amendment by the Assembly.

**Ms Tucker:** And at the same time you can fix up the Bill that you stuffed up too. That would be good. We are still waiting for you to fix up the Building (Amendment) Bill that you repealed a whole section of. We could do them both together. That would be good.

**MR HUMPHRIES:** The important point here, for Ms Tucker's benefit, is making sure we have time to do these things properly. Ms Tucker has been the scion of process in this place - - -

**Mr Hargreaves:** Just get on with it.

**MR HUMPHRIES:** That was the problem with yesterday. "Just do it" Hargreaves strikes again. Just do it. With beads of sweat on his brow, he says, "Just do it, please. Get rid of this problem".



**Mr Hargreaves:** You are repeating yourself. You sound like a Gatling gun.

**MR HUMPHRIES:** I would rather sound like a Gatling gun, Mr Hargreaves, than a dunce. And that is what you sounded like yesterday in urging us to rush headlong into abolishing the ACT Children's Court. I would much rather be a Gatling gun than a dunce. These are serious problems. I hope members opposite in particular will reconsider the approach they take on such matters in the future. Ms Tucker in particular, who is always very ready to urge the Government to apply a process, should also consider that process in respect of the role she plays in this place. She also has some control over process. It is not just the Government. She, as a member of this Assembly, has control over process. I hope that in the future she will be able to work with others in this place to make sure people are not suborned in the way in which they bring legislation forward or otherwise deal with it in the appropriate way. As I said this morning, I hope that as a result of this legislation we have resolved - - -

**Mr Quinlan:** And if you had not in recent months pushed the envelope in terms of tactics, you would have been believable yesterday.

**MR SPEAKER:** Be quiet, Mr Quinlan.

**MR HUMPHRIES:** We hear words about tactics in this place. It is very easy to regard this place as a place where it is just a matter of tactics, where we just use the numbers to get what we want.

**Mr Hargreaves:** I take a point of order, Mr Speaker. Relevance, please. The Minister is just filibustering.

**MR SPEAKER:** I think it is extremely relevant. I do not uphold the point of order. This is a serious matter.

**MR HUMPHRIES:** Mr Speaker, there is an important point to be made here, and I would be grateful if the Opposition took one moment to listen to it. It is very easy to use the numbers, when you have them, to force things through in this place. Sometimes the consequences - - -

**Mr Kaine:** You have done it before today.

**MR HUMPHRIES:** Yes, we have, Mr Kaine, and always with your support in the past, by the way, for the three years you were in the Government. I do not believe that we have ever destroyed a process which has been well established by this Assembly. We certainly have always honoured those processes, to the best of my recollection, and I would say to the Assembly that they should do likewise in future when legislation is brought forward and considered in whatever form in this place.

**MR OSBORNE:** I ask a supplementary question. Minister, could you give me some advice - I have been here for only a short period of time - on how I could do things differently? I will just give you the history of what happened with this piece of legislation without talking about the issue of extra time. I wrote to the office of the Parliamentary Counsel. They drafted the Bill. It went off to the scrutiny of Bills committee, it came back, it was sent off to a committee and the Government made a submission. The Government was not against the idea of a designated children's magistrate. The issue, from memory, was time. I think the Government's submission was nine months. Correct me if I am wrong, Mr Hargreaves. Others wanted anything up to seven years. We had agreed on two years until Mr Hird all of a sudden came along with new directions. Given that, Minister, I then wrote to the Parliamentary Counsel for amendments to the original Bill to set in place the major recommendations about the timeframe. One of the issues was the timeframe. I received those amendments from the Parliamentary Counsel. Leaving aside your claim about not having enough time, could you advise me on how we could get around situations like this when I think I asked all the people I should have asked what to do? I did not draft the legislation, Mr Humphries.

**Mr Moore:** Do not flick-pass, Paul.

**MR OSBORNE:** I am not flick-passing. I did not draft the legislation. It appears that the problems come about because of the amendments. I just want to know why it was not raised earlier.

**MR SPEAKER:** Mr Osborne, you have asked your question, thank you.

**MR OSBORNE:** You had the opportunity to make a submission, Minister.

**MR SPEAKER:** Thank you, Mr Osborne. You have asked your question. I will allow it.

**MR OSBORNE:** I accept the problem, Mr Speaker, but I do not know what could have been done differently, when I sought all the advice and I saw all the relevant people I normally ask advice of.

**MR HUMPHRIES:** Yes, the Government did go to lengths to describe last night what it believed should have been done differently; that is, we ought to have done what we do in the case of every other report that is brought down by a committee with respect to legislation. We allow the Government to table a response to that and, in the case of a Bill like this which has legal implications, allow the Government's lawyers to consider the matter and put a proposal to the Government which the Government then puts before the Assembly.

**Mr Osborne:** Why did you not do it when you made the submission to the committee?

**MR HUMPHRIES:** Because we are allowed three months. Our public servants work to a three-month timeframe. A submission was being prepared and it was coming forward to the Assembly for that purpose. There was legislation before it. It was considering that and it had the chance to respond to that, but within a framework of three months.

**Mr Moore:** Mr Kaine last night said that Mr Hird's view as expressed in the dissenting report was the government response.

**MR HUMPHRIES:** That is true. Mr Kaine last night made the point that we do not need to wait for a government response, because we had it in the form of Mr Hird's dissenting report. Clearly, here is one occasion when we were hoping the Government's response would have added a great deal to what was in a dissenting report. Clearly, Mr Speaker, if my officials were able to discover this problem by looking at the issues - - -

**Mr Stanhope:** Table the response. Let us have a look at it.

**MR HUMPHRIES:** We do not have it. What is the point of having a response if we have already passed the legislation? Extraordinary, Mr Speaker!

**Mr Stanhope:** Let us see the response that you were going to table this morning.

**MR SPEAKER:** Mr Humphries is answering a question, Mr Stanhope. I am getting very tired of this. Somebody is going to get warned and possibly named.

**Mr Hird:** I take a point of order, Mr Speaker. This lot over here continually offend against standing orders 39 and 202(a), and I would ask you to take the appropriate action.

**MR SPEAKER:** Thank you, Mr Hird. I am well aware of them. I suggest that we all settle down.

**MR HUMPHRIES:** Mr Speaker, I want to close by making one point. It appears that some people here are quite prepared to defend what happened. I hope they are prepared to go out to the community and explain to the magistrates and clients of the Children's Court what has happened and be prepared to use the arrogance which they are showing in this chamber when that time comes.

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

### **Bruce Stadium**

**MS CARNELL:** When I was answering Mr Quinlan's question today, I gave some of the information he asked for yesterday in that part of his question I took on notice. Fortunately, corporate suites are selling so quickly that the six I mentioned when I spoke earlier is now up to nine, so we have now sold 40 corporate boxes and nine corporate suites. It shows that it is a bit of a moveable feast at the moment, which is good news.

### **Canberra Hospital - Consultants' Reports**

**MS CARNELL:** Mr Speaker, I have further information on Mr Hargreaves' question. Mr Hargreaves made some comments about the Government's far too heavy reliance - I think that is what he said - on external consultants. For the information of members, in 1993-94, under Labor, \$10.171m was spent on consultancies and in 1994-95,

under Labor, \$9.264m was spent. Then the Liberal Party took over. In 1995-96, \$8.226m was spent; in 1996-97, \$6.764m; and in 1997-98, \$6.576m. The difference between 1993-94 under Labor, \$10.1m, and 1997-98 under Liberal, \$6.57m, I think says it all. If there was ever undue reliance on external consultants, it was not by the Liberal Party.

### **Detoxification Unit**

**MR MOORE:** I took a couple of questions on notice yesterday that I would like to answer. Ms Tucker - she is not here, but not to worry - asked me about the detoxification unit being closed for a period of time in December and January, how many people contacted the backup service, what happened to those people and what backup services were available at the time. I hope Ms Tucker is listening somewhere. Although the alcohol and drug program detoxification unit was closed for the period, the program ran a reduced service, using detoxification unit staff, from another building on the hospital grounds. A 24-hour phone line was established to ensure that people with urgent needs could be attended to. Staff on duty were able to manage nine outpatient withdrawals. The limited service appeared to be adequate for the demand, which traditionally drops off at this time. No further backup was required and the Department of Community Care have received no complaints about this service.

### **Young Carers**

**MR MOORE:** On Tuesday I took a question on notice from Mr Osborne, who also does not appear to be here at the moment, but what the hell. He asked me about community organisations that have reported that 600 children under the age of 18 are care givers in the ACT, 85 per cent of them in the 10 to 14 age group. He said that these children are doing work around the home, housework, and that the issues were highlighted at a community forum last year. I am happy to provide the details in response to Mr Osborne's question.

Mr Speaker, it is a fairly long answer and since Mr Osborne is not here at the moment I table it and seek leave of members to incorporate it in *Hansard*.

Leave granted.

*The answer read as follows:*

#### **Mr Osborne asked the Minister for Health:**

Community organisations have reported that 600 children under the age of 18 are care givers in the ACT, 85% of these are in the 10-14 years of age. These children are doing such work as changing of colostomies to house work. Is the Government aware of the numbers? What practical support is being given to these children?

Issues were highlighted at a community forum last year. No one from the government attended, though they were invited. The forum recommended that there be an education program for those in contact with these children eg; teacher, welfare agencies. Is the Minister aware of these recommendations, and if so, doing anything to about implementing the recommendations?

**My answer is as follows:**

I am happy to provide the following details in response to Mr Osborne's question of yesterday regarding the issue of children who are care givers.

The department is aware that there are young carers in our community. However the numbers indicated by Mr Osborne require further investigation. I understand that these figures are extrapolated from statistical sources and more detailed analysis is required to identify the actual numbers of young carers and indeed to define the types and level of care that these young people are providing.

The department is aware of the development amongst service providers of the young carers network and the forum to which Mr Osborne refers. The department was happy to receive a report of the outcomes of the forum and is actively pursuing resolution of the issues raised in partnership with the Carers Association of the ACT

In particular the department is currently progressing the following initiatives to support carers:

\$6,500 has recently been granted to Carers Association ACT under Home and Community Care (HACC) slippage for the development of training resource kit to support generic services understand the needs of carers (young and old);

officers of the Department met with Carers Association on 28 January 1999 to seek further information about the needs of young carers and as a result of this meeting will be recommending the allocation of one off funds under HACC slippage to support a young carers project under a HACC slippage package currently being developed for joint Ministerial approval;

the needs of young carers, as well as carers in general, will be a factor considered in policy and planning for future disability and HACC services; and

officers of the department are making arrangements to have the issues of young carers raised within the context of the International Homecare and HACC Conference being held in Brisbane in March 1999.

It is certainly true that some young carers are providing a high level of support and may be at risk of disadvantage to their physical, educational and social development. It is important that these young people receive assistance to minimise this potential disadvantage. Service providers are expected to tailor assistance to meet the specific needs of all families who use their service. Barnados for example provide respite care for children with a mental illness and children of parents with a mental illness, including school holiday respite and camps.

At a practical level, I am advised that where ACT Community Care Intake and Assessment Unit is contacted for assistance a check is made to determine if a child is involved. If so, the Community Nurse is alerted. Where there is a single adult with complex health needs with a child /children as prime carers a comprehensive assessment is undertaken by the Aged Care Assessment Team (ACAT) and the necessary support services will be organised eg. home help, personal care, nursing allied health. If medical support is required eg. colostomy, wound care, services will be organised during the day and after hours or contact telephone numbers made available. If urgent care is needed the client is advised to contact the hospital or Canberra After Hours Medical Centre (CALMS).

You can see from these activities that the department is not only aware of the issue of children as carers in the community, but is adopting proactive approaches to addressing some of the needs of these young people.

I thank Mr Osborne for raising this matter and being able to talk about our response. Of course more needs to be done and we will work with the Carers Association in particular to take this matter forward.

