



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

6 May 1999

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

**ATTORNEY-GENERAL  
Motion of Want of Confidence**

**MR STANHOPE** (Leader of the Opposition) (10.31): Mr Speaker, I seek leave to move a motion of want of confidence in the Attorney-General.

Leave granted.

**MR STANHOPE:** I move:

That this Assembly expresses a lack of confidence in the Attorney-General for his failure to meet his responsibilities as the First Law Officer of the Territory and Attorney-General.

Mr Speaker, one of the central tenets of our legal system is that the law be applied and executed without fear, favour or prejudice. I think we would all accept that that tenet is basic to any country professing to follow the rule of law. A very significant player in ensuring that the rule of law is executed without fear, favour or prejudice is the Attorney-General. In our case, the Attorney-General is the chief legal adviser to the ACT Government and has overall responsibility for matters relating to the legal system in the ACT.

When making decisions about whether the laws of parliament are properly observed, whether people should be prosecuted and a range of other issues going to the legal system, it is the Attorney-General, as the first law officer, who has a principal role to play. The Attorney-General is a Minister of the Government, but as a Minister he does have an identity separate to that which other Ministers have in our systems of government. The Attorney-General must on occasions separate himself, in terms of his responsibilities to the law, from his role as a politician. It is a vital and accepted part of his role as Attorney-General.

We are suggesting that the Attorney-General, Mr Humphries, in his actions in relation to Mr Bernard Collaery, counsel for the Bender family in a coronial inquest that is currently being conducted, has not fulfilled his obligations as the first law officer and as the Attorney-General; that he has allowed other considerations to affect him in his role as Attorney-General. We do not believe the Attorney-General can be said to have acted with, or to have displayed, that degree of objectivity, impartiality, that is required of him in that role.

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There are a number of aspects of the case that we will make today, Mr Speaker. They go to the apparent attendance by members of the Attorney's personal staff at the home of the Benders and certain representations made by his staff to the Benders as a result of those visits. They go to a complaint lodged by the Attorney with the Law Society of the ACT about the behaviour of Mr Bernard Collaery, counsel for the Benders. As I have said, this is a matter that on face value, or to all outward appearances, is to do with the hospital implosion. We might just touch on that, accepting and respecting that that matter has not concluded and that we are to some extent constrained in what we might say.

It is relevant to note that the power to hold coronial inquests is to be found in the Coroners Act. Section 12 of that Act vests jurisdiction in the coroner to hold an inquest into, inter alia, the death of a person. The inquest into the unfortunate death of Katie Bender was so established. The Coroners Act sets out the procedure to be followed in such an inquest. Section 53 confers powers on the coroner to grant leave to a person who satisfies an interest test to be legally represented at the inquest. Leave has been granted in the present case for the ACT Government and the Bender family to be so represented, along with a range of other individuals and organisations.

It is relevant, Mr Speaker, that the coroner is vested with certain responsibilities under the Act. One of those is that it is discretionary in him to report, under section 58, to the Attorney-General, and he may make recommendations in relation to any matter connected with the inquest, including anything connected with public health and safety. I think it is fair to say that it was unquestionable from the outset of this inquest that matters would be referred to the Attorney-General. I think that cannot be gainsaid.

I make the point about the role of the Coroners Court and the relationship between the Coroners Court, this inquest and the Attorney to make the point that the Attorney-General will play a part in this matter. He does have a formal role under the Coroners Act. Whilst the coroner is the person charged with the inquest into cause of death of a person, it is the Attorney-General who has to consider the recommendations made to him concerning any issue relating to public safety arising out of the findings of the coroner.

We come to the nub of the matter here, Mr Speaker. In doing so, the Attorney must be seen to be acting at arm's length and in a completely and totally disinterested manner. We admit that that will be difficult where some of the issues reported to him could well relate to adverse findings against some arm of government, for instance, or perhaps against some government employees - who knows? The point of it is that there must be a well-founded and grounded perception in the community that the Attorney is acting in such a manner; that he is acting at complete arm's length; that he is acting in a totally disinterested way.

We need to look to see whether, having regard to the reported actions of the Attorney as revealed in documents tabled yesterday, we can stand here and objectively declare that there is absolutely no scintilla of doubt that this Attorney-General has acted in a completely disinterested, objective way in his relationships with the Bender family,

a party to the inquest - as is the ACT Government - a party who one might suggest has a completely different interest in the potential outcomes of the inquest than does the ACT Government. That is a fair suggestion.

One therefore must ask about the apparent actions of the Attorney and the actions of his staff. We are all accepting, as we are entitled to accept, that the actions of Mr Humphries' staff are his actions; that they were taken either with his approval or under his direction. That is an assumption that we are entitled to make and have made and will continue to make. We must ask whether or not we can justifiably stand here and view his actions as the actions of a completely, totally disinterested individual. I suggest that we cannot.

Let us start with Mr Humphries' complaint to the Law Society. The Attorney might inform us whether or not this is something that he regularly does. I would be interested to hear Mr Humphries' response to this issue on how many occasions the Attorney has, of his own volition, lodged a complaint to the Law Society in a matter in which the ACT Government is interested. That would be of interest to us. We look at the complaint, we look at the nature of the complaint and we look at the time of the complaint. The complaint arose out of public comments made by Mr Collaery in relation to the victims of crime legislation last November, a matter on which any member of the public has a legitimate right to enter the public debate. As Mr Collaery, an ex-politician and a senior and respected member of the local legal profession - - -

**Mr Humphries:** Huh!

**MR STANHOPE:** As he had a right to do, he entered the debate, as did many others. Mr Humphries scoffs at my description of Mr Collaery as a senior and respected member of the legal profession. He shows his attitude to Mr Collaery.

I think this is the nub of the matter, and this is an aspect of this issue that does disturb me. It was suggested to me on the radio this morning - and I have to say and confess that it set me back - that this whole issue arises out of some "relationship", to repeat the euphemistic word used, that exists as a result of bad blood that existed in the Alliance Government between Mr Kaine, Mr Humphries and Mr Collaery. That was news to me. I was not aware of that. The implicit suggestion in the question to me was that Mr Humphries' actions might be viewed simply as a matter of a politician settling an old score, something of a vendetta. This was an issue I was not aware of, but it concerns me greatly that there is even a perception within the press in Canberra that Mr Humphries, as Attorney-General, is using his office of Attorney-General in order to settle some old political score against counsel in the most significant matter to come before a coroner for many years. We have to reflect on that. Is that what this is? If it is, of course the Attorney is damned perhaps all the more.

We look at that complaint that was made in November. It is about whether or not Mr Collaery, by entering a debate on the victims of crime legislation, in some way pre-empted the coroner's findings, in some way suggested that there would be findings of criminality or that there was guilt to be laid. We look at the language that Mr Humphries employed, as Attorney-General, in his complaint to the Law Society. He used language such as:

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Again, Mr Collaery misrepresents the facts and potentially pre-empts the coroner's findings in respect of the inquest. This time, however, he directly links the proposed legislation to his client's ability to seek compensation ...

This is the Attorney's calm and objective reference of this matter to the Law Society:

In doing so, he brings the legal profession into disrepute because of the deliberate and dishonest misrepresentation of the facts, the opportunistic behaviour he exhibits and the shallow disregard for the due processes of law.

That is a description by the Attorney-General of his interpretation of Mr Collaery's entry into a public debate on a piece of legislation tabled last November. We do need to look at the timing of the Attorney's letter. The Attorney was so affronted by Mr Humphries' entry into the debate in November, we understand, that he felt that Mr Collaery had brought the legal profession into disrepute "because of the deliberate and dishonest misrepresentation of the facts, the opportunistic behaviour he exhibits and the shallow disregard for the due processes of law". That is savage language by the Attorney. The Attorney was so concerned by Mr Collaery's behaviour that he only waited four or five months to lodge the complaint. He waited over four months. I know the wheels turn slowly in the Attorney's office - we all know that - but he waited four months to lodge a complaint.

**Mr Moore:** What was the second catalyst?

**MR STANHOPE:** I am glad you remind me, because I had forgotten this point. It is a very important point and I thank Mr Moore for bringing it to my attention. The second catalyst that one should mention is that Mr Humphries' complaint was lodged two days after a full two-page expose in the *Melbourne Age* which damned the ACT Government unequivocally. The timing is coincidental. Mr Humphries read the *Melbourne Age* on 21 March and took fright. He felt, "I have been trying to destabilise Mr Collaery. I have arranged for my staff to visit the Bender home. I have arranged for my staff to make representations to the Bender family about the fitness of Mr Collaery".

Before I get to that visit, I should just mention some of Mr Collaery's responses. Mr Collaery's response to the Law Society puts the lie and exposes the hypocrisy and the lack of objectivity of the Attorney in a whole range of areas. He raises, which it is relevant for us to think about, the other catalyst that one might have regard to, given Mr Moore's interest in catalysts. The other catalyst is the fact that Mr Humphries' request followed just a couple of weeks after Mr Berry had tabled legislation which followed on from the Attorney's failure to act when approached directly by the coroner about what the coroner suggested may be issues of concern in relation to the continuing applicability of the legislation covering occupational health and safety to the hospital implosion. We do need to reflect on that. We do need to reflect on why the Attorney refused to act on Mr Madden's concerns. We do need to reflect on why the Attorney did not ever introduce the legislation which Mr Berry did on his behalf some months later.



We should look at that and look at the visit that Mr Humphries' staff made to the Bender family. We should look quickly at those three incidents. Put them together - and who knows whether there are more? - and we see a series of incidents, a stratagem by the Attorney, to destabilise and interfere with the legal counsel and another party to a coronial inquest. There is a history of behaviours here which illustrates absolutely that the Attorney-General has not been objective; that he has been biased; that he has been prejudiced against another party to this inquest. One must ask why. (*Extension of time granted*)

We must ask why the Attorney arranged for his staff to visit the Benders. We must ask why those staff suggested to the Benders that Mr Collaery was not a good lawyer. In what way was he not good? Was he incompetent? If that was the suggestion, that is just simply and absolutely disgraceful. For anybody to go to any person party to a proceeding, particularly when one is also a party to that proceeding, and to suggest that that other person's lawyer is not a good lawyer is in itself disgraceful.

Was it the suggestion that he was incompetent? That is disgraceful in itself. Or was the concern that he was too competent? Then one has to ask the question: Would the Government have an interest in destabilising other counsel that they felt were too competent? One then asks: What interest of the Government's was it that those staff were seeking to address, if that was their concern? What was the interest? Were they seeking to pursue a financial interest? Were they seeking to pursue some legal interest? Were they seeking to pursue a political interest? What was the interest that it was sought to pursue in arranging for a member of one's staff to visit a party to a proceeding in which one was also a party - to make suggestions that that other party's counsel was not a good lawyer?

I do not know the answer to that, and it does not really matter that I do not know the answer to that. Not knowing simply does not deflect from the fact that it exhibits, at the best, a perception, if not an actuality, of bias. It exhibits the fact that here we have an Attorney that acted in a way that was contrary to his responsibilities as Attorney-General and first law officer on all occasions to act as Caesar's wife did.

This is a principle that we have had for a couple of millennia. Caesar's wife was aware of the need to be above reproach, to be beyond suspicion. It is a principle that has been around forever, and it applies particularly to an Attorney-General, to a first law officer, and this Attorney-General has failed.

I will conclude, Mr Speaker, by referring to the approach to the Benders. I simply cannot understand what the Attorney could possibly have thought in arranging for these approaches to the Bender family. I simply cannot understand what he thought he was doing. I simply cannot understand how he or his staff thought that that was appropriate behaviour. I simply cannot understand what impact he thought that those visits would have on the Bender family.

I simply reiterate that the behaviour was inappropriate, the visit was wrong and the message delivered was a disgrace and confirms the existence of bias in this Attorney-General towards at least the counsel of another party represented in the implosion inquiry, for reasons that one can only guess at. In guessing at them, one is left

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with no conclusion but that this Attorney-General had some ulterior agenda or motive that compromises his position as Attorney-General, as first law officer, and makes him unfit to hold that most significant office in this Government.

In this regard, I will give members the benefit of Mr Bender's reflections on the visit by referring to a statutory declaration that has been provided by Mr Bender. It was not obtained by me, but I have no reason to believe that it is not genuine. It reads:

I, Mato Bender, of 11 Rosebery Street, Fisher in the Australian Capital Territory, Janitor do solemnly and sincerely declare as follows:

1. Shortly after Katie's death, a woman I had never met before came to our house. She introduced herself to me as -

and I will not say the person's name.

2. [This person] said she was a lawyer working for Gary Humphries. She said that we would need a lawyer and she could help.

3. [This person] came another time with [another person] who I knew. Both [this person] and [this other person] said they had heard that Bernard Collaery was to be our lawyer and that we should not make him our lawyer. Both of them said that he was not a good lawyer. All of us except Mrs Bender were present when they called. She arrived later.

4. They said they would call again. I heard my wife say 'You can come when I invite you. Neither have been back since.

I can read into that, as we all can - - -

**Mr Humphries:** Will you table that statutory declaration?

**MR STANHOPE:** I am happy to table that. I seek leave to do so.

Leave granted.

**MR STANHOPE:** I will conclude on that, Mr Speaker. One can only but imagine at the impact of this additional stress on the Bender family. It reinforces absolutely the inappropriate behaviour of this Attorney-General. This Attorney-General does not deserve to remain, and cannot remain, as the Attorney-General for the ACT.

**MR HUMPHRIES** (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (10.53): Mr Speaker, in responding to this motion, I would ask that I be given leave to speak without limitation of time.

Leave granted.

**MR HUMPHRIES:** I do not want to be constrained by a deadline which I might not be able to meet, Mr Speaker. I thank members for their indulgence. Mr Speaker, I have only just this instant had the benefit of seeing the statutory declaration from Mr Mato Bender which makes reference to the allegations which seem to be at the centre of what the Opposition has put forward.

**Mr Wood:** No, only part of it.

**MR HUMPHRIES:** Only part of what you are saying, yes; but, on the basis of what was said on the radio this morning and what was said in the media this morning generally, I would characterise this document as a very important part of the claim that is being made by this place - - -

**Mr Wood:** Yes, but one aspect.

**MR HUMPHRIES:** I heard Mr Stanhope in silence, Mr Wood, and I ask for the same indulgence of this place.

**MR SPEAKER:** Excuse me, Mr Humphries. I am going to insist upon that this morning. Mr Stanhope was heard in silence and I expect - - -

**Mr Stanhope:** Relative silence. Mr Moore was not silent.

**MR SPEAKER:** No. There were two interjections of a minor nature. I do not intend to allow any further interjections from either side. This is an important issue and I would ask all members to respect that view.

**MR HUMPHRIES:** Mr Speaker, I have commented before in this place about the way in which motions of censure and no confidence have been used so frequently in this place as to debase the currency of those devices to express concern by the Assembly in the conduct of particular members. I have to say that again today we are seeing the misuse of this concept in a way which I think is quite disgraceful. I do not believe that what has been put forward today would even stack up to a motion of censure in me as Attorney-General, much less a motion of no confidence, a motion which, of course, has the consequence that I would have to step aside from my ministry and move to the back bench.

Mr Speaker, I heard Mr Stanhope on the radio this morning talking about this issue. The thing he talked about on the ABC this morning, both in an interview and in the news, was the issue of the visit by a member of my staff to the home of Mr and Mrs Bender. The extraordinary thing about the interview was the words he used, which were: "One would presume that she went with the authority of the Minister", "One would assume she was there doing his bidding", or words to that effect. We have had a motion of no confidence moved in this place today in a Minister of the Crown on the basis that Mr Stanhope presumes that, because a certain person who has a connection with me has gone to the home of a person and made a suggestion to that person, allegedly, that that person do certain things in respect of their legal representation, I, as Attorney-General and first law officer of this Territory, should step aside from my position and move to the back bench, lose my position as a Minister, and have my staff who are dependent on that position as

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well lose their positions. Mr Stanhope presumes that without any evidence being produced in his 20 minutes or so of speaking to this place, without any evidence that what he has presumed is, in fact, the case.

Mr Speaker, I have seen the statutory declaration today from Mr Bender and I will read the bits that seem to be most likely to support the claim that Mr Stanhope has made. He “presumed” on radio this morning, but came in here and stated as a matter of fact, “Mr Humphries sent his staff to the home of Mr and Mrs Bender to advise them not to employ Mr Collaery as their legal counsel”. Where is the basis for this claim? Let us look at the statutory declaration of Mr Bender. I quote:

... said she was a lawyer working for Gary Humphries.

**Mr Moore:** Can we go back to the names?

**MR HUMPHRIES:** Mr Speaker, I withdraw the reference to that name and I ask that the record not include the name that I have just read out. Is leave granted for that to be the case?

Leave granted.

**MR HUMPHRIES:** The statutory declaration reads:

X said she was a lawyer working for Gary Humphries. She said that we would need a lawyer and she could help.

Mr Speaker, where is the assertion in there that I instructed this person to go to the home of Mr and Mrs Bender? It is not there. If this statement was made, it is a perfectly accurate statement - she was a lawyer working for Gary Humphries. Mr Speaker, that is perfectly true; there is nothing inaccurate about that. The third paragraph of this statutory declaration says:

X came another time with ... who I knew.

**Mr Moore:** Once again we are not using names.

**MR HUMPHRIES:** Okay. I ask that that name also not be recorded in *Hansard*, Mr Speaker.

Leave granted.

**MR HUMPHRIES:** It reads:

X came another time with Y who I knew. Both X and Y said they had heard that Bernard Collaery was to be our lawyer and that we should not make him our lawyer. Both said that he was not a good lawyer. All of us except Mrs Bender were present when they called; she arrived later.

Mr Speaker, there are allegations in there about what things were said by X and Y to the Benders, but there is no reference to me, to the Attorney-General, to my office or in any other way to me of a kind that would support the statement made by Mr Stanhope today in this debate that I instructed this member of my staff to go to the home of the Benders and it influenced in some way the events of this particular coronial proceeding. Is the allegation supported in the claims that Mr Collaery has made in the document that was tabled yesterday in this place? I read from the relevant paragraph of his letter, part of the last paragraph:

Shortly after the tragedy X a Croatian speaking member of Mr Humphries staff went to the Bender family's home with another person who suggested why the Bender family should not employ me as their Counsel. Mr Bender showed them the door. Perhaps Mr Humphries could indicate whether he was aware of the visit.

Mr Collaery is indicating in his letter that he does not know whether I was aware of X's visit to the Benders. He indicates that he does not know; in fact, he asks the question did I know. Did Mr Stanhope ask him that question? Obviously not. Did he ask me, for that matter? No, he did not.

Mr Speaker, let me put on the record in the clearest possible terms I can: A member of my staff did visit the Bender family on more than one occasion shortly after the implosion that killed their daughter. She did so as an active member of the Croatian Congress, which is an organisation representing Croatian people in the ACT. This staff member has been an active member of that organisation for some time. She visited the Bender family at an instigation other than my own. I was unaware of visits before they occurred. I did not instruct this person to make the visits. I did not discuss with her what she might discuss in such visits before she made those visits. The only knowledge I had of those visits occurred after they had taken place.

Mr Speaker, where is the substance of the allegation that I interfered in some way with this matter in those circumstances? A motion of no confidence in the Attorney-General has been moved in this place resting largely on this assertion, repeated in the media this morning, that I sent a staff member to go and influence the Benders. There is no evidence of that - none whatsoever.

Mr Speaker, I want to put on the table evidence quite to the contrary. I will table in a moment a statement from my member of staff. I want first of all to read that statement into the record:

I am making this statement to respond to public allegations that a member of the staff of Mr Gary Humphries attempted to dissuade the Bender family from retaining Mr Bernard Collaery as their solicitor following the tragic death of their daughter Katie.

Because I visited the Bender family as a member of the Croatian community to provide support and assistance following Katie's death I assume that these public comments refer to me.

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The purpose of this statement is to put on record the nature and purpose of my contact with Bender family and deny absolutely that I had any involvement in an attempt to dissuade the Bender family from retaining Mr Collaery.

I repeat that paragraph:

The purpose of this statement is to put on record the nature and purpose of my contact with Bender family and deny absolutely that I had any involvement in an attempt to dissuade the Bender family from retaining Mr Collaery.

The statement continues:

Within hours of the death of Katie I was contacted by Mr Mirko Skrnjug in his capacity as President of the Croatian National Congress (ACT Branch). Mr Skrnjug asked me to accompany him to visit the Bender family to offer condolences on behalf of the Croatian community and to offer any assistance that the Croatian community could provide. Neither Mr Humphries nor anyone from his office was informed that I was going to visit the Bender family; nor did they ask me to do so.

While we were in the Bender home Mr Skrnjug and I offered our condolences and said to the Bender family that if there was anything we could do for them that they should let us know. I left my contact details with Mr Bender's daughter, Anna.

Mr Skrnjug and I left together and had a conversation outside the Bender family home, where Mr Skrnjug suggested that I should come back later to see the Bender family, to see whether they would like the Croatian community to do anything for them. Mr Skrnjug thought that at that time the initial shock might have passed and they would be better able to consider what assistance they might need.

On that basis I went to see the Benders a few days later. I felt somewhat uncomfortable going alone because of the nature of the tragedy they had suffered so I asked Y to come with me. She is my parents next-door neighbour and very close friend of the Bender family.

When we arrived we sat and talked to Mr Bender. During our conversation I said to Mr Bender words to the effect that if there was anything that the Croatian community could do to help him and his family he should let us know. Y within my hearing had a separate conversation -

listen, Mr Stanhope, to this allegation -

with Mr Bender which was about Mr Bender being careful about who he chose to legally represent him. She then told Mr Bender about what she described as a bad personal experience with Mr Bernard Collaery in a recent case, but she did not go into any detail about it. I did not participate in this conversation or offer any comment about Mr Collaery to Mr Bender. I have never expressed a view to the Bender family on Mr Collaery's abilities as a legal representative.

Y and I were at the Bender home for over an hour. We were offered cakes and coffee. At no stage did I or Y feel unwelcome. In fact, Mr Bender talked to me about his difficult life in Australia as a migrant and Mrs Bender showed Y the new renovations to their home and showed us more photos of Katie. When we left I embraced Mrs Bender and her daughters and shook Mr Bender's hand goodbye.

I relayed my discussion with Mr Bender to Mr Skrnjug, and we agreed that we should undertake a number of things to help the Bender family. I rang the Croatian Welfare Centre to organise a counsellor from the Centre to go to the Bender family and see if they needed counselling of any sort. I discussed at the Croatian Congress meeting things the community could do to help the Bender family - this included collecting money for a memorial for Katie; organising her school friends to be in national costume at her wake and organising an informal roster where members of the Croatian community would go to the Bender family's home to comfort the family.

I subsequently rang the Bender family, on at least one occasion, to see how they were going and whether there was anything I could do to help them. I presumed that they welcomed my concerns and felt that this was confirmed by Anna telephoning me and explaining to me how distressed her family was that they had given their most recent photo of Katie to a television station, on the proviso that it be returned within the hour. However, more than 7 hours had passed and the television station had not returned the photo. As a result I rang the television station at least 3 times and demanded that the photo be returned to the Bender family immediately.

I have always been a well regarded and respected member of the Croatian community and when community organisations or even individuals have difficulties, they contact me to see if I can assist them in some way. This can be seen by the fact that I have been elected, more than once by the Croatian community to a national body called the Croatian National Congress. I have been asked to be the President of that organisation but declined due to my work pressures. I was also nominated to represent Australian Croatians at the International Croatian Congress Conference in Brijuni, in Croatia in 1996.

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I have committed an enormous amount of time and energy in doing work for the Croatian community in Australia. This has included writing submissions to the Joint Standing Committee on Foreign Affairs, Defence and Trade, the Human Rights sub-committee; writing speeches and papers that have been presented at the Macquarie University; the Croatian Embassy and other forums; and helping with a documentary produced by Barry Lowe, which was used by Care Australia to collect donations for a ultrasound machine to be sent to a Women's Centre and Hospital - Tresnjevka in Zagreb, Croatia.

This I do because I have a commitment to my community as well as to broader social justice and human rights issues. For instance last year I went to the War Crimes Tribunal for the former Yugoslavia. I have recently become a member of the International Humanitarian Law Committee (branch of the Australian Red Cross) and representative on the ACT working group for the National Committee on Human Rights Education that was set up by the Commonwealth Attorney-General.

I am distressed to hear that it is now alleged that I somehow tried to influence the Bender family in their choice of lawyer for political purposes. I feel that my integrity and the reasons for my work within the Croatian community have in a grossly unfair way been called into question.

I want to make it clear that I have nothing against Mr Collaery and in fact I have on several occasions when asked by members of the Croatian community who needed legal counsel who I would recommend, I have suggested that they might like to go and see Mr Collaery. I am at a complete loss to understand why these allegations involving me are now being made.

It is signed by that member of my staff. Mr Speaker, I table that statement. Mr Speaker, I also want to read onto the record a statement by the person whom I have called Y. It is dated 5 May 1999 and reads:

To whom it may concern

My name is Y and I reside at -

an address in the ACT -

On the afternoon of the 5th May 1999 I received a phone call from X. The purpose of this call was in regards to when I accompanied X to visit Mr and Mrs Bender, a short time after the tragic death of their beloved daughter Katie.



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X relayed to me over the phone that Mr Bender had signed a Statutory Declaration in regards to a conversation that allegedly took place at the Bender's residence during X and my visit. X enquired of my recollection of the conversation that took place.

My recollection of the conversation was mainly regarding the loss of a child, namely Katie, also how the family were accepting this loss, and if I or X could help in any way.

It should be known that the Bender family and also my family have been friends for over 28 years. Mr Bender was the best man at my wedding and I was matron of honour at his wedding.

During the conversation I asked Mr Mato Bender did he have a solicitor to legally represent the family. He then informed me Mr Bernard Collaery was to do so. My reply to Mr Bender, as I recall, was for he to be careful in whom he should obtain and indicated to him he should look at obtaining services from interstate because of the sensitive issue involved. I added further "personally" that I did not like Mr Collaery and that I perceived him to be a "show pony". X did not engage in this part of the conversation.

X had no comment to this personal conversation, nor did she in my presence elaborate on it in any way.

After the phone call from X on 5th May 1999, I telephoned Mr Bender and had a conversation with him regarding X and my visit to his house. I informed him that it was I who brought up Mr Collaery's name, not X.

I reiterate my family and Mr Bender's family have been united for 28 years and that my concerns were that for the family.

I remained at the Bender's premises for about one to two hours.

Yours faithfully

It was signed by Y. Mr Speaker, I also table that statement. Mr Speaker, the final statement I want to read onto the record and, in turn, table is from Mirko Skrnjug:

To whom it may concern

After hearing about the tragic death of Katie Bender, I rang X to see if she could come with me to see the Bender family. At that time I was the President of the Croatian Congress for the ACT and she was also a member of the Congress. I went because I wanted to see whether there was anything that our community could do for them.

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There were lots of people at the Bender house, so we did not really get a chance to talk to the family, but I did tell them how sorry we all were and that if they needed anything from the community we were there for them.

X and I had a conversation, outside the Bender house, where I suggested that she come and see the Bender family when things had settled down and talk to them about whether they needed anything. X agreed to do this.

X told me that she went to the Bender house with Y. She told me that she has said to the Bender family that if there is anything that they need the Croatian community is only too willing to help them.

We discussed at our next Croatian Congress meeting ways to help the Bender family.

X has always been a valued member of this community. She was instrumental in being involved in the recognition of Croatia by Australia and undertook an enormous amount of work to make sure that Croatia and Croatians were portrayed in a positive way. She was part of delegations that went to see the former Prime Minister, Paul Keating and the former Foreign Affairs Minister, Gareth Evans.

I have been the President of the Croatian Congress for Australia for 2 years and the Vice President. I have also been the President of the Croatian Community in Canberra for a number of years. This goes to show that Croatians are happy with the work that I do.