### **Ainslie Primary School Site**

**MR SMYTH:** Mr Speaker, I have further information for both Mr Corbell and Mr Wood, who asked questions yesterday. The ACT Heritage Council at its meeting in October 1998 considered the proposed variation to the Territory Plan which covers the Ainslie Primary School. The variation includes the following conservation policy:

The school buildings, shelter sheds, former lavatory, original internal fittings and grounds are to be conserved and appropriately maintained consistent with their heritage significance.

The ACT Heritage Council considers that the overall significance of the place can be protected by this conservation policy, which does not specify a particular use.

The retention in the conservation policy of the words “This is best achieved through the continued use for educational purposes” is not regarded as being critical to protect the heritage significance of the place. The ACT Heritage Council considers that continued educational purposes are just one of the strategies which should be considered in seeking appropriate ongoing uses for the place which are compatible with its heritage significance.

In regard to Mr Wood’s question, I inform the Assembly that at the development appraisal meeting of 17 December 1998 PALM was advised that there was a Heritage Council interest in the proposal. On 21 December the manager of the Heritage Unit attended a meeting on site at which it was established that the proposal would not impact on the specific requirements contained in the interim Heritage Register citation for this site, particularly as the trees were to be protected and managed carefully. Heritage Council members were consulted on the matter and supported this position. PALM was advised in writing on 23 December that there were no heritage concerns with the proposal.

**Mr Quinlan:** Mr Speaker, I seek clarification, if you would bear with me. Does the Chief Minister consider that the information provided today constitutes a full answer?

**Ms Carnell:** Excuse me, Mr Speaker. We have had question time.

**MR SPEAKER:** Yes, if you wish to make a point of personal explanation, you can do so under standing order 46, or you can use the adjournment debate.

**Mr Quinlan:** Thank you, Mr Speaker.

#### **GOVERNMENT RESPONSE TO COMMITTEE REPORT**

**Mr Berry:** Mr Speaker, I seek leave to move a motion to require the Attorney-General, Mr Humphries, to table forthwith the Government’s response to the Justice and Community Safety Standing Committee report on the Children’s Services (Amendment) Bill.

**Mr Moore:** No. We do not have it, Mr Speaker. We explained yesterday that we wanted another month to do it, but no. We do not give leave. We do not have it.

**Mr Berry:** Mr Speaker, if they are not going to give me leave, I will move to suspend standing orders.

**Mr Moore:** Do it, but we do not have it. You were told for over half an hour last night that we need another month to prepare it.

Leave not granted.

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

**MS CARNELL** (Chief Minister and Treasurer) (3.53): Mr Speaker, for the information of members, I present the Government's response to the Standing Committee for the Chief Minister's Portfolio Public Accounts Committee Report No. 11, entitled "Review of Auditor-General's Report No. 3, 1998 - Major IT Projects - Follow-up Review", which was presented to the Assembly on 29 October 1998.

**DUTIES (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) LEGISLATION**

**MS CARNELL** (Chief Minister and Treasurer): I present the supplementary explanatory memorandum to the Duties (Consequential and Transitional Provisions) Bill 1998, which relates to the amendments agreed to this morning. Members got copies this morning, Mr Speaker, but I understand I have to put that on record.

**URBAN SERVICES - STANDING COMMITTEE**  
**Reference - 1999-2000 Draft Capital Works Program**

**MS CARNELL** (Chief Minister and Treasurer) (3.54): For the information of members, I present the 1999-2000 draft capital works program and move, pursuant to standing order 214:

That the 1999-2000 draft capital works program be referred to the Standing Committee on Urban Services for inquiry and report by 24 March 1999.

Question resolved in the affirmative.

**PAPERS**

**MR MOORE** (Minister for Health and Community Care): Mr Speaker, for the information of members, I present the following papers:

Australian Capital Territory - Consolidated Annual Financial Report for the 1997-98 financial year.

ACT Administration of Justice - Statistics profile for July to September 1998.

Calvary Public Hospital - Information Bulletins - Patient Activity Data - November and December 1998.



The Canberra Hospital - Information Bulletins - Patient Activity Data -  
November and December 1998.

Department of Health and Community Care - Activity Report - September  
and December quarters 1998.

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

**MR MOORE** (Minister for Health and Community Care) (3.57): Mr Speaker, for the information of members, I present the Government's response to 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", which was presented to the Assembly on 29 October 1998, and I move:

That the Assembly takes note of the paper.

The Government has now had the opportunity to consider the committee's report and its recommendations. Mr Speaker, I must say that I am very pleased to have had the time to do so, unlike the situation that we were put in yesterday with the Children's Services Act, where we sought the time and we argued in here for half an hour that we ought to have the time, and then we had Mr Berry having the gall - - -

**Mr Corbell:** I take a point of order on relevance, Mr Speaker.

**MR SPEAKER:** I accept the point of order.

**MR MOORE:** Mr Speaker, we had Mr Berry having the gall to suggest that he be given leave to put up a motion to force us to table something that was not ready.

**MR SPEAKER:** Order, Mr Moore!

**MR MOORE:** I am therefore pleased, Mr Speaker, to be able to table the Government's response today. Members will note that the standing committee considered that the issues of concern raised by the audit appear largely to have been addressed and that efforts have been made to evaluate the level of improvement in the disability program.

The Government's response addresses each of the committee's recommendations positively and in detail. The Government declines to accept only one of the standing committee's recommendations, that is, that an independent external review of the disability program be appointed within six months. I would like you to understand the reason; I am sure that you will appreciate it. The Government's reason is that in May 1998 the disability program, including the Independent Living Centre, underwent a rigorous and comprehensive examination by an independent external review - basically, the recommendation. The review awarded the program three-year accreditation by the

Australian Council on Healthcare Standards, a nationally recognised accreditation body. It is the Government's opinion that there would be little to be gained from subjecting the disability program to another independent review so soon after the last review. I believe I have circulated the results of that review as well.

Mr Speaker, I thank the standing committee for its considered report on this matter. Our response is a very positive response, but we have already done that part. It was running parallel to what you were doing.

**Mr Quinlan:** A lot of people are going to be interested.

**MR MOORE:** Indeed. I commend the Government's response to the Assembly. Mr Speaker, let me add that if we use our processes correctly and allow the Government to put its responses to committee reports on the table for consideration and then proceed, we are unlikely to fall into the sort of problem that embarrasses those opposite and those on the crossbench in the way that they have been embarrassed, and should be embarrassed, over the arrogant action with reference to the Children's Court issue.

Question resolved in the affirmative.

## **YOUTH SUICIDE PREVENTION STRATEGY 1998-2001 Paper**

Debate resumed from 8 December 1998, on motion by **Mr Moore:**

That the Assembly takes note of the paper.

**MS TUCKER (4.00):** Firstly, I would like to commend those involved in the development of the youth suicide prevention strategy. Suicide is obviously an issue of serious concern to the community. The strategy appears to cover the various aspects of an integrated approach to this problem, although I do have one concern which I would like the Minister for Health and Community Care to talk to at the end of this debate, if possible. I am interested in the membership of the ACT Youth Suicide Prevention group. I can see only one person on it who is young, that is, the nominee from the Youth Coalition of the ACT. I understand that it works under the Youth Health Promotion Implementation Group as well. I would like to hear from the Minister about the functions of the Youth Suicide Prevention Group and why there are not more young people on it, even if there are more people on the Youth Health Promotion Implementation Group. I do not know whether there are. I would like the Minister to explain the membership and function of that group, too, as it relates to the Youth Suicide Prevention Group.

I feel frustrated when I see these sorts of strategies made as if we have not really thought about it before. For example, in 1991 there was an Assembly inquiry into behavioural disturbance in young people. The 39 recommendations included early intervention programs, improving parenting skills, student management plans and an adolescent ward within the public hospital. The Social Policy Committee in the last Assembly, through its

inquiries into mental health services for children at risk, the School Without Walls and violence in schools, also made recommendations directly related to the mental health of young people.

The violence in schools report recommended support to families, early intervention programs, greater access to counselling, support for disadvantaged schools and individuals within schools, support for teachers, and increased opportunities for kids not coping in mainstream schools. The School Without Walls report stressed the need also for alternative education models to be supported so that children not coping in the mainstream schools could still have education and support. The point was made that the school environment can be the last place where troubled young people can be helped to find positive directions.

The mental health report made strong recommendations about gaps in services for children and adolescents, about the critical need for an appropriate inpatient facility for young people with psychiatric illness, for those with a dual diagnosis and for early onset psychosis, the accommodation and support needs of young people with mental illness, and the need for greater and more appropriate support for Aboriginal and Torres Strait Islander young people. It also talked about the difficulties at Quamby, about the need for continuity of care, about forensic psychiatric services and about the need for a secure care facility.

The report into services for children at risk repeated some of the previous recommendations. Family support services were again emphasised, as was the need for data collection. I noticed that this came out of the drug strategy which we have had recently. The need for dual diagnosis came up again. There was a recommendation again about greater availability of face-to-face counselling. All the recommendations relating to young people in the mental health inquiry were again drawn to the attention of government in the children at risk report. There were recommendations regarding the need for services for children who had been sexually assaulted - obviously another high-risk group - the need for a rehabilitation facility for young people with drug and alcohol or other substance abuse issues, and greater resourcing for substitute care needs.

Supported accommodation generally for young people at risk was the subject of a number of recommendations. Support for schools dealing with young people at risk was also a major part of the report, with the Australian Education Union giving a detailed report to the committee on the problems in schools. The needs of Aboriginal and Torres Strait Islanders again came up. Coordination of services, of course, has come up in all of these reports. Performance information and accountability, training, advocacy, involvement of young people in policy formulation, and the need for a social plan were also covered in this report.

I think it is very important that we remember that this work has been done and that there is a clear picture of unmet need created by these reports and other reports done by the community and government itself. While it is good to develop strategic plans, we want to see an implementation plan developed in consultation with the community. Obviously, government has difficulties providing all these very important services and there are financial constraints. Competing priorities need to be seen in the big picture. That is why

many in the community want to see the development of a social plan. It is too easy for politicians to leap on to a particular response, particularly at the crisis end of the spectrum, because of community or political pressure.

There is also the danger, of course, that preparation of glossy strategic plans will be all that happens and governments will use them to look as if they are doing something, whereas the community is still left struggling with the problems. I am not necessarily saying that that is the case now, but I am saying that it has been done in the past. In fact, one young person I spoke to about the suicide strategy - and this young person works in the youth sector - responded to my concern that there needed to be a much greater focus on the provision of services by saying, "That is a rather quaint notion". It is a rather worrying cynicism coming from someone working in the area that it is a quaint notion to expect services.

There is another aspect to the discussion about youth suicide or suicide generally that needs to be addressed, that is, whether there is a general crisis of morale in young people and, if so, why. On the one hand, I understand if that seems just too hard to deal with; but, on the other, it is a central question and we have to look at it as a society. Over the last 10 years we have not seen an improvement in young people's involvement in crime, drug abuse, suicide and poverty. We have a growing understanding of the psychological problems experienced by young people and evidence suggests that the social status of young people is not necessarily relevant to this distress.

The suicide rate is really only the tip of the iceberg. Recent studies show one-fifth to one-third of young people today experience significant psychological distress or disturbance. The reasons are not clear, but there is general agreement that some factors are definitely significant. They include absence of a close and trusting relationship with a caring, dependable adult; parental conflict or abuse; changes in adolescent transitions, including the targeting and scapegoating of young people by the community; media influence; increased tensions between dependence and autonomy; more romantic relationship breakdowns; increased inequality; disadvantage; and increased unemployment, creating the perception of a lack of opportunities in mainstream society.

I think it is important to mention again the need to invest in prevention and early intervention. The Federal Government announced recently a new womb-to-classroom strategy built on the principles of early intervention. The new strategy focuses on juvenile offenders, but the issues are obviously closely related to concerns around suicide. Interventions suggested include preschool for disadvantaged children, home visits to provide support for young mothers, and parent education to teach skills for handling difficult children. Social networks need to be strengthened by government policies. Even coffee mornings and play groups can make a difference. Assisting local communities to deal with economic stress is another important response that has been suggested. Poverty and inequality have increased in Australia and are related to increases in crime and antisocial behaviour, unhappy families and social fragmentation.