I cannot understand why Mr Collaery would even think that we would be concerned about discussing him with the Bender family. Our concern was with the well-being of the Bender family, not about what lawyer they should or shouldn't have.

I know that X has always included Mr Collaery as a guest speaker at most of the demonstrations and rallies for recognition of Croatia that we have had; and I have always made sure that Mr Collaery is invited to all the community's functions.

It was signed "Mirko Skrnjug". I table that statement as well, Mr Speaker.

Mr Speaker, those three statements are all very clear about a number of things. They are clear about the fact that Mr Skrnjug, the head of the Croatian community in Canberra, initiated the request for X to visit the home of the Benders. It is also very clear from at least one of the statements that it was not I who initiated those visits. It is also very clear from those statements that a number of other things asserted by Mr Collaery are untrue. The reference to these people being shown the door is clearly untrue, as is the reference to X being the person who initiated or conducted a conversation concerning Mr Collaery's suitability to be the counsel for the Bender family. It is clear that that was

a conversation conducted not by X from my office but by Y. Indeed, I have to say that the statement of Mr Bender, which is on the table, does not contradict that, as I read it. I quote again from Mr Bender's statement:

Both said that he was not a good lawyer. All of us except Mrs Bender were present when they called ...

The previous sentence reads:

Both X and Y said they had heard that Bernard Collaery was to be our lawyer ...

**Mr Moore:** There is a contradiction there.

**MR HUMPHRIES:** No, he "was to be our lawyer".

**Mr Moore:** Yes, that is right.

**MR HUMPHRIES:** There is one statement here that may contradict it - "and that we should not make him our lawyer". Mr Speaker, it is clear that there are at least two versions of that conversation. Let us assume for a moment that the words were said as Mr Bender has asserted. Let us assume that both X and Y made those statements about Mr Collaery. What evidence is there that those statements were made either with my knowledge or at my instigation, in light of the very clear denial by X, Y, Mr Skrnjug and me? Indeed, there is no evidence to support that they were done with my knowledge or at my instigation. Neither Mr Collaery nor Mr Bender asserts that they were done in that way. The only person in this entire debate who has asserted that they were done at my instigation or with my knowledge is Mr Stanhope, and Mr Stanhope has not produced in addressing the motion he has moved against me any evidence of that knowledge.

Mr Speaker, I want to make one more point about this issue in this motion this morning. Let us assume for one instant - and I strenuously deny that this is the case - that it is true that I did ask X from my office to go off and talk to the Bender family about Mr Collaery. I ask members to ask themselves this question: What would be inappropriate about me conveying advice to the Bender family about whom they should use as their lawyer? I am the Attorney-General for the ACT. I am also a person who has practised as a solicitor in this town for a number of years. I know a very large number of the lawyers. I would have an opinion about a very large number of the lawyers. If Mr Bender had walked through my office door and said, "Whom do you think I should use?", I would not have felt any compunction about giving him advice about which lawyer to use. Indeed, I suspect that had Mr Bender or somebody else walked through the doors of a number of people in this place he would also have received very full and direct advice about which lawyer to use and which lawyer not to use. I think I could guess what kind of advice might have been given about Mr Collaery in those circumstances, particularly by members of this place who served in the First Assembly.

Mr Speaker, even if the allegation being made here is true, which, most emphatically, it is not - and there is no evidence for it to be true, not a shred of evidence for it to be true, except one that presumes - what is wrong? What has been done wrong here? Is the

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Attorney-General not entitled to express a view about the appropriateness of solicitors? Mr Stanhope, if one day you became Minister for Health in this place, you would encounter a number of doctors in the course of your duty as Health Minister. If a friend of yours or someone you know asked you, "Do you think I should go to Dr Z for a lobotomy?", do you think that you would decline to offer him advice about that doctor that you had acquired in your professional capacity? Of course you would not.

**Mr Stanhope:** If I was the Attorney-General, I would abide by the Bar Association rules.

**MR HUMPHRIES:** What is wrong in this case with it happening if it were to be the case?

**MR SPEAKER:** Order, please! I will not tolerate interjections.

**Mr Berry:** He should not provoke them by asking questions of members.

**MR SPEAKER:** I ask you all to be quiet, otherwise somebody will be thrown out.

**MR HUMPHRIES:** Mr Speaker, the core of this motion, the central tenet of this motion, fails utterly because, first of all, it is unsupported by any evidence; secondly, it is strenuously denied; and, thirdly, even if it were true, it is hardly a matter which reflects in any way on me serving as Attorney-General for this community.

Mr Stanhope may try to make some connection with inappropriate intervention in an inquest, but at that stage there was no inquest. There was simply a death which may ultimately have led to an inquest in which ultimately Mr Collaery may have been involved, but offering recommendations or non-recommendations about particular individuals at that stage, a few days after the implosion, hardly constitutes a basis for a motion of the kind that has been moved today - the most extraordinarily serious motion that can be moved on the floor of this place, second only to a want of confidence in the Chief Minister. It is absolutely and utterly extraordinary.

Mr Speaker, as I discerned the rather weak and hesitating argument which has been put in this place today, there are three other matters which constitute the basis for this motion of no confidence. One is the argument, if I understand it correctly, that making a complaint against a legal practitioner in a matter in which the Government has an interest is some kind of conflict of interest and that I should not be involved. The suggestion has also been made in remarks, again without any evidence, that this is probably the only matter that I have targeted in this way and, therefore, I must be picking out Mr Collaery because we wanted to get at him at the time he was absorbed in this inquest. Mr Speaker, I regularly make representations to the Law Society about the conduct of lawyers in this town. I doubt whether Mr Stanhope, if he ever occupies these shoes, would be able to avoid doing likewise. My staff have reminded me that in the last 12 months I have raised five separate matters with the Law Society concerning the conduct of solicitors.

**Mr Moore:** Is that the last 12 months?

**MR HUMPHRIES:** In the last 12 months alone.

**Mr Berry:** In writing?

**MR HUMPHRIES:** Yes, in writing, Mr Berry. Three were as a result of constituents bringing matters to my attention about lawyers, and we chose to make those complaints, and two as a result of self-initiated matters, both of which involve in some way the actions of the Government or one of its agencies; in other words, matters in which the Government is involved.

**Mr Stanhope:** A party?

**MR HUMPHRIES:** Potentially, yes. Mr Speaker, I can describe one of those in some small amount of detail. I have raised a matter concerning lawyers who were involved in the matter of Mr and Mrs Jadric, who, members will recall, had lost their home because of the enforcement of a judgment in the Supreme Court, a matter in which the Government was very intimately involved and which I have had a continuing involvement in dealing with certain solicitors. The matter is still the subject of intense correspondence between me and the Law Society. I have not singled out Mr Collaery for this particular treatment. In fact, I have been very careful to take into account Mr Collaery's previous relationship with members of this place and me, as a member of a government in which we both served, in considering matters that have been raised in connection with Mr Collaery and I have been careful to act accordingly. Mr Speaker, the suggestion that we have targeted Mr Collaery in some way through this is just extraordinary.

The suggestion has also been made, as a basis for this motion of no confidence, that we have timed this exercise in order to get Mr Collaery at a crucial stage of the inquest. Mr Speaker, the inquest has been running for a year-and-a-half and issues concerning it have been going on for almost two years - two years come 13 July this year. I suspect that had I made a complaint at any stage in the course of that two years or any stage at least since the inquest itself actually began - 18 months or so ago, as my recollection serves me - there would be the basis for a claim that I intervened to get Mr Collaery, who no doubt would claim that some crucial stage of the inquest was under way on which he was distracted by virtue of my making a complaint about him. Mr Speaker, it has more to do with Mr Collaery's imagination than it does with any reality.

Mr Speaker, the other point that needs to be made here in this respect - the suggestion that there is a connection with the Government trying to get Mr Collaery in this matter - goes to the substance of what Mr Collaery actually alleged. The substance of his claims was that the Government's reforms to criminal injuries compensation - and this is virtually what he said in the media - were designed to deprive the Benders of their entitlements to make a claim under the Criminal Injuries Compensation Act. Why the Government would be involved in a reform involving millions of dollars for the sake of saving \$50,000, which is the maximum payment that could be made in this matter in any case, is an absolute and utter mystery.

But there is another devastating piece of information in respect of that matter which Mr Collaery and the detractors opposite have forgotten. Mr Speaker, here is the discussion paper I put out launching the Government's reforms to criminal injuries

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compensation, "Discussion Paper - Reform of the Australian Capital Territory Criminal Injuries Compensation Scheme". It was released to the public on 6 June 1997, more than a month before the implosion. Are we supposed to have known that we were going to maim people all over Canberra in this implosion, so we quickly got out these reforms so that we could make sure that they could not claim money when it came to mopping up after the implosion? It is just so bizarre, Mr Speaker.

What is even more bizarre, in my view, is that the conspiracy theories to which Mr Collaery is, as we all know, so deeply addicted, have actually caught up members of this place who ought to know better. Mr Berry and Mr Wood have served in this place with that person and they have made some pretty explicit statements about Mr Collaery in their time.

**Mr Wood:** I beg your pardon.

**MR HUMPHRIES:** I do not know whether Mr Wood has. He has made them in private, but he might not have made them publicly. Okay. But Mr Berry is on the record as saying some pretty scathing things about Mr Collaery, both in this place and outside it. Mr Speaker, as I said, I have no hesitation in predicting precisely what tone members would adopt if they had been asked before today whether they thought that Mr Collaery would make anyone a particularly good solicitor in any particular matter.

Mr Speaker, the third issue that has been raised, not counting the so-called visit by X and Y, is the matter of amendments to the Occupational Health and Safety Act. That issue has been extensively canvassed already on the floor of this place. I have put my case here emphatically before and I do not intend to go back over that in the course of today. I have already made my claim on that matter very clearly. The Government did not support the retrospective legislation to remove people's rights in that matter and it still does not. The Government's position on that has been perfectly clear. To censure the Government, or me in particular as Attorney-General, for refusing to take a position which we believed then and believe now to be reprehensible would be a travesty, Mr Speaker. I disagree strongly with members of this place about a whole range of things, but I would not ever move to censure them or move no confidence in them on the basis that they had refused to act in accordance with a different point of view from the one in which they genuinely believed, assuming that it was not in conflict with their duties of office, and I maintain that this case is not an example of that.

Mr Speaker, I do not believe that there is much more to be said about this matter. There are two small things I might say. First of all, Mr Stanhope made reference to X being a member of my personal staff. I think for the record that it ought to be clear that the position that she holds in my office is not as a member of my personal staff. You may be aware that there are two sorts of staff in a Minister's office: There are personal staff and there are departmental staff. She is not a member of my personal staff.

**Mr Moore:** He should know that.

**MR HUMPHRIES:** He should know that. There are lots of things that he should know about this issue but does not.

I also want to make reference, in anticipation, to a claim that Mr Kaine made yesterday about the releasing of these documents. I have not seen the *Hansard* yet, but I understand that he made reference, after I had made a personal explanation, to a suggestion that the documents which were tabled yesterday might have been leaked by my office. Mr Speaker, I want to comment on that. I believe that those claims are unfounded and, in fact, can be proved to be unfounded. It is certainly true that my office, members of my staff, would have seen or had access to the letter which I wrote to the Law Society about Mr Collaery, but the response by Mr Collaery to that claim - that is, to Mr Kidney, the Professional Standards Director of the Law Society - is correspondence that would remain confidential, in the ordinary course of events, between Mr Collaery and the Law Society. The Law Society certainly would not have disclosed this letter to me. The only people who would have this letter would be the Law Society - Mr Kidney in particular - and Mr Collaery. So it must, I am afraid, have been one of those two people or someone in one of their offices who released the information. It must have been.

**Mr Moore:** Mr Collaery would have your letter to respond to.

**MR HUMPHRIES:** Mr Collaery would have had my letter, of course, and could have released my letter, but I would not have had his letter in response to mine.

Mr Speaker, I would ask members of this place, particularly Mr Stanhope, to try to salvage a little bit of the credibility of the process used here to move motions of no confidence in members of this place. I would ask him, in particular, to withdraw this motion and to express some regret about having wasted the time of the Assembly in moving a motion of this kind. You have made an allegation on the floor of this place, and in the media, for which you have no evidence whatsoever.

**Mr Berry:** Wait for it.

**MR HUMPHRIES:** You have no evidence. Mr Berry says, "Wait for it", implying that there is some further evidence here in this matter. Mr Speaker, I have spoken in my defence. It is my entitlement, I think, to have seen that evidence. If Mr Berry has further evidence, I think in fairness he should have introduced it before now. If he has not introduced it before now - - -

**Mr Berry:** I have to take my turn.

**MR HUMPHRIES:** If it is available to the Opposition, it should have been available to Mr Stanhope in moving this motion of no confidence. Mr Speaker, I think it would be most unfair if having, at Mr Berry's insistence, spoken only once on this matter, he now introduces further evidence which I have not seen about this matter. Mr Speaker, I again point out that we are obviously going to waste a large part of this day on this matter. I have to say to them that I think it is a waste of the Assembly's time and effort, a debasement of the system for expressing displeasure at the genuine misconduct of members of this place, and unworthy of Mr Stanhope, who purports to be the man who would take over as Chief Minister and perhaps Attorney-General should there be a change of government one day.

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**MR Kaine** (11.37): I will be brief, but there are some things that I would like to say on not only what Mr Stanhope has introduced, but also Mr Humphries' rather weak rebuttal of it. Some members think that it is a joke. It is not a joke; it is a very serious matter. I presume that the members of the Government do not think that it is a joke; they may believe otherwise. Mr Humphries spent almost all of his time in defending himself on taking up the question of the visit of a member of his staff to the Bender home. Of course, that matter has now become a question of whose affidavit you believe. Do you believe the affidavit of Mr Bender or do you believe the other affidavits that have been produced by the Minister in his defence? I do not know that we will ever know the truth of all of those affidavits.

I have one question of Mr Humphries, and it is on a matter that he did not deal with. I will just pose the question and leave it to people to answer it for themselves. Why did the person identified by Mr Humphries as X go to the Bender family and identify herself as a lawyer working for Mr Humphries? What was the point of that? If she went there as a representative of the Croatian community, why did she not identify herself as such? Mr Humphries did not attempt to deal with that and I think that it is a question that needs to be dealt with. It is a very significant part of Mr Bender's affidavit, as I understand it, and it raises a very significant question as to whether Mr Humphries knew or did not know that she was there or whether he had or had not discussed with her before she went there the purpose of her visit. Mr Humphries has made no attempt to deal with it.

Mr Humphries has avoided in his defence the major issue here, that is, whether there was any bias in his action in reporting a case to the Law Society for investigation or whether it was a totally free, balanced, equal, even action on his part. Yesterday Mr Humphries, in his response, thought it was strange that I had put this matter forward on Mr Collaery's behalf, given my previous relationship with Mr Collaery. The interesting thing is, of course, that I did not put it forward on Mr Collaery's behalf. I put it forward in the interests of the Bender family. That was my sole purpose in bringing up this matter and putting the papers before the Assembly yesterday. Mr Humphries is quite correct; Mr Collaery and I have never had a very even relationship. It has always been pretty bumpy and pretty rocky. He should answer his own question: Why would I put it forward in Mr Collaery's interests? The answer is that I would not. Mr Humphries pursued that matter even further this morning.

The question is: Was his action against Mr Collaery a biased action? He says not. Mr Stanhope raised this point: If he was so concerned about Mr Collaery's offending, why did he wait four months before he lodged his report? Mr Humphries has made no attempt to answer that. He was so concerned that it took him four months to report this matter to the Law Society. It is an interesting matter because much of what he said this morning had to do with damaging Mr Collaery's reputation, if you like, and what would be the purpose of that? He even introduced the fact that members of the Opposition had never had a very easy relationship with Mr Collaery. What was the purpose of all that? It could only be to denigrate Mr Collaery, to put him forward somehow in a bad light - his relationship with me, his relationship with Mr Berry, his relationship with Mr Wood. In fact, is the crux of the matter not rather his relationship with Mr Humphries?



Mr Humphries did not say anything about that. He did not indicate that maybe their relationship has been so bad that he might be acting, not in the interests of the community, but in the interests of some vendetta against Mr Collaery. Is that a possibility, one might ask?

He even continued it here this morning by raising the question of Mr Collaery's relationship with members of this place. Why is he doing that? It has to do with the timing of his complaint and the fact that he seeks to denigrate Mr Collaery in every way that he can. In my view, it could only be to raise questions about Mr Collaery's capacity to act properly for the Benders. I think that is rather curious because, in the doing, the only effect of that could be to reduce Mr Collaery's effectiveness as a barrister, to reduce his effectiveness as a counsel for the Bender family. As I asked Mr Humphries yesterday, in whose interests was he acting when he lodged his complaint? Clearly, he was not acting in the interests of the Bender family. Here we have a family which has lost a daughter in very tragic circumstances and at a crucial time in the coronial hearing Mr Humphries lodges a complaint about Mr Collaery's performance - four months after the alleged offence and at a time when, as I understand it, Mr Collaery, as with all the other counsel, would have been preparing his final submission to the coroner. Why did Mr Humphries choose that time to do that? It could only be, I submit, somehow to denigrate Mr Collaery, put him off balance, make him less effective as the counsel for the Bender family.

If there is anybody in this matter whose interests the Attorney-General should be taking care to preserve, it is surely the Bender family; but Mr Humphries obviously has no regard for that. He does not give a hoot about the Bender family. He does not give a hoot whether at the end of the day the Bender family comes out of this thing with some dignity and some justice. Mr Speaker, I find that offensive. I have referred to Mr Humphries' weak defence, which seemed to concentrate solely on whether a member of his staff went there with his knowledge or whether she did not. I think that it does indicate a bias, it does indicate a prejudice, against Mr Collaery. If at the end of the day that adversely affects the outcomes for the Bender family, as far as Mr Humphries is concerned it is tough luck. Mr Speaker, I do not share that view. I think that the Bender family is entitled to more consideration than that from the Attorney-General.

I said yesterday that I thought his behaviour was reprehensible. I have not changed my view today in view of his rather weak defence of the arguments put forward by the Leader of the Opposition. The crossbenchers were distracted by members of the Government while Mr Stanhope was speaking. I noticed that Mr Rugendyke was not given a chance to hear one word of what Mr Stanhope said. He was being talked at constantly by a member of the Government. I ask Mr Rugendyke: In all honesty, how much of what Mr Stanhope said did you actually hear? I submit that it was very little, because I was watching very carefully. Why was a member of the Government down there in your ear while Mr Stanhope was talking? Ask yourself the question.

**Mr Osborne:** If you were concentrating on him, why weren't you listening to Jon?

**MR KAIN:** You were not even in the house.

**Mr Osborne:** I was upstairs listening.

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**MR KAINE:** Yes. Mr Osborne was not even in the house; that is how interested he was in what Mr Stanhope had to say. But, of course, you are going to get up in a minute and vote.

**Mr Osborne:** I rise to a point of order, Mr Speaker.

**MR SPEAKER:** There is no point of order.

**Mr Osborne:** Mr Kaine is alleging that I had no interest in what Mr Stanhope had to say.

**MR SPEAKER:** Order! There is no point of order.

**Mr Osborne:** I heard his whole speech upstairs.

**MR SPEAKER:** You will have the opportunity to respond in due course.

**MR KAINE:** Mr Speaker, I agree with you that there is no point of order. But I do believe that Mr Humphries has a case to answer. The propositions put forward by Mr Stanhope are valid propositions. They raise serious questions about the ability of the Attorney-General to act without bias and prejudice. I do not think that what he has done so far indicates that he can, and nothing that he said this morning in his own defence has reduced my feelings on that matter one iota. I think that the members of the crossbench should be listening very carefully to this debate. They should not have come into this place with their minds made up and unprepared to listen to the debate. I fear, Mr Speaker, that they have done that and I think that the Bender family - - -

**Mr Rugendyke:** You're wrong, outrageously wrong.

**MR KAINE:** I hope Mr Rugendyke has the interests of the Bender family in mind when he speaks and when he votes and that he does not support an Attorney-General who, in my view, should not continue in that office.

**MR BERRY (11.48):** The other day when we were talking about the Occupational Health and Safety Act, Mr Osborne drew attention to the plight of the Bender family and his personal position in relation to it. The tragedy of the matters which Mr Humphries has been involved in is that they again bring into focus the plight of the Bender family. The Bender family's plight is dependent in many ways on their legal representation. It is their legal representation, and therefore their interests, which is being attacked by this Minister. That is why this motion of want of confidence in this Minister has been moved, and it is quite justified on all of the evidence. Mr Humphries spent a lot of time on his defence. There is no doubt that Mr Humphries is a very skilful wordsmith, but if you listen closely there was not much in his defence. He focused on the differences between two sets of statutory declarations. It is possible that another range of statutory declarations will follow. But at the end of the day, I think there is enough evidence in the statutory declarations to convince an ordinary thinking person that there is something in it, that there is a hint that there is something in it.

Mr Speaker, you have to know the history of the relationship between Mr Humphries and Mr Collaery to get a better understanding of these matters. Mr Speaker, there was the Alliance Government of which Mr Collaery and Mr Humphries were a part and in which they were contestants. I need not go into the conflicts between those two Ministers in the course of the Alliance Government; suffice it to say that they were at loggerheads for most of the period of the Alliance Government. As an example of that, I have just been handed a clipping from the *Canberra Times* of 18 April 1991, headed "Amazed Humphries Blasts Collaery". It reads:

The ACT Minister for Health, Gary Humphries, has blasted the Attorney-General, Bernard Collaery, for repeated interference in the Health portfolio.

I need not refer any more to that. I take you to the point when the Alliance Government disintegrated as a result of the sacking of Mr Collaery by the then Chief Minister. We all recall that it was Mr Humphries' staff that removed the personal effects of Mr Collaery from Mr Collaery's office when he was sacked.

**Mr Moore:** Are you sure about this? You'd better not mislead the Assembly.

**MR BERRY:** I have checked and I am told that that is true. I am told that it is true that his personal effects were moved from his office after he was sacked. If it is not true, it does not make any difference to the case.

**Mr Humphries:** It is absolutely untrue, Mr Speaker, and I ask for him to withdraw that claim. That amounts to an allegation of theft or something. I want him to make clear that that is not true.

**MR SPEAKER:** Order! Various allegations have been made. Most of them have been couched in qualified terms. I am willing to accept those qualifications for the debate.

**MR BERRY:** I accept that you say that they are not true, but that has been around for years. I do not want to have to go and get statutory declarations to that effect, either, but it needs to be said that there was a bitter relationship between these two men and that it was ongoing. I do not think that there can be any dispute about that - a bitter relationship that was ongoing. This harboured bitterness has ended up in drawing this matter again into public focus.

Mr Speaker, I think that the Attorney-General has allowed his judgment to be impaired by this long and bitter relationship. In fact, there is no better evidence of that than the complaint which was put to the Law Society by Mr Humphries at a crucial time in relation to matters which are being considered.

As has been drawn to the attention of this place, four months after the alleged events the Attorney-General found some very thin reasons, in my view, to attack Mr Collaery. I have no brief for Mr Collaery. As has been said in this place, I have had some unkind things to say about him. But there is no excuse for anybody attacking his professional

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credibility outside of this place, especially the first law officer in the ACT. He might have his opinions about these matters, but as first law officer it is most important that he keep them to himself.

If the first law officer were to complain about a particular lawyer in the town, you would think there would be at least some substance to the allegations. Let us look at them. Mr Humphries relies upon two issues. One is the following quote in the *Canberra Times*:

... I am concerned that a Government which is clearly likely to be a defendant in civil proceedings arising out of the implosion should limit the capacity of persons who suffered either physical injury and/or psychological injury on 13 July 1997 to recover compensation ...

There must be more to that quote as it appears that it is selectively quoted. What is wrong with that from a lawyer who represents a family which might be affected by these proceedings? I cannot see anything wrong with it. You might not like the way that Mr Collaery conducts his business, but I cannot see how that is reprehensible. I cannot see how that is reprehensible and I cannot see why you would raise it. That is thin. The next one is even thinner. Mr Humphries referred to a quote from, it appears, the audio of a Ten Capital News broadcast about bringing in certain legislation. He said:

... Mr Collaery was again quoted, this time on Ten Capital News (underlining my emphasis):

“... here we have got a Government, and this is on the record, which has drafted legislation to bomb the hospital which is documented now bringing in legislation to deprive the Bender family, in effect, from the solace of a lump sum payment so they can plan and get on with their lives ...”

Colourful language and provocative indeed, but hardly a hanging offence. I say that this complaint to the Law Society had ill intent. It was about undermining the effectiveness of the Bender family's representation - let us bring the Bender family back into focus again - in those proceedings and in any other proceedings which might happen at a later point.

Mr Speaker, throughout these proceedings today we have had this Minister, the Attorney-General, scoffing at the qualifications of a lawyer who operates a business in this Territory. The Attorney-General, the first law officer, has been scoffing at and ridiculing this law officer in this place. I say that that, and any other involvement by the Attorney-General in these matters, has been as a result of that long-running feud between these men. I would hate to see this feud result in an undermining of the Bender family's representation in either present proceedings or later proceedings should they arise. No, Mr Speaker, these are not the actions of a responsible first law officer. I think today's performance by the Attorney-General is an indication that he is going to continue with this feud and this bitterness. But he should not be permitted to do it as the first law officer of this place. That is why this motion should succeed.

I mentioned earlier that it took the Minister four months to lay a complaint which was supposed to be serious. How could you regard the complaint as serious? You cannot regard it as serious once you go to the substance of the complaint that is raised. It is a joke. It is based more on personal differences than anything else, I submit. But there is a curious coming together of the planets here. *(Extension of time granted)* There is a curious convergence of the planets here, because this complaint was lodged a couple of days after that very powerful expose of the hospital implosion which appeared in the *Age* newspaper. Funny that! Without checking the dates, it happened at a time when debate was occurring in relation to amendments to the Occupational Health and Safety Act - no, it was earlier. I may be wrong there in relation to those dates, but it certainly happened two days after the expose in the *Age* newspaper.

Let us go to the occupational health and safety legislation. The Government's new argument in relation to that - and it is a new argument; there is no question about that - is about the retrospective nature of the legislation. They say that the reason they opposed it and will continue to oppose it is that it was outrageous retrospective legislation. There are many legal commentators who differ with the Government. A look at the circumstances there raises more questions than it answers. Let there be no mistake about the timing of this matter. This matter, as was referred to in Mr Collaery's letter, was drawn to the attention of the Attorney-General two months before the time limits ran out. The Attorney-General brazenly came into this place and tried to create the impression that his actions were about retrospective legislation. If he had acted when the matter was drawn to his attention by the coroner, the issue of retrospectivity would not have been one to argue about. This Attorney-General, after fishing around to see if he could get support for movement on this legislation - - -

**Mr Moore:** There is no point in doing this, Wayne, as the crossbenchers know the truth on this.

**MR BERRY:** Mr Osborne is aware of the fishing trip. Mr Stanhope is aware of the fishing trip.

**Mr Moore:** They know how you are misrepresenting this. They have seen the letter. They know the truth.

**Mr Hargreaves:** I take a point of order, Mr Speaker. You made much this morning about preventing interjections. I would ask you to enforce it.

**MR SPEAKER:** Thank you, Mr Hargreaves. I uphold the point of order. Please continue.

**MR BERRY:** Mr Speaker, much was made of the suggested retrospective nature of the legislation being why the Government opposed it. This Attorney-General, as I said, fished around to see whether he could get support for changes to the legislation and then, all of a sudden, dropped off it. He lost interest in the issue altogether. That raises a few questions, does it not? Some of the answers might be found in the Attorney-General's comments publicly which were raised in the letters tabled in this place yesterday. Mr Speaker, the Attorney-General's own words damn him. I quote from the transcript which was tabled in this place yesterday:

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Mr Berry has quite deliberately targeted people in relation to the implosion request. I've no doubt he sees this as a way of maximising damage to the government over the implosion inquest, believes he may catch some big fish by widening the operation of this law.

An earlier paragraph says:

Attorney-General Gary Humphries says the legislation is obviously aimed at the Chief Minister, but could actually penalise workers.

That is not something that I ever said in the debate in relation to this matter, nor something that any evidence has supported in this place. The fact of the matter is that the Attorney-General, by saying that, demonstrates whom he had set out to protect in his refusal to deal with this legislation. He has damned himself with his own words. By saying on the public record that that is what he thought the legislation was about, the Attorney-General demonstrated more clearly than ever what he was about. He accused me of widening the net because he wanted to narrow it. That is why he took no action on the occupational health and safety legislation. There are many puzzled lawyers in this place wondering why, other than for those reasons, this Attorney-General could take the position that he did. He was protecting a particular interest, in my view. I think he damned himself with his own words. He damned himself with his accusations against others. (*Further extension of time granted*)

Mr Speaker, in summary, this motion is about a sequence of events which draw the credibility of this Attorney-General into serious doubt. In the first place, there were obviously many questions arising out of the complaint and the timing of the complaint raised by Mr Humphries in respect of Mr Collaery. It is a thin complaint, an extremely thin complaint. In my view, it has no chance of support and could only have had the intention of distracting the lawyer representing the Bender family. Mr Speaker, its timing, as I said, is curious. The activities of the Government on the occupational health and safety legislation were appalling and, in my view, raise more questions than they answer. But if you look at the Minister's words, I think you will discover more about the Government's reasoning in respect of that.

Mr Speaker, the attendance of staff from Mr Humphries' office at the Bender home, as raised here by way of affidavit, merely confirms that something is wrong. Something is dreadfully wrong in the Government's performance here. It confirms that there is a strong smell of fish about this matter. This Assembly cannot afford to take risks with people who may have behaved in this way. It is not a risk worth taking. Mr Speaker, some will say that the evidence is only circumstantial and some will say that it is not backed up by hard evidence. I say there is enough in the issues which have been raised here so far this morning to damn this Minister. Some of them by themselves would be adequate, in my view. Mr Speaker, this motion deserves the support of all members of this Assembly. I go back to my original point. This is the end of a personal vendetta where the Minister's judgment has been impaired. The Minister's judgment has also been impaired by the conflict of interest he has had in relation to the matters which he has - - -

**Mr Rugendyke:** I raise a point of order, Mr Speaker. I think it is important for Mr Kaine to be here listening to this debate, since he has alleged that I was not listening or paying attention.

**MR SPEAKER:** There is no point of order.

**MR BERRY:** Mr Speaker, clearly, this Minister deserves to go.

**MR MOORE** (Minister for Health and Community Care) (12.06): Mr Speaker, I think that it is now becoming very clear that this debate is a political exercise. It is shallow in the extreme. It has shown poor judgment on the part of Mr Stanhope in bringing this matter on, particularly today. It has shown poor leadership on the part of Mr Stanhope as well. Bringing Mr Berry in to back him up in the debate was a sensible idea because Mr Berry is always brought in to argue that black is white, as I mentioned yesterday, and he does so effectively by continuing to reiterate a particular perspective. Mr Speaker, the sensible thing for Mr Stanhope to have done in this case after Mr Humphries had responded to the issues was for Mr Stanhope to have realised that he had made a mistake, that he had been caught up in something that he did not understand - I can understand how he got caught up in it because I have been caught up in the same sort of thing previously - and to have withdrawn the want-of-confidence motion and apologised. Mr Humphries invited him to do that and that would have been the sensible thing to do.

I would like to run through a few of the issues. One of the most important issues for members to understand here is the role of a departmental liaison officer. Mr Stanhope has worked in a ministerial office. He knows the role of a departmental liaison officer. Is my departmental liaison officer a member of my personal staff? No, that person is not. Mr Hargreaves knows that because he has worked as a departmental liaison officer. He knows that that officer is a liaison officer between the department and the Minister, but the departmental officer is not a part of, as Mr Stanhope used the description a number of times, Mr Humphries' personal staff. A departmental liaison officer plays an entirely and completely different role. Mr Stanhope knows that. It may be the case, and I could accept this, that Mr Stanhope did not understand that this officer was a departmental liaison officer. There is that possibility, although I should have thought that he would have understood.

Mr Speaker, a number of issues have come up about the affidavits and the truth of the affidavits. I think it is important for us to remember that the recollection of Mr Bender in his affidavit is of a time when Mr Bender and the Bender family were under huge stress. They had just lost their daughter, and we all know that. We also know how we recall things. But I think it is important, Mr Speaker, to go back to a previous time and another affidavit, and I have a reason for doing that. I have to say very openly here, because the matter has been raised, that Mr Collaery is not my friend. I have had significant differences of opinion with him, but I would also say that I have not had those differences of opinion for certainly more than five years, probably seven years. I hardly ever deal with him. When I see him in public places, as is the pace of Canberra, we have dealt with each other politely. But I will say that we have only to go back and look at some things in 1991. Let me just quote a few words from *Hansard* of 1991:

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The thing that angers me most about what Mr Collaery has just said about those negotiations is the blatant breach of confidence which he committed by announcing the very important elements of discussions between the parties. I must say that they were discussions which I had indicated to him were of a confidential nature because it is important that sensitive issues be dealt with sensitively - not in an opportunistic -

I think it is really important to emphasise that word -

way, which has been the case now.

I also say, Mr Speaker, that in all of the days and hours of negotiation that have taken place there has not been one mention of this cabal. At all times I have tried to be an honest broker about the issues and concerns of other members of this Assembly who have an interest in presenting this Assembly in a positive way. It seems to me that blatant self-interest and spitefulness are more prominent in the philosophy of the cabal opposite than anything else.

Mr Speaker, I also have to talk about the list of demands that was served and made public by the Residents Rally.

Members may remember that Mr Collaery headed the Residents Rally at that time. There was a further comment on that from the same person in the form of an interjection:

You will not get out of your treachery. Do not talk to me about that.

The person speaking at the time was Mr Wayne Berry. That is how Mr Wayne Berry identified the person - opportunistic.

Mr Speaker, I would like to share with members how it was that I parted company with Mr Collaery. I parted company with Mr Collaery over an affidavit. Members who have spoken to me about why I left the Residents Rally and why I parted company with Mr Collaery know that. It was, in fact, over a matter where the Labor Government, through the Deputy Chief Minister of the Labor Government, had asked Bernard Collaery to put up or shut up on a matter of corruption. Mr Collaery had made a great deal out of saying to those who were supporting him that if he could get a break for lunch he would get an affidavit demonstrating very clearly that corruption. I was the one that moved for the suspension of the sitting for lunch and I managed to talk other people into allowing that suspension so that the affidavit could be produced. Mr Speaker, the text of that affidavit appears on page 802 of *Hansard* of 6 July 1989. Of course, the affidavit carried nothing that could be in any way construed as an accusation of corruption. I am sure that Mr Kaine remembers that. It was over that failing, saying that that was what it was about, but then when we actually saw what was in writing and saw the facts of the matter, that simply was not the case.

Mr Speaker, that leads me into the issue of a conspiracy theory, because we do know that Mr Collaery was well into conspiracy theories. The only reason I raise this matter is that it is the way that Mr Collaery perceives things that are done around him. It is very easy



for other people to be caught up in it, and I say that because I have been caught up in those conspiracy theories of Mr Collaery. When you first meet Mr Collaery - and when I meet him now - he is always an incredibly charming man, a very personable man, but he has this particular weakness about bizarre conspiracy theories. I would say, Mr Speaker, that we would then need to ask ourselves: How did this information get out? Mr Humphries gave you two choices to look at as to how this information got out. It came either from the Law Society or from Mr Collaery's office. What was the point in making this information public? Mr Humphries did not make it public. Whoever made it public, if we are to use the arguments of Trevor Kaine, was not interested in the best interests of the Bender family, and that is something that we really need to think about. It seems to me, Mr Speaker, that the role of the first law officer - and that is what we are talking about; the motion refers to the failure of Mr Humphries to meet his responsibilities as the first law officer - was fulfilled correctly here because Mr Humphries had a concern about a lawyer in this Territory and he did not try to deal with it himself.

If he was embittered when he wrote that letter, what would he have done? We all know exactly what he would have done. He would have leaked the letter to the media or tabled it in this Assembly in response to a Dorothy Dixier. There was a whole series of ways that Mr Humphries could have done it had he been trying to get Mr Collaery. Instead, he handed it over to the Law Society to go through its appropriate process at arm's length from Mr Humphries, an arm's-length process that fulfils his responsibilities. Mr Berry raised this issue as well. I would argue that Mr Berry has fulfilled the same responsibility as Minister for Health in the same way. Mr Berry, was it not you who drew attention to a number of VMOs, certainly one VMO in particular, acting inappropriately? In fact, not only did Mr Berry pass that on through the appropriate bodies, as I would expect, but additionally - out of frustration, I guess - he raised the matter in the Assembly.

**Mr Berry:** I didn't do it in the middle of an operation.

**MR MOORE:** I would say that that was a responsible thing to do. Mr Berry interjects that he did not do it in the middle of an operation. Mr Berry, that doctor was doing operation after operation after operation, as you and I know. It was a responsible way to do it. (*Extension of time granted*) Mr Humphries did not do it in the middle of a process. Had he made it public, you could argue that. He did not. He handed it to the Law Society and the Law Society's processes are not public. We could have a debate about that because I happen to think that they should be, but that is a matter for another debate. At the moment they are not and Mr Humphries allowed the appropriate process to go ahead. He fulfilled his responsibility as a Minister very effectively. Mr Speaker, that is not something about which we should have a want-of-confidence motion. It is not something about which we should have a censure motion. It is not even something about which we should have grave concern.

**Mr Smyth:** A question on notice.

**MR MOORE:** Perhaps a question on notice would be an appropriate way. At question time is an appropriate way. Mr Kaine handled this matter in question time. But none of those three tools ought to be used in this matter. If grave concern should be raised, it is

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grave concern about the judgment of Jon Stanhope in bringing this matter into the Assembly on the day when he is supposed to be replying to the budget. The responsibility of the person who is the alternative Chief Minister is shallow and the judgment is poor. I have to say that it indicates poor leadership. He had the opportunity to show some leadership only a few minutes ago when Mr Humphries actually tabled and read the alternative views and distanced himself very clearly from the issue that Mr Collaery was really interested in raising - whether there had been advice from Mr Humphries to the Bender family that Mr Collaery is not a very good lawyer. It is clear that that has not happened and everybody knows that it has not happened.

**Mr Stanhope:** Mr Bender doesn't know that.

**MR MOORE:** It is very clear that everybody in this chamber knows that that has not happened. I had an interjection from Mr Stanhope, who said, "Mr Bender doesn't know that". That is not what Mr Bender says. You would know that better than anybody, Jon Stanhope, because you have a legal background. You know exactly how to read what Mr Bender says. At no stage does Mr Bender's affidavit accuse Gary Humphries of saying that or of getting that message through. The second element is that we have a departmental liaison officer, not one of his staff, and a third element that says, in fact, that it was not that woman that spoke to Mr Bender at all, but somebody further distanced. That is hearsay evidence. It can never be accepted in any sense as evidence, and Mr Stanhope knows that. However, if we are going to have this shallow political exercise, we might as well continue with it.

Mr Kaine in his comments suggested that the main issue here was the act of reporting by Mr Humphries and whether there was bias in it. I think that is an interesting question. The answer to it is very clear, Mr Kaine. Had Mr Humphries had the bias that we are talking about and the strength of feeling that may or may not exist, then the option he had always was to leak in one way or another the letter that he had given to the Law Society.

Instead he gave it at arm's length to the Law Society four months after the initial issue. Why did Mr Humphries take four months? That question has been raised quite a number of times. We all know that Mr Humphries does like to deliberate over things. I must say that I find it incredibly frustrating - - -

**Mr Kaine:** Do you mean that he procrastinates?

**MR MOORE:** You use the word "procrastinate"; I am using the term "deliberate over things". I know that I find it very frustrating at times.

**Mr Kaine:** That doesn't explain it.

**MR MOORE:** It does not explain that, but let me give you another little example, Mr Kaine. How long did Mr Humphries take with the other cases? Today he mentioned that one of the other cases was the Jadric case. How long did Mr Humphries take to write the letter to the Law Society on that one? It so happens that I asked and the answer I got was 5½ months. Yes, there is something about how long Mr Humphries takes to do these things. I know that he likes to think things through in a very thorough way.

As I say, I find it frustrating at times, and I am sure that other members do, but that is the way he operates. So, it was not an unusual thing for Mr Humphries. (*Further extension of time granted*) I will try to be brief. I just want to make another few points.

Mr Speaker, the other issue that has been raised is a vendetta. A number of times people have raised the issue of whether there is a vendetta against Mr Humphries. I have to say, Mr Speaker, that in my dealings with Mr Collaery on a number of occasions I was certainly aware of Mr Collaery's decisions being made on the basis of a personal relationship with and attitude to people. There is no doubt in my mind that any discussion of a vendetta would open a discussion about how Mr Collaery operates much more than it would open a discussion about how Mr Humphries operates.

The most important thing for us to remember is the legal process. The first law officer, having the opinion - nothing else - that a lawyer within the Territory was not operating in the best way for the legal profession, said to the Law Society, "Can you look into this lawyer? These are the issues that I have concern about", and left it to the Law Society. That is not an irresponsible action. That is a most responsible action. It is not something about which we should have a motion of want of confidence, censure or grave concern. If anything, we should have a motion of congratulations to Mr Humphries for carrying out his duties appropriately. I have to say, Mr Speaker, that I receive many complaints, and I think that we have a better process in Health. Those complaints I refer to the Health Complaints Commissioner as a matter of course. Serious complaints come to me about surgeons and doctors in this city, and for some of those complaints I ensure that there is a full and appropriate process, and it has nothing to do with whether I know them personally. By the way, I have met almost all of the surgeons and specialists in this Territory on at least one occasion, but the process is done at arm's length. Mr Humphries sought an arm's-length process, as was his responsibility, and I have to say congratulations to him for that.

**MR OSBORNE** (12.24): I will be brief. I just ask that you keep an eye on this bloke for interjections because he is annoying me, Mr Speaker. Mr Kaine stood up and said earlier today that his sole motive for doing what he did was to help the Bender family. I would ask this question: How does what we are doing today help them one little bit? I would suggest that by tabling the letter, one can only assume at the behest of Mr Collaery, and by dragging this matter through the media he has only caused them more pain. I think that the people who have been involved in this whole sorry saga should hang their heads in shame. I have felt sick in the stomach all day. There has been no proof whatsoever that Mr Humphries was behind his staffer attending the Bender household. In fact, we have heard evidence to the contrary, that his staffer attended the household at the request of the president of the Croatian Congress.

Mr Speaker, I have had dealings with the staffer involved during my time here and I have to say that, although we have had differences on some political issues, I have the utmost respect for her. Nevertheless, Mr Humphries has made it quite clear that he was not behind the visit. I accept that. We could argue until the cows come home over the timing of the complaint. I understand that it was not the Attorney-General who made the issue public. I would like to hear from the Attorney-General, though, on the issue of the four-month delay. It is something that is still hanging over this whole debate and I do hope that he will stand up and clarify why it took so long.

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Mr Humphries said that he was not motivated by revenge in relation to this issue. Who can tell? Who in here can judge another person's motives? I certainly cannot. Perhaps it would be easier for me to judge the motives of the people who raised this issue. Perhaps I could suggest that it was motivated by hatred, by revenge. Who knows?

Mr Speaker, the reason I supported Mr Berry's legislation a couple of weeks ago was, as I said at the time, that I feel for this family. I cannot imagine what they are going through. I believe that justice has to be done; I still believe that. But, as I said earlier, I do not know what today achieves for the Bender family. I think it raises the issue in their mind and causes them more pain, as I said.

Before I sit down, I want to go to a number of the issues that were raised by Mr Kaine. I spoke earlier about him claiming that he had the Benders' best interests at heart. I think some of us in here would disagree with that. He accuses those of us on the crossbench of not having an open mind. One can only hope that he entered this place this morning with an open mind. He accuses Mr Rugendyke and me of not listening. I suggest that he should worry more about himself.

Mr Speaker, I came in here this morning with an open mind. I listened to Mr Stanhope while upstairs. I listened to Mr Humphries. I will not be supporting the want-of-confidence motion. I hope and pray, though, that the inquest report will be handed down soon so that the Bender family can finally begin their long healing process.

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

## ORDER OF BUSINESS

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

That the resumption of the debate be made an order of the day for a later hour this day and be given precedence over all business, subject to the order of the Assembly of 4 May 1999 relating to the consideration of the Appropriation Bill 1999-2000 at 3.00 p.m. and the calling on of questions without notice at 2.30 p.m.

**MR HUMPHRIES** (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (12.29): Mr Speaker, I move:

Omit 'the calling on of questions without notice at 2.30 p.m.'

I want to delete the reference to question time, Mr Speaker, and I want to speak to that amendment to Mr Quinlan's motion. It has been traditionally the case in this place that motions of want of confidence have taken precedence over all other business.

**Mr Berry**: Question time too?

**MR HUMPHRIES:** Yes, question time as well. On the day that Mr Berry faced a motion of want of confidence on VITAB there was no question time. On the day that I faced a want-of-confidence motion in 1997, I think it was, question time was deferred until after the motion was disposed of. The person accused traditionally has that right, and I exercise that right today, Mr Speaker. I ask for question time to be deferred until this matter is resolved. However, I am prepared to accept that the reply of the Leader of the Opposition to the budget is a matter of some significance and I would be quite happy for him to present that reply at 3.00 pm. But that and only that - nothing else - should intervene in the Assembly dealing with this motion of want of confidence.

**MR BERRY (12.31):** Mr Speaker, there will be no resistance to the course that has been proposed by Mr Humphries. As is the custom in this place when these sorts of motions are before members, essentially the person who is the subject of the motion has his or her say in relation to the matter. I do not see that we need to debate the matter at length. Labor will support the course proposed by Mr Humphries and question time will be delayed as a result, on my understanding of it, but the Leader of the Opposition's response to the budget will not be delayed.

Amendment agreed to.

Motion, as amended, agreed to.

**Sitting suspended from 12.34 to 2.30 pm**

**ATTORNEY-GENERAL  
Motion of Want of Confidence**

Debate resumed.

**MR QUINLAN (2.31):** Mr Speaker, I still consider myself relatively new to this place and on a learning curve in relation to processes and procedures. However, in my time here I have been sometimes bemused and sometimes amazed at the use of the misquote, words taken out of context and straw men built then knocked over. The Attorney-General is the leader of that process par excellence.

In an ironic sort of way, I would be curious to hear how he, or his twin, would have presented this case had it been within his keeping to present it. I remember the day of the implosion. I was a long way from Canberra with a group of people, I hasten to add, raising money for charity. We were gathered together at the end of the day and heard the news from Canberra, and the heaviest pall fell over that group. I was at the time a candidate for election to this place, as opposed to being a member. I remember confiding in my mates at the time, "I hope this is an issue that I personally do not have to be involved in". However, it becomes a necessity, I am afraid.

The matter is one of the gravest matters to confront the people of Canberra and for them to have to come to terms with. I would submit that it is a matter in which anybody

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tangently involved would take the greatest of pains to ensure that their actions were scrupulous in every manner and in every fashion and quite clearly seen to be scrupulous to the same degree.

I have the privilege of being a member of a profession that, like the legal profession, has very high standards of propriety and very high standards of ethics. I make no claims to intimate knowledge of the standards of the legal profession, but I believe that in this affair, in a matter so grave relating to actions on behalf of government, any action taken by the Attorney would be at absolute best very injudicious and would represent a considerable ineptitude on behalf of the Attorney. I have witnessed in this place the particular skills of this Attorney, and I keep asking myself why he would inveigle himself in this case. Is it an act of sheer stupidity? I cannot believe and accept that it was so.

We have heard Mr Humphries advise us that any visitors to the Bender family in relation to this issue had nothing to do with him. Quite clearly, we have sworn statements on behalf of Mr Bender and statements presented by Mr Humphries that have conflicts in them. I have to advise that Anna Bender has been monitoring this debate today, as you would, I guess, expect.

With the Assembly's leave, I would like to read a statutory declaration prepared this day by Anna Bender and then to table it. It reads:

I, Anna Bender of 11 Rosebery St Fisher in the Australian Capital Territory, 4th year Arts/Science undergraduate at the ANU, do solemnly and sincerely declare as follows:

1. I read the statutory declaration made by my father on Tuesday 4th May 1999 and I say that it is all true.
2. I was present throughout the time that Y and X were in our house a few weeks after Katie's death.
3. I clearly recall being surprised when Y said words to the effect that Mr. Collaery was only interested in money and publicity, amongst other words - and that should not be employed. X reiterated everything Y said.
4. Mr Mirko Skrtnjug was not there.
5. At no time when X came with Y did she say that she was representing the congress.
6. We fully support Bernard Collaery and cannot understand why Mr. Osborne does not believe us.

That is signed by Anna Bender. I seek leave to table that document.

Leave granted.

**MR QUINLAN:** I do not want to take too much more time, only to say that during his speech Mr Humphries said, "What would be wrong with me giving advice?". From my perspective, from my admittedly limited understanding of legal ethics and procedure, I would answer that with: "Plenty". I cannot conceive of a position, or accept a position, where the Attorney, knowing full well of the involvement and potential involvement of the Government in this case, would do anything other than refer that question to an independent adviser such as the Law Society.

I commend to the Assembly the case that has been well made by Mr Stanhope.

**MR SPEAKER:** Order! Before I call on Ms Tucker, I would like to recognise the presence in the gallery of a group from the University of the Third Age. I welcome you to your Assembly.

**MS TUCKER (2.41):** This debate today is about whether or not Mr Humphries has confused his responsibilities as first law officer with his political position and whether he should continue to be the Attorney-General. Mr Humphries claimed today it was bizarre that people were concerned about conspiracy. Maybe from Mr Humphries' point of view it is bizarre, but that may be because he does not understand how shaky the confidence is of many people in the community in this Government and its processes. Mr Humphries may not be aware of the fact that my office and no doubt other members' offices certainly have this message communicated to them regularly.

Let us look first at the broad picture. First of all, we have the implosion itself, an event which was not only tragic and upset, I suggest, everybody in Canberra but also for many people the beginning of a real concern about the processes of this Government. We have had a number of significant debates in this house where confidence has been further undermined. We had the debate here recently about the Occupational Health and Safety Act and the Dangerous Goods Act, when it became clear that Mr Humphries again had not communicated to the whole Assembly the fact that there was an issue about the time limit for people who were involved in the inquest. He decided by himself, forgetting that he was the minority government, I suggest; that it was not appropriate. When the rest of the Assembly members became aware of this - and I was certainly in this position - I believed that it was totally inappropriate, and we had a debate here where basically that was overruled. That is not good for confidence in this Government. In fact, it looked like the Government failed seriously in an issue that was very much at the heart of whether or not justice would be seen to be done in regard to the implosion.

It is interesting, of course, to note too that during that debate Mr Humphries was very concerned about who would suffer as a result of that legislation being passed. I remember him clearly with his hand on his heart speaking of the workers whose lives might be destroyed by us passing that legislation, obviously pre-empting, as he has accused Mr Collaery of doing, the results of the inquest. He was obviously implying that there was criminality if we in this place had to be held responsible for causing these people's lives to be ruined by actually making them have to be subject to the law because we resurrected liability through that legislation.

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We then had another debate which was also interesting, the debate on the victims of crime legislation. There have been concerns about that in the broader community. It is interesting that it was retrospective. I know this Government always argues that retrospectivity is able to be applied in money Bills but, once again, we are looking at the big picture here. We are looking at this Government. They definitely are a party to the whole inquest on the implosion. You do have to wonder why as politicians it did not occur to them that that might not look good, Mr Speaker. It just might not look good that there was going to be retrospective legislation which would change their liability and the taxpayers' liability for compensation.

Then we have the issue of the complaint to the Law Society. That is of interest to the community once again because of the timing, because of the person that the complaint was about and because of who made that complaint. The history of individuals in this place and their relationship with each other, I do not believe, is particularly relevant, although it does keep coming up. I think what you see, if you are just looking at this impartially, is a series of events which starts to make you wonder, especially if you already are not terribly confident about what this Government is doing.

We had raised also in the debate today whether there was a possibility that an officer from Mr Humphries' office did go to the Bender family's home. There is obviously conflicting evidence about that. I have great respect for the person involved. This is in no way about denigrating her in any way. I will just look at the issue here. It was possibly naive, if this person was identified as a person from Gary Humphries' office. Maybe it was just a mistake. Maybe it did not happen. I do not want to make a judgment on that, because I do not think I have to. What I would say is that in the debate Mr Humphries, when he was discussing that particular issue, said that it would not have mattered anyway if advice was given to this family about where they should get legal advice.

I have been listening to the debate, and up to that point I was interested either way. Yes, I was listening to the arguments, but when I heard Mr Humphries say that, Mr Speaker, I thought, "That is just not acceptable". How the Attorney-General can say it is fine for him to tell the Bender family where to get legal advice when his Government is a party to the proceedings is absolutely outrageous.

The example he gave was that it was like a doctor telling someone where to get specialist medical attention. No, I am sorry, it is not like that at all. The only vague similarity I could see would be if you had two doctors. One doctor says to a patient, "You need major surgery. I am a surgeon. I want you to have it". The patient says, "I want a second opinion". So the first doctor says, "Okay, go to this person". That would not be okay, by the way, either, because what that means is that there is a vested interest, possibly, in that first surgeon saying, "Go to this surgeon to find out whether or not you need surgery". Obviously, if you want a second opinion, you do not go to someone who has any kind of interest. But that is really not the point. It is not about doctors anyway. It was a totally spurious example. What we have here is an Attorney-General of a government who is a party to a proceedings - - -

**Mr Moore:** He was not a party to the proceedings.



**Ms Carnell:** There were not any proceedings.

**MS TUCKER:** He thinks it is okay for him to tell another party to the proceedings where they should get legal advice. The interjection is: "They are not a party to the proceedings". That is not the impression the ACT community has. If you cannot see that and work that out as politicians, you really have blown it. You have not only blown it as politicians; you have blown it in terms of your credibility. The Attorney-General, for that reason alone, in my view, needs to stand down.

I was very concerned to see Mr Osborne claiming this was just about making the Bender family suffer and how sordid it all was. Can I just say that Mr Osborne is not alone in feeling deeply for the Bender family? Our responsibility in this place is also, however, to look at government processes. How you look at government processes is through an event. An event in this case does involve a particular family. Most events have particular people or incidents as their basis, and that is how you examine government processes. This is our responsibility as members of this Assembly.

Mr Moore also got stuck into Mr Collaery. That has to do with their past relationship, I guess, but I think Mr Moore also needs to realise why people in the ACT community are prepared to consider the possibility of conspiracy. As I said at the beginning of this speech, it is not just Mr Collaery - it is many people in the ACT community - who does not have confidence in the processes of this Government, who is suspicious in fact of what this Government is doing. It is with regret that I support this motion, because I recognise how serious it is, but I believe that the ACT community will not have confidence in this parliament as well as this Government if we sit back and let these kinds of processes occur without objection.

**MR SMYTH (2.50):** Mr Speaker, I will start by reading a short statement that Ms X has asked be read. Ms X has supplied a statutory declaration in response to Mr Bender's declaration. Ms X says:

In response to points 1 and 2 Mr Bender makes the statement that he never met me before. That may be true and when Mr Bender asked me who I was I said that I was here with Mr Skrnjug and that maybe, if he doesn't know me, he may know my parents. Mr Bender said that he did know my father and that he had a number of conversations with him. Mr Bender said, is it you or your sister that is a lawyer? To which I replied no it was I who was a lawyer. I may have said that I work in Gary Humphries office in conversation.

I have already addressed point 3 my previous statement. In relation to point 4, I do not recall Mrs Bender saying that Y and I should come back when she invites us.