Cultural shifts, individualism and the lack of a cultural framework which has values also have been identified as contributing factors to alienation and distress in young people. Notions of the spiritual, of the collective good, of caring and hope, and of a sense of belonging are missing in many young people's experience. These qualities are identified

as being important for a sense of wellbeing in humans. While suicide usually results from personal experience, it represents the end of a spectrum of distress - from attempted suicide and ideation, depression, drug abuse, antisocial behaviour, disillusionment, demoralisation, and cynicism. I believe that it is important to raise this aspect of our society's response to youth suicide in a response to the youth suicide strategy, because if there is an acceptance of the population health approach, which involves lowering the risk for a whole population or subpopulation rather than just focusing on high-risk individuals, we have to look at the social, cultural and economic causes of the experience of young people in our community and that, obviously, is not a role just for government or legislators; it is a role for the whole community and for us as individuals.

**MR STEFANIAK** (Minister for Education) (4.10): Mr Speaker, I rise to support the youth suicide prevention strategy. I am pleased that we have now got to this stage. I remember the original draft of the suicide prevention strategy produced by the ACT Youth Suicide Prevention Taskforce, which was convened back in 1997. It researched the issue of youth suicide and conducted targeted consultations. Its initial recommendations were collated to form the draft strategy which was released at what I felt to be a very moving ceremony on 30 January 1998. It was especially moving because some of the people there shared their experiences in relation to youth suicide. I was one of the speakers there and I said at the time that it was very much a problem. It is something that may not have touched everyone here, but when you have a close friend or relative who loses a young person in these circumstances, a young person who is there one minute, making a useful contribution to society and is gone the next minute, it is very sad and very sobering.

That has happened to me on a couple of occasions. I can recall what happened to a good friend of mine who was involved with me in coaching junior football. Through that I knew his son, although he was in an older team to the one I was coaching at the time. I can remember my friend Barry coming home one day from work and there was his son, who was about 18 or 19 years of age at the time, hanging from the rafters in his garage in a suburb in Canberra. What a shocking thing for any parent to find! That just indicates the extent of the tragedy. It certainly brought home to me the very real problems with youth suicide and the real tragedy of it. Part of my job as a prosecutor was to assist the coroner and it was always particularly tragic to see on not infrequent occasions the youth suicides that came before the court and the natural and obvious grief and concern to parents and other members of the family and to friends as well.

Youth suicide is an issue of great concern to all members of the community, and especially so to me. Apart from the personal experiences I have had with it and been touched by, in my role as Minister for Education I have responsibilities for the Children's, Youth And Family Services Bureau. I very much support the focus of the strategy on strengthening professional networks and increasing the training of professionals, as Mr Moore outlined when he presented the strategy to this Assembly. I would like to mention my own department's contribution to the aims and actions of the strategy. As mentioned in the MPI on Tuesday, which was on a slightly different topic, a wide variety of quality support services for young people is already provided through a range of networks. I am not going to go into those because I listed a lot of them in that debate.

There are programs for young people who could be at risk. That is terribly important. The safe schools policy framework provides clear support and direction for government school boards, principals and staff. It emphasises a number of positive things which can help alleviate some of the problems that contribute to youth suicide. Indeed, bullying and harassment are reasons that have been identified by some experts as contributing to youth suicide. Recently I launched the booklet "Harassment, it isn't cool", aimed specifically at assisting our high school students, those in Years 7 to 10, where some of the problems can be particularly acute. There are some tried and true strategies to achieve outcomes, such as the coordination of student support services with departmental and interagency activities, reviewing and evaluating student management strategies, support for continuing initiatives to eliminate harassment, such as the one I have mentioned, and reviewing occupational health and safety initiatives.

School counsellors play a very big part. They assist students, parents and teachers with issues that affect a student's educational progress and adjustment. This is to help any student who may be at risk or who may become at risk. The needs addressed include learning difficulties, behaviour management, social skills, family and peer relationships, and personal development. Programs are available in withdrawal units for students who are experiencing various problems. Some of the ones I mentioned in the previous debate are relevant to this debate. The three services which specifically target support for youth at risk are the Youth Connection Youth Work Service, the Canberra Youth Outreach Support Service and the AXYS Youth Health Service.

Also, my department is the lead agency in strategies to strengthen young people's resilience and resourcefulness and enhance their sense of interconnectedness with school, family and community, to strengthen opportunities for parental and family involvement in the support of young people, and to minimise the risk of self-harm for juvenile and young adult detainees.

Mr Speaker, there are a couple of issues of relevance in the Government's response to the report of the Standing Committee on Social Policy following its inquiry into services for children at risk. As a key agency in dealing with children at risk, the Department of Education and Community Services supports the committee's recommendation to maintain, centrally, an overview of the needs of children at risk. The department already spends some \$4.5m on student support services and will in addition, in support of this recommendation, develop through consultation with schools a register of students determined to be at risk. The department also supports the standing committee's recommendation on establishing a strategy for the care and treatment of high-risk young people, including the establishment of interagency case management systems. The youth suicide prevention strategy provides a framework for government and non-government service providers to tailor their services to meet the needs of our young people. The services provided in schools and the Children's, Youth and Family Services Bureau are already tailored to meet the needs of young people.

I would like to turn to the elements of the strategy from the broad health area which focus on the prevention of youth suicide. We are in a good position to take a leading role in increasing interagency coordination, enhancing professional networks and participating in training specifically focused on youth and suicide prevention awareness. Under the national youth suicide prevention strategy \$100,000 has been provided to the Territory

for improved education and training in youth suicide prevention for health professionals and allied staff. This training will increase the skill levels of persons operating in the front line, such as school counsellors, youth workers, correction officers, general practitioners and allied professionals. Hopefully, that will provide for early intervention and better outcomes for our young people. The strategy is the first of its kind for the ACT and it does provide for a coordinated approach to youth suicide prevention. It does provide a tool against which government and community performance in reducing the incidence of suicide can be measured.

This Government has committed additional resources to ACT Mental Health Services for improved child and adolescent mental health services as a result of increasing demand for these services. Mr Moore on occasions has mentioned what we have done there in terms of additional resources. Those additional resources will improve community-based child and adolescent mental health services. They will enable early intervention and better long-term outcomes for clients.

The Government is currently exploring the establishment of clubhouse-like services for the ACT. Services to be provided include vocational rehabilitation, drop-in centres, and information and referral services. These services are consumer centred. They should reduce the anxiety levels of those wishing to receive those services. The services will be provided in an informal and relaxed setting, without a hospital or health facility feel about where they are being provided. They will be particularly attractive to young persons who generally are wary of approaching services provided in the more institutional settings.

A number of our young people suffer from mental illness together with substance abuse problems. The Government is concerned that persons presenting with these dual diagnoses might not be receiving effective treatment. Such people are often placed in the too-hard basket. The Government has provided funding to establish the level of need of effective dual diagnosis services in the ACT and to recommend an appropriate model of service. The project report will be completed, I understand, by the end of this year.

We are also participating in the national stocktake of youth suicide prevention activities. That will provide valuable information on the number of services offering youth suicide prevention activities and the types of interventions, as well as highlighting any service gaps in the ACT. That will allow for the identification of best practice for application across the nation. The whole-of-Territory mental health strategic plan was released by the Government last October. The plan provides a strategic framework for all mental health services in the Territory and provides a range of strategies based around seven objectives. While the plan focuses on the community as a whole, it does provide a framework for all service providers, including those working with youth. The plan provides further evidence of a government that is committed to determining and meeting the needs of the community. (*Extension of time granted*)

The Government released “ymag” late last year. It is a modification of a Western Australian publication. “ymag” is a youth mental health promotion magazine which provides useful information on a wide range of issues for young people in a dynamic and contemporary manner. It has been designed to appeal to a young audience. Most importantly, it has received very positive feedback from young people. If you look at this magazine - in fact, I will table a copy of it later - you will see why. It includes a range of

useful contacts, including mental health services, counselling services and mediation services. The technological and economic changes over the past few decades have had negative impacts on some regional and rural communities. There is evidence that youth in these communities require additional access to health and related services. “ymag” has articles about things such as why parents split up and what is the impact of that, schizophrenia, and how guys look at their health in different ways to girls.

Michael Tunn, a Triple J announcer, who started announcing when he was only 16, shares his experiences with mental illness. There is a story about heritage and values in which a person by the name of Sam shares his thoughts about being an Aboriginal. It has some basic but sensible things for older youth, such as how to drink safely, if they choose to drink, and how to deal with changes in their life. It has an article on how violence breeds more violence. It is a magazine which is written by young people very much for young people. I think, Mr Temporary Deputy Speaker, it hits the spot. I table that magazine.

**MR TEMPORARY DEPUTY SPEAKER (Mr Hird):** It is a good reference document.

**MR STEFANIAK:** It is a very good reference document for young people. The Territory is working in partnership, naturally enough, with New South Wales in improving mental health services for youth in rural and regional settings, certainly in the south-east of New South Wales. The regional and rural youth suicide prevention project will examine the pathways used by young people from south-east New South Wales in accessing local and ACT services and recommend changes to improve those pathways.

The report of the research phase, which is due in April, will be used to improve services, processes and referrals. That project concludes in November this year.

Mr Temporary Deputy Speaker, I commend the strategy to the Assembly. This Government is very concerned about youth suicide. Ideally, we would like to eliminate it altogether. Sadly, that is a very big task indeed. The portfolios of Education, Children’s, Youth and Family Services and Health are working very hard towards coordinating and focusing their resources in the most effective way possible. This strategy, while it might not be perfect, certainly goes a long way towards achieving the best possible outcomes for young people in the ACT.

**MR BERRY (4.23):** Any attempt to deal with youth suicide is commendable. Governments the world over are having difficulty dealing with this problem. No effort will be large enough, because the complexities of youth suicide are quite broad and require answers which we do not yet have. On skimming through this document, I see a range of needs, especially under “Future needs”, which go to this issue in some detail. I was just trying to find some mention of the provision of jobs and standing for young people in the community as a result of the provision of jobs.

One of the biggest problems for our young people is unemployment. Unemployment in the ACT affects, on average, quite a lot more than 30 per cent, and that is a tragedy for a wealthy community in the Australian context. ACT average incomes are higher than those in the rest of the country, yet we have a society which delivers us over 30 per cent youth unemployment. Whatever you think about the figures, the youth unemployment



rate is high. Indeed, it may be higher than it is in other places because it is probably masked by the high retention rate within our school system of young people who might well not be in the school system were there to be jobs available.

One of the most compelling arguments for dealing with one aspect of this problem is the argument that we ought to be working harder to provide jobs for young people. It is all right to say that we should be providing better education as that creates better opportunities for young people, and that is true. At the same time, society has changed a lot over the last couple of decades, becoming a society which is much more worshipful of the cult of the individual. That, of course, puts a great deal of reliance on competition for positioning in the community. It places a great deal of pressure on young people about image, and a good image is associated with success. Not even in paradise can everybody be a great success story. At the end of the day, I think it still comes back to the problem of giving people decent jobs in a decent society so that they have a level of self-image which they find comfortable.

This is particularly shown up, it appears to me, in the suicide rates of young men. I will wager that drug and alcohol use is behind much of the difficulties there, and I see that that is an issue which is mentioned in this paper. I think I could safely say to the Government now - and I think they will probably agree with me - that this will not be enough, but it is a step in the right direction. It is something that we all wish to address because it affects so many families not only in our community but in communities right across the country. A comprehensive approach is needed to deal with it and I trust that this will go, if not all of the way, part of the way to dealing with it. Over the period to 2001 I hope that we will be developing more weapons for our strategy to deal with this issue.

I go back to the point where I began. I think one of the most important issues that we have to deal with for young people is standing in the community. Most of that ties in with being able to get decent jobs and decent careers out there in what is really a very wealthy community. I think it is an indictment of us that we have in this Territory such a high youth unemployment rate.