I table that document. Mr Speaker, this is just farce. This is high farce, because this is the day when, in less than 10 minutes' time, we will hear from the Leader of the Opposition about something that he is responsible for. This motion talks about responsibility. The Leader of the Opposition is to give us the alternative budget this afternoon at 3 o'clock. I can only suspect that, given the favourable response from the

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community, what the Leader of the Opposition has to offer us is absolutely nothing. The only way to cover up your inadequacies in answering the budget surplus is to put up a smokescreen.

Ms Tucker says that there is a lack of confidence in the Government and a lack of confidence in process. I would say to Ms Tucker that I sat at breakfast on Wednesday with 500 members of the community, and I have to say that there was no lack of confidence there. There was praise, there was delight at a prospective surplus and there was great pleasure in the fact that this Government is not distracted by the things that are thrown up by the Opposition but gets on with delivering good government and good economic outcomes so that ultimately we can deliver social justice for all Canberrans. That is what this is about today, Mr Speaker.

Mr Rugendyke has said several times that he is disappointed with the way and the manner in which issues of no confidence, censure and grave concern are raised in this place. Mr Rugendyke has said to me several times - and I do not think David would mind if I raise this - that these are serious matters and they should be raised over serious issues. What we have here is nothing short of a smokescreen. Mr Speaker, let us make no bones about this. This motion is about leadership and it is about judgment. It is not about Mr Humphries. It is really about the total and utter lack of leadership and poor judgment displayed by Mr Stanhope. If Mr Stanhope had concerns over this issue, you would think that, reasonably, he would have approached the Attorney-General and asked him for clarification of these issues. Instead, what we see is this - - -

**Mr Kaine:** I take a point of order, Mr Speaker. Could I suggest that Mr Smyth merely read Mr Moore's speech again rather than trying to do it as though it is original?

**MR SPEAKER:** There is no point of order, Mr Kaine. You are aware of that.

**MR SMYTH:** Mr Speaker, I would be delighted to read Mr Moore's speech again, if he wants to hand it over, but I have my own speech and I will deliver it in my own way. The motion talks about meeting your responsibilities. To meet your responsibilities, you must show judgment and you must show leadership. We have not seen either of these from the Leader of the Opposition today. What this means is that either Mr Stanhope is incapable of being the Leader of the Opposition or, if the conspiracy theories are true, he is being set up by members of his own caucus.

Just two days after a budget that announced that we are 12 months away from an operating surplus, the best that Mr Stanhope can do on his most important day of the year is throw up a smokescreen simply to talk about failure to meet responsibility.

**Mr Corbell:** I raise a point of order, Mr Speaker. The motion specifically refers to the Attorney-General, lack of confidence in the Attorney-General and his failure to meet his responsibilities as first law officer. Mr Smyth has now been on his feet for five minutes. I am yet to hear him mention the name of the Attorney-General. Indeed, all that he has spoken of is the Leader of the Opposition. I suggest that, on the grounds of relevance, Mr Speaker, he is quite out of order.

**MR SPEAKER:** I am sure that Mr Smyth is coming to relevance and I am sure that that will not be very long, but it is also a fairly wide-ranging debate.

**Mr Corbell:** It is, Mr Speaker, but some level of relevance is important.

**MR SPEAKER:** Other people have discussed Ministers for Health in the past and the like. I do not uphold the point of order. Continue, Mr Smyth.

**MR SMYTH:** Mr Speaker, this is at the heart of it. This is what this motion is about. This motion has the word "responsibility" in it. It is about the responsibility of the Attorney-General. But it is about the responsibility of those that bring forward this motion of no confidence, the most serious motion that can be brought to this place, and why they would do that. In light of what Mr Humphries has said, in light of what Mr Humphries has made quite clear, what Mr Stanhope should do before he does what he is meant to do at 3 o'clock in announcing the alternative budget, which I am sure will fill us all with great enthusiasm, is stand up and apologise to the Attorney-General. He should withdraw this motion. He should stand up and apologise to the young lady we are calling Ms X for this appalling motion.

What we have here is the great civil libertarian, the one who always raises civil liberties as one of the driving forces in his life, abusing the entire civil liberties process. Did he go to Mr Humphries and ask for clarification? No, he did not. Did he at least have the courtesy to tell Mr Humphries at some stage that he would run this? No, he did not. We heard from Ms Tucker about process. Where is the process in this? We read about this in the paper this morning. Mr Speaker, I think Mr Osborne hit the nail on the head. I think Mr Osborne got this one 100 per cent right. Why is this a public issue today? That is the real question here.

Mr Humphries, in his responsibility as the first law officer of the Territory and as Attorney-General, followed the process. He had a concern. Whether you accept that concern or not and whether you want to say that it is a major, minor, trivial or whatever concern, he had a concern that he, as first law officer, felt he should follow through, and he did. What did he do? He followed the process. What is the process? Go to the Law Society. How do you let it be handled? You let it be handled by the Law Society in its own way. You do not judge people in the media. Those who purport to represent civil liberties and social justice want to have kangaroo courts in the *Canberra Times*.

We go to the *Canberra Times* and we put Mr Humphries, and an officer of his department who acts as a DLO, on trial in the media. Then we come here full of indignation - mock indignation, I suspect, because we did not reveal this. Mr Humphries, in keeping with the process, did exactly what he should do. He went to the Law Society. Who has the letters? Only the Law Society would have both letters, or only Mr Collaery's office would have both letters. So either Mr Collaery or the Law Society must answer who released the letters. Mr Humphries did not. He could not. He did not have those letters.

Who is running the public trial here? Who is running the kangaroo court? What is this motion of no confidence about? This motion of no confidence is nothing more than a smokescreen to hide the inadequacies of the Labor Party. It is really curious that every

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time, for instance, Mr Stanhope takes some responsibility and shows some leadership or shows some judgment in the issues of my portfolio, he dives in and he gets it wrong. The only thing he does is make Mr Hargreaves look good in what he says about the portfolio as it is.

Remember when Mr Stanhope said, "We should not reseal roads in January because the airport is at its busiest time."? If you had taken the courtesy to ring the airport and find out how busy they really were, you would have found out that it is the airport's quietest time. Why? Because the Canberra Airport mainly has business traffic through it, not tourists. The tourists come by car, they come by bus and, because of the hard work of this Government, in the future they will come by the very high speed train. We have to get to the heart of this. This is about responsibility and it is about that side not taking their responsibilities seriously.

We have heard Mr Rugendyke say several times that he does not believe that the bar is high enough on these issues; that they are just a smokescreen. The Opposition seems to treat these issues flippantly. Mr Osborne, as I have said, got it right.

**MR SPEAKER:** Order! It being 3 o'clock, pursuant to the resolution of the Assembly of 4 May 1999, the debate is interrupted.

### **ORDER OF BUSINESS**

**MR BERRY** (3.00): I move ...

**MR SPEAKER:** You will need leave to speak.

**MR BERRY:** I seek leave to speak.

Leave granted.

**MR BERRY:** I move:

That, notwithstanding the order of the Assembly of 4 May 1999 relating to the consideration of the Appropriation Bill 1999-2000, the resumption of debate be made an order of the day for a later hour this day and given precedence over all business following any resolution of the Assembly in relation to consideration of the Appropriation Bill 1999-2000.

Mr Speaker, the purpose of this motion is to deal with the Leader of the Opposition's speech on the Appropriation Bill, whereupon we will return to the debate on the motion of want of confidence in the Attorney. We will then have to make some decisions about other matters which might come on this afternoon, including question time.

**MR SPEAKER:** Order! Let me just explain to members. There is a resolution of this house as of last Tuesday that at 3 o'clock today, Thursday, we would move to the Appropriation Bill for a response from the Leader of the Opposition. I am in no position to overturn that resolution. It is a matter for the Assembly itself to do so. Irrespective of what has gone on subsequent to that resolution on Tuesday, we must proceed.

Question resolved in the affirmative.

### **APPROPRIATION BILL 1999-2000**

Debate resumed from 4 May 1999, on motion by **Ms Carnell**:

That this Bill be agreed to in principle.

**MR SPEAKER:** I call Mr Stanhope, and I would ask members of the Assembly to respect Mr Stanhope's speech with the same silence accorded to the Chief Minister.

**MR STANHOPE** (Leader of the Opposition) (3.03): I am sorry for that bit of delay and confusion, members, but I am sure the speech is worth waiting for. Mr Speaker, in launching into this response to the Chief Minister's introduction of the 1999-2000 budget, I will, if you will forgive me, reflect briefly on the Chief Minister's fondness for the crass one-liner. In the chase for a snappy headline, the Chief Minister's capacity for crassness is well known, and one does have to wonder about the appropriateness of some of her remarks.

The cost of the water abstraction charge will be about 60c a week. "Just the cost of a packet of fruit tingles", said a very Marie Antoinette-ish Mrs Carnell. Let them eat cake indeed! It is a budget that goes the full monty, the Chief Minister said. "Perhaps without the hat", she told the Assembly two days ago. It is worth remembering that the film she refers to - and I have referred to this before, and an excellent film it was, too - was a film about a group of dispirited and despairing redundant workers. One contemplated suicide, you will recall. And, although the human spirit prevailed in the film's storyline, redundancy is not a flippant matter, as too many Canberrans can attest.

This budget, of course, relies heavily on the next round of cuts the Government will inflict on its Public Service. Mrs Carnell's bottom line is drawn straight from the Treasury to the departure lounges. It is a mystery flight to nowhere. The budget identifies 450 public servants who will have to go the full monty. There are 450 families who will feel the direct and chilling effect of Mrs Carnell's fifth budget. This cut - 2 per cent, on top of those that have already gone - puts the lie to the Chief Minister's claim that the days of the systemic cuts to the ACT government service were over. Remember, this is the Chief Minister that went to the last election 15 months ago with the claim that the pain was over; that public servants could relax.

**Ms Carnell:** It is. That is why we are going into the black.

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**Mr Kaine:** I rise on a point of order, Mr Speaker. You only five minutes ago exhorted people to hear the Leader of the Opposition in peace and quiet. Will you put that rule into effect?

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

**MR STANHOPE:** There are, of course, shades of John Howard in Mrs Carnell's attitude to public sector job cuts. Canberra will recall 1996, when the Prime Minister pledged only 2,500 jobs would go from the Commonwealth Public Service. The number nationwide is now 97,000, and the ACT has taken a disproportionate blow from the axe. Was Mrs Carnell, when she made her pre-election statements, being crass and insensitive, or was it, like an echo of her mentor, John Howard, somewhat more disingenuous? Perhaps, Mr Speaker, that is enough for the time being on the Chief Minister's newfound open and transparent approach to government.

The Chief Minister makes much of her budget's march towards the elimination of the ACT's operating loss within two years - an entirely praiseworthy aim, by the way. In the same breath, however, she also makes much of the legacy she says she inherited from Labor. Let us put things in perspective. For the period in which Labor was in government, Commonwealth general purpose funding reduced by 46 per cent, or some \$270m, which of course posed an enormous adjustment. Labor addressed the task through revenue and expenditure measures and in fact projected that the budget would move into surplus in 1995-96 with, at the same time, an improvement in the Territory's equity position.

Of course, Labor's was a cash budget. Mrs Carnell's figure - a largely fictitious figure - comes from a notional, accrual-based budget. Even if you accept the fictitious figure, the reduction in it has been largely due to windfall gains - for example, a downward revaluation of the superannuation liability and, more recently, an increase of \$57.5m in the Commonwealth's general purpose funding, up 18 per cent, and a 14 per cent boost to total Commonwealth funding, taking it to \$85m.

That boost in Commonwealth funding is certainly not insignificant, and the Chief Minister has been quick to claim it as the result of her tough bargaining, backed by the tireless and dedicated work of her officials. That, of course, is not the full story, but I am prepared to acknowledge the hard work which the many dedicated public servants - those still with jobs - undertake in Canberra. In this regard it is appropriate to publicly acknowledge the major success achieved by the former head of the Chief Minister's Department, Mr Alan Thompson, in achieving the increased funding.

The Government's own budget papers of last year reveal the more credible reason. Referring to the increase in general revenue grants relativities in respect of the Territory, Budget Paper No. 3 reports:

The increase in the relativity has been primarily caused by a decline in the ACT's capacity to raise own source revenue ... In particular, the ACT's capacity to raise stamp duty on conveyances decreased because of a decline in ACT property values and a reduction in property sales.

Let us look behind the jargon. What that statement means is that, in the face of the sustained and deliberate attack on Canberra by the ACT and Federal governments, Canberrans sold up and left town. In the years of the Howard Government until 1998, 10,000 jobs went. In the 12 months to March 1998, 4,000 people left town to look for work. In the 12 months since, how many more have gone? For those who remained, the value of their homes crashed. The signs were there that the Government would have trouble paying its way.

Mrs Carnell cannot claim it was the strength of her arguments that won the extra funding from the Commonwealth. In truth, the Grants Commission bailed her out when her so-called expertise in economic management failed and her mates on the hill would not relent. No-one denies the need for an increase in Commonwealth funding, but the worry is that the only prospect the Government foresees for sustaining the somewhat restored levels the Territory now enjoys is the application of a regressive goods and services tax. Mrs Carnell's bottom line will profit from those who can least afford to pay.

And while the general economic conditions ahead look fair, there are some clouds on the horizon. Access Economics, for instance, thinks the Government might be a little optimistic in predicting a balanced budget in two years. Access Economics, we know, are not exactly friends of the Left in this town. The latest Morgan and Banks survey has only 18 per cent of local employers intending to increase jobs in the coming quarter - the country's worst result.

Labor does not decry the government strategy of working towards getting the Territory back in the black. As I said earlier, in government the Labor Party planned such a move. But an operating surplus should be accompanied by a more visionary aim than the ability to fully fund public sector capital works without the need for borrowing, admirable though that aim might be. At the least it should mean an end to fiascos like the Bruce Stadium development.

Mr Speaker, the budget contains a range of measures that add to the Government's investment in services and facilities for health and community care. It provides significant additional funds, for instance, to attack the waiting lists for elective surgery. But it begs the question: What has the Government achieved with its injection of funds over the past four budgets? In this current year, buoyed by more than \$16m in bonus payments from the Commonwealth for the Territory's signing of the Medicare agreement ahead of other jurisdictions, the Government applied \$3m towards the waiting lists, but in the past year the waiting list has grown by 21 per cent. One of Mr Moore's legacies to the people of Canberra is a 21 per cent growth in the waiting list.

One then has to ask the question: If this Government applies another \$3m to the waiting list, what do we expect? A 40 per cent increase in the waiting list, perhaps? Whatever the reason for the continued increase - and the issue is obviously complex - the fact remains that this Government has not worked out the strategy to combat it, even with the benefit of the Commonwealth's bonus money. This Government has been content to let the money sit in the bank while the waiting list grows and grows and grows.

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The budget promises an increased expansion of one-third in the number of available day surgery beds at the Canberra Hospital, at face value another welcome move. However, it must be remembered that this is the same Government that has overseen, year to date, a 33 per cent fall in the amount of day surgery at the Canberra Hospital.

One of the indicators driving the economic outlook forecast by the Chief Minister in her budget is modest population growth. Canberra's population is predicted to increase gradually but remain below the national rate. But there is a more pessimistic view in the budget papers relating to health and community care. They predict that the cost of health service delivery will increase as the Territory's population falls from 311,200 in this current year to 309,300 in 1999-2000. Hospital and acute services, for instance, are predicted to rise \$21 per head of population; community care services will rise \$53 per head of population. This is an intriguing anomaly in this most transparent of budgets - this difference in what the Chief Minister and Treasurer predicts and in what a key agency is working to. It raises the question of rigour. Where else do the underpinning forecasts not gel?

But there is a more glaring and fundamental unanswered question in the budget that relates to health. Nowhere is there any indication that the Government is giving any serious consideration to the question of what we Canberrans want our public hospital system to be. Only when we understand what we need and want, and what it costs to realise and maintain those aspirations, can we calculate accurately what resources need to be applied. This is the fundamental debate the Government needs to lead if we are to successfully come to grips with the cost of the Territory's public health system. This is what is essential if we are to avoid the annual practice of topping up the Canberra Hospital's allocation - \$12.9m this year - or having to find the money to meet the budget overrun, which runs to \$5m this year. It appears that this Government is concentrating so hard on the crisis it has created at the Canberra Hospital, that it does not have the capacity to provide that leadership.

Mr Speaker, the Chief Minister announced in her budget speech on Tuesday that the Government would maintain, in real terms, funding for government schooling, incurring an additional \$5.2m cost to the budget in the coming financial year. An extra \$2.7m has been made available to the non-government school sector. Each allocation applies to a separate constituency of this Government. The second, of course, is clear. The Government is proud of its continued commitment to the non-government school sector. This is one component of government election promises that is certain to be honoured.

The first allocation, that which purports to maintain funding in real terms to the government sector, applies, as we all know, to a constituency of one - the Independent Health Minister. The Government, of course, relies in good part for its political survival on Mr Moore. For his part, Mr Moore has made it quite clear that his support for the Government is, in part at least, dependent on at least an appearance of maintenance of real-term funding for government schooling. This Government has no real commitment to public education. Its commitment is to see fewer government schools - and to bribe schools into amalgamating to achieve that aim.



This Government has no commitment to the teaching profession. Its commitment is to the bottom line, and the bottom line is best served by the employment of lower paid, less experienced teachers. Thus the exhortation of the Minister and the Chief Minister for teachers over the age of 45 to leave the teaching service.

Mr Speaker, the revelation in the budget that the cost of maintaining ACT prisoners in New South Wales gaols will rise by \$2.1m in the coming year points to the continuing need for the ACT to establish its own correctional facility. But again, this is another example of the failure of this Government to lead the critical community debate that must occur before decisions are taken about the nature and location of such a facility.

The Government's contribution to this debate has been to say, "We will have a privately built and operated prison". Surely, before we commit to this position, there are some fundamental issues to be addressed. First, determine a sentencing policy. From that, derive an estimate of the likely number and types of prisoners. Then determine the aim and philosophy of the prison itself. What emphasis should be put on rehabilitation and what programs should we put in place to rehabilitate prisoners? How will we treat prisoners with addiction?

Where is the recognition that the prisoners detained today reflect the failings of yesterday - failings 20 or more years ago in family support, failures in addressing deprivation, failures in addressing the health and education of many young people, failures to recognise the needs and place of indigenous people in our society? Where is the vision in this document that addresses these issues, issues which are critical in determining how we proceed in providing the correctional services the community needs? The Assembly's Justice Committee has done more to engage the debate than has the Government, perhaps by design. The decisions that must be taken will not please everyone, and perhaps the Government is more inclined to let others lead the way.

Mr Speaker, the budget papers also reveal the Government's plan to push on with its proposed changes to the Territory's criminal injuries compensation legislation and slash funding available to compensate victims of crime. This is an initiative driven solely by a determination to cut expenditure, with little thought to the impact it will have on those the scheme should help. It runs counter to the compelling arguments put to the Assembly's Justice Committee.

Mr Speaker, the glaring failure of this Government in its management of public housing in the Territory has been its inability to fairly maintain the stock, not only to the cost of the community as a valuable asset runs down, but often also to those who live in ACT Housing properties. The budget allocates \$19.3m to maintenance of existing public housing stock. But the Government still ignores the pensioner in Narrabundah whose age and frailty make it difficult for her to use the bath but whose requests for the relatively simple installation of a replacement shower have gone unheard. Will she be required to move from her home of more than 35 years because the Government will not convert a bath into a shower? This is from an agency of the Government whose Chief Minister and Treasurer maintains that in her budget the need for improved social and community outcomes has not been overlooked.

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In the sense that this is a transparent budget, one that goes the full monty, the budget papers reveal that the Government simply cannot cope with the management of its housing stock. The Government boasts it will simply hand over another 800 dwellings to the community sector, bringing to 1,000 the number of homes now under community management. There are 500 vacant homes now, many of which need maintenance or refurbishment. And the Government will resort to cannibalising its property to fix other run-down stock. It will sell Lachlan Court and use the proceeds to restore Burnie Court.

Mr Speaker, the Government proposes an ambitious agenda for the environment during 1999-2000, given Environment ACT will have to absorb staff cuts of 16 permanent staff over the next two years. In terms of the crucial issues, such as greenhouse gas emissions, it is ironic that the Government is going to spend more on signage on Northbourne Avenue, \$500,000, than on a strategy to reduce emissions, \$340,000.

Again, the failures of the Government are highlighted by the water usage charge - the packet of fruit tingles - which is to raise \$1.7m but is not linked to strategies to improve water quality or management. Rather, it will be paid into general revenue. It is merely a revenue-raising exercise disguised as an environmental safeguard.

The Government has also signalled the market testing of the land management function in the 1999-2000 budget. Market testing is the initial step before a function is contracted out. Will the ideological-driven obsession with privatisation ever stop? Even Adam Smith, the father of privatisation, in *The Wealth of Nations*, provided for government provision of services such as public parks. In the meantime, the Government will effectively hamstring Planning and Land Management from undertaking its chartered role by cutting staff by 29 full-time positions over the next two years.

Mr Speaker, over the Government's years of office, its strategy for business development has had no depth to it. It revolves around an intertwined complexity of business incentive schemes. This budget simply adds to the plethora of schemes that characterise the Government's strategy for encouraging business and jobs growth in the Territory. Another three-quarters of a million dollars goes towards marketing Canberra as a business destination both interstate and internationally, hopefully with more success than the Feel the Power campaign, which flew kites but could not get a painted plane off the ground.

There is \$250,000 to establish an industry development program aimed at small business. That is a small sop to a very critical business sector which this Government has abandoned. The Government must dread the *Yellow Pages* survey. In its simplistic approach to business development, an approach that revolves around secret incentives based on beaten up claims of benefits to flow to the ACT, the Government stands exposed. There is no vision of anything more sophisticated in this budget.

There is no suggestion that the Government might take the initiative in promoting the economic benefits that must be available from one of the most obvious strengths that the Territory possesses - its vibrant, diverse and well-regarded education sector. Where are the initiatives to engage the sector and others in programs to take advantage of the synergies that can flow from cooperative arrangements between government, business

and education? The business and education sectors already have in place structures that could facilitate such arrangements. Where is there a sign in this budget that the Government has even recognised there might be a valuable brokerage role for it?

Mr Speaker, the budget provides a \$10m capital injection to the information technology modernisation program. The Government estimates that 80 per cent of its IT infrastructure needs to be replaced. The Urban Services Committee report on the draft 1999 capital works program recommended that the Assembly be provided with a clear and detailed explanation of the whole IT modernisation program by the end of July 1999. But the budget fails to highlight any intention of the Government to make the modernisation program transparent. Rather, in keeping with a Monty Python theme, the Government seems intent on purchasing every machine that goes "ping". Indeed, InTact are to lose 20 staff through redundancies while undertaking the modernisation program.

Mr Speaker, the Chief Minister has made much of her intention to repatriate \$300m from ACTEW to go towards the Territory's unfunded superannuation liability. She trumpeted this in her speech, and triumphed over it yesterday. It is a move that Labor has endorsed, was her claim. Well, yes and no, Chief Minister. Labor did indeed put the proposition during the debate over the Government's proposed sale of ACTEW, a sale predicated entirely on the Chief Minister's insistence that that was the only strategy that could save the Territory from the doom, posed by the superannuation liability, by the way; that it would be viable to repatriate considerable capital from the corporation. But the Chief Minister's transparent budget once again reveals that she does not quite understand the issue or the arguments put by Labor, the Australia Institute and the Assembly's own superannuation committee. My colleague Mr Quinlan will expand on this point.

Mr Speaker, I will conclude by taking perhaps an unconventional perspective. Let us look at the budget from the Government's perspective. What do we see? From the Government's point of view, this should have been a budget written from the comfort zone. It should have been a second-year budget in an extended term; a budget built on the base of a \$58m windfall from the Commonwealth; a budget which drew on the realisation, against the odds, of last year's optimistic forecasts; and a budget written in an environment of, in general, favourable economic conditions and outlooks.

This should have been a comfort zone budget that framed a vision for Canberra and detailed a working plan to realise the vision. That is what this budget should have looked like from the Government's perspective. But, of course, this budget has a simple and fatal flaw. It is stained by the character of the increasingly despairing and bereft Government that wrote it. Instead, this is the budget that exposes the Chief Minister and Treasurer. This budget is the emperor's new suit. There is no rabbit for the chief magician to pull out of the hat. The opportunities for smoke and mirrors are somewhat limited.

This budget instead relies on three grounds. First, it relies on the recognition by the Grants Commission that Canberra has been hard hit by Liberal governments on two fronts and that this Government's economic management has not been able to devise a successful fight-back. Second, it grabs the unexpected handout from the Commonwealth, relying on the introduction of a regressive goods and services tax to

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sustain the new level of Commonwealth funding. Third, it relies on a renewed attack on its own, in the form of 450 more redundancies, a direct hit on another 450 Canberra families - and who knows what is in store in the outyears?

Mr Speaker, this budget does precious little to meet the aspirations of Canberrans. Its much vaunted transparency exposes the Government for its failings in leading the community in the critical debates we must engage in if we are to make sensible and sustainable decisions about our future. There is no leadership, and what little vision it contains is not a vision shared by Labor. In its own way, Mr Speaker, it is a very revealing budget. Perhaps it is a budget most aptly described as going the full monty.

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

### **ATTORNEY-GENERAL Motion of Want of Confidence**

Debate resumed.

**MR SMYTH** (Minister for Urban Services) (3.27): Mr Speaker, no wonder the Opposition launched a no-confidence motion today. Mr Stanhope had another 10 minutes and I was waiting to hear what they were going to do. Clearly, Mr Stanhope stands for nothing, and that is what this motion today says, Mr Speaker. Mr Stanhope stands for nothing. He preaches civil liberties yet abandons them when the political expedient of a motion of no confidence is needed to hide the fact that he has no grasp of the reality of the budget.

Mr Stanhope has said nothing in this debate that convinces me that the motion of no confidence should proceed. Mr Berry actually said, "But wait, we've got more evidence", and we are still waiting for it.

**Mr Berry:** You will never be Deputy Chief Minister. Sit down. You will not make it.

**Mr Stanhope:** No, Michael is ahead of you. Michael will get there before you.

**MR SMYTH:** What did Mr Berry do? He just recounted stories.

**MR SPEAKER:** Order! This debate may have been adjourned, but the seriousness of the matter continues, and I do not want interjections.

**MR SMYTH:** Mr Berry says, "Wait for the evidence and we will tell you what it is", but we are still waiting, Mr Speaker. What we see here is nothing of substance. Mr Humphries stood and explained what happened. Let me reiterate. Mr Humphries stood and said, "Did a member of my staff visit the Bender family after the implosion? Yes, she did. Did she do so at my instigation? No, she did not. In fact, she did it at the instigation of her own community". This is a woman who is regarded highly in her community and was asked to continue that good work. Did she encourage the Benders not to engage Mr Collaery? No, she did not.

Why do we know anything about this at all today, Mr Speaker? (*Extension of time granted*) Like, I suspect, the majority of members, until question time yesterday I did not even know that Mr Humphries had written to the Law Society. It gets back to what Mr Osborne said, Mr Speaker. Why are we doing this today? Why is this out in the public? It is because Mr Kaine raised it in the house and with Mr Berry and Mr Stanhope. They have continued to peddle this line.

Mr Kaine said Mr Humphries is using the opportunity to denigrate Mr Collaery. Well, why is the opportunity here? Why has this issue even been raised when there is a process that says that when you have concerns about the activities of someone in the legal profession you take it to the Law Society? Why is not the Law Society being allowed to deal with this?

What we have here is a reiteration of those who preach process breaking their own code. Yesterday we saw it on Bruce Stadium. We have an Auditor-General. The Auditor-General is the process. The Territory and the Assembly endorse that process. The process is running. But because they are not happy, they will run their own process. We see it again here today, Mr Speaker. There is a process. If you have a concern, if you have a problem, you raise it with the Law Society. Did Mr Humphries follow that process? Yes, he did. Is that a private process? Yes, it is. Should we be discussing this today? No, we should not.

We are discussing this today because somebody in the law office or in Mr Collaery's office took the opportunity to release these documents. These documents came into Mr Kaine's hands and he asked the question. Who made it public? Mr Kaine did. But then Mr Stanhope jumped up. Having heard his response, his very short and very empty response, it stands for nothing. We should have heard an alternative budget today. All we heard was drivel. That was all we got. It just stands for nothing.

Then we have this attack by Mr Kaine on Mr Rugendyke to listen. He said, "Mr Rugendyke, listen; you are not paying attention". Members listen in their offices. Members listen in their own way. We all move around. Indeed, during Mr Stanhope's budget reply, Mr Berry was across here discussing matters with the Government. I did not hear Mr Berry chastised for not taking his own leader's speech seriously, but then, I guess, that is what we expect of Mr Berry.

I go on to what Ms Tucker said. Ms Tucker raised the issue of lack of confidence in the Government. Mr Speaker, I wonder how many people will attend Mr Stanhope's breakfast tomorrow to discuss his alternative budget? I just wonder. On Wednesday 500 people paid up to come to Rydges, full of confidence, full of belief, full of praise for the Government because we have delivered. We have delivered exactly what they wanted. They want financial responsibility, but they still want Canberra to be the city that it is and that we are all proud of. I guess you have to question where Ms Tucker was yesterday when 500 Canberrans got together.

Ms Tucker raised the OH&S legislation issue. Mr Humphries, if I recall correctly, wrote to the chair of the committee. He raised these issues with the chair of the committee. I have only been in here a short time, a year and a bit, but as a government, and as

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a principle, the Liberal Party has always been against retrospectivity. We stand by that. It is only with the gravest of concerns that we would consider introducing something that puts retrospectivity into place.

The people affected by this retrospectivity in this case are the OH&S inspectors, the workers, Mr Speaker. It is quite sad. It is quite appalling. Ms Tucker said that doctors should not offer advice to other doctors in the field. If you go to a specialist you get a second opinion. I would be surprised if people did not ask who was another doctor they could see. Certainly, on occasions, I have, and if you were talking to a specialist in a field you would ask who his peers were. That would be sensible, Mr Speaker. There is no sense in this debate simply because this debate should not be going on today.

This is a smokescreen motion of no confidence. This motion of no confidence clearly defines that Mr Stanhope and his Labor colleagues stand for nothing except political opportunism. Several speakers from the Opposition have had the opportunity today to outline where Mr Humphries has fallen down in his responsibilities. Mr Humphries had a concern. He followed the process. He took that concern to the responsible body, the Law Society. He did not issue a media release. He did not do interviews on 2CN. He did not put it into the *Canberra Times*. He did not break the process. He left it to the Law Society because that is how they do it. Mr Humphries does not have the letter from the Law Society. Mr Humphries could not have made this public. There are only two places where this information could have come from, and that is from the office of the Law Society or the office of Bernard Collaery. The reason we are having this debate today is that there are people in this place who would rather attack the Government on small issues instead of getting on with the job of making Canberra the sort of place that we all want it to be and that we all want to live in. (*Further extension of time granted*)

Mr Speaker, what have we heard today? We have heard that they are not happy with the process. Where is the evidence? Mr Berry waves his *Canberra Times* article at me. What have we heard? We have not heard new evidence. What we have had here today, Mr Speaker, is an opportunity to talk about responsibility. Responsibility is being able to be called to account. Responsibility is being morally accountable for your actions. Mr Stanhope is morally accountable for what he did today because he raised the motion of no confidence in the Attorney-General. Mr Stanhope will be judged by what he did.

What did happen, Mr Speaker? What happened is that we have had judgment by the media. This was launched in the media in a very cheap and sad attack on people who had no defence. They woke up to read about this in the paper this morning. What we have had here is the callous reopening of old wounds by people who have no regard for what is happening here, absolutely no regard. It is just a cheap shot at the government. You have to ask: Why the cheap shot? Why the cheap shot today of all days? Why the cheap shot today on the day that the Opposition is absolutely guaranteed a front page, or should be guaranteed if there was some substance in their response to the budget?

I put it to you, Mr Speaker, that the reason we have this motion of no confidence today is that Mr Stanhope stands for nothing. The Labor Party stands for nothing in this regard. They will not make any announcements or pronouncements - - -

**Mr Berry:** I take a point of order, Mr Speaker. During Mr Smyth's speech I heard him say that the people in trouble as a result of this inquiry, referring to the coronial inquiry, are the occupational health and safety inspectors. Clearly, that prejudices the matter which is before the coroner and it ought to be drawn to his attention that that is completely unacceptable.

**MR SMYTH:** Mr Berry should listen closely because I did not say that.

**MR SPEAKER:** Just sit down. If it was stated then I would have to ask that it be withdrawn. If you say you did not say it, so be it.

**MR SMYTH:** Again, Mr Speaker, here we have the classic interruption. You spoil the flow, try to break it up, but you cannot escape the smokescreen that this motion is. This motion should not be supported by the Assembly because it is a joke. It is a joke because it simply shows that Mr Stanhope stands for nothing.

**MR WOOD (3.36):** Mr Speaker, I am one of those members in this place who have been here from day one, 10 years next week. In that time we have seen some remarkable events, and this ranks with the greatest, or worst, if you like, of those. It is interesting that one of those momentous events was the fall of the Alliance Government. There is no question about that, and that has been revisited so often today. It is more than a coincidence.

Earlier on Mr Humphries, as is his wont, was dissembling, and he was claiming that numbers of us had said some harsh things about Mr Collaery. I would regard Mr Collaery as a friend. I do not see him very often. I see him around at functions, as you do. I do not recall ever challenging Mr Collaery's competence as a lawyer. I did have some harsh things to say on the day of the downfall of the Alliance Government, I recall. I have not been back to the *Hansard* to check that out, but I had the highest respect for Mr Collaery as a dedicated professional lawyer, one with the deep interests of his clients and of the community at large in all his intentions. Mr Humphries sought to suggest otherwise, although I acknowledge he withdrew any comment in respect of me.

From start to finish in this sorry implosion saga, the ACT Attorney has been seen to be biased, prejudiced and perhaps vindictive in his behaviour as the first law officer of the Territory, and we have seen that again today. He has displayed none of the objective, impartial role required of him, and he has revealed how poor and how ill-based is his judgment. I believe that Mr Humphries has forfeited the right to the position of ACT Attorney-General.

His behaviour has been revealed in the documents Mr Kaine tabled yesterday and further documents brought out today. At the very beginning of the implosion inquiry process it seems he resisted the involvement of Mr Collaery. It is clear that his antipathy to Mr Collaery goes back well beyond the implosion. No doubt it goes back to those unhappy days of the fall of the Alliance Government. That has been made even clearer today. With his body language, with his asides and with the words that he has said, he has continued to show his antipathy to Mr Collaery - antipathy which I believe caused him to write a letter of complaint to the Law Society. He has given an opinion in this

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Assembly today critical of Mr Collaery's competence. This is so persistent that we have to take note of it. We have to see that this antagonism is very much behind the production of that letter.

I do not know the details of that history of the Alliance Government. Others do. I do know that Mr Humphries should have put all that rancour behind him as Attorney. Just as any person repeatedly exercising legal judgments, he should have developed the ability to respond objectively to issues. His inability to do so marks him for removal from office. Even the language in the letter, I believe, is evidence of that. The language is emotional and it should not have been.

I will have a little more to say about the Attorney's office and the approach to the Bender family later, but let us look at that letter to the Law Council. Mr Humphries professes concern, and it has been cited here before today. A key paragraph says:

In doing so, he -

that is, Mr Collaery -

again brings the legal profession into disrepute because of the deliberate and dishonest misrepresentation of the facts, the opportunistic behaviour he exhibits and the shallow disregard for the due processes of law.

That is very emotive language. The whole exercise of lodging a complaint from the Attorney-General to the Law Society was the strongest possible action that could be taken. With other members, I share the concern that Mr Humphries was so worried about this, so outraged by this, that it took him all of four months or more to lodge his complaint. Just how concerned was he that it took that period of time to lodge a complaint? This much delayed response is at odds, is quite inimical, with the drastic heavy action of the complaint to the Law Council. The two just do not fit together. The question is: Why did Mr Humphries belatedly write that letter? Perhaps he always wanted to, but had no real reason to do so. Perhaps he remembered those early years and eventually, slowly, put pen to paper, and that seems more likely in view of the comments that have been made from that side today.

It is interesting to note the comments from Mr Moore. Mr Moore, along with Mr Humphries, has tracked back to those Alliance days. Mr Moore too today has attacked Mr Collaery. I ask a question that I would look for an answer to today from somebody. Did Mr Humphries write this letter of his own accord without the knowledge of anybody else in the Government? He may well have done.

**Mr Humphries:** Yes.

**Ms Carnell:** Yes.

**MR WOOD:** Or did he write it well informing his colleagues?

**Mr Humphries:** No.



**Ms Carnell:** No.

**MR WOOD:** No. Okay. I thank you for that. Certainly, Mr Moore's approach today is one of no disagreement with Mr Humphries as they continue their attack, I think quite unprecedented in the circumstances, on Mr Collaery. We can speculate - it is probably all we can do at the moment - on why that letter came so late, or why it was much delayed. Was it, as someone suggested, because of that *Age* article and some attempt to divert attention from that? Was it because of Mr Berry's amendment to the occupational health and safety legislation? I do not know. But I do not believe the Government or Mr Humphries has presented today the reasons why that letter had to be written. In my view it was not related to Mr Collaery's comments. It could not be, in view of that time delay. It is clear from all the remarks over the period and repeated here today that there is longstanding acrimony between these people.

I want to move on to the visit to the Bender family and, in doing so, point out that this is part of Labor's no-confidence motion. Certainly, Mr Stanhope did not devote anywhere near as much time to it as did Mr Humphries. The substance of the no-confidence motion and our arguments is much more than that. Let us look at this issue. Let us look at two sworn statements, and contrast those with two unsworn statements.

**Mr Kaine:** Four.

**MR WOOD:** Four, yes, indeed. Let us reflect, not on the differences, but on what is agreed or what is not contested. Let us look first at what is unarguable. An officer visited the Bender home and identified herself as coming from the Attorney-General's office. That is unquestioned. She is also, as we freely acknowledge, a longstanding and much respected member of the Croatian community and the Canberra community generally. Secondly, at that gathering at that house, in her presence, derogatory remarks were made about the person the Benders wanted for their lawyer. *(Extension of time granted)*

Thirdly, if we are looking only for uncontested items, the Bender family understood the remarks to be discouraging of the use of their choice as their attorney. Put aside anything else for the moment, as Mr Humphries was pleased to do when he argued certain factors. If we put aside anything else - and I do not believe you can - that in itself is very significant and most damaging to the Minister. Now we have read a further statutory declaration presented here today.

Mr Speaker, it has been clear throughout this debate that there is a level of feeling between the Attorney-General and Mr Collaery, coming from the Attorney-General, that has impacted on Mr Humphries' actions. He has not shown the ability to distance himself as Mr Humphries the Attorney from Mr Humphries the politician. The politician has triumphed, and for that reason he should no longer carry the role of Attorney-General.

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**MR HARGREAVES** (3.48): I have sat and listened, with the exception of one comfort stop, to everything that people have said, and I must say that I am quite upset by quite a number of issues. This want-of-confidence motion is the most serious thing that this Assembly can do, and I acknowledge that very sincerely. It is not something that I would prefer to have had, but I have been sufficiently moved by not only the information I saw yesterday but also things I have heard today to think very seriously on it, and I urge members to do that, not to get carried away with some side remarks and some snide remarks also.

The way I see it, there are three issues. One of them is the impact this whole debate has had and continues to have on the Bender family. I for one sincerely regret any discomfort which these proceedings have and will have on that family. They do not need this sort of angst. It is totally inappropriate that they should go through that. That we are forced to have this hanging over our head as we try to dissect the issue is unfortunate, and it is deeply regretted, particularly by me and my colleagues. It is also noteworthy that none of my colleagues have raised their voices in debating this particular issue. They have not screamed across the chamber at people on this issue. I found the power and bluff and bluster of Mr Smyth's response totally inappropriate in this instance.

This motion goes to credibility and it goes to responsibility. It comes down to whether we have enough confidence in this Attorney-General to believe what he says and what he provides to this chamber. Do we have the confidence in this Attorney-General that he will accept the Executive responsibility that ministerial positions carry? The sad part about this - and I will go into this in more detail later - is that at its absolute best there may have been a misunderstanding about whether Ms X, when she met with Mr Bender, represented the Attorney-General.

It saddens me that before this debate was very old the Attorney-General did not come into this chamber and say that he regretted any misunderstanding of that ilk. Instead we saw him get up here and try to defend himself. He put forward smoke and mirrors and went on the attack. I thought to myself that it would have been far more appropriate if he had expressed that regret and apologised to the Bender family on behalf of us all for that misunderstanding. But he did not do it. Instead, he chose to refute the statements made by Mr Bender and to introduce information by way of unsworn statements in such a way that it upset the family enough that Anna Bender has brought forward another sworn statement, a statutory declaration, to support that which Mr Mato Bender has given.

As Mr Wood has said, we have four unsworn statements against two statutory declarations. It would have been quite easy for those unsworn statements to have been statutory declarations. Mr Hird, our Temporary Deputy Speaker, is a justice of the peace. I am sure nobody here would have had the slightest difficulty had he been asked to witness a statutory declaration on this issue. But it was not done, and I believe there is a significance in that.

**Mr Humphries:** No-one has asked us to do it either. That is a bit unfair.

**MR HARGREAVES:** Mr Humphries interjects across the chamber saying that nobody asked them to. Mr Humphries is the chief law officer in this place. Mr Temporary Deputy Speaker, you and I are merely justices of the peace and prepared to provide that

service to anybody who would ask. Indeed, we never go into content. We merely ask people to swear that what they have said is true and to do so solemnly. The significance of a statutory declaration and an unsworn statement should not be underestimated.

In these statements there are some contradictions. I would like to draw attention to a couple of them if I may. It has been portrayed that Ms X and Mr Skrnjug went to the Bender house. Indeed, that is what Ms X said, I believe, in her statements. Then it is implied that she went later in the company of Ms Y. That is okay. Mr Skrnjug says in his unsworn statement of 5 May that he and Ms X had a conversation outside the Bender house where he suggested that she come with him to see the Bender family as soon as things had settled down and that she agreed to do this. He then goes on to say:

X told me that she went to the Bender house with Y.

That was not before the event. The timing was not that Mr Skrnjug and Ms X went to the house and then later Ms X went back. It was the other way round. It casts doubt on that sort of thing.

**Mr Humphries:** You have got that mixed up.

**MR HARGREAVES:** Mr Temporary Deputy Speaker, I appeal to you to uphold your predecessor's ruling that people sit there in silence.

**MR TEMPORARY DEPUTY SPEAKER** (Mr Hird): Interjections are not encouraged and certainly will not be supported by the Chair.

**MR HARGREAVES:** I appreciate your support, Mr Temporary Deputy Speaker. If I hear one, with your indulgence I shall repeat it to you.

**MR TEMPORARY DEPUTY SPEAKER:** Just bring it to my attention, Mr Hargreaves.

**MR HARGREAVES:** I will, indeed. When the Attorney-General spoke first thing this morning, he gave the impression - I cannot quote the exact words because we do not have the draft *Hansard* before us - that the first time he saw the statutory declaration was this morning. I do not doubt that that is true. What I do doubt, however - and I acknowledge that this was not put forward before - is that members of his office had not seen it. I have this doubt because on 5 May, which was yesterday, according to the statement from Ms Y, Ms X relayed to her over the phone that Mr Bender had signed a statutory declaration in regard to a conversation that allegedly took place at the Benders' residence during her visit with Ms X. It was clearly known sufficiently by the Attorney-General's office that this thing existed, and damage control clicked in. I do not have a difficulty with that. I would do exactly the same thing. The understanding that I got was that this statutory declaration by Mr Bender was something new. I do not believe it was new. If that was the implication, if I have misread it, then fine; I am happy to admit that. If I have not misread it, then I have a problem with it.

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This is the truth of it all. There were two people who went to see the Bender family - Ms X and Ms Y. If two people come to our house and start talking to us, we assume that the conversation is a joint one. If one person is quiet, it does not mean that they disagree with the other person. In fact, we take it that there is agreement. (*Extension of time granted*) In Ms X's statement of 6 May she said:

I did not participate in this conversation or offer any comment about Mr Collaery ...

The second statutory declaration which we have received, that from Ms Anna Bender, says at point 3:

X reiterated everything Y said.

I have a really big problem with the contradiction there. The statutory declaration says that something occurred, and an unsworn statement says that it did not.

I am sorry, Mr Temporary Deputy Speaker, but you and I both know the seriousness of statutory declarations. We know the precedence they take over other documents. I believe that we are obliged to believe the content of a statutory declaration, which carries with it, if it is false, the possibility of imprisonment or a significant fine. An unsworn statement carries with it nothing if it is not true. I have a big problem with that.

**Mr Humphries:** That is just appalling, John. It really is.

**MR HARGREAVES:** Mr Temporary Deputy Speaker, I beg your support.

**Mr Humphries:** You are saying that it is a lie. You are saying that they are lying.

**MR HARGREAVES:** Mr Temporary Deputy Speaker, would you like me to quote the interjections to you?

**Mr Humphries:** You are accusing a member of my staff of lying, Mr Hargreaves. I do take that very seriously. You should withdraw that statement.

**MR TEMPORARY DEPUTY SPEAKER:** Order! Mr Hargreaves has the call. Mr Hargreaves, address your remarks through the Chair.

**MR HARGREAVES:** Thank you very much, Mr Temporary Deputy Speaker. I will address my remarks to the Chair, as indeed I have done. It has been suggested that I have said somebody has lied. I have done no such thing. What I am saying is that the credence of document A against document B is affected by whether these things are statutory declarations, oaths, affidavits, et cetera or unsworn statements. That is my position.

Another factor is Executive responsibility. Mr Moore surprised me somewhat. Normally I listen very closely to what he says, and he is usually quite good. I must congratulate him on 90 per cent of the stuff I hear from him - not this little bit, however. He made

a lot of the officer being a DLO, a departmental liaison officer. Of us here, Mr Stanhope has not been a DLO. He has been a political staffer. You made the distinction, Mr Moore. There is a great distinction, as you well know, and I accept that.

When I was a DLO, I knew that whenever I represented myself as an officer from the Minister's office I represented the department which was my employer. I also represented the Minister's views. We do not allow public servants who represent themselves as having worked in a given office to express a personal view. That is the element of bureaucracy. We expect them to represent the views of their Minister. You would expect that if somebody was doing it in their private time they could have their own views.

Some mention has been made that the particular DLO, Ms X, went to the Benders as a member of the congress to offer whatever assistance she could. I have no difficulty with people who have private hats going and doing those sorts of things. Indeed, I would applaud it. When this sort of thing happens, any help we can get from these people is wanted - and accepted, I hope. (*Further extension of time granted*)

The point that I make here is that I do not believe that Ms X did actually represent herself as a member of that congress when speaking to the Bender family. I do not believe that, for two reasons. She has worked as a DLO for some four years, and knows only too well, as I have said before, that whenever you mention the fact that you work for a Minister people in this town can reasonably expect that you speak on behalf of that Minister. Normally, if you do not want people to have that sort of impression, it is a reasonable thing to tell them that you are not speaking on behalf of the Minister; that you are speaking on behalf of somebody else. In this case, we have a very serious issue. Everybody is in crisis on this sort of thing. It would seem to me that it would have been appropriate for the person to have said, "I am from our community, the Croat community, the congress". I would have expected that. Ms Anna Bender's statutory declaration says at point 5:

At no time when X came with Y did she say she was representing the congress.

If she intended to represent herself as coming from the office of the Attorney-General, then that was the wrong thing to do and the Minister ought to take Executive responsibility for that. If she did not intend to do that, she should have corrected any impression that these people may have had, but did not take that opportunity. There is enough contrary information to wonder what on earth is going on, and I accept that. You have to work out- - -

**Mr Rugendyke:** Tell me about point 5 again, John.

**MR HARGREAVES:** Quote it for you? Certainly. Ms X went to the Bender house, and we have a statutory declaration from Mr Bender which at point 2 says:

X said she was a lawyer working for Gary Humphries.

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The point that I am making here is that she has admitted it in her supplementary statement of 6 May, which says:

I may have said that I work in Gary Humphries office in conversation.

The point here is that people will believe that you are speaking with that authority. It is the natural thing, because it is a very big thing. What I am suggesting - and I have been there myself - is that you make sure that that impression is not carried. Have a look at point 5. It says:

At no time when X came with Y did she say she was representing the congress.

The congress was the most important organisation to give them that support. You would think the natural thing would be to claim to be representing them. But she did not do it. What I am suggesting here is that there is Executive responsibility for this thing. Whether it is deliberate or whether it is inappropriate does not matter. There is an Executive responsibility for it. I do not accept that you can just say, "Well, that is just bad luck". The thing that made me absolutely committed to this Executive responsibility was that at no time during Mr Humphries' speech here did he say, "I am sorry that there may have been a misunderstanding". He just ducked and weaved, and he used smoke and mirrors. What has ensued out of that is that he has successfully brought the smokescreen down. We have debated this all day.

We have upset the Benders in the first instance, and I believe that we all ought to accept responsibility for that. But they have upset them so much that Ms Anna Bender has put in a supplementary statutory declaration defending her family and supporting the position. I think this is a very serious thing. It really upsets me to have to be here at the moment. I must admit that I am going to vote for this motion on the basis of Executive responsibility, which I believe this Attorney-General ought to accept.

**MR TEMPORARY DEPUTY SPEAKER:** Order! The member's time has expired.

**MR CORBELL** (4.09): I rise to support the motion moved by the Leader of the Opposition, Mr Stanhope. Mr Stanhope's presentation this morning made the Labor Party's position clear. We have heard during the duration of this debate invective and condemnation from the other side of the chamber and from members of the crossbenches, who still maintain that they are making up their minds. The decision made by the Labor Opposition today in moving this motion was not taken lightly, nor was it taken - - -

**Mr Rugendyke:** It was taken stupidly.

**MR CORBELL:** Mr Temporary Deputy Speaker, I ask you to maintain some decorum in this debate in the same way that your predecessor did earlier in the day.

**MR TEMPORARY DEPUTY SPEAKER:** I certainly will. I inform the house that Mr Corbell has the call. Any interjections are highly disorderly.

**MR CORBELL:** Mr Temporary Deputy Speaker, it was not a decision made easily or lightly. It was made in the full knowledge that the debate would be a difficult one. It was made in the full knowledge of the emotional circumstances surrounding the events to which this debate is partly attributed. It is a debate which Mr Stanhope, as Leader of the Opposition, and the Labor Opposition knew would get difficult. But the measure of Mr Stanhope is indicated by his willingness to pursue it regardless of that. That is the measure of leadership. That is the measure of a willingness to confront difficult issues. I have every obligation and every responsibility, as does every other member of this Opposition, to raise these issues which go to the matter of deepest concern about the ability of the Attorney-General to meet his responsibilities as first law officer of the Territory and as Attorney-General.

In this debate my colleagues have raised a range of issues. I want to raise only two. The first is that we have received two statutory declarations during the debate today. The first is from Mr Mato Bender. It says quite clearly at point 2 that Ms X said to Mr Bender that she was a lawyer working for Gary Humphries. The second statutory declaration, that from Ms Anna Bender, says that she has read the statutory declaration made by her father on Tuesday, 4 May, and she says that it is all true. She goes on to say at point 3:

I clearly recall being surprised when Y said words to the effect that Mr. Collaery was only interested in money and publicity, amongst other things - and that he should not be employed. X reiterated everything Y said.

That, in my mind, is the nub of one of the matters which the Labor Opposition has raised today. The question that members in this place must ask is this: Were those two people - not in any respect Ms Y, but certainly Ms X - acting in a way that could be construed to be acting on behalf of the Attorney-General? We continue to argue today that it can be construed in that way and it is certainly the view of the Benders that that was what was occurring. Those issues strike at the concerns raised today.

My colleagues have raised a range of other issues today which, as my leader, Mr Stanhope, indicated, reflect a pattern of behaviour which you can reasonably argue - and members in this place will have to judge - was designed to undermine the effectiveness of the legal counsel appointed by the Benders. That is what this debate is about today. Why should the Attorney-General do that if he is acting in an impartial, arm's-length way as first law officer? There is no reason why he should do that, if he was acting as he should be, but the fact is that he was not. That is why we have moved the motion today. He was not in any way acting in an appropriate way. When we get to the nub of that, what is the response from those opposite? It is not an attempt to rebut it in terms of detail. It is an attempt to rebut it by invective and by attacking the Leader of the Opposition.

**Mr Rugendyke:** It was rebutted by fact.

**MR CORBELL:** Mr Rugendyke says it was rebutted by fact. Mr Rugendyke was a police officer. Mr Rugendyke should know that statutory declarations are made under the Statutory Declarations Act 1959 and that people making them are subject to

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imprisonment or a fine if they make a false declaration. I simply ask Mr Rugendyke to weigh that against the other statements that have been tabled in this place that have not been made under the Statutory Declarations Act.

**Mr Humphries:** Mr Temporary Deputy Speaker, I rise on a point of order. I am sick of hearing this. What Mr Corbell has said is what Mr Hargreaves was not quite game to say - that is, that he considers the people whose statements are on the table today to be liars.

**Mr Berry:** I take a point of order - - -

**Mr Humphries:** Let me finish, Mr Berry. You sit down and shut up until I am finished.

**MR TEMPORARY DEPUTY SPEAKER:** Resume your seat, Mr Berry.

**Mr Humphries:** Mr Corbell is saying Ms X, Ms Y and the president of the Croatian community of Canberra are liars.

**Mr Berry:** He never said that.

**Mr Humphries:** He did say that, Mr Berry.

**MR CORBELL:** I have never used that word, and you should withdraw.

**Mr Humphries:** You did not have to use the word, Mr Corbell.

**MR CORBELL:** I have never used that word. I have not used the word "liar", and Mr Humphries should be asked to withdraw.

**Mr Humphries:** Mr Corbell did not have to use the word "liar". His juxtaposition - - -

**Mr Berry:** He did not use it, so there is no point of order.

**Mr Humphries:** Mr Temporary Deputy Speaker, I am making my point of order and I want Mr Berry to sit down until I am finished.

**MR TEMPORARY DEPUTY SPEAKER:** Sit down, Mr Berry.

**MR CORBELL:** Under what standing order are you making the point of order?

**Mr Humphries:** Under the standing order that requires people not to abuse the privilege of this place to call other people, particularly staff in this place, liars, if not by name - - -

**Mr Berry:** There is no such point of order.

**Mr Humphries:** He has used those descriptions of people - - -

**Mr Berry:** Mr Temporary Deputy Speaker, this is - - -



**MR TEMPORARY DEPUTY SPEAKER:** Order! Mr Berry, resume your seat and let me listen to the point of order being raised by Mr Humphries.

**Mr Berry:** He is misusing the standing orders.

**MR TEMPORARY DEPUTY SPEAKER:** Resume your seat, sir. If everyone calms down and I can hear the point of order being raised by the Minister, I will be able to work out whether it is a point of order or not.

**Mr Humphries:** Mr Temporary Deputy Speaker, the Chair in this place has frequently exercised the capacity to ask members to withdraw allegations that people outside this chamber are guilty of some misconduct or misbehaviour, particularly very serious things such as lying. *House of Representatives Practice* supports that proposition. Mr Corbell, in the most explicit terms, except for using the word “liar”, has asked members in this place to compare what he describes as the truthful statements of the statutory declarations with the unsworn statements. That is the clearest expression he can make of calling these people liars. I ask him to withdraw.