**MR CORBELL (4.29):** I do not want to prolong the debate any longer than necessary, but it is important that this Assembly recognise the development and the work that have gone into the development of the ACT's first youth suicide prevention strategy. This is clearly one of the most pressing issues facing our community today. Our youth suicide rate is a worrying and very concerning state of affairs. It says a lot, I think, about young people's views of our community and of the future of our society. When it comes down to it, it highlights the need for us to look at how we view our own society, look at how we view the young people's place in it and look at what we can do to address the concerns that they have and address the outlook that all of us have on the future of our community and society.

The consultation process that occurred throughout the prevention task force's work was, I understand, very effective. It certainly received a wide amount of acceptance and agreement from people involved in the development of the strategy. Clearly, the challenge now is to face the issues addressed in the strategy and start to do some work in implementing measures to reduce this terrible toll which not only the ACT community but the Australian community faces every year.

**MR MOORE** (Minister for Health and Community Care) (4.31), in reply: I thank all members who participated in this debate. Youth suicide is indeed a very important issue. One of the things that I am very proud of is that this document is not just a broad strategy with no implementation process, as members would have seen. Through the strategy, not only do we emphasise the problems but also we outline the actions and further development required and give the specific stakeholders involved a timeline for implementing those things. Some of those things will necessitate some stress in order to achieve them. My colleague Mr Stefaniak spoke very eloquently about how our departments are making sure that we work together in a very effective way. Calvary Hospital, community care organisations, GPs and others are working to assist us in this regard. Anybody who is closely associated with young persons has seen the distress of young people as they carry through, whether they are suffering from depression or they are not meeting the expectations of those around them. Mr Berry drew attention to the fact that on many occasions that would be to do with employment or unemployment. I think that is a particular issue for us.

When the ACT unemployment figures were released last week, this Government was very, very proud of the lowering of the level of unemployment. I think that is something that we deserve to be proud of. I would hope that we will also continue to see an improvement in youth unemployment. Quite clearly, there does have to be an increase in the focus on youth unemployment. I am sure that this Government would be very interested in any positive ideas or positive suggestions coming from other members of the Assembly on those sorts of issues. No doubt, members will have the opportunity to contribute to that when we debate the budget strategy.

Question resolved in the affirmative.

**CONSIDERATION OF EXECUTIVE BUSINESS NOTICE RELATING TO  
PREPARATION OF THE BUDGET  
Suspension of Standing Order 69**

**MR HUMPHRIES** (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (4.34): Mr Temporary Deputy Speaker, I move the motion which has been circulated in my name in the chamber, which reads:

That standing order 69 be suspended on 9 March 1999, for the consideration of the Executive business notice relating to the preparation of the budget and its consideration as an order of the day.

The motion which the Chief Minister has given notice of today is attached to the motion which I have just moved and it has been circulated around the chamber. Members have a chance to see that. As has been indicated fairly broadly in this place and elsewhere, that motion will be brought forward for debate under Executive business on 9 March.

Mr Temporary Deputy Speaker, the intention of having this debate is fairly clear. I do not think there is scope in this debate today about the suspension of standing orders to go into the detail of that motion and to explain why we are having that particular debate, but it is important, nonetheless, to ensure that there is a reasonable opportunity to have adequate time to respond to the issues which are raised in that motion.

Members will see by considering the motion that it covers, in a sense, the essential criteria which a government needs to consider when it is putting together a budget. The issues covered in paragraph (2) of the motion are very broad. They are, in a sense, as broad as the consideration of a whole budget. The point has been made by some in the broader debate in the community that having an issue as wide as that, as wide as the budget itself, probably demands consideration by the Assembly on as broad a basis as one can engineer. Members are aware that motions relating to the budget have a wider ambit for members to speak on and to move motions relating to other matters. However, in this particular case, because of the breadth of issues which might be covered, I think it is appropriate to put it to the Assembly that there is a chance for members to speak for longer than usual.

I have suggested that we simply suspend standing order 69, which limits the amount of time members may speak on a matter, for the duration of this debate on this item.

**Mr Moore:** It does limit it to the day.

**MR HUMPHRIES:** That is true. It is limited to that particular day, and to this particular item on this particular day. After this item is over we will go back to the usual application of standing order 69.

Members will see, in looking at standing order 69, that different time periods are prescribed for different matters. However, I think the relevant section for the purposes of a debate like this would normally be standing order 69(i). If not otherwise provided for, in the case of the first two speakers at least, members would have 15 minutes each to speak on the matter, and each subsequent speaker would have 10 minutes. If every member wished to speak on the matter, most members would have 10 minutes to speak plus a further five minutes by way of an extension of time. Members have made the point, including, I think, Mr Kaine and others, that 15 minutes to cover the breadth of issues which go into a responsible fiscal framework is simply not enough time.

**Mr Berry:** One day is though. What a joke!

**MR HUMPHRIES:** Mr Speaker, my prediction is that members will have more than enough time on that one day, even with standing order 69 removed, to be able to cover these issues adequately. If the Labor Party is going to take part in that debate in a fulsome way and take up the spirit of what is being attempted here to have the fiscal issues put on the table and properly debated, if as some in this debate have said that the Government has ignored or is missing the underlying issues in this particular construction of a budget, or any budget for that matter, then this is an opportunity to deal with those issues. Quite rightly, it cannot be done in the space of just 15 minutes for each speaker, so I think it is appropriate to move for the suspension of standing orders.

This is being done today. This will set the scene for the debate on 9 March rather than have this debate on 9 March when some members may be away - in fact some will be away - and when the debate on this motion would take up some of the time which would otherwise be devoted for the subject members have said they need plenty of time to consider. Mr Speaker, I have moved that motion which has been circulated in my name and I hope that members will support the extension of time that it envisages.

**MR BERRY (4.39):** Mr Speaker, this is probably the greatest joke that has ever been put forward by these people opposite. Here they are, all of these Ministers who participate in the Westminster system. They take all the perks and power that go with being part of the Executive for all of the year, including all of the Public Service which they use to develop their budget, and then they come to us and say, "You can now have a go for one day". What a joke! If you people over there, including the Chief Minister, are not capable of understanding your role as the Executive in the Westminster parliamentary system and you are not capable of putting together a budget, with all of the help you have in the Public Service, with the slick salaries and conditions and power that you enjoy, well, I have a suggestion for you. If you are prepared to vacate your chairs, ditch the perks and power, I can dig up a bunch of people who are prepared to do it - to put together a budget and bring it back to this Assembly and take the risk. I can put together a bunch of people. There is a whole bunch of them here.

Government members interjected.

**MR SPEAKER:** Order! Settle down please.

**MR BERRY:** We have over there a bunch of people who want to further blur the responsibility that they have as the Executive so as to try to create the impression that it is not their fault. The fact of the matter is that they took on the responsibility, under the Westminster system, to play the role of the Executive. They take the perks, the power and all the trimmings to ensure that they are in the position to steer policy on the basis of all the advice that they get from the 17,000 strong Public Service, or whatever it is.

Mr Moore is going to try to speak on this matter. He should consider other members around this place who want to speak. There are only three speakers allowed in this debate.

**Mr Humphries:** Well, so should you.

**Mr Moore:** So sit down. You take two minutes and I will take two minutes.

**MR BERRY:** We get one speaker and the crossbenches can get a go as well. Mr Speaker, even if you accept that this is the way to go, that we should have a debate on the one day and the Assembly here should attach itself to some sort of budget process and have an input into it, it is absolutely appalling to suggest that this could be done in one day, a whole day, by the rest of the members of this Assembly. This is a slick stunt by a bunch of bludgers who are prepared to take the perks of office, all the salaries, all the power, and use of the Public Service, but when it comes to the crunch they want somebody else to share in the responsibility. Mr Speaker, this is just not good enough.

**Mr Moore:** Sit down, Wayne. You were worried about everybody else's time.

**MR BERRY:** This is just not good enough. All you want to do is create the impression that your mismanagement is somebody else's fault. No. Your responsibility is to put together a budget and to bring it back to this place for debate. You know what budgets will or will not get through. If you were really serious about consultation on the budget process it would have started a year ago. The community in the ACT has tolerated the lie that this was going to be an open and consultative government. Even if you accepted that this was the way to put together a budget in one day, even if you accepted the involvement of the rest of the Assembly - - -

**Mr Humphries:** Come on, Wayne. You are talking a load of nonsense.

**Mr Moore:** You are hypocritical, Wayne. You are a hypocrite. You say, "Give everybody a chance", and then you keep talking and keep repeating yourself.

**MR BERRY:** You had your go. The Government has had its go. The Opposition is entitled to the same amount of time. Mr Speaker, this move to suspend this standing order will be resisted by Labor. On the other hand, there will be plenty of time to debate because there are always extensions of time permitted in this place. There will be plenty of time to make a contribution in relation to this matter. It is just a joke to believe that this approach has any credibility at all. It has none. It is like the lot of you. If you cannot do your job, give it up. There is a bunch of people who are prepared to do it for you. You are not prepared to give up the perks and power, but you want to shift the blame.

**MR MOORE** (Minister for Health and Community Care) (4.44): Mr Speaker, give me two minutes. I will be very quick. I do know, unlike Mr Berry - - -

**Mr Berry:** You have had a go. Give Mr Kaine a go. Do not try to dominate.

**MR SPEAKER:** Order! Sit down, Mr Berry. Be quiet. I call Mr Moore and then Mr Kaine.

**MR MOORE:** Thank you, Mr Speaker, I will be very brief. We are in the usual position - damned if you do, damned if you do not. We have certainly put out a position here consistent with the recommendations of the Pettit committee, Mr Speaker. I think the select committee that is looking at the report on governance in the ACT, since some people are dissatisfied, should come up with a much better system for doing this. I hope that they will do that by the end of this year so that by this time next year we will know exactly the process we will follow.

This is not the only piece of consultation. This is about the framework in which the budget exists. It is about the context of the budget. We will then bring down the budget. There will be a huge amount of consultation about that, as there is always. There is the Estimates Committee. We have already had the process that Mr Berry talks about. He was chair of the Estimates Committee. They have made recommendations about what happens in this budget. A broad process already goes on. It is a much broader process than in any other jurisdiction in Australia, Mr Speaker, but here is an additional one.

Mr Speaker, it is interesting that every time the Government does something that the Opposition and Ms Tucker, in particular, have no other argument for, they say, "Oh, it's not done properly. The consultation process is not right. There's not enough time, there's not enough something else". Well, here we are, once again bending over backwards to try to keep these people happy; but they do not want to be happy, Mr Speaker, because their glass is always half empty. They have never got a half-full glass. That is the difference, Mr Speaker. They have a narrow focus, are short-sighted and arrogant, as opposed to a government that is prepared to open its processes even further and also to allow as much time as you like.

**MR KAINE (4.47):** I must say that to hear Mr Moore accusing other people of arrogance when a motion of this kind has just been put by the Government is absolutely unbelievable.

**Mr Moore:** You were the one who wanted more time. You were the one who wanted more time.

**MR KAINE:** Mr Speaker, are you going to allow me to speak or do I have to put up with that all the time when I am speaking?

**MR SPEAKER:** Order! Mr Kaine has the floor. Mr Moore, be quiet!

**MR KAINE:** The Chief Minister put this proposal to me only a couple of days ago by letter. I preface my remarks by saying that the document attached to Mr Humphries' proposal is not the same one that was attached to the letter the Chief Minister sent to me. There is a notable omission because the original proposal to me was that we each would have 15 minutes to speak. I notice that that has been amended. Mr Speaker, I will read into *Hansard* the letter that I wrote to the Chief Minister in response. It says:

Dear Kate

**Mr Moore:** You have only got a minute and 15 seconds.

**MR KAINE:** Pardon?

**Ms Tucker:** We will give him an extension of time.

**MR SPEAKER:** Order!

**MR KAINE:** I will get an extension. We will suspend standing orders if we have to, just like the Chief Minister and the Deputy are trying to do. My letter says:

Thank you for your letter of 15 February 1999 suggesting a debate in the Assembly on the development of the 1999/2000 Budget. My initial response to this suggestion is simply that it is a slick proposal which can in no way result in an intelligent debate or contribute materially to the Budget's content and one which is designed solely to attempt to spread responsibility for the Budget as widely as possible, thereby somehow diminishing your own responsibility.