**Mr Berry:** I wish to speak on the point of order. I was listening to the debate closely, and Mr Corbell did not call those people to whom Mr Humphries refers and goes through mock defence of liars. In fact, what Mr Corbell and others in this place have said is that statutory declarations carry more weight than unsworn statements. That is the point that was made. Mr Humphries said himself that Mr Corbell never used that word. Mr Humphries could not draw attention to a standing order to which you can refer. This is not a point of order.

**Mr Moore:** On the point of order: The standing order to which we refer is 275, which looks at *House of Representatives Practice*. There are a series of resolutions that have been added at the back of the standing orders. I draw your attention, Mr Berry - through you, Mr Temporary Deputy Speaker - to the resolution agreed to by the Assembly on 4 May 1995. It reads:

That the Legislative Assembly considers that, in speaking in the Assembly or in a committee, Members should take the following matters into account:

- (a) the need to exercise the valuable right of freedom of speech in a responsible manner;
- (b) the damage that may be done by allegations made in the Assembly to those who are the subject of such allegations and to the standing of the Assembly;
- (c) the limited opportunities for persons other than Members of the Assembly to respond ...

That is the resolution where we dealt with this very specific issue. The implication that Mr Corbell made is very clear and should be dealt with with great care.

**Mr Rugendyke:** On the point of order, Mr Temporary Deputy Speaker: The only inference that can be drawn by listeners to the speech of Mr Corbell when he mentioned a comparison between sworn statements under the Statutory Declarations Act and the statements of other people tabled in this house earlier today is that those tabled statements that have not been sworn to are untruthful. I would ask that Mr Corbell be called on to substantiate that untruthfulness or withdraw.

**MR CORBELL:** Mr Temporary Deputy Speaker, I wish to speak to the point of order. I hope at some stage you are going to rule on this frivolous point of order - - -

**MR TEMPORARY DEPUTY SPEAKER:** I would like to. If you sit down I will rule on it.

**Mr Berry:** You have nothing to rule on.

**MR TEMPORARY DEPUTY SPEAKER:** Mr Berry, come to order.

**MR CORBELL:** Very briefly, Mr Temporary Deputy Speaker, on the point of order: The inference other members draw is not one that I can control. The point I was making in the debate was that the two statutory declarations tabled during the debate today were made by people who made them on the understanding of what it meant to make a declaration under the Statutory Declarations Act. I drew to the attention of the house that the other statements tabled during the debate were not made under the provisions of that Act.

**MR TEMPORARY DEPUTY SPEAKER:** On the point of order raised by the Attorney-General, Mr Humphries: The Chair did not hear any reference whatsoever to the term “liar”, so I cannot and will not uphold the point of order raised by the Attorney-General on this occasion. However, I am conscious of the protection of those who cannot defend themselves in this place and I ask all members in the house to be very careful in the way that they approach this debate.

**MR CORBELL:** Thank you, Mr Temporary Deputy Speaker. (*Extension of time granted*) I think my colleagues today have been very clear in making the points about the nature of the issues which have led us to believe that we can no longer have confidence in this Attorney-General. There has been, as outlined by the Leader of the Opposition, a systemic approach to the counsel representing the Bender family and, we argue, a systemic deliberate and partisan effort, where he must be the most non-partisan of all individuals, to undermine the credibility of that representation. For that he should not receive the support of this house. He should not have the confidence of this chamber, and I urge members to support the motion.

**MR RUGENDYKE (4.24):** I think at the start of this speech it is important to pick up on one of the words used by Mr Kaine as a reason for supporting this motion today, and that is the word “dignity”. Mr Kaine said that he was seeking dignity and justice for the Bender family. I cannot see how dragging this charade through this place once again is in any way showing any concern for the dignity of the Bender family.

**Mr Kaine:** Have you spoken to the Bender family? I suggest you do.

**Mr Berry:** Mr Temporary Deputy Speaker, I take a point of order. I wonder whether Mr Rugendyke's choice of words that this debate was a charade might be a reflection on him.

**MR TEMPORARY DEPUTY SPEAKER:** There is no point of order.

**MR RUGENDYKE:** The Bender family are continually having their tragedy traipsed out in public view and in this forum here. That is totally inappropriate. We read in the paper this morning that there was to be a vote of no confidence in the Attorney-General. No-one came and spoke about it yesterday or today. The first we knew of it was when it appeared in the *Canberra Times*. It really took me only two speeches to make up my mind about the destiny of this vote of no confidence. Mr Berry mentioned in his speech that he thought there was something fishy. The only thing that smells is the smelly box of whatever it is that Mr Stanhope picked up off the footpath and brought into this chamber without even opening it to find out what was in it. That is the only fishy bit in this debate.

It is clear to me, through the various speakers in this debate, that Mr Humphries has not been responsible for anything sinister in this incident. Mr Stanhope in his speech suggested - it was only a suggestion - that the Minister acted inappropriately. Mr Stanhope, you need a lot more than a suggestion to support the motion that you have put on the table today.

I think I said in speaking to the first censure motion that I was involved in in this place that I thought there was a need to set the bar fairly high. Having come from the police force, I know that the standard of evidence in a court is proof beyond reasonable doubt. This is my first motion of no confidence, so the bar needs to be set quite high. In fact, my analogy is that the bar should be of the pole vaulting style, one which Emma George, our world champion pole vaulter, ought to be able to jump over. That is the standard of proof that I require in this case. That is my bar. Mr Stanhope's speech got us to three or four feet. With every speech after that, the bar went lower. It is now below ground level. If I had left the bar on the ground, this Opposition would not have been able to get over it.

This is a totally frivolous, vexatious, nonsensical motion put forward today, on a day that should be the Leader of the Opposition's biggest day of the year, when he has the chance to bag the Government for their budget, but what has he wasted it on? This nonsense.

**MR HUMPHRIES** (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer): Mr Temporary Deputy Speaker, I seek leave to speak again.

Leave granted.

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**MR HUMPHRIES:** I will be as brief as I can, but there are a number of things I simply have to respond to. First of all, I want to respond to a number of outrageous allegations made by various people in this debate. It was suggested that members of my office saw Mr Bender's statutory declaration before it was tabled on the floor of the Assembly today. That is untrue.

A statement was made - in fact, it was not a statement; it was a sly suggestion advanced in a sideways motion by those opposite - that the reason that the three statements put on the table today were not sworn is that the people who made those statements had some lack of truthfulness in doing so and did not wish to be exposed for doing that. I have asked Ms X, and Ms X has agreed readily, to have her statement executed as a statutory declaration. She will have that put on the table today. So the grubby little statements that are being made about her truthfulness can be addressed fully in that way. The reason that that and other statements were not executed in the form of statutory declarations is that they were executed late last night, around 10 o'clock, when JPs and the like were hard to come by.

I want to make a few points on a few other arguments. We have had the suggestion from various people that the series of events adds up to too much of a smell of something wrong to ignore. We have had considerable focus on the statutory declarations and the contents of those statutory declarations and the statements that have been tabled here today to try to establish who said what at the meetings between the Bender family and other people who came to their home. I do not know what was said in those conversations in the home of Mr and Mrs Bender in Fisher. I do not have a clue, because I was not present.

That, of course, is the point. None of us in this chamber were present at those meetings. None of the statements, no matter how much variation you find in them and in no matter how many ways you look at them - backwards and forwards, up and down, left and right - even the most damning of the statements from the point of view of those opposite, establish any connection between my conduct in this matter and the statements and the allegations that have been made by those opposite.

In almost as many words they have alleged I sent Ms X to the Benders' home to somehow scuttle Mr Collaery's advocacy on their behalf. Nowhere in any of the documents is that statement made. Ms Tucker and Mr Kaine can look at different angles and ask, "Was this said or not? Did Ms X make this statement or not?". I do not know and in some respects, for the purpose of this debate, I do not care. Even if she did make those statements, I was not present to make them and I did not send her to make them.

The entire point of this exercise - to connect me, the Attorney-General, to the content of those statements - fails utterly. Not one shred of evidence has been advanced to that effect. It is disgraceful that five hours of debate on the floor of this place have been devoted to this nonsense when there was no evidence to support that.

I speak now, seeing on the floor only Mr Stanhope and Mr Berry of those who are going to support this motion. The rats, you might say, have left the sinking, or maybe the stinking, ship in this debate. That is what this case is - a stinking ship, a ship without foundation. Mr Kaine criticised Mr Rugendyke for not listening and Mr Osborne for not even being present. Where is Mr Kaine now? Where is Ms Tucker? Ms Tucker's case was the most appalling that I have heard. It is good to know you are out there, Mr Kaine, but come in and face the heat. Come in to where we can see the red rising in your face rather than being outside, where you can escape the slings and arrows of this debate.

I will not say anything about Mr Kaine except this: Mr Kaine asked me about bias in writing the letter to the Law Society about Mr Collaery. I ask Mr Kaine to examine his conscience about the bias he has brought to this debate and the bias in introducing the matter to the Assembly yesterday by happening to have documents ready which happened to get tabled on request from the ALP. I ask him to examine what axes he has been grinding since May 1993 and whether this is all about those axes trying to fall on some people's heads.

Ms Tucker advanced the weakest and the most disgusting arguments of all in this debate. It astonishes me that a person who has been elected to this place could so disregard the evidence put forward that she would choose to take this approach. I detected from Ms Tucker that she was not satisfied with any of the evidence about the so-called conversations in the Benders' household. I do not think, to give her her due, that she found that any of it established any link with me at all.

Ms Tucker said that she was convinced that I should experience a motion of want of confidence in me at the point where I said that, hypothetically, had I been asked for my opinion about Mr Collaery, I would have expressed it. If I can get this correct, Ms Tucker says that I deserve to be sacked as Attorney-General of the ACT because in a hypothetical situation I would have taken a particular view. That is a pretty impressive piece of logic, one that leaves me gasping for air.

Mr Osborne asked me to comment on why there was a delay between the issues raised by Mr Collaery's conduct in the media on the criminal injuries compensation reforms and the sending of the letter to the Law Society. It was always my intention not to write a letter in anger in those circumstances. Members in this place have been quick to make the point that this is about a vendetta, about getting back at somebody. It was my belief that writing a letter in anger in response to those issues in the media would have been more easily characterised as that.

I wanted to make it clear to the Law Society that my intention was to exercise my right as Attorney-General to be able to draw attention to what I considered to be inappropriate conduct by a solicitor of this city and that that was the basis for my writing that letter and not the fact that Mr Collaery and I have had an unhappy relationship in the past. I, of course, cannot prove that that was my motivation for writing the letter, but I put it to this place today that it is not up to me to prove that that was the reason I wrote the letter. It is up to those people who have moved in this place that I should be dismissed from my office to prove that I had that motivation in this matter. They, of course, have not done so.

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In terms of misconduct, you could ask about exercising judgment in these matters. Did I exercise the right judgment in criticising a lawyer who was involved in the Bender inquest, who acted for the Bender family? That is not the bar that we have set in this place before in those sorts of matters. Even if - and I hope Ms Tucker does not misconstrue this - it were the case that I made an error of judgment in doing so, and I certainly deny that I did make an error of judgment, has that ever been a ground for a want of confidence in a Minister in this place; for sacking a Minister?

Even when Mr Berry caused the Territory to lose \$4m because of the VITAB affair, he was not dismissed from his office on that ground. He had a want-of-confidence motion moved in him on the basis of knowingly misleading the Assembly, not on the basis that he had flushed \$4m down the drain. If you do not get sacked on the basis of four million bucks going down the drain, then why is it that I should face a penalty for something much less? Mr Temporary Deputy Speaker, I simply say that members should not see that this onus has been discharged, because it has not.

**MR TEMPORARY DEPUTY SPEAKER:** Order! The Attorney-General's time has expired.

**MR OSBORNE:** I seek leave to make another statement, a very short one.

Leave granted.

**MR OSBORNE:** I feel it important that I speak in relation to point 6 of the statutory declaration by Ms Anna Bender. It says:

We fully support Bernard Collaery and cannot understand why Mr Osborne does not believe us.

As you will be aware, at no stage did I say in this place that I did not believe Mr Bender. I need to make that point very clear. The point in the debate that is important is whether or not Ms X approached the family on behalf of the Attorney-General. I said that the evidence presented today showed quite clearly that she did not. That is the issue. What has become very clear to me is that a staff member in this building is lying to the Bender family and he should hang his head in shame. I want to reiterate that I never said anything of the sort and hope that the flea who is supplying information to the family hands them a copy of *Hansard*.

**Mr Humphries:** Mr Temporary Deputy Speaker, I table a statutory declaration by Ms X.

**MR STANHOPE (4.42), in reply:** As I said at the outset, this motion goes to one of the central tenets of our legal system. The law must be applied and executed without fear, favour or prejudice. I also described the role of the Attorney-General and the requirement for him to be seen to be completely and absolutely rigorous and objective in the discharge of his responsibilities as the first law officer of the ACT. It is imperative that there be a well-founded and grounded perception in the community that the Attorney is acting in such a manner.

I believe, and the Opposition believes, that because of the revelations made yesterday and again here today, and added to here in the chamber in the speeches of the Attorney, there is not and cannot possibly be a perception in this community that this Attorney-General satisfies those criteria. There simply cannot be a perception that this Attorney-General has acted in this matter at arm's length. It is simply not possible for such a perception to be abroad within this community.

The conduct of the Attorney, his patent antipathy expressed today towards Mr Collaery, his actions in referring to the Law Society the spurious complaint which he did lodge, the delay in the lodging of that complaint, and the visit by members of Mr Humphries' office to the Bender family - - -

**Mr Moore:** Sit down. You are making it worse.

**MR STANHOPE:** I accept Mr Humphries' attempts to distance himself from the actions of his staff, and I accept what he is saying about that - that perhaps he did not know. But the Attorney cannot so easily, in this place, in this debate, rewrite every accepted notion on conventions relating to ministerial responsibility. I invite the Attorney and Mr Moore, who constantly interjects in this debate - - -

**Mr Moore:** Just on you now.

**MR STANHOPE:** No, constantly, Mr Moore.

**MR TEMPORARY DEPUTY SPEAKER:** Interjections are highly disorderly.

**MR STANHOPE:** They are, Mr Temporary Deputy Speaker. You really must address some of your opprobrium to the Minister for Health. The Minister cannot so easily rewrite those notions of ministerial responsibility. He simply cannot do it and expect us to accept them. It just cannot be done. It has been a long debate today. I think all the issues have been traversed. I will not go over them all again. I will comment, however, on just one matter that I did not touch on in my comments this morning. It goes to the concluding remarks of the Attorney in terms of his understanding of his capacity, as Attorney to make known to people within the community engaged in a matter, to advise them, if he so wishes, of his views of their counsel.

It is relevant to acknowledge that the Attorney-General, the first law officer of this Territory, the Minister who administers the Legal Practitioners Act, has to be taken to be bound by the same ethical considerations as other lawyers in the Territory. The Attorney leads the profession in Canberra. That is one of his responsibilities as Attorney-General and first law officer. He leads the profession. He not only leads the profession; he administers the Legal Practitioners Act. It has a whole range of rules which spin off into the Law Society and rules governing the conduct of solicitors and the Bar Association and the rules that relate to the conduct of barristers. The Bar Association of the Territory, in keeping with other bodies such as the Law Society, has rules governing members' conduct. There are stringent rules about conduct and stringent rules about the contact between barristers and the party opposed to their client. In essence, it is forbidden under the rules of the Bar Association, except in exceptional circumstances -

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and one such is not the opportunity to express an opinion concerning the perceived incompetence or ability of the opponent's legal representatives. It is a clear rule of the Bar Association.

**Mr Humphries:** I am not a barrister.

**MR STANHOPE:** But you are the leader of the profession in the ACT. You seem to misunderstand this fundamental problem, Attorney. You are the first law officer. You administer the Legal Practitioners Act. You have a position as Attorney-General which you seem not to accept.

**Mr Humphries:** I am not bound by the rules of the Bar Association.

**MR STANHOPE:** No, but you lead the profession, and one would expect that you would apply the same standards as first law officer as the profession applies to its members.

**Mr Moore:** I raise a point of order under two standing orders. The first one is on relevance. My second point is that Mr Stanhope, in exercising his right of reply, is introducing new material into the debate. On both of those issues, the Bar Association has no relevance whatsoever to this debate. It is just pathetic.

**MR SPEAKER:** I do not uphold the point of order. There has been a fairly wide-ranging debate.

**MR STANHOPE:** I am responding directly to the points that the Attorney made. I will conclude with a final comment on the Bar Association rules, because the Attorney obviously does not know or understand them. It is a further rule of the Bar Association that, if a person approaches a barrister to perform some legal duty for him and it is not the work of a barrister, that barrister is not to tell the person that he or she will perform the work if a particular solicitor is instructed in the matter. It is a typically difficult and obtuse rule. This is rule 79 of the Bar Association. It is obvious by inference that a barrister should not and must not approach a person for whom he holds no brief and suggest that a barrister or solicitor briefed should not continue to be so briefed. It is a clear breach of the ethical rules of practice. The profession can regard it as bringing the profession into disrepute.

The point here is that the Attorney is hoist by his own petard. He has referred to the Law Society a complaint about Mr Collaery for bringing the profession into disrepute when the Attorney, as the first law officer, has absolutely no compunction about breaching standard accepted rules of the profession which he must, as the leader of the profession, abide by.

It has been a long debate, Mr Speaker. The issues have been traversed. I think it is quite clearly the case that the Attorney cannot walk out of this place and claim that he has not, by his actions, generated in this community a perception that he has not acted with the clear interest of the administration of justice at heart. He has exhibited a clear bias. He has clearly compromised his position as first law officer and Attorney-General. This Assembly and this community can quite clearly have no confidence in this Minister.



Question put:

That the motion (**Mr Stanhope's**) be agreed to.

The Assembly voted -

*AYES, 8*

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

*NOES, 9*

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

Question so resolved in the negative.

**LEGAL PRACTITIONERS ACT – CANBERRA HOSPITAL IMPLOSION – COMPLAINT  
BY ATTORNEY-GENERAL  
Presentation and Publication of Documents**

**MR BERRY** (4.54): Mr Speaker, I seek leave of the Assembly to present some documents and to move a motion in relation to publication of the documents.

Leave granted.

**MR BERRY:** Mr Speaker, I present papers presented earlier this day by Mr Stanhope, Mr Humphries, Mr Quinlan and Mr Smyth, with the names of people blacked out, and move:

That these amended papers be authorised for publication.

Question resolved in the affirmative.

**SUSPENSION OF STANDING AND TEMPORARY ORDERS**

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

That so much of the standing and temporary orders be suspended as would prevent questions without notice being called on forthwith.

## QUESTIONS WITHOUT NOTICE

### Canberra Hospital – Surgical Operations

**MR RUGENDYKE:** I apologise to the Leader of the Opposition if I have broken any convention or protocol. My question, Mr Speaker, is to the Health Minister, Mr Moore. I must say that I advised Mr Moore earlier today that I would be asking a question along these lines. Minister, I understand that a patient at the Canberra Hospital under the care of a staff specialist was, in fact, operated upon by a visiting medical officer although there had not been consent given to that surgeon to operate on the patient. Could you please explain what has occurred to this patient and what action has been taken to deal with the surgeon?

**MR MOORE:** I thank Mr Rugendyke for the question, particularly for giving me some notice of it. Let me say at the start of my answer, Mr Rugendyke, that you are not breaking any convention at all by taking the first question. It happened regularly in previous Assemblies that I would, Ms Tucker would and Mr Osborne would take the first question. I think the particular issue that you are talking about is a very serious issue and I thank you for giving me the time to explore it. I need to give a bit of background in the first place, Mr Speaker.

In order to speed up the waiting times of patients booked for surgery at Canberra Hospital, the hospital is undertaking the process of reviewing whether any patients currently booked in under one surgeon can appropriately be treated faster by different surgeons. It should be noted that public patients are not the property of any particular surgeon. They are booked in at a public hospital and it is perfectly proper for the hospital to arrange for them to be treated by a different specialist. Conversely, public patients do not, in fact, have any ability to insist on treatment by a particular surgeon.

In accordance with this policy, all long-wait category two patients on a certain visiting medical officer's list were reviewed in March 1999. Several of these patients were asked if they would be happy for their operations to be performed by a hospital staff specialist, as the surgery would be performed within the next six weeks. All agreed. One such patient, classified as category two, was last seen by the visiting medical officer in September 1997. It should be noted that a patient classified as category two should optimally receive surgery within 90 days. The patient concerned had an initial diagnosis of phimosis and penile warts. He attended a preadmission clinic appointment with a staff specialist on 21 April 1999. A provisional diagnosis of a large penile cancer was made, subject to a wedge resection being performed.

The patient was admitted to the hospital on 23 April 1999 under the care of the staff specialist. A wedge resection was performed on 24 April 1999 which confirmed the provisional diagnosis. The staff specialist discussed the result and the pending surgery with the patient and his family. At all times the patient remained under the care of the staff specialist. A consent form for the surgical operation was signed by a registrar and the patient. The procedure had been explained by the staff specialist, and this fact was stated on the consent form.

At 21.05 on 29 April, nursing staff on the ward received a phone call from the visiting medical officer, who instructed them to fast the patient. They thought that he had made a mistake, given that he had not seen the patient and undertaken a clinical assessment and that the patient had been admitted under the staff specialist and expected the staff specialist to perform the surgery. The VMO booked the patient on the subacute list. On the morning of 30 April 1999, the VMO instructed the operating rooms to call for the patient and the patient was taken to the operating theatre. As this was occurring the staff specialist, a team of nurses and anaesthetists were preparing to operate on the patient. In due course, the staff specialist contacted the ward to call for the patient, only to be informed that the patient was already in theatre undergoing surgery with the VMO. The operation was completed and the patient returned to the ward.

The only good news in this whole sorry saga is that there is no suggestion at this stage that the operation was not a success. It became apparent after the operation that the patient, having been anaesthetised, was unaware that the VMO had performed the surgery. The patient has also stated that he had not seen - - -

### ADJOURNMENT

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

That the Assembly do now adjourn.

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

Question resolved in the negative.

### QUESTIONS WITHOUT NOTICE

#### Canberra Hospital – Surgical Operations

**MR MOORE:** It became apparent after the operation that the patient, having been anaesthetised, was unaware that the VMO had performed the surgery. The patient has also stated that he had not seen the VMO for a long time, but he had seen the staff specialist. The patient was informed by the hospital what had occurred. The patient and his family have written to the chief executive of the hospital expressing their unhappiness to discover that the operation was performed by the visiting medical officer. They have expressed their approval of the staff specialist and their gratitude to him for arranging to perform the surgery.

In response to these events, the chief executive officer and the director of the surgical SMT have over recent days taken care to ascertain all the relevant facts and have confirmed the details given above. Legal advice has been sought from the Government Solicitor. The VMO has been written to seeking an explanation as to what authority he had to act as he did, and he has responded. The VMO's response has not been satisfactory to the chief executive officer; I must say, nor has it been satisfactory to me.

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I am informed that the VMO - in fact, I have a copy of the letter - has been written to this afternoon, Thursday, 6 May, and that he has been informed that his contract has been suspended for misconduct, in accordance with the terms of his contract. The chief executive has advised me that all other patients listed as being under the care of the visiting medical officer will be transferred to the care of the staff specialist and/or other visiting medical officers in the specialty.

**MR RUGENDYKE:** Mr Speaker, I have a supplementary question. Minister, on the surface, this action of surgery without consent would appear to be an assault. Has the matter been referred to the police for investigation?

**MR MOORE:** On the matter of assault, Mr Speaker, it is inappropriate for me to express any form of legal opinion. The chief executive will be handling the matter according to legal advice. If the legal advice to the chief executive officer does warrant that approach, then that will be the actual date. I have discussed the matter of the calling of the police with the chief executive officer and his response to me was in that form. So, that matter is yet to be followed through. An investigation by the police, of course, is still not a matter of guilt or innocence, but I think it is something that may well be followed up.

### **Bruce Stadium**

**MR STANHOPE:** My question is to the Chief Minister. Has the Chief Minister received any advice that subcontractors working on the Bruce Stadium redevelopment have been told by lead contractors that they cannot be paid because the Government has not met payments due in the past month? If so, can the Chief Minister confirm that the contractors on the Bruce project have not been paid by the Government?

**MS CARNELL:** I will have to take that question on notice. I really have very little to do with the payment of subcontractors on the Bruce Stadium site, but I am also very interested, Mr Speaker, that in the second question time after the budget we have run out of questions on the budget.

**MR STANHOPE:** We have not run out of questions, Mr Speaker. Just following on from the Chief Minister's answer, I thank her for taking the question on notice, but will the Chief Minister take steps as soon as possible to ensure that contractors are paid what they are owed immediately and to ensure that they are paid on time during the remainder of the project?

**MS CARNELL:** Mr Speaker, I think it is very important for subcontractors or, for that matter, anybody else who is owed money by the Government to be paid in a timely fashion, and I certainly will take that on board.

### Canberra Milk Logo

**MR OSBORNE:** My question is to the Minister for Urban Services. Minister, can you confirm that a contract has been signed between the Government and Capital Chilled Foods for the use of the Canberra Milk logo?

**MR SMYTH:** I thank the member for his question and his interest in this matter. Yes, a contract has been signed between the Milk Authority and Capital Chilled Foods to license the use of the Canberra Milk brand for a period of four years. Let me assure the Assembly that the brand itself will be still owned by the Government through the Milk Authority, but this move ensures that Canberra Milk will continue to be available to consumers. Under the terms of the agreement both the local industry and its jobs have been protected, in line with the Government's reforms for the industry to help it survive at a time of great change in the national milk market. The agreement ensures that local processing has a future by requiring the brand to be used only for milk processed and packaged in the ACT. It also requires Capital Chilled Foods to promote the brand extensively for the life of the agreement.

### Housing – Uriarra

**MR WOOD:** My question is to the Minister for Urban Services, Mr Smyth. It is about the Minister's proposal in the budget papers to evict workers from their homes at Uriarra. Why can you not, instead, look after those tenants, as you should do, and maintain their homes like any decent landlord?

**MR SMYTH:** Mr Speaker, we will be looking after the needs of the tenants. It is because of the needs of the tenants that we are actually doing that. The housing is very old. It is housing that has had identified in it asbestos, lead paint and termites, and it is housing that, to be serviced adequately, requires some \$2m worth of infrastructure to be upgraded. The upgrading of the actual houses is estimated at some \$1m. So, what we are talking about is not spending \$3m on inappropriate housing but spending money wisely and appropriately to ensure access and social justice for all of those people on the waiting list as well.

**MR WOOD:** I have a supplementary question, Mr Speaker. The tenants do not think that you are looking after their interests; they want to stay. Since you will not help the workers there, is it equitable, is it fair and is it decent now to hand the area over, probably to rural residential developers, for on-sale to yuppies?

**MR SMYTH:** That is certainly an idea, Mr Speaker, and I thank Mr Wood for the idea. No decisions have been made on rural residential development. We are still finishing the wrap up of the consultation period. This decision is about whether it is appropriate for us to have housing in rural areas whereas, to better serve the needs of tenants, they should be located near services and they should be of a standard commensurate with the needs of the tenants. We will deliver on that.

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### **Bruce Stadium**

**MR HIRD:** My question is to the Chief Minister and Treasurer, Mrs Carnell. I refer to the Government's decision to borrow funds via the Central Financing Unit in relation to the Bruce Stadium redevelopment. Can the Treasurer tell the parliament when the laws allowing these kinds of financial arrangements were first introduced within the ACT Government?