You are the Treasurer. You have now brought down four Budgets, none of which has directly addressed underlying problems, including that of superannuation liability. Now, confronted with a budgetary situation which is to a significant degree a direct result of your nibbling at the margins of problems for years, you seek to evade your responsibilities as Treasurer by placing the onus on others, even crossbenchers.

It is interesting that the Chief Minister is not here. I continued:

I would like you to explain how the debate that you propose can serve any purpose other than to be a public display of your newfound willingness - - -

I seek an extension of time, Mr Speaker.

**MR SPEAKER:** As the time allowed for the debate has expired, you will have to suspend standing orders to do so, Mr Kaine.

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

That so much of the standing and temporary orders be suspended as would prevent Mr Kaine from concluding his speech.

**MR KAINE:** Thank you, Mr Speaker, and thank you, members, other than the members of the Government. I will continue reading:

I would like you to explain how the debate that you propose can serve any purpose other than to be a public display of your newfound willingness, and desire, to “consult”. You propose an all-inclusive debate of some very esoteric and complex issues, to most of which no one other than yourself will have had anything but a cursory exposure, and you propose that we each have 15 minutes in which to deal with them! Such a proposal is an absurdity. Any one of the issues that you list for debate would require hours of debate - not minutes.

And this debate is supposed to “assist the Executive to prepare a Budget which will meet the approval of the people of Canberra ...” and to “ensure that the people of Canberra continue to enjoy a healthy, safe, diverse, inclusive and contributing community with a high quality of life, supported by a Government which provides quality services now and into the future”. After four years you have failed to deliver such outcomes, and yet you expect each of the Members of the Assembly to do so in 15 minutes of debate. Your expectation, even if sincere, could not be satisfied.

The “spin doctors” who put this motion together for you are great on words. They are expert in presenting the Chief Minister and Treasurer in a favourable light, this time with the clear intention of attempting to put all the non-Government Members of the Assembly on the defensive in some way. To quote the media’s interpretation of your words, we are to “put up or shut up”. Somehow you have got it wrong - it is you, as Treasurer, who has to put up or shut up.

If you sincerely want input to your Budgets from non-Government Members of the Assembly, then it must be an ongoing involvement, not simply a 15-minute opportunity only weeks before tabling your Budget. How can any non-Government Member, regardless of debating time limits, make a sensible input to such questions as, eg

- . the level of operating loss which the 1999/2000 Budget should incur
- . the level of debt, and any new borrowings, which the Territory should incur?

Such matters can only be intelligently debated when Members are in full possession of facts not generally disclosed even in Budgets, and when people are fully conversant with all budgetary and economic imperatives. Non-Executive Members clearly do not possess sufficient resources to become sufficiently well-informed as to be able to participate in useful debate. It is your duty to put such matters to the legislature, with full information and argument justifying your position - you have all the resources of the Office of Financial Management at your disposal to allow you to do that.

You rely on the Pettit Report -

the point that Mr Moore raised -

as justification for this bizarre proposal. Firstly, that report is still under consideration by an Assembly Select Committee and it is odd, to say the least, that that particular issue should be drawn upon by you in advance of the Committee’s report. Secondly, the relevant Pettit recommendation refers to “wider and deeper” discussion of Budget matters. A debate with a 15-minute time limit on each Member hardly falls into that category. It will be neither wide nor deep.

**Mr Humphries:** Good. Support our motion then.

**MR KAINE:** They hate it, don’t they. They hate it. Mr Speaker, my letter goes on:



Further, there are major issues which should be the subject of debate between the Assembly and the Executive, if your intention is to become seriously engaged in such debate, which you do not include in your list. They include, for example:

- . What are the Government's proposals for getting its expenditures down well below what they are currently, in order to achieve any reduced level considered by non-Executive Members to be desirable?
- . What serious steps do you propose to identify the core functions which Government Agencies should be committed to achieving, and to reduce expenditures by discarding non-core functions?
- . What is your strategy for achieving a balanced operating budget over a reasonable period of years, assuming no earth-shattering suggestions emerge from your proposed debate?
- . What are your proposals for imposing control and discipline over the out-of-control Health budget, for which you have had sole responsibility for three of the past four years?
- . What plans do you have for dealing with our urgent budgetary problems, other than attempting to sell off more public assets?
- . What are your proposals for engaging non-Executive Members of the Assembly in continuous discussions throughout the entire budgetary year in relation to all the matters of concern?

I repeat, a one-off one-day debate with only a 15-minute time limit on each Member will not even begin to address these problems.

One is compelled to question whether your intentions are serious. If they are, why would you begin the process with your usual media release and 30-second TV grab, followed up by your letters to Members? A more credible approach surely would have been to approach each Member privately, without the publicity hype, with a proposal for productive private discussions, either one-to-one or as a group, rather than exposing it all to public view with all the publicity hype that goes with that.

Your proposed "debate" might be a grand publicity exercise for you, but in my view it can achieve no useful purpose for anyone else, unless you offer firm proposals for a more productive process than what you now offer in your letter and your proposed motion.

Mr Speaker, I can see the media release written by the Chief Minister. She has got it written already: "I gave them a chance and they could not come up with anything". Of course we cannot come up with anything because the ground rules that she has established mean that it is impossible for us to come up with anything substantive.

Look at the subject matter that she proposes. Mr Moore says they are just some fundamentals. One is the respective roles of the Executive and the Assembly in ensuring responsible fiscal management of the Territory. Are we going to deal with that in five minutes or so? Sure. Another is the level of revenue which the Territory should raise, and how the level should be achieved. How would we know? We do not have access to all of the information available to the Government. One of the best of all is the level of debt, and any new borrowings, which the Territory should incur. The simple answer to that is none. The Chief Minister would have a heart attack if we came up and said none, but she expects us to come up with some artificial figure when we have no information available to us that would allow us to come to a conclusion.

Mr Speaker, it is a cheap publicity stunt. I agree that we should be involved in this process, but let us see the program for the year-round involvement, with all of the information being made available to us that is available to the Chief Minister and her Executive, so that we can then be expected to do a proper analysis and make some substantive input to these questions. They are very important issues. But even if the Chief Minister removes the 15-minute debating time and gives us a whole day to discuss these issues, what does she expect to get out of it? What she expects to get out of it is cheap publicity and the ability to put out that media release that I talked about - "I gave them a chance and they could not come up with anything". Chief Minister, it is unworthy of you.

**MR SPEAKER:** Ms Tucker, you are going to have to seek suspension of the standing orders. The time for the debate has expired. I want to make the situation clear to members. The only person who received an extension of time through the suspension of standing orders was Mr Kaine. Anybody who wants to contribute to this debate will have to seek the suspension of the standing orders.

**MS TUCKER:** I seek leave to speak for five minutes.

Leave granted.

**MS TUCKER:** Thank you. I think Mr Kaine just put the case very well so I do not have to speak for very long. I would just make the comment that I think there is an interest from the Greens in more input from members of the Assembly in the budget. When we put our log of claims at the last election we had a proposal for a budget committee. From memory, the response from Mrs Carnell's Government was that they were vaguely interested in that, but it was something that Pettit would look at.

I am also quite disturbed by the selective quoting of Pettit by the Chief Minister when this was announced because Pettit actually said he could see a case for in-depth discussion on budgets in the various committees. That is not necessarily something that I support.

The point is that Pettit was saying it had to be a process that was inclusive and long term; it was not something that happened a week or two before the budget, and certainly, not one day's debate.

Mr Kaine and Mr Berry put it clearly if you seriously want meaningful input from members of the Assembly. Might I add that the community are totally lost in this debate. I think the community have a place in this discussion.

**Ms Carnell:** ACTCOSS support it.

**MS TUCKER:** Now we are hearing that ACTCOSS supports it. I have seen ACTCOSS' press release and, once again, that side of the house is misrepresenting what has been said. They said it was a good idea for the members to be able to have an opportunity to talk about fundamental principles. Obviously ACTCOSS are interested in principles such as equity and so on. There is no way that they would expect to see this level of detail debated in 20 minutes or half an hour. No thinking person could expect that. I think it is very, very improper of the Government to suggest ACTCOSS would be of such a low intellect to think that this level of debate could occur over that period of time, with no real information from Treasury, which, as I said, other people have pointed out.

What we seem to be hearing from this place, at least from Mr Kaine and me, is that there is an interest in having some process where there is an opportunity for people to have access to information and therefore meaningful input. The community as well, of course, should be involved in that. That is not what is being offered here today at all. If we do have this debate, I will be talking at least about process, and I will be amending the motion to allow that aspect of it to occur. It is very interesting to me, Mr Speaker - - -

Debate interrupted.

## **ADJOURNMENT**

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

That the Assembly do now adjourn.

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

Question resolved in the negative.

## **CONSIDERATION OF EXECUTIVE BUSINESS NOTICE RELATING TO PREPARATION OF THE BUDGET Suspension of Standing Order 69**

Debate resumed.

**MS TUCKER:** The question of participatory democracy is obviously one, Mr Moore, and I have different views on it. I have had for a long time. I notice since Mr Moore has become a Liberal Minister that he has become even less inclined to take much interest in what the community thinks about issues, and I am very disappointed to see that happen.

In conclusion, I want to say that if this debate does occur I do not believe it will serve the Chief Minister or her Government well at all. I think it is quite clear already that it is a political stunt, as Mr Kaine so clearly pointed out, but I would be happy to take the opportunity to discuss these other serious issues about how we can meaningfully involve people of this Assembly and the community in these discussions.

**MR RUGENDYKE:** Mr Speaker, I seek leave for my five minutes of fame also.

Leave granted.

**MR RUGENDYKE:** Mr Speaker, I believe that this motion came out of the Assembly's rejection of the sale of ACTEW. It is, in fact, quite a cunning stunt. Having said that without the Freudian slip, I would like to say that the Chief Minister, through the media, said of the crossbenchers who rejected the sale of ACTEW that our vote was taken with all care but no responsibility. I took that quite personally and when I saw this motion I thought, "Okay, I will take up the challenge. There might be one or two things here that I might be able to have a small amount of input into", but my economic knowledge is nowhere near the standard that is obviously required for a completely intelligent response. It would also be interesting to hear the views of other members of the Assembly on this issue. So I will support the motion.

**MR SPEAKER:** Do you wish to join in, Mr Osborne?

**MR OSBORNE:** Yes. Do I need to seek leave, Mr Speaker?

**MR SPEAKER:** Yes.

Leave granted.

**MR OSBORNE:** This is an interesting proposal put up by the Chief Minister. I think we as an Assembly need to consider our options in relation to how we do handle the budget. One of the things that have always intrigued me has been how governments have come down in an Assembly such as this, which has always been a minority government Assembly, and placed a budget on the table and said, "You either vote for the lot or it's a vote of no confidence". Quite clearly, Mr Speaker, I believe that all of us in this place need to start to take more responsibility for some of the decisions that we make. All of us.

I think the budget process has to change. One of the things that concern me is that three people, technically, can control how every dollar is spent in the Territory. If the Chief Minister, Mr Humphries and Mr Moore, for example, were to - - -

**Mr Humphries:** It is you three, is it not?

**Ms Carnell:** It is you three. It is not us.

**Mr Humphries:** Come on. Own up. Who is it?

**Mr Moore:** Whom did you say - Mr Osborne, Mr Rugendyke and Ms Tucker?

**MR OSBORNE:** No, Mr Osborne and Mr Rugendyke are enough. Seriously, Mr Speaker, the reality at the moment is that three members of Cabinet can push their budget through and then all of us are faced with the option of supporting the budget or having a vote of no confidence. It is all very well for the Labor Party to vote against the budget year after year, but I have not had the pleasure of being in this Assembly with them as the Government. I can imagine the howls of protest from them if we were, with the current arrangement, to vote against the budget.