**MS CARNELL:** Thank you very much, Mr Hird, for that question because, fairly obviously, it is important in this area to get some facts onto the table. Mr Speaker, if there is one thing that we all agree on about the loan for Bruce Stadium it is that the Labor Party and, I have to say, its newest ally, Trevor Kaine, do not care terribly much about the details of what has actually happened as long as they can attack me. I can understand that, particularly from two parties which have demonstrated that the only way they know that they can get at the Government is to have a go at personalities. We have seen that again today. In fact, Mr Speaker, it has been fascinating over recent weeks, with obviously no issues on the table, to see motions having a go at Mr Smyth and Mr Moore - and at Mr Humphries today. On they go, Mr Speaker, just straight personal attacks. That always shows that an opposition is simply bereft of any ideas or any direction. We certainly saw that today when the Opposition had their supposed day in the sun - the day when they respond to the Government's budget by putting their ideas on the table as the alternative government.

**Mr Berry:** I rise to a point of order, Mr Speaker. I do not think Mr Hird asked any questions about today's events.

**MS CARNELL:** I know that you are embarrassed, Mr Berry.

**Mr Berry:** No, I just want to hear an answer to the question, too.

**MR SPEAKER:** Order!

**MS CARNELL:** Mr Speaker, I am well aware of what the question was about and will proceed to answer it. Mr Speaker, there are some people in this Assembly who are actually interested in the history behind loans transactions by the ACT Government and it is for them that I put this information on the table. Mr Speaker, we now know that the transaction involving Bruce Stadium by this Government was not the first where funds were not specifically appropriated. It happened under the Labor Party. In fact, it happened five years ago under the former Labor Government. In 1993, a \$1.5m loan was made to ACT Forests. We now know - - -

**Mr Quinlan:** Paid back the next day, of course!

**MS CARNELL:** No, it was never paid back, or interest paid, and it was not appropriated. Mr Speaker, we now know that this loan was not specifically appropriated by the Legislative Assembly. In fact, I have spent a bit of time over the last 24 hours looking at this particular transaction, and the more I read, I have to say, the more interesting it becomes.

**Mr Berry:** Who made the decision?

**MS CARNELL:** I will tell you. Let us just look at some of the interesting similarities between the loan in 1993 and the loan last year. First, both were provided by legislation under the investment powers conferred on the respective Treasurers. Secondly, both were for capital improvements. Thirdly, neither was specifically covered by a loan in an annual appropriation Bill. Fourthly, they both involved loans from the central financing agency of the ACT Government, known then as ACTBIT and now as the CFU. Fifthly, both loans were the result of Cabinet decisions, with the terms and conditions being determined by the respective Under Treasurers. The sixth and final similarity is that both were in accordance with the standard government and treasury practice at the time. So, there we have it, Mr Speaker, facts on the table as opposed to wild claims from those opposite and others who should have known better.

Unlike those opposite, this Government is not suggesting that there was any impropriety on the part of the former Labor Government. Indeed, despite this morning's behaviour, which was absolutely atrocious, at least some of us in this place have standards left, Mr Speaker. What I can say is that the loan in 1993 clearly demonstrates that in both cases the proper procedures were followed, the normal procedures of the time. Beyond any shadow of doubt, there was a precedent for the Bruce Stadium loan - one under a Labor government. Again, I do not expect the Labor Party or Mr Kaine to be particularly interested. They have already made up their minds on this issue and every other issue related to this Government. But I do think that it is important for the Assembly to realise that there is a precedent, and there may be others, Mr Speaker.

To answer Mr Hird's question directly, I can tell the Assembly that the Audit Act of 1989 provided for these kinds of transactions and these provisions were continued through into the Financial Management Act of 1996. Something else that may be interesting is that I am advised that no repayments have been made to date on the loan to ACT Forests. That is right, Mr Speaker, no repayments at all on a loan that was not appropriated. That is very interesting. Mr Speaker, you have to ask yourself, in light of that: What is the reason behind the so-called hysteria that those opposite have brought into this place about the loan transaction for Bruce which was fully disclosed and reported on several occasions? Again, Mr Speaker, I make the point: Why would those opposite and Mr Kaine go down the path of this almost semi-hysteria on something that has been fully reported and fully disclosed on several occasions? As I said earlier, Mr Speaker, it comes down to politics - pure, unadulterated, get the Chief Minister any way you can politics. We saw some of that this morning, Mr Speaker. This morning it was get the Attorney-General. If they cannot come up with a policy, and Mr Stanhope certainly showed that this afternoon, and if they cannot come up with a direction, with a vision, with even an idea in a budget speech, the only thing left for those opposite is to attack people individually.

Mr Speaker, I would like to finish by asking Mr Stanhope whether he, the Leader of the Opposition, has any credibility left on this issue. We have spent an awful lot of time and effort on this issue in the Assembly, but the budget is absolutely essential to the future of the ACT and the budget reply this afternoon from Mr Stanhope had not one idea in it at all. Mr Speaker, you have to ask once and for all what Mr Stanhope stands for. Obviously, nothing at all.

### **Review of Government Fees and Charges**

**MS TUCKER:** That was interesting. I noticed the Chief Minister's final comment was a personal attack on Mr Stanhope. My question is also to the Chief Minister. As the Assembly knows, government revenue-raising strategies can impact unfairly on different sectors of the community if they are not carefully thought through. For the last few years the community sector has been calling on the Government to review government fees and charges to test for equity. On 4 May the Chief Minister issued a press release stating:

Existing fees and charges collected by the ACT Revenue Office have been reviewed for the first time since a partial review was conducted in 1996-97 ...

Governments need to review their charges regularly, as does any other service provider, to ensure that appropriate fees are collected for services.

My question to the Chief Minister is: Did the Government consult the community sector to ensure that equity issues were addressed in their review of government fees and charges?

**MS CARNELL:** Mr Speaker, I am not sure of the process followed in the Revenue Office when they did the review of government fees and charges, but I know the basis upon which that was done. It was done to ensure that the ACT had a revenue base high enough or reasonable enough to pay for health, education, police, community services, mowing the grass and all of the other things that make this Territory a great place in which to live. After the frustration of hearing Mr Stanhope earlier today, we have Ms Tucker completely forgetting that you cannot have any services unless you have a revenue base. You actually have to ensure, as I said right at the beginning of my budget speech or during my budget speech, that one of the roles of government is to ensure that the revenue base is broad enough and adequate enough to be able to pay for the services that the Territory needs.

I also said in that speech that nobody likes increasing taxes or charges. No government loves to say, "Oh, we will put that one up". Of course we do not. We do everything in our power to avoid that. But it is our role. That is the difference between being in government and being in Ms Tucker's position of being able to be all things to all people but never actually have a proper, defensible policy on anything, of being able to say, "We do not like any of these fees and charges, but we need more money for the environment and we need more money for community services". We need more money for all of these things, but she never comes up with an approach on how to get it. We saw that also from Mr Stanhope this afternoon saying, "We do not like redundancies and we do not like increases in fees and charges, but we do want to make sure that you get the budget into the black". I am absolutely aghast at how he ever does that.



Mr Speaker, one of the things that this Government has done over the last couple of months, in cooperation with ACTCOSS, is to put in place a broad-based community committee to look at poverty in the ACT. It is under the chairmanship of Richard Randerson and has a broad range of people from the community looking at issues in our community for those people who may be doing it a bit tough and may be falling through the cracks and at how we identify those people and, of course, make sure that they have adequate support services. This Government is not sitting on its hands. It is out there doing something about the group of people that we all accept are doing it tough out there in our community and that do need support. At the same time we are ensuring that our revenue base is broad enough to provide services that every member of the community wants and deserves.

**MS TUCKER:** I have a supplementary question, Mr Speaker. I think the answer was that the Chief Minister did not know, apart from the rest of the misrepresentation of my position and a personal attack. But that is fine. Mrs Carnell does not actually - - -

Members interjected.

**MR SPEAKER:** Order! Members, come to order, please! Ms Tucker, we will have a supplementary question, not a critique, thank you.

**MS TUCKER:** I do not mind personal attacks, but the point is that Mrs Carnell said that she did not know whether there was an assessment of equity issues.

**Ms Carnell:** There is a standing order about preambles, Mr Speaker.

**MR SPEAKER:** Yes, there is. As I said, we will have a supplementary question, not a critique.

**MS TUCKER:** My question is: If the Chief Minister does not know, could she please table for this place the report on the review of government charges, along with details of any equity tests that have been used in reviewing these charges?

**MS CARNELL:** Mr Speaker, I think that question is exactly the same as the first question that I answered. I think that it is exactly the same. In fact, you would have to ask sometimes whether Ms Tucker is just a waste of oxygen.

### **Bruce Stadium**

**MR KAINE:** Mr Speaker, my question is to the Chief Minister. Chief Minister, it is a straightforward question and does not need a five-minute answer. Can you confirm that one of the two Public Service directors of Bruce Operations Pty Ltd has resigned, or has signified an intention to do so, from the ACT Public Service and also, presumably, by extension from the directorship of Bruce Operations Pty Ltd?

**MS CARNELL:** No, she has not.

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**Mr Kaine:** You do not know much about what is going on in your organisation, do you?

**MS CARNELL:** She has not.

### **ACTEW – Capital Repatriation**

**MR QUINLAN:** Mr Speaker, my question is to the Chief Minister. In your budget you have justified the capital repatriation from ACTEW as following the recommendations of the Select Committee on the Territory's Superannuation Commitments. Why, then, did you not adopt other recommendations or why did you not credit those international economists ABN AMRO for the initiative, given that they were the first to suggest its possibility? While you are up, will you concede that in the space of two years you have provided to the superannuation fund nothing - I repeat, nothing - other than the \$300m from ACTEW and the little bit of interest that it has actually accumulated itself?

**MS CARNELL:** Mr Speaker, over the last two years we have tried very hard to fully fund our unfunded superannuation scheme. Unfortunately, this Assembly stopped us doing it, Mr Speaker. The option of taking \$300m from ACTEW to help fund superannuation liabilities is a second-best option from the Government's point of view - we have made that point the whole way through - but is entirely consistent with the recommendations of the Assembly committee. The committee modelled 10 alternative options to the Government's preferred option of investing the lion's share of the proceeds from the sale of ACTEW in superannuation. All 10 of the committee's options involved a capital repatriation from ACTEW in 1999-2000. Mr Speaker, all 10 of the committee's options involved a capital repatriation, as I said, in this year, varying between \$250m and \$400m.

The committee specifically recommended that the Government develop a strategy which, at a minimum, included a repatriation from ACTEW to increase the current SPU coverage to above 30 per cent. The proposed capital repatriation of \$300m will increase the superannuation provision account coverage to 50 per cent of the total superannuation liability. So, Mr Speaker, not only have we complied with increasing the current SPU coverage to above 30 per cent; we have taken it to 50 per cent.

Mr Quinlan will say, "Why haven't you utilised the income stream from ACTEW" - this is your supplementary; I will answer it now so that you will not have a supplementary - "to contribute towards the unfunded liability?". Mr Speaker, the reason for that is that the income stream from ACTEW is being used for health, education, community services, police and service provision. I am more than happy to use that income stream for the superannuation provision account if Mr Quinlan in his supplementary question will tell me which service he would like cut to enable us to do that.

**MR QUINLAN:** Mr Speaker, my supplementary question, then, is: Why have you not at least allowed the superannuation provision to increase by \$300m plus the interest earned in the year? And what ever happened to the \$200m over four years commitment you made way back - one year ago?

**MS CARNELL:** Mr Speaker, at least you would have to say for Mr Quinlan, unlike Mr Stanhope, that he actually can work out a new supplementary question on his feet, although it is a very similar one. Why did we not put the \$200m in on top of the \$300m? Because, as we explained at, I think, last year's estimates - obviously Mr Quinlan does have a tiny bit of a problem with long-term memory - one of the major places that we were getting the money from to go into the superannuation provision account was from the sale of the streetlights. Mr Speaker, those opposite opposed the sale of the streetlights. You just cannot have your cake and eat it too. You opposed the streetlights sale - shock, horror, the nasty Government should not do this! - and we did not do it, so we cannot put the cash into the superannuation provision account, which is exactly what we said we were going to do with the money and they then opposed that, Mr Speaker.

**Mr Humphries:** It's incredible.

**MS CARNELL:** It is incredible. You simply cannot have it that we do not have the money from the sale of the streetlights but we still somehow have the cash to go into the SPU. Mr Quinlan was out there opposing the streetlights sale with all of his being. The inevitable outcome of that has been that the money is not there for the superannuation provision account, and he says, "Shock, horror, it is not there". Mr Quinlan probably needs that accounting 101 course a damn sight more than I do.

### **Playgrounds**

**MR HARGREAVES:** My question is to the Minister for Urban Services. In the DUS ownership agreement for 1999-2000 it is said that 189 out of 440 - that is, 43 per cent - of Canberra's playgrounds do not meet Australian standards. When I asked a question about this subject about a year ago I thought that it was about a dozen, but I was staggered to see that it is 189. The agreement also says that \$20,000 for each playground is needed to bring them up to those standards. That would seem to mean that, on average, they fall well below the standards. The budget for fixing some of them this year is only \$500,000, which means that only 25 of the 189 will be fixed in the coming year. Does the Minister agree that it will take, at 25 playgrounds a year, a minimum of seven years to bring them up to scratch? Will the Minister table by close of business today a list of those playgrounds which do not meet the standards?

**MR SMYTH:** Goodness me, Mr Speaker, here we go again; but at least it is a budget question.

**Mr Moore:** Swings and roundabouts.

**MR SMYTH:** We are on the swings and roundabouts again. There is money in this year's budget for playground upgrades, assuming that we do not have to take that money to pay for Mr Berry's training levy, which was not funded in the budget. We will prioritise the playgrounds that need most urgent attention and continue to upgrade them as funds permit. No, I will not table a list of playgrounds before the close of business today. Asking a question like that at 5.30 in the afternoon is just patently ridiculous and shows that Mr Hargreaves should actually look outside and see how dark it is.

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**MR HARGREAVES:** I have a supplementary question, Mr Speaker. I thank the Minister for his puerile and childish response. Perhaps the Minister ought to go and play in one of those dud playgrounds. My supplementary question is: Does the Minister not think that the \$575,000 allocated for the new year party would be better off spent on fixing up a further 29 playgrounds ahead of schedule? Does this Government place a higher priority on parties than on the safety of our kids?

**MR SMYTH:** Mr Hargreaves should get off the slippery slide to obscurity and oblivion because questions like that are patently silly. When these playgrounds were built they met the standard of the time. As such, it is quite legitimate for them to be still there, as is any old car built to a different standard. Cars built in the 1950s and 1960s are still on the road and they are quite legitimate because they were built to a standard that was required at the time. We will, however, upgrade playgrounds as quickly and efficiently as we can. We also carry out minor maintenance on the playgrounds where items are found to be defective or to be broken. We replace them as we need.

Mr Hargreaves makes a comparison with the money that we have put aside for the celebrations at the end of this year. Mr Berry also made comparison to that in one of his press releases. You are damned if you do and damned if you do not. If we said that there was no money to put aside for some sorts of festivities to herald in the new millennium, we would have been called a pack of wowsers. Come October-November, they would have been beating the drum and saying, "These people do not consider the future". Well, we have. Do you know why we consider the future, Mr Speaker? It is because we talk to the community. We talk to the community far more than they talk to the sheltered workshop that they deal with. We get out and provide services and we deliver for the people of Canberra.

Last year Urban Services ran the 12 days of Christmas program, and there was a splendid result. People were in Civic enjoying themselves, families were out at night having a good time. Class acts were coming into Canberra. We had Dorothy the Dinosaur and things that the real people of Canberra appreciate. We were building up social wellbeing, building up the social spirit, and making sure that the people of Canberra had a good time.

The wowsers of the Opposition will not be going to any New Year's Eve parties this year; they do not want New Year's Eve parties this year. Mr Speaker, all over the world parties are being organised for New Year's Eve this year. There are boat trips to the International Date Line.

**Mr Moore:** It is not a new year; it is a new bloody millennium.

**MR SMYTH:** The new bloody millennium, that is right; sorry, the new millennium. People are organising boat trips to the International Date Line so that they can see it in first and then cross over the date line and have another one 23 hours later. Mr Speaker, all over the world people are going to celebrate this significant event. I will put something on the table here. I think that it is a significant event because it is actually the 2,000th anniversary since the time of Christ. That is why people in my parish and I will be celebrating the new millennium. We see it as a special time. We see it as a time of renewal.

We in the Government actually see it as a time of renewal as well because it is a time for us to say, "Let's get on with the new millennium, let's move forward, let's get involved with the new spirit and let's as a city celebrate together". That is really important. We celebrated last year and it was really heartening to see families sitting on the grass on a Sunday night enjoying a hot dog and having a good time, and they are going to enjoy themselves this year.

Mr Hargreaves is saying that there should be no fun. His party is the no-fun party. They stand for absolutely nothing. The wowers of the Labor Party stand for nothing. They will pick on everything simply to make false points. This is a very important issue. It is important that we as a city, the nation's capital, show that we welcome the new millennium as well.

**Mr Moore:** We are the party party.

**MR SMYTH:** Yes, we are the party party. I understand that in Sydney and Melbourne the hotels are almost booked out for the new millennium because people see it as important. It is actually a tourist event, Mr Speaker. We have the potential for people to come here and spend money and enjoy themselves, but yet again the people opposite are against any investment in the future. They are a pack of wowers; they stand for nothing.

### **Bruce Stadium**

**MR BERRY:** Mr Speaker, earlier in question time, the Chief Minister referred to a 1993 Cabinet decision - - -

**Mr Humphries:** To whom is the question?

**MR BERRY:** The Chief Minister.

**MR SPEAKER:** It is nice to know.

**MR BERRY:** Chief Minister, how can members of the Assembly be satisfied that they have not been misled in relation to your reference to it? You might inform the Assembly as to how you came by the Cabinet decision.

**MS CARNELL:** Mr Speaker, I am very happy to answer that question. I did not come by the Cabinet decision; it is actually referred to in the documents that we tabled yesterday in the Assembly. Those normal departmental documents refer to a Cabinet decision on the issue.

**MR BERRY:** Mr Speaker, how is it that the Chief Minister can refer with such accuracy to a Cabinet decision if she has not seen it? If she has seen it, whose approval did she seek to get access to it?

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**MS CARNELL:** Mr Speaker, I just answered that. The documents that I tabled yesterday with regard to the loan referred directly to a Cabinet decision that had been taken to verify that loan. It is quite simple. It is there in black and white. It has already been tabled in this place. If Mr Berry does not have a copy of those documents, I am more than happy to send him a copy. It is quite simple.

**Mr Berry:** So, you did not have a Cabinet decision?

**MS CARNELL:** No.

### **CanDeliver**

**MR CORBELL:** Mr Speaker, my question is to the Chief Minister. Budget Paper No. 4 confirms that the Government wrote off a loan of \$850,000 to CanDeliver. Can you explain to the Assembly why the Government wrote off the loan?

**MS CARNELL:** Mr Speaker, there is no doubt that it has taken longer than we would have hoped for CanDeliver to be able to be cost neutral to the Government. We know that CanDeliver is a Territory owned corporation. It was established in 1997. It has been actively seeking and is now winning contracts to supply services to Commonwealth Government and ACT agencies. As many members would be aware, the basis for establishing CanDeliver was to give ACT companies an opportunity to pick up Commonwealth Government outsourcing. As we would all be aware, ACT companies were concerned when the Commonwealth started going to significant outsourcing that they simply did not have the size and the financial underpinning to be able to pick up these contracts themselves. So, CanDeliver was established, I hope with the support of the Assembly, in an attempt to give local companies more of a chance of being part of that sort of outsourcing.

Mr Speaker, CanDeliver has worked with a wide range of small businesses in the ACT and has helped to ensure that a large proportion of the jobs outsourced by the Commonwealth have remained in the ACT. Members will be aware that contracts it has won with the Department of Prime Minister and Cabinet, the Department of Finance and Administration and others are now in place. Members will also be aware that the Commonwealth tender processes often take many months and individual tenders generally do not win every time. As a result, firms often have a significant level of resources committed to particular bids at any one time.

In recognition of that and of the lead times for any businesses to be fully funding, the Government has decided to provide extra funds this year for CanDeliver in working capital and also, as Mr Corbell has said, it has been placed in the position of having to write off a loan. That is my understanding. Mr Speaker, we do have a choice here. We could scrap the whole CanDeliver approach and allow small businesses in Canberra to do it on their own or, alternatively, we can stand behind CanDeliver, chaired by a previous Deputy Chief Minister of this place - - -

**Mr Hird:** Who would that be?

**MS CARNELL:** He was not a Liberal. It is Mr Lamont. Mr Lamont does chair the CanDeliver board and I am sure that everybody would agree that Mr Lamont is a very capable person. Some people did not seem to agree on the other side of the house. We agree. Mr Speaker, we believe that CanDeliver should be given longer to establish its position. It has started to win contracts. Yes, it has taken longer than we would have thought. Really, the whole basis for having CanDeliver, the basis of keeping jobs here in the ACT, is worth a whole heap of commitment from this Assembly, and it certainly has it from the Government.

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

### **AUTHORITY TO BROADCAST PROCEEDINGS Paper**

**MR SPEAKER:** Pursuant to subsection 8(4) of the Legislative Assembly (Broadcasting of Proceedings) Act 1997, I present an authorisation to broadcast given to a number of television and radio networks in relation to proceedings of the Assembly for today, 6 May 1999, concerning debate on the motion of want of confidence in the Attorney-General.

### **PURCHASE AGREEMENT Paper**

**MR SPEAKER:** I present the 1999-2000 purchase agreement between me, as Speaker, and the Clerk of the Legislative Assembly for the Australian Capital Territory.

### **FINANCIAL MANAGEMENT ACT - APPROVAL OF GUARANTEES Papers and Ministerial Statement**

**MS CARNELL** (Chief Minister and Treasurer): Mr Speaker, for the information of members and pursuant to subsection 47(3) of the Financial Management Act 1996, I present approvals of guarantees under an agreement between the Australian Capital Territory and the CPS Credit Union Cooperative (ACT) for loans under the new enterprise loan guarantee scheme. I ask for leave to make a short statement.

Leave granted.

**MS CARNELL:** These guarantees arise from the administration of the new enterprise loan guarantee scheme, which represents the Government's continued support for small business in the ACT. The underlying principle of this scheme is to provide small businesses with start-up capital in the expectation that they will succeed in establishing and developing their business to the point where they are self-sustaining. It is intended that the scheme will give eligible applicants access to loans from an approved institution to a maximum of \$10,000 over a period of up to two years.

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The CPS Credit Union has agreed to support the principles of this scheme by providing concessional rates to eligible applicants and has been selected as the loan provider. I stress that these are guarantees, not loans, grants or any other forms of financial assistance.

**Mr Humphries:** Loans!

**MS CARNELL:** Loans! Oh, no, we are in trouble.

**Mr Humphries:** Cover up quickly!

**MS CARNELL:** Cover up, yes. The maximum exposure under the scheme is capped at \$500,000. If it is a loan; we had better be careful!

### **CODE OF PRACTICE FOR ACCREDITED DRIVING INSTRUCTORS Paper**

**MR HUMPHRIES** (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer): For the information of members and pursuant to section 6 of the Subordinate Laws Act 1989, I present subordinate legislation relating to an instrument of approval of the Code of Practice for Accredited Driving Instructors.

### **RESIDENTIAL AND COMMERCIAL LAND RELEASE IN THE A.C.T. 1999-2004 Paper and Ministerial Statement**

**MR HUMPHRIES** (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer): For the information of members, I present a paper on residential and commercial land release in the ACT 1999-2004. Mr Speaker, I have a prepared statement and I ask for leave to have that statement incorporated in *Hansard*.

Leave granted.

*The statement read as follows:*

Mr Speaker

I am pleased to present this document which provides information on the Government's residential and commercial land releases planned for 1999-2000 and the areas to be considered for further releases over the next five years.

This is the first time that the land release program has been released in this level of detail. The Government is proposing that, in future, similar information will be released annually with the Budget.



I am sure all Members would agree that the Territory's land resources are one of our most significant and important assets.

It is our responsibility to ensure that best use of this resource is achieved in a way that optimises the benefits to the community as well as ensuring longer term sustainable planning for the Territory.

Any land use must also respect the environment that we live in.

The document contains analysis of all market, demographic and economic information which impacts on land activity and trends.

It outlines key principles and priorities for the next five years. One of the key principles relates to the transparency in land sales processes.

The Property Advisory Council has recommended to the Government that land should generally be released through an open and transparent process. Having said this, the Council also recognised that there may be occasions where it would be in the Territory's interest to directly negotiate. In these cases, appropriate accountability measures have been recommended.

Other principles covered under the program include:

- . linking land releases to the Government's business incentives program, where land has been sought by proponents;
- . optimising the use of existing infrastructure through infill development across suburban areas that have been left undeveloped over the years; and
- . ensuring that maximum benefits come to the Territory through setting reserve prices at levels which recover the average costs of providing major physical infrastructure.

The Government's key priorities for land releases over the next five years include providing adequate choice across all market segments and, as I mentioned, conserving the Territory's natural resources. Greater flexibility will also be encouraged, particularly in relation to land uses around group and local centres.

It will also be important to maintain an adequate balance between land demand and the supply of land in the market. For this purpose, it is proposed to maintain a developers' and builders' supply pipeline based on three years demand.

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I am particularly pleased to say that the work has been developed in close consultation with the Residential and Commercial Advisory Groups. These groups include key representatives from across all aspects of the sector and their assistance has been very important.

I believe that we have established a partnership which can only benefit the Territory and make best use of the limited land resources that we have.

### **AMBULANCE SERVICE LEVY (AMENDMENT) BILL 1999**

**MS CARNELL** (Chief Minister and Treasurer) (5.43): I present the Ambulance Service Levy (Amendment) Bill 1999, together with its explanatory memorandum.

Title read by Clerk.

**MS CARNELL:** I move:

That this Bill be agreed to in principle.

Mr Speaker, I seek leave to incorporate my speech in *Hansard*.

Leave granted.

*The speech read as follows:*

Mr Speaker, the Ambulance Service Levy (Amendment) Bill 1999 amends the Ambulance Service Levy Act 1990 to provide for an increase in the amount used in the calculation of the Ambulance Service levy, from 63 cents to 83 cents per week, as announced in the Budget. The levy is payable by health benefits organisations in the ACT and is imposed to offset the cost of providing ambulance services in the Territory.

Currently the provisions which allow adjustment of this amount are tied to the NSW Health Insurance Levies Act 1982. In the past, as the NSW rate was adjusted to reflect changes in CPI and average weekly earnings, the ACT amount was adjusted accordingly. However, there have been no such adjustments in NSW since February 1997. Instead, NSW increased its rate from 63 cents to 83 cents from 1 July 1997 through legislative amendment. This amendment to the Act will again bring the ambulance levy in the ACT into line with NSW.

Mr Speaker, in the past the health funds had difficulty in accommodating differences between NSW and the ACT levies, hence the link with the NSW legislation. As this is no longer the case, the amendments will also sever the link and allow the Minister to set the amount by determination under the Taxation Administration Act 1999.

The amendment also makes a minor administrative amendment to the Act to replace obsolete requirements relating to the health benefit organisations' monthly returns.

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

### **VETERINARY SURGEONS (AMENDMENT) BILL 1999**

**MR MOORE** (Minister for Health and Community Care) (5.44): I present the Veterinary Surgeons (Amendment) Bill 1999, together with its explanatory memorandum.

Title read by Clerk.

**MR MOORE:** I move:

That this Bill be agreed to in principle.

I seek leave to incorporate my introductory speech in *Hansard*.

Leave granted.

*The speech read as follows:*

Mr Speaker, the *Veterinary Surgeons Act 1965* (the Act) provides for the registration of veterinary surgeons and veterinary specialists in the Australian Capital Territory.

The Board is established to provide registration of suitably qualified veterinary surgeons and veterinary specialists and related matters, in the interests of public safety and the welfare of animals.

It does this by administering the Act through the educational, professional and disciplinary provisions contained within the Act.

All current members of the board are required to be registered veterinary surgeons, however, the person appointed to the position of chairperson is also required to be 'a public servant'.