I think things have to change, Mr Speaker. I believe that all of us need to accept responsibility for decisions that are made. Currently the Select Committee on the Report on the Review of Governance is looking at the issue of a draft budget. I do not believe there is time this year, but I do believe that we need to look at steps of changing the process. I am not afraid to have the debate on the Tuesday. I am a little bit bemused at some of the points that are in the motion, but I believe that all of us should take the opportunity on that day and be involved. I do not think it is good enough for us all just to say, "No, you can't do that; no, you can't do that; no, you can't do that", without at least giving some direction on which way we think the Territory should be going.

I agree with some of the points raised by the Opposition and by Mr Kaine in relation to having the resources that the Government have. They are the Executive. They are there under the current model that we work under, but I believe that we need to be mature enough and brave enough to be involved in this debate. The majority of us voted against the sale of ACTEW, Mr Speaker, but all of us acknowledged during that debate that there was a problem with finances within the Territory, and I think we all need to stand up in this place and at least be involved in some sort of constructive debate. I do not suggest that anyone will come in here and say, "This is exactly what I would do", but I believe we need to talk about what we believe are the priorities and what way we would generally have a look at the issue of revenue and expenditure.

Mr Speaker, my understanding is that the motion will be on the notice paper on the Tuesday. It will be part of government business. I think the reality is that it is going to happen. All we are really debating here is the issue of time, given that I believe Mr Kaine has queried the time. Someone in my office pointed out that 15 minutes gave us about 1½ minutes to cover each of the points. I have no problem in being involved in a debate on this. I think this Assembly is evolving and changing. Minority governments are a way of life and we need to be more inclusive in the budget process.

Question resolved in the affirmative.

## ADJOURNMENT

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

That the Assembly do now adjourn.

### Pairs

**MR HIRD** (5.08): Mr Speaker, I would like to thank my colleagues in the house for allowing me to tend to something that was not quite pleasant. I had the misfortune yesterday of having to go to a funeral on the South Coast and I just want to say that I appreciate the support I got from the Opposition, the crossbenchers and my colleagues in respect of allowing me to undertake that journey. I would like to put my appreciation on the record.

### Pairs

**MR CORBELL** (5.09): Mr Speaker, in response to my colleague Mr Hird, the Opposition has always taken the view that the provision of pairs in the Assembly is a very important mechanism to continue to ensure the workability of the chamber. We certainly take that responsibility very seriously and we always ensure that, wherever it is at all possible, we make provision for a pair so that the Government can continue to operate and the Assembly, indeed, can continue to operate. Of course, Mr Speaker, we always do so with the very serious consideration of making sure that any pairing arrangement is workable. I am pleased that we were able to assist Mr Hird on that occasion. I am sure that we will be able to continue to assist government Ministers and other members of the Government into the future whenever such an occasion arises.

### Ministerial Youth Advisory Council : Ms Jenni Campbell

**MR STEFANIAK** (Minister for Education) (5.10): I wish to make two points, Mr Speaker. Whilst I agree with and thank Mr Corbell for those comments, I would like to take umbrage at something he said in a debate on youth issues. I hope that he did not mean it. He criticised and, I believe, insulted the Ministerial Youth Advisory Council by calling it tokenistic. Mr Corbell said:

It has been put to me that the bulk of people on that council are not the sort of young people who face the problems that other young people in the community do; that the bulk of that council is made up of young people who are at university and who are already well developed in their social skills, their communication skills and their development in the community.

I would ask Mr Corbell to consider what he was saying. He said that he got it from one person who did not particularly like the composition of the council. That, in itself, can always be dangerous. Apart, perhaps, from indicating that you should not listen to university-educated people because they do not know how the other half lives,

disregarding the fact that a number of young people at university are below the poverty line and face problems with housing, feeding and clothing themselves through holding down part-time jobs to help them get through financially while having a very heavy university workload, he was quite wrong in terms of the composition of the council.

Let me go to the composition of the council, for Mr Corbell's benefit. I do not know how he got that information about tokenism, but I think he was quite wrong. In fact, under my Act, the Ministerial Youth Advisory Council has set guidelines in terms of who should be on it to make sure that it is representative as a youth body. We have a representative from a youth peak body, a representative from a culturally diverse background, a representative from the Aboriginal and Torres Strait Islander community, two representatives from post-secondary schooling, two representatives from the school-student network - one government, one non-government - one employed young person and one representative of young people with a welfare support background or a young person from a youth centre.

The current body has a number of very interesting young people on it. We have as members a person from an ethnic community who is still at school; a 15-year-old girl of Torres Strait Islander heritage; a 15-year-old girl who has taken part in various fundraising activities; a young person who is in foster care; a 24-year-old man of Bangladeshi extraction who moved to Australia in 1985; and a 22-year-old man who was formerly long-term unemployed and who is now working, I am pleased to say, part time with Pathways. It is very much a cross-section of the young community.

I would be very interested in hearing Mr Corbell's definition of "tokenism" because my *Macquarie Dictionary* defines it as "the policy of avoiding a real solution to a problem by a superficial gesture intended to impress and to distract attention from the real issues". Mr Speaker, the MYAC terms of reference give as its mission statement:

To provide a process through which the Minister will receive information and advice on matters relating to the needs, concerns and aspirations of young people in the ACT.

Mr Speaker, I have met with the council on three occasions since it was formed in mid-December. I do not think the council in its composition could possibly be described as tokenistic. If anything, you have probably been misinformed there, Mr Corbell. I hope that is the case. Perhaps you were not aware of the actual make-up of the council and you inadvertently caused some concerns to members of that council by calling it tokenistic, which, quite clearly, it is not. I certainly hope that is the case. I would ask that you be a bit more careful in future.

Finally, on a more pleasant note, I thank the members who came to the farewell we had at lunchtime for my Education DLO, Jenni Campbell, who has been here for the past two years and has provided an excellent service not only to my office but also to a number of members of the Assembly. I thank her immensely for her efforts there and wish her well as she goes back to the department.

## **Earth Charter**

**MS TUCKER** (5.14): I want to say something nice about the Government. Mr Humphries is in danger of having a heart attack! I want to commend Brendan Smyth and, I think, Mr Moore for supporting the holding of the Earth Charter in Canberra. I did ask them to a meeting with not much notice to look at the holding of that event. I am very pleased that they came in the way they did and supported it, because it was a very important event for Australia. It is very fortuitous that Canberra was able to host that first meeting. I think there will be more and it is quite appropriate that the national capital was the place where that first forum was held. About 40 other countries are looking at it.

The Earth Charter came out of the Earth Summit in Rio de Janeiro. It is probably going to end up being a document similar to the UN Convention on Human Rights, although perhaps not with the same enforceability at this stage. But it is going to be a statement of principles which I hope, and many other people hope, will be a unifying statement for people all round the world who recognise the need to take into account much more seriously the impact we have on the earth. I thank the Government for their support for that event.

## **Consumer Rights : Union Picnic Day**

**MR BERRY** (5.15): Last week, I think it was, I was concerned about a consumer rights issue and I looked up the Internet to find out where I might make some inquiries in relation to the matter. I found a spot on the Internet under "Consumer Rights" and it gave me a telephone number to call about consumer rights - 62070400, a 24-hour service. It was about 6 o'clock when I decided to ring. The message I got back over the telephone was that everybody had gone home and I should ring back in business hours. What I might do now is complain to the Minister responsible for these matters that there has been some false advertising. I am sure that he will investigate the matter and resolve the issue.

The other matter I want to deal with is the long-running attack on union picnic day by the Canberra Chamber of Commerce and Industry. The chamber has been in full attack mode on picnic day since as far back as I can remember. They have invested tens of thousands of dollars, possibly up to \$100,000, of their members' contributions into court fights trying to knock off union picnic day, which is covered by a law of this Assembly. One of the most disappointing things about this whole process is that the Government did not even bother to go to the courts to defend this important law for working-class people. Union picnic day means a cheap day out for people who would not otherwise be able to afford it. I suppose one reason why the Government is not interested in it is that it is union picnic day. Philosophically, they would like to see all unions destroyed. But the fact of the matter is that that union picnic day was supported by this Assembly. Again, I express my disappointment that the Government did not defend those laws when the chamber took them to the courts. The chamber have been through all the courts, up to and including the Full Federal Court.



What they are now doing, as they did before, is telling employers not to pay, that they do not have to pay. Of course, many workers do not have the wherewithal to challenge that. The situation we are now in is that the Canberra chamber are saying, "You do not have to pay because the legal battle is not over. It's not over yet. We haven't given up fighting". They will never give up fighting about this important workers' right.

What they are trying to do now is to undermine attendance at the union picnic day so that at some time in the future they can say, "There is no attendance at it, so we shouldn't bother any more".

The chamber should be ashamed of itself. It has been a disgrace in two senses: The ideological battle that it has taken on in relation to workers having a cheap day out once a year and the amount of its members' funds that it has poured into this campaign trying to knock off picnic day. The message that needs to go out to the employers is that the law that was passed by this Assembly is the law. No matter what the Canberra chamber says about it, it is the law, and employers are obliged to comply with it; that is, where their employees in the private sector are entitled to union picnic day, they have to be given it no matter what the chamber says. If the chamber want to take this issue off to the High Court and invest another \$100,000 of their members' hard-earned money in furthering the court battle, well, good on them, if their membership are silly enough to let them keep spending money on this ideological struggle. The fact is that the chamber should pull its head in and stop giving employers the wrong mail. The fact is that this is the law; it is a law of this Assembly. Not only the chamber, but everybody in this Assembly, should respect the law as well. It is an important day for workers in the ACT.

Question resolved in the affirmative.

**Assembly adjourned at 5.20 pm until Tuesday, 9 March 1999, at 10.30 am**

## ANSWERS TO QUESTIONS

### Video Surveillance Cameras (Question No. 59)

**Mr Stanhope** asked the Minister for Justice and Community Safety, upon notice:

In relation to the proposed trial of video surveillance cameras in Civic -

- (1) What benchmarks will be set upon which to base an assessment;
- (2) Who will undertake this assessment;
- (3) How much will the proposed trial cost;
- (4) When will it begin;
- (5) What impact will the trial have on police operational numbers; and
- (6) How many police will be taken off other duties to monitor cameras.

**Mr Humphries:** The answer to Mr Stanhope's question is as follows:

- (1) As indicated in my department's submission to the third Assembly's Standing Committee on Legal Affairs inquiry into the use of surveillance cameras, an evaluation of a safety camera system would set out to establish that the use of CCTV in nominated public places is an acceptable and effective means of:
  - . assisting police respond to incidents in the nominated area;
  - . assisting police investigate incidents in the nominated area;
  - . assisting the prosecution of offenders involved in incidents in the nominated area;
  - . deterring offending in the nominated area;
  - . helping people to feel safer while in the nominated area; and
  - . achieving all of these aims while being managed in a way which protects any information gathered from being used for any purposes other than lawful ones, such as the giving of evidence or the identification of offenders.

To this end, the intention would be to collect, analyse and evaluate data on:

- . The number of incidents recorded, in terms of type, day and time;
- . The number and type of incidents that safety cameras helped police respond to at the time of the incident;
- . The number and type of incidents that safety cameras helped police investigate;

- . The number and type of incidents that safety cameras provided evidence which assisted prosecutors in prosecuting an offence;
  - . The number and type of incidents which resulted in guilty pleas following the disclosure to the offender of evidence captured on video;
  - . Adherence to rules which will govern the management of the system; and
  - . The public's awareness and acceptance of the system, including the views of traders in the nominated area.
- (2) I have not yet taken a decision on who will conduct any assessment of safety cameras, but any use of external resources to conduct such an assessment will be costly.
- (3) and (4) I cannot yet answer this question, because I am still awaiting technical advice on the advantages and disadvantages of alternative forms of transmission systems, monitoring systems and data recording. The final cost will also be dependent on the number of cameras used. The Government has not yet taken decisions on these questions.
- (5) and (6) My preference, at this stage, is to have cameras monitored by the AFP, whether by members or staff or a combination of both. As to whether there would be any impact on operational police numbers, until details outlined in answer to parts (3) and (4) of the question are decided, I cannot say.

While the system would be capable of being monitored 24 hours, 7 days, it is likely that such a course of action would not be necessary. Police operational priorities and intelligence would form the basis for decisions about monitoring times.

**Hansard Staff**  
**(Question No. 66)**

**Mr Stanhope** asked the Speaker, upon notice:

In relation to the recent confirmation by the Clerk of the Assembly that expressions of interest would soon be called for the provision of Assembly reporting services and it was expected that (a) a number of providers would express an interest, and (b) they would be asked to consider the provision of reporting services using digital technology;

- (1) will the use of such technology, or the potential outsourcing of the service threaten the jobs of Hansard staff currently employed at the Assembly; and
- (2) will you give an assurance that the jobs of all Hansard staff will be protected in any new arrangements the Assembly might enter for the provision of reporting services.

**Mr Speaker:** The answer to Mr Stanhope's question is as follows:

- (1)&(2) The Secretariat is about to enter into a tender process for the provision of a recording and transcription service for the Assembly and its committees and the utilisation of enhanced technology will be examined as part of the tender process. This is not dissimilar to past occasions when expressions of interest have been sought and, following assessment, contract arrangements have been entered into. It is envisaged that there may be changes to the working arrangements and requirements of the Assembly's Hansard Office and no assurance can be given that the jobs of Hansard staff will not be subject to change in any new arrangements for the provision of reporting services. As part of the process on this occasion, working arrangements within the Hansard office are being examined with staff of the office with a view to enhancing the production of the Hansard. The outcome of these discussions will be taken into account as part of the tender process and prior to my seeking the advice of the Standing Committee on Administration and Procedure on any proposed arrangements for the provision of a Hansard service, as is required by the Assembly's standing orders.

**Government Housing - Maintenance  
(Question No. 70)**

**Mr Wood** asked the Minister for Urban Services, upon notice:

In relation to funds allocated to ACT Housing in the 1998/99 budget for urgent and minor maintenance in each of its zones -

- (1) What funds were allocated.
- (2) What funds have been expended to this date:
- (3) How are these figures related to each of the contracts for this work

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

- (1) and (2) Urgent and minor maintenance funds are allocated to ACT Housing Regional Offices quarterly. Details of the funds allocated and expenditure Regional Offices as at 30 November 1998 is: by

<b>Region</b>	<b>Budget allocation For quarters ending December 1998</b>	<b>Expenditure to 30 November 1998</b>
	\$	\$
<b>Woden</b>	982,531	1,453,781
<b>Belconnen</b>	909,751	936,102
<b>Tuggeranong</b>	655,020	607,660
<b>City</b>	982,531	756,837
<b>Community Housing</b>	<u>109,171</u>	<u>80,673</u>
<b>Sub-total</b>	3,639,004	3,835,053
<b>Woden Central</b>	<u>939,104</u>	<u>549,972</u>
<b>Total</b>	<b><u>4,578,108</u></b>	<b><u>4,385,025</u></b>

(3) Expenditure by contract as at 30 November 1998 is:

<b>Contracts</b>	<b>Woden</b>	<b>Belconnen</b>	<b>Tuggeranong</b>	<b>City</b>	<b>Community Housing</b>	<b>Total</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
<b>Vacants</b>	605,519	164,121	100,770	149,559	396	1,020,365
<b>U&amp;M unforeseen</b>	640,875	635,340	392,024	478,831	61,561	2,208,631
<b>Minor Civil</b>	2,233	10,427	6,048	3,266	30	22,004
<b>Gas Servicing</b>	124		346	7,689	1,183	9,342
<b>Gas Plumbing</b>	3,197	7,712	2,282	8,994	1,946	24,131
<b>Locksmith</b>	8,547	21,059	13,374	11,840	1,937	56,757
<b>Glazing</b>	12,050	11,858	9,626	7,543	1,560	42,637
<b>Insurance</b>	19,542	20,238	21,872	4,092	2,178	67,922
<b>Tenant Responsible Maintenance (TRM)</b>						
- Vacants	136,587	53,637	54,971	61,305	131	306,631
- Occupied	<u>25,107</u>	<u>11,710</u>	<u>6,347</u>	<u>23,718</u>	<u>9,751</u>	<u>76,633</u>
<b>Sub-total</b>	1,453,781	936,102	607,660	756,837	80,673	3,835,053
<b>Woden Central</b>						<u>549,972</u>
<b>Total</b>	<u>1,453,781</u>	<u>936,102</u>	<u>607,660</u>	<u>756,837</u>	<u>80,673</u>	<u>4,385,025</u>

\* Please note that Woden Central is the reporting centre for electrical repairs. There is only one contractor.

**Superannuation Commitments - Unfunded  
(Question No. 74)**

**Mr Quinlan** asked the Treasurer, upon notice, on 8 December 1998:

According to Donald Duval, an Australian Government Actuary, in a publication titled '*The Financing and Costing of Government Superannuation Schemes*', there are two methods of determining how much of a liability has been accrued by an unfunded superannuation scheme. Similarly he provides some insight on the value of actuarial assumptions.

- (1) Does the ACT Government Actuary (consultant or internal) use the Projected Unit Cost method or the Entry Age Normal method for calculating the liability.
- (2) Can you provide a comparative series of data, in tabular form, that projects the liabilities under both methods in (1).
- (3) What are the:
  - (a) assumptions in the model for the ACT unfunded superannuation for (i) population, (ii) age and (iii) employment structure; and
  - (b) economic assumptions for (i) interest, (ii) CPI, (iii) wage growth, (iv) productivity and (v) associated variables.
- (4) From the Towers-Perrin reports concerning the projected salary costs into the future:
  - (a) what are the assumptions used to project those costs; and
  - (b) what are the actual values associated with those projections (ie. dollar costs).
- (5) Have you:
  - (a) modelled State Final Demand under the same assumptions as the actuarial projections for superannuation,
  - (b) are the year by year results of modelling under those assumptions available; and
  - (c) if the data does not exist yet, can you undertake to provide it as and when it is available.

**Ms Carnell:** The answer to the member's question is as follows:

- (1) The reports produced by Towers Perrin in relation to the ACT Government's superannuation liabilities use the Projected Unit Credit (PUC) method. This method provides for the apportionment of accruing liabilities over service on a

proportionate basis. (The question uses the term Projected Unit *Cost* method. It is assumed this is a reference to the Projected Unit *Credit* method.)

Towers Perrin have advised that use of the Entry Age Normal (EAN) method is not appropriate for calculating the ACT Government's superannuation liabilities under the CSS and PSS schemes as the CSS is closed to new entrants and the PSS was assumed to be closed imminently in the latest Towers Perrin report.

The PUC method is prescribed under most accounting standards for measurement of benefit liabilities (eg FAS 87, IAS 19, CICA 3460). The EAN method does not have specific regard to the service over which benefits have accrued and is very sensitive to the assumed age of new employees. Unless EAN contribution levels are very carefully monitored, the accrued benefit at commencement of service of a new employee may be different from zero.

- (2) A comparative series of data can be prepared. However as stated above the use of Entry Age Normal is not a recognised or practical method for the CSS and for the PSS, assuming that it is closed to future new entrants.

As a general comment the accrued liabilities under a PUC method would generally be lower than under an EAN method but both methods would converge over time to the actual benefit liability for members' benefits. The employer contribution rate determined under a PUC method would increase substantially as members age. The EAN seeks to establish a relatively stable employer contribution rate based on the employer cost for a given set of new entrants. However, if benefits were to cease to accrue for any reason, it is likely that the EAN method would provide significantly higher accrued liabilities than could be justified in practice.

- (3) (a) (i) The Towers Perrin report assumed a constant level of ACT Government employees.  
(ii) The actual membership data as at 30 June 1995 as provided by ComSuper were used. Data as at 30 June 1997 were not available at the time of producing the report.  
(iii) It was assumed that the PSS was closed to new entrants from 1 July 1998 and the new entrants would be provided with a 9% accumulation superannuation benefit.
- (b) (i) 7% p.a. (see page 21 of Towers Perrin report).  
(ii) 1.75% (1/7/97 - 30/6/98), 2.5% (1/7/98 - 30/6/2001), 4.0% (1/7/2001 onwards).  
(iii) 1.5% above the inflation assumptions above.  
(iv) No assumption included.  
(v) No other economic variables included.
- (4) (a) Salary costs are modelled with two components: a general salary increase due to inflation and an assumed scale of salary progression.



The general salary scale increase was 1.5% above inflation and the promotional salary scale was identical to those used by the Australian Government Actuary in the long term costing of the CSS and PSS.

(b) The salary projections used by Towers Perrin are as follows:

### PROJECTED SALARIES

<u>Year</u>	<u>CSS/PSS</u>	<u>New Scheme</u>	<u>Total</u>	<u>Discounted to 97 Dollars At 4%</u>
01/07/1997	660,666,281		660,666,281	660,666,281
	-	-		
01/07/1998	680,827,762		680,827,762	654,642,079
		-		
01/07/1999	674,701,451	36,141,955	710,843,407	657,214,688
01/07/2000	666,193,209	72,657,942	738,851,151	656,835,983
01/07/2001	658,696,624	109,725,441	768,422,065	656,850,402
01/07/2002	658,453,515	150,346,459	808,799,974	664,774,623
01/07/2003	656,880,201	195,975,189	852,855,390	674,024,003
01/07/2004	653,834,736	243,084,198	896,918,935	681,584,676
01/07/2005	649,099,023	295,451,977	944,551,001	690,174,164
01/07/2006	643,008,662	348,223,293	991,231,954	696,426,423
01/07/2007	634,120,376	405,894,974	1,040,015,350	702,597,106
01/07/2008	622,474,051	468,724,132	1,091,198,183	708,821,532
01/07/2009	608,389,444	537,385,240	1,145,774,684	715,647,487
01/07/2010	594,599,985	611,829,000	1,206,428,985	724,549,985
01/07/2011	580,105,554	692,325,483	1,272,431,038	734,797,219
01/07/2012	562,460,965	780,307,698	1,342,768,664	745,591,774
01/07/2013	543,319,893	867,120,721	1,410,440,614	753,045,775
01/07/2014	523,627,382	960,378,664	1,484,006,046	761,849,001
01/07/2015	505,726,471	1,060,457,380	1,566,183,851	773,112,392
01/07/2016	487,494,419	1,167,125,629	1,654,620,048	785,352,870
01/07/2017	466,548,710	1,282,194,427	1,748,743,137	798,103,540
01/07/2018	444,286,600	1,406,012,298	1,850,298,897	811,973,330
01/07/2019	421,769,447	1,525,207,885	1,946,977,332	821,537,573
01/07/2020	401,979,109	1,636,468,800	2,038,447,908	827,051,996
01/07/2021	382,122,392	1,752,730,949	2,134,853,341	832,852,133
01/07/2022	358,479,300	1,874,735,607	2,233,214,907	837,716,435
01/07/2023	334,355,218	2,003,161,472	2,337,516,690	843,117,102
01/07/2024	309,017,687	2,138,401,528	2,447,419,215	848,805,538
01/07/2025	287,782,073	2,279,808,279	2,567,590,351	856,233,538
01/07/2026	266,902,783	2,428,139,630	2,695,042,413	864,169,162
01/07/2027	241,432,057	2,584,337,414	2,825,769,471	871,237,479
01/07/2028	215,911,508	2,748,637,907	2,964,549,415	878,871,083
01/07/2029	190,986,108	2,921,368,840	3,112,354,949	887,201,490
01/07/2030	172,047,548	3,101,034,955	3,273,082,503	897,132,842
01/07/2031	153,069,921	3,289,905,094	3,442,975,014	907,403,259
01/07/2032	130,754,153	3,487,962,985	3,618,717,138	917,038,907
01/07/2033	109,618,752	3,695,378,259	3,804,997,012	927,158,758
01/07/2034	89,012,391	3,912,999,886	4,002,012,276	937,658,862
01/07/2035	75,157,103	4,139,292,665	4,214,449,768	949,454,131
01/07/2036	63,331,489	4,375,999,537	4,439,331,026	961,650,579
01/07/2037	49,111,783	4,623,787,011	4,672,898,795	973,313,626
01/07/2038	35,853,293	4,883,346,731	4,919,200,024	985,207,186
01/07/2039	24,715,565	5,155,236,119	5,179,951,684	997,528,835

01/07/2040	20,235,075	5,439,072,269	5,459,307,344	1,010,890,126
01/07/2041	16,401,386	5,737,521,959	5,753,923,345	1,024,465,040
01/07/2042	10,153,663	6,051,661,041	6,061,814,704	1,037,773,050
01/07/2043	4,637,640	6,382,472,980	6,387,110,619	1,051,406,918
01/07/2044	-	6,731,130,889	6,731,130,889	1,065,420,597
01/07/2045	-	7,097,775,142	7,097,775,142	1,080,244,218

- (5) (a) State Final Demand forecasts for the Budget year are published annually in the Budget papers, as are 3 year planning assumptions for the forward estimates period. No projections are prepared for years beyond the forward estimates period.
- (b) No. The modelling approach adopted uses Net Present Value analysis to incorporate the effects of the various options over 45 years, rather than focus on forecast annual effects
- (c) All available information is incorporated into the ACT Government's submission to the Assembly Select Committee on Superannuation. The Government's forecasts for State Final Demand are provided annually in the Budget papers.