Prior to self government in 1989 'a public servant' referred to a Commonwealth public servant, however, since self government, 'a public servant' refers to an ACT public servant.

This lessens the scope of eligible appointees considerably as there are only five veterinary surgeons who currently meet these requirements.

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Because the term of the last appointed chairperson to the Board has expired and no nominations were received, the position of chairperson to the Board is vacant indefinitely.

The requirement for the chairperson of the Board to be 'a public servant' is not consistent with any of the other boards which come under the provisions of the *Health Professions Boards (Procedures) Act 1981*.

Chairpersons/presidents of veterinary surgeons boards in NSW, Victoria, Western Australia and South Australia are not required to be public servants.

The ACT is not an 'agricultural' jurisdiction, the majority of veterinary surgeons are aligned to providing small animal companion services. It is therefore expected that this amendment will not adversely impact on business, the community or government.

The Principal Act is currently under review in the light of regulatory reform and National Competition Policy requirements and it is anticipated provision will be made for the inclusion of a community representative on the Board.

The Veterinary Surgeons (Amendment) Bill 1999 will open eligibility for appointment to the position of chairperson of the Veterinary Surgeons Board to all veterinary surgeons registered in the ACT, thereby ensuring the availability of suitable nominees for the position of chairperson of the Board, in the future.

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

#### **EXECUTIVE MEMBERS BUSINESS - PRECEDENCE**

**MR HUMPHRIES** (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (5.45): Mr Speaker, in the interests of having all Bills tabled at the one time, I seek leave to move a motion for Executive members business to be called on forthwith.

Leave granted.

**MR HUMPHRIES:** I move:

That Executive members business be called on forthwith.

Question resolved in the affirmative.

**ELECTORAL (AMENDMENT) BILL 1999**

**MR MOORE** (Minister for Health and Community Care) (5.46): I present the Electoral (Amendment) Bill 1999, together with its explanatory memorandum.

Title read by Clerk.

**MR MOORE:** I move:

That this Bill be agreed to in principle.

I table the presentation speech and seek leave to have it incorporated in *Hansard*.

Leave granted.

*The speech read as follows:*

**ELECTORAL (AMENDMENT) BILL 1998**

**MR SPEAKER,** I present the *Electoral (Amendment) Bill 1998*, and move that it be agreed to in principle.

Members present in the last Assembly will remember the origin of this issue. The Liberal and Labor parties together voted to amend the previous ACT law regarding what financial transactions by political parties needed to be reported to the community. They did this, it was argued, to match the Commonwealth arrangements, which had recently been changed.

The entire crossbench at the time opposed the move vigorously. Mr Osborne and Ms Tucker will remember why. We opposed the changes because we did not accept the arguments of the large parties that their own administrative convenience justified reducing what the public were entitled to know about who was making donations to them and what they were spending money on.

I have always maintained that I would bring this matter back before a new Assembly to test once more whether you are prepared to accept that that decision was contrary to a healthy political system.

Last year the idea of trying to reverse the major parties joint decision was given even greater justification by the Commonwealth government. Prior to the last federal election the Commonwealth proposed amending their scheme to lift the reporting thresholds even higher - far higher than it would be reasonable to apply to the ACT political scene. Their legislation lapsed with the 1998 election, but it can be assumed that they will eventually make their changes.

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I challenge the Liberal and Labor MLAs to look the people of the ACT in the eye and say that donations of almost \$5000 need not be publicly disclosed in the affairs of the ACT Assembly, as would be the case if we matched these Commonwealth proposals.

So, Mr Speaker, the attempt to shadow the Commonwealth law seems to be to be doomed, short of an astonishingly brazen combination of Liberal and Labor MLAs.

Accordingly, I want today to invite the whole Assembly to return the law to the much better position it was in prior to 1996. Major party MLAs need not be ashamed to admit an error - I expect that the public would in fact congratulate you on having the capacity to do so.

I turn now to the detail of the Bill.

The central provisions of the bill deals with two financial thresholds.

The first threshold is the total value of transactions which triggers the need for a donor, recipient of creditor to be reported. The Act currently sets that value at \$1,500. Thus, donors of up to \$1,499 go unreported.

The Commonwealth proposes for their scheme that this threshold be lifted to \$5,000. I submit that this amount would be totally inappropriate for the ACT.

I propose that this threshold be returned to the figure it was prior to 1996, namely \$500.

The second threshold is the value of individual transactions which must be counted in determining whether the first threshold has been reached. The Act currently sets a general threshold of \$500. The effect of this is that all items up to \$499 can be disregarded. This makes possible the 'loophole' problem whereby a series of small donations, potentially adding up to a large amount, can go unreported, thus allowing potential evasion of the primary threshold of \$1,500.

This current loophole is absurd. I said so at the time in 1996, and it has been criticised by the media, the Pettit Commission report, and even the Electoral Commissioner.

Members, the proper figure for the first threshold is a matter, I concede, upon which reasonable minds can differ. That first threshold defines what the Assembly regards as small donors who are expressing their support with a few dollars, who are not seriously buying political favour for a lobby group or business, and who deserve a little privacy. Personally, I think that \$500 is about as far as I can push that concept. I will leave it to others to try to defend the figure of \$1,500. The federal figure of \$5,000 is simply not acceptable for the ACT.

But Mr speaker, in regard to the second threshold, which allows the disregarding of transactions and the potential evasion of the scheme, I fail to see how any reasonable Member can support the continuance of this problem. Three years ago a majority of Members were prepared to argue that “The Commonwealth does it, so we can too”, even though the potential loophole was pointed out even before the change was passed. Mr Speaker, this loophole must be closed.

Mr Speaker, the Bill also includes clauses repealing the capacity for Commonwealth registered political parties to lodge a Commonwealth Annual Return and have it deemed to satisfy the ACT law. If the Assembly accepts that the thresholds are to be returned to reasonable limits, or even simply that the loophole must be closed, the Commonwealth alternative no longer makes sense, and must be removed.

Finally, I have taken the opportunity to propose a few minor textual improvements. These are minor issues explained in the explanatory memorandum, and I do not propose to discuss them now.

Mr Speaker, I am very pleased to be bringing this Bill on today. It is an item I have flagged on my private members agenda, which I am committed to bringing forward to improve the openness of our political system.

I am aware that this matter is referred to in the report of the Electoral Commissioner for the 1998 ACT Election, and also in the Report of the Pettit Commission on Governance. Both these reports are with Mr Osborne's Select Committee, which has yet to report. To respect the work of that Committee, I have spoken with Mr Osborne and undertaken to make no attempt to bring this Bill on for debate until the Assembly has the benefit of that Committee's report.

I commend the Bill to the Assembly.

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

## QUESTIONS WITHOUT NOTICE

### **Bruce Stadium**

**MS CARNELL:** Mr Speaker, I have answers to two questions I have taken on notice. I seek leave to have them incorporated in *Hansard*.

Leave granted.

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*The documents read as follows:*

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY**

**QUESTION WITHOUT NOTICE  
TAKEN ON NOTICE**

**Mr Stanhope** - Asked the Chief Minister on 4 May 1999:

- 1 . Can you tell the Assembly how much has been paid to CRI Ltd to undertake the preliminary assessment for Bruce Stadium?
2. How much has been paid to CRI for the redevelopment of Bruce Stadium?
3. Can you confirm whether CRI were involved in the Olympic soccer bid?
4. Can you confirm that CRI is owned by Deutsche Bank?

**Ms Carnell** - The answers to the Member's questions are as follows:

- 1 . By 'preliminary assessment' I assume the Member means the initial work associated with the bid to SOCOG to host Olympic Games football in Canberra. CRI Project Management Pty Ltd (CRI) was paid \$47,000 for these services.
2. Expressions of interest were sought for project management of the subsequent redevelopment of Bruce Stadium. 6 companies responded. 2 companies, CRI and Lendlease, then proceeded to the second stage of the process. CRI was selected as the project manager and superintendent for the redevelopment of the Stadium. During the tender process, a probity audit was undertaken by Deloitte Touche Tohmatsu. No adverse issues were identified. The contract with CRI is now almost complete. The company has been paid \$925,000 for its services.
3. Yes. As indicated above, CRI provided expert advice on stadium redevelopment options to meet SOCOG/FIFA requirements for hosting Olympic Games football in Canberra.
4. No. CRI is not owned by Deutsche Bank.

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**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY**

**QUESTION WITHOUT NOTICE  
TAKEN ON NOTICE**

**Mr Rugendyke** - asked the Chief Minister on 5 May 1999:

- 1 . What was the reply from the Minister for the Olympic Games to your letter of 27 May 1998?
2. What was your argument to convince him and is the ACT now included in the free transport zone?
3. Will you provide free transport to the Olympic event in the ACT, including to those in the surrounding region?

**Ms Carnell** - The answers to the Member's questions are as follows:

1 and 2. I understand that Olympic ticket holders will be able to access free transport on the 'designated Olympic transport system' which is the CityRail network and the Olympic bus network to be established by the Olympic Roads and Transport Authority (ORTA). Free rail travel will also be available on some Intercity networks. The free rail component stops at 5 regional 'borders' where city railintercity lines stop, namely, Goulburn, Nowra, Lithgow, Scone and Dungog. Country Link trains operate beyond this point which of course includes the ACT. Therefore the service does not extend throughout all NSW.

Unfortunately, the NSW Minister for the Olympics has not yet replied to my letter, consequently the ACT is still not included in the free transport zone. The issue has been raised by my Department several times in its discussions with SOCOG but we have not yet had a definitive response. When I receive a response I will let Mr Rugendyke know the outcome.

3. Transportation to the Olympic Games football event in Canberra is currently being considered by the Transport Working Group which is chaired by the Department of Urban Services. The Group will recommend the optimal approach to maximise access to the event. All options are currently being considered.

**EXECUTIVE BUSINESS - PRECEDENCE**

**MR HUMPHRIES** (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (5.47): Mr Speaker, I move:

That Executive business be called on forthwith.

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Mr Speaker, the motion allows us to dispose of the motion for the special sitting of the Assembly next week, which would mean that when we resumed after dinner we could devote our attention entirely to the Appropriation Bill.

Question resolved in the affirmative.

### SITTING OF ASSEMBLY – 11 MAY 1999

**MR HUMPHRIES** (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (5.48): I move:

That:

- (1) the next meeting of the Assembly be fixed for Tuesday, 11 May 1999 at 10.00 a.m. to mark the 10th anniversary of Self-Government of the Territory; and
- (2) notwithstanding anything contained in the standing and temporary orders, following the Prayer or Reflection, the Notice, Executive business relating to the 10th Anniversary of Self-Government be given precedence over all other business and that, at the conclusion of the consideration of that Notice, the Speaker shall forthwith adjourn the Assembly.

Mr Speaker, the motion is in two parts. It calls for a special meeting of the Assembly at 10.00 am next Tuesday.

**Mr Quinlan:** Do we have to wear period costume?

**MR HUMPHRIES:** You can wear 1989 costumes if you wish. The motion also provides that the business is limited to certain matters on that day. Mr Speaker, I simply say that I think that it is appropriate for the Assembly to mark the tenth anniversary of self-government in this way. I am sure that we will all have some interesting thoughts on that day. Members are aware generally of the program that has been organised for that day, including a morning tea here and a debate in this place subsequently involving some secondary and college students. Mr Speaker, I hope that members will be able to work together in discussing the mechanisms for that day to ensure that the day moves smoothly and that it is a day of commemoration rather than perhaps a day on which we will do things that we would normally do when the Assembly sits.

**MR BERRY** (5.49): The Opposition will be agreeing with this motion. Mr Speaker, there are just a few things that you may take into consideration as you prepare this place for this celebration. Mr Speaker, I recommend that you give consideration to the purchase or hire of barricades of the type used in major celebrations so that you may extend them right round the Assembly to prevent the hordes from approaching this place! At the same time you may advise the Australian Federal Police that their services will be needed to keep those well-meaning people away from the Assembly! Mr Speaker, you

may also say to them that, though you appreciate gifts from the general public, it would be inappropriate for them to be pressing them into your hands each time you passed and that members might find this practice, though welcome in most respects, somewhat inhibiting in terms of the proper celebration of events in this place! Mr Speaker, we look forward to this mighty celebration, but we just urge a little caution about the numbers who might approach this place on the day of it!

Question resolved in the affirmative.

**AUSTRALIAN HEALTH CARE AGREEMENT – 1998-2003**  
**Ministerial Statement**

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

That the Assembly takes note of the paper.

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

**CHIEF MINISTER'S PORTFOLIO – STANDING COMMITTEE**  
**Report on Review of Auditor-General's Report No. 11 of 1998**

**MR QUINLAN** (5.50): Mr Speaker, I present Public Accounts Committee Report No. 18 of the Standing Committee for the Chief Minister's Portfolio, entitled "Review of Auditor-General's Report No. 11, 1998 - Overtime payment to a former Member's staffer", together with a copy of the extracts of the minutes of proceedings. I move:

That the report be noted.

Very briefly, Mr Speaker, it was a quite unremarkable report and all I can say is that I hope that it did not have its genesis in any sort of personal attack that we have discussed today.

Question resolved in the affirmative.

**URBAN SERVICES – STANDING COMMITTEE**  
**Report on Activity in First Year of Operation**

**MR HIRD** (5.51): Mr Speaker, I present Report No. 24 of the Standing Committee on Urban Services, entitled "Activity in its first year of operation", together with a copy of the extracts of the minutes of proceedings. I move:

That the report be noted.

I seek leave to have my speech incorporated in *Hansard*.

Leave granted.

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*The speech read as follows:*

**SPEECH NOTES FOR HAROLD HIRD MLA**

**TABLING REPORT NO.24 OF THE STANDING  
COMMITTEE ON URBAN SERVICES ENTITLED  
*ACTIVITY IN ITS FIRST YEAR OF OPERATION***

Mr Speaker

At a recent meeting of the Urban Services committee, we considered some statistics about our activity in the one year since we were formed on 1 May last year.

We thought they made interesting reading.

They reveal a very busy committee ..... which has encouraged community input into its inquiries ..... and provided the opportunity for many people to express their point of view before us ...in fact 327 people have taken the opportunity to appear.

We have averaged two reports a month which ....given the nature of our inquiries .....and our preference to seek the public's views where ever possible .....is a considerable achievement.

This is especially so given the several large and complex inquiries we have undertaken.

These include inquiries into:

- the Canberra Nature park;
- the Government's Draft Capital Works program;
- ACTION bus services for school-children;
- the Environment Protection (Amendment) Bill and the Water Resources Bill;
- draft Variations for North Canberra (B11 and B12 Area Specific Policies), and
- the Murrumbidgee and Lower Molonglo River Corridors.

We have tried at all times, Mr Speaker, to reach unanimous conclusions .... but this of course ..... is not always possible.

We have experimented with the committee process.....always with the aim of better informing ourselves about the key issues of whatever it is we are examining:

- we have conducted a public *meeting* on either side of a public *hearing*..... in order for members to become better acquainted with what the public felt about a proposed piece of legislation....for example - the Water Resources Bill;
- we have been briefed.....in public ...by officials on four matters that were not actual inquiries ...but which fell within our resolution of appointment; and
- we have joined with our colleagues on the Standing Committee on Education to learn more about a Government proposal for old Ainslie School.

Other features of our activity over the past year are listed in the report .....and I commend them to members.

Mr Speaker I want to make just two more points.

The first is to say a sincere thank-you to my colleagues on the committee ....including Mr Berry who was with us for two months.

The second is to remark that .....while it may be a little unusual for a committee of this parliament to present a report like this one.....it is all part of the accountability process.

My colleagues and I consider that the work that we do on the Urban Services committee matters .....and that we should be learning all the time about how to improve what we do in this place .....so that we may better serve our community.

Thank you members thank you Mr Speaker.

Question resolved in the affirmative.

**URBAN SERVICES – STANDING COMMITTEE**  
**Report on Placement of Movable Signs in Public Places – Code of Practice**

**MR HIRD** (5.52): Mr Speaker, I present Report No. 25 of the Standing Committee on Urban Services, entitled “Code of practice for the placement of movable signs in public places”, together with a copy of the extracts of minutes of proceedings. I move:

That the report be noted.

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I seek the leave of the house to have my speech incorporated in *Hansard*.

Leave granted.

*The speech read as follows:*

SPEECH NOTES FOR HAROLD HIRD MLA

TABLING OF REPORT NO. 25 OF THE  
**STANDING COMMITTEE ON URBAN SERVICES**

ENTITLED

**CODE OF PRACTICE FOR THE PLACEMENT OF MOVABLE  
SIGNS IN PUBLIC PLACES**

Mr Speaker.

This unanimous report by the Urban Services Committee completes the task given to us by the Parliament last November.

That task was to inquire into .... and report on .... the *Draft Code of Practice for the Placement of Movable Signs in Public Places*.

We have taken account of the three submissions which were lodged with us .... and have carefully listened to the oral testimony presented at a public hearing.

As a result of the evidence provided by the manager of Canberra Urban Parks and Places .... Mr Peter Tinson .... we have a far better idea of why the Code is necessary .... and importantly Mr Speaker .... of the way in which it will be implemented.

I want to stress the last point, Mr Speaker. We approached this inquiry with some scepticism about whether the draft Code was necessary at all .... and particularly .... about whether it was too draconian.

We have arrived at the view Mr Speaker .... that the Code is necessary .... and that it is not too draconian.

We particularly appreciate the assurances by Mr Tinson .... on behalf of the administration .... that the Code will be administered sympathetically and cautiously.

It is not intended to stop the use of temporary events signs by charities and schools .... and it is not intended to prevent the occasional 'welcome home' or 'happy birthday' banner on a roadside .... provided it is not left there for too long!

It is also not intended to stop the use of directional signs by running groups and the like .... and in this regard .... we were very pleased to hear from Mr Tinson about the procedures which are in place with the department to facilitate .... and not to hinder .... the organisation of such events.

Mr Speaker

I am sure I am speaking for my colleagues if I add that .... if unexpected problems arise as a result of implementing the Code .... then this committee will revisit the Code's provisions and perhaps suggest some changes.

But at this stage we consider that the Code is appropriate and that it should be introduced.

Thank you members .... thank you Mr Speaker.

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

**Sitting suspended from 5.53 to 7.30 pm**

### **APPROPRIATION BILL 1999-2000**

Debate resumed.

**MS TUCKER** (7.32): Mr Speaker, I am pleased to be able to speak to the Government's budget tonight. I was interested in question time. When I asked the Chief Minister a question about whether or not there had been community input into the revenue measures when those measures were reviewed, she was not able to assure this Assembly that the community sector had been involved in that revenue review. Secondly, apparently she was not willing to table that review and any equity processes that occurred or examination of equity issues that might have occurred with that review. In a way, for me, that encapsulates my concerns about this Government's approach to the budget.

We of course recognise the necessity of being financially responsible. We of course recognise the importance of raising revenue in order to pay for the services that the community needs. I do not think anyone has ever argued against that, despite Ms Carnell's protestations at question time. The Greens certainly have never argued against it but in fact have been supportive of ways of raising revenue in the ACT. We have been supportive of government looking at ways that we could do it. We have called for a full review of revenue and expenditure in the ACT.

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What we get in this budget is apparently a very strong financial position. However, my concern is that, while this Government is very committed to addressing the accruing liability related to superannuation - this financial liability is easy to quantify - we do not see a willingness, or even an acknowledgment of the need, to realise that other sorts of liabilities are accruing as well. They are environmental and social liabilities.

The use of the concept of intergenerational equity came into the debate on superannuation. That concept needs to be applied also to decisions around the environment and society. While it is not as easy as it is to paint a picture of accruing superannuation liability with graphs and figures, it is just as necessary and important to address these other sorts of liabilities that are accruing, even though they are very difficult to quantify.

This Government claims to be a caring government, but in my view, because we do not see any real acknowledgment of the long term, we are not seeing the financial impact of not putting money into prevention and intervention in the social and environmental areas. We are not seeing a commitment to supporting the most vulnerable in our community, including marginalised and unemployed youth and indigenous people. We also seek clearly stated policy goals and clearly stated processes for evaluating whether these goals have been achieved.

This budget - and there is some policy direction in it - selectively applies national competition policy and the Government's policy on service purchasing by privileging government and business providers over well-established and reliable non-government providers in the community service sector, for example, in the funding of ACT Community Care, to provide correctional health services to Quamby and Belconnen Remand Centre and in the funding of younger people's residential respite care services.

On the revenue side, many of the new charges the Government has proposed in the budget are regressive. That is why I asked my question in question time. There has to be a concern if a government is claiming to be caring. These revenue measures - for example, the proposed pharmaceutical payments program and the new court charges - will disproportionately affect people on low income. The new court charges, along with cuts to the legal aid budget, will further restrict the access of low-income people to the courts and therefore effectively to justice. Justice must not be accessible only to those who can afford it.

It is clear that in developing these revenue-rating strategies the Government has not taken into account tests for equity. That is no doubt the reason we had the very disappointing and unsatisfactory answer from the Chief Minister at question time. The community sector has been calling for a review of revenue strategies for three years to test for equity. If the Government had done this, then they should have been able to table such a report for the Assembly to scrutinise.

The budget has not given adequate attention, in my view, to supporting young people who have been marginalised from the education system and the labour market. Scant attention is given to employment programs for young people particularly, and we see a lot of attention given to issues of concern to society which are at the crisis end.



We have real concerns expressed in the community, justifiably so, about problems with drugs. We have real concerns expressed in the community, justifiably, about issues of crime in our society. We have concern - maybe not as much concern so loudly expressed - about issues of homelessness. Not enough attention is being given to what leads to these problems.

We see money being put into Quamby. That is great. Everyone knows that that needed to happen, we see money being put into corrective services. We know that that needed to happen. We see initiatives such as a safe injecting room. That needs to happen. These measures are about damage control, though. We need to be looking at the beginning of the problems. That is where I would want to see a government focus its attention much more. This Government does not do it. Over the last four years a number of Assembly committees, particularly the Social Policy Committee, have come up with recommendations particularly aimed at prevention and intervention.

Schools are obviously important. What did we see this year for education, with the introduction of the common youth allowance by the Federal Government? Instead of the Government acknowledging that and resourcing colleges to take it into account, it has reduced the number of teachers in the colleges. I think it is quite duplicitous of the Government to say that they are taking a caring approach. They are clearly ignoring a very important area.

The Government's proposed school drugs education program appears to be seriously underfunded. The \$115,000 committed to this policy is supposed to train teachers, buy educational resources for Canberra schools and employ a drug support education officer. This is clearly inadequate funding for what could be worth while.

As I said, in the education portfolio the Government's teacher renewal program will see upwards of 13 experienced college teachers made redundant. The \$600,000 being used to fund this is not an additional injection of funds into the college system but is for a poorly funded redundancy program. It would appear to be quite strange to be taking money and experienced teachers out of the colleges when, as I said, there are going to be extra pressures because of the Federal Government's appalling common youth allowance.

Across the board, the government schools sector has not done well out of the budget. The non-government sector has experienced CPI increases, as have government schools, as well as an additional \$400,000 above these increases. If anything, as I said, we should see an increase in funding to government education to address serious social problems in schools, particularly when the community sector, in their pre-budget submissions, said that one of the greatest areas of need in the ACT was support for marginalised young people. That has come out of numerous reports in this Assembly.

We know that teachers are struggling with the social issues and problems in schools. We know what the solutions are. We know that we do not have enough people working in mental health for young people. We know that we need more counselling available for young people, and not necessarily in the schools. We know that we need to see greater coordination of services to support families. The Federal Government produced their *Pathways to Prevention* document, which paints a very clear picture, as all reports that

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look at these issues do, that the sensible place to put your funding is in prevention and intervention. Then we would not need so much money at the crisis end, which, as I said, is a focus of this budget.

The Minister for Education also announced major cuts to the Canberra Institute of Technology - \$3m in cuts in 1999-2000, and up to \$6.1m by 2002-03. He also announced the closure of the Watson campus and the relocation of that campus to Reid. These cuts have been made despite clear advice from the Assembly's Standing Committee on Education that the CIT should be funded adequately so that it can continue to provide quality programs which are responsive to the needs of industry, students and the community. The committee warned, as many people in the Australian community do, against benchmarking the CIT against the Victorian TAFE system, which clearly represents the lowest common denominator. It is once again the race to the bottom.

These cuts will have an enormous impact on class sizes, on the number of permanent teachers and on the types of vocational education and training programs; so what is the long-term social cost? What is the accruing liability we will see as a result of this particular policy position? It might make this year's budget or budgets in the next few years look good, but I am afraid we have to be very concerned when we do not see any real analysis from government of what the long-term impacts will be.

Missing from the budget, I believe, are also clear policies and funding for the indigenous community. Once again, I cannot tell you how many reports have said how important it is to fund this area. Once again, the social costs of not doing this may not be easy to quantify, but they are very obvious to everyone in Australian society, so I do not think there is any excuse at all.

The interesting thing about whether or not you put money into prevention and intervention is that it has been estimated that it takes about 15 years to start seeing results. That was put to the Education Committee when we were looking at preschools. We are not talking about a particularly long time, but it is longer than an election cycle for politicians. Maybe that is one of the problems.

I commend the Government's increased funding for services to the disabled. We have been raising this as a matter of concern for a number of years, although it appears that many of these and other new funding initiatives will have fees and charges attached.

In health generally, redundancies will help to reduce the hospital budget blow-out, as I understand it, but I wait to see exactly where they will take place. I hope that the Minister will make this a priority and ensure that staff are not left to face the burden of residual workloads that will have an impact on the patients.

As I said, I am concerned about the provision of mental health services in the ACT. It is obvious from a lot of the pre-budget submissions that there is still concern about unmet need, particularly for young people.

While we see an announcement of more money for housing, it is not new money. It is coming from sales of properties. Once again, if you read the pre-budget submissions, what is clearly needed and does not appear to be happening is a coordinated approach to

support and accommodation. We see in the government response, as we have seen ever since I have been here, a commitment to a review or a strategy or a working party. It has been clear ever since I have been here that we need to get in and do that work.

There is an increase in homelessness. The homeless people are coming from different demographic groups. There is a problem with people having a place to go when they exit refuges. There are problems for people with mental illness, personality disorders or whatever. Young people have a concern about where they are accommodated. Everybody agrees that flats are not necessarily appropriate.

Options need to be developed for flexible support and for supported accommodation for young people as well. That is about getting in and looking at it creatively with the community sector, putting money into it and acknowledging that housing is not just bricks and mortar. Housing is about appropriate housing for people according to their needs. That requires quite a different approach.

I come to justice and community safety. I have said already that everyone supports the need for more funds for Quamby and BRC. There have been terrible issues there over the last couple of years, and it is good to see them acknowledged. Once again, we would want to see exactly why the way that this area is being managed has been changed. Mr Moore has promised me a report that will inform me on that particular issue.

The use of capsicum spray has been welcomed by some as an alternative to the use of lethal force. I also note that there are real dangers with that, so I am hoping that we will see capsicum spray introduced with a very good training and education program. I believe there have actually been deaths from capsicum spray. I do not see the justification for issuing AFP officers with semiautomatic weaponry. I do not understand where the Minister is taking this, on one hand acknowledging the need for alternative force in the form of capsicum spray and then justifying the use of semiautomatic weapons outside of specialist units.

Regarding urban services, one of the budget press releases stated that the nature of the Department of Urban Services is being changed to provide better service. I am not sure about the better service, but it is certainly being changed. It is being steadily gutted through the implementation of the purchaser-provider model and the outsourcing of work formerly undertaken within the department.

The process has already started with park maintenance and horticultural services, motor vehicle testing, learner driver testing and private certification of building applications. This process will continue this year with further market testing of CityScape services, environmental management and regulation, maintenance within nature reserves, management of horse holding paddocks, landfill operations, parking management and domestic animal control services.

One hundred and eighty jobs will be lost from Urban Services. However, as some compensation, 70 new jobs will be created in the department, but these are not the same types of jobs. These are jobs for contract administrators