## **Training Services - Canberra Institute of Technology**

### **(Question No. 78)**

**Mr Berry** asked the Minister for Education, upon notice, on 10 December 1998:

In relation to information contained in the ACT Gazette No. 48 of 2 December 1998 concerning a number of contracts for training services paid by Canberra Institute of Technology to a company 'Effective Training for Results' for each of the 1997 and 1998 (to December 2) calendar years-

- (1) How many contracts have gone to this company.
- (2) What is the total value of these contracts.
- (3) What services were (a) provided and (b) to or for whom.
- (4) Could these services have been provided by CIT staff.
- (5) Has there been any report or evaluation of these services.

**Mr Stefaniak:** The answer to Mr Berry's question is:

- (1) There have been 4 letters of agreement with 'Effective Training for Results'.
- (2) The total value of these contracts was \$50,250 in 1997 and \$44,500 in 1998.
- (3) (a) The training services that were provided were:
  - delivery of workplace trainer and workplace assessor programs to commercial clients;
  - development of learning materials that support workplace trainer and assessor programs;
  - client liaison and training program coordination; and
  - human resource development project work and project management.
- (b) Under this consultancy, general and customised training programs were delivered to seven corporate clients, three of which were multiple. Training materials were developed for other separately funded projects.
- (4) No.
- (5) Evaluations were conducted on a sessional and end of program basis.

**Ainslie Primary School - Future Use  
(Question No. 80)**

**Mr Corbell** asked the Chief Minister, upon notice, on 2 February 1999:

In relation to proposals for Craft ACT to utilise space at the Old Ainslie Primary School

- (1) How much space is proposed to be used in the building by Craft ACT.
- (2) What is the timetable for Craft ACT to occupy the building.
- (3) Why is PhotoAccess, which was included in the original proposal for use of the old school building, now no longer included.
- (4) Do the proposals for Craft ACT to utilise the old school building include a commercial art gallery.
- (5) What other groups or organisations, if any, are proposed to utilise the site apart from Craft ACT.

**Ms Carnell:** The answer to the member's question is as follows:

- (1) Craft ACT will relocate their current operations to the former Ainslie Infants School building. The amount of space to be used by Craft ACT is yet to be finalised.
- (2) The proposed timetable is for Craft ACT to occupy the building by August/September 1999.
- (3) Craft ACT will manage the new visual arts centre and will select other suitable tenants. I am not aware that PhotoAccess is excluded from consideration.
- (4) Not at this time.
- (5) This is yet to be determined.

**Ainslie Primary School - Future Use  
(Question No. 81)**

**Mr Corbell** asked the Minister for Urban Services, upon notice:

In relation to the proposal for permanent heritage listing for the Ainslie Primary School Site (Block 1 Section 31, Braddon), why has the ACT Heritage Council proposed to not maintain the works from the interim citation, 'this is best achieved through continued use of the place for educational purposes' in the permanent citation.

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

The Ainslie Public and Primary Schools and surrounds are highly valued by the community or a cultural group for reasons of strong or special religious, spiritual, cultural, educational or social associations and the heritage criteria assessment states that in this regard:

*"The establishment of the Ainslie Schools played a pivotal role in the development of the community to the north of Civic Centre. The schools continue to be a cultural focus for the community. "*

The ACT Heritage Council has considered the proposed variation to the Territory Plan which covers the Ainslie Primary School. The variation includes the following conservation policy:

*The school buildings, shelter sheds, former lavatory, original internal fittings and grounds are to be conserved and appropriately maintained consistent with their heritage significance.*

The ACT Heritage Council considers that the overall significance of the place can be protected by this conservation policy which does not specify a particular use. The retention of the words in the conservation policy *"this is best achieved through the continued use for educational purposes"*, is not regarded as being crucial to protect the heritage significance of the place.

The ACT Heritage Council considers that continued educational purposes is just one of the strategies which should be considered in seeking appropriate and compatible ongoing uses for the place.

Currently, the interim Heritage Register citation is still in effect.

**Ainslie Primary School - Demountable Building**  
**(Question No. 82)**

**Mr Corbell** asked the Minister for Education, upon notice, on 2 February 1999:

In relation to the proposal for the placement of a demountable building at the Ainslie Primary School site for use by the Ainslie After School Care Program

- (1) Which Government agency or department will be responsible for the costs associated with the placement and operation of the demountable.
- (2) What approvals are required for the placement of the demountable at the Ainslie Primary School in relation to planning and heritage requirements.
- (3) have these approvals been granted, and if so, when.

**Mr Stefaniak:** The answer to Mr Corbell's question is:

- (1) The relocation of the transportable unit and setting up for the After School Care Program is being funded by the Department of Education and Community Services through savings in the capital works program. The operation of the Ainslie After School Care Program is the responsibility of the Ainslie Primary School Parents and Citizens Association. The Parents and Citizens Association pays the telephone account and is responsible for cleaning and staffing. The Department pays for the costs of building maintenance and utilities, as was the case for the previous location in the Ainslie Infants School.
- (2) Development approval through Planning and Land Management was required for works to set up the transportable unit and associated outdoor structures. As part of the approval process Planning and Land Management sought advice from the ACT Heritage Unit to ensure compliance with heritage requirements.
- (3) Development approval was granted on 11 January 1999.

**Ainslie Primary School - Future Use  
(Question No. 83)**

**Mr Corbell** asked the Minister for Urban Services, upon notice:

In relation to Block 1 Section 31 Braddon (Old Ainslie Primary School)

1. Is a development approval required for the proposal for Craft ACT to utilise spaces at the school and if so has an application been received
2. If an application has been received, does the proposal for use by Craft ACT require an expansion of car parking space on the lower oval.

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

1. Provided no external construction work, including signage, is undertaken, and provided the requirements of the heritage citation for the site are met, no development approval is required for the Craft Council of the ACT to occupy floorspace at the Ainslie Primary School. This is because the lease is in the name of the ACT Government, and allows for any purpose permissible under Community Facility landuse policy of the Territory Plan. The site is subject to the Community Facility landuse policy, which allows 'community activity centre', which includes the activities of the Craft Council.
2. No application in relation to the use of the premises by Craft ACT has been received.

**PALM and BEPCON - Employees  
(Question No. 84)**

**Mr Corbell** asked the Minister for Urban Services, upon notice:

In relation to officers employed in the Planning and Land Management Group (PALM), excluding Building, Electrical and Plumbing Control (BEPCON)

- (1) What are the number of qualified (a) town planners, (b) architects, (c) landscape architects, (d) engineers.
- (2) What is the percentage of each in relation to the total number of staff employed in PALM, excluding BEPCON.

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

- (1) The numbers of officers employed with the following qualifications:

(a) Town Planners	29
(b) Architects	8
(c) Landscape Architects	6
(d) Engineers	17

Two officers with Town Planning qualifications also have a second qualification - 1 in Architecture and 1 in Landscape Architecture. They are only included in the Town Planning number.

- (2) The percentage of each in relation to the total number of staff employed in PALM, including WorkCover, Business and Services and the ACTLIC, but not BEPCON:

(a) Town Planners	10.90%
(b) Architects	3.00%
(c) Landscape Architects	2.25%
(d) Engineers	6.40%



**Public Toilets - Belconnen  
(Question No. 85)**

**Mr Corbell** asked the Minister for Urban Services, upon notice:

In relation to public toilets in the Belconnen area

- (1) What is the total number of toilets in the area; and
- (2) What is their location.

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

- (1) 10
- (2) The location of these toilets are:

**Suburb**

Belconnen  
Belconnen  
Belconnen  
Belconnen  
Belconnen  
Charnwood  
Hawker  
Holt  
Macquarie  
Macquarie

**Location**

Diddams Close  
Diddams Close  
Emu Bank  
John Knight Park  
Lake Ginninderra  
Charnwood Shops  
Hawker Shops  
Kippax Centre  
Jamieson Centre  
Jamieson Centre

**Government Housing - Major Complexes Strategy  
(Question No. 86)**

**Mr Wood** asked the Minister for Urban Services, upon notice:

In relation to ACT Public housing at (a) Lachlan Court and (b) Burnie Court

- (1) What (i) stage has been reached and (ii) decisions made under major complexes strategy.
- (2) What discussions have taken place with residents as indicated in your answer to my question without notice on 9 December 1998.
- (3) When will any strategy for their future be announced.

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

- (1) (i) ACT Housing is continually reviewing holdings of all its housing stock, including large multi-unit complexes, to ensure that they meet the needs of current and future clients.  
  
(ii) The Government has made no decision on the future of Lachlan and Burnie Courts.
- (2) No decisions have been made by the Government on Lachlan and Burnie Courts. Tenants will, however, be consulted about any decisions on the future of any of the large multi unit complexes.
- (3) Refer to point (1) above.

**PALM - Review**  
**(Question No. 89)**

**Mr Corbell** asked the Minister for Urban Services, upon notice:

In relation to the Ernst and Young Review of PALM released by the Minister in January 1999

- (1) What was the total cost of the review
- (2) When was the review commissioned
- (3) Was an open tender process conducted before awarding the review contract to Ernst and Young. If so what are the details of the open tender process. If not, what was the process for awarding the contract to Ernst and Young.
- (4) Which agency or department is responsible for meeting the cost of the review.

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

- (1) \$84,882
- (2) 25 August 1998
- (3) The selection of Ernst and Young was in accordance with ACT Government purchasing guidelines. Three firms were formally invited on 21 July 1998 to submit proposals for the review. Each submitted a detailed proposal. Two of the firms were selected for interview by a panel comprising PALM's Executive Director, Director, Building and Services Branch and Senior Finance Manager. References were obtained for the short listed firms. A recommendation for Ernst and Young was submitted to the Review Steering Committee and approved on 20 August 1998.
- (4) Urban Services Department

**Rubbish Bins in Public Areas**  
**(Question No. 91)**

**Mr Hargreaves** asked the Minister for Urban Services, upon notice:

In relation to public rubbish bin collections could the Minister outline:

1. What was the expenditure for (a) 1996/97 and (b) 1997/98.
2. What is the predicted expenditure for 1998/99.
3. How many (a) metal bins and (b) plastic wheelie bins were located in public areas in 1997.
4. How many (a) metal bins and (b) plastic wheelie bins were located in public areas in 1998.
5. How many (a) metal bins and (b) plastic wheelie bins are currently located in public areas.

**Mr Smyth:** The answer to Mr Hargreaves' question is as follows:

1. Details of the cost of general cleaning is kept. However, emptying rubbish bins is not costed separately.
2. Details of such expenditure is not available, see above.
3. There were approximately (a) 1,000 metal bins and (b) 430 plastic wheelie bins in 1997.
4. There were approximately (a) 1,000 metal bins and (b) 430 plastic wheelie bins in 1998.
5. There are (a) 100 metal bins and (b) 830 plastic wheelie bins currently located in public areas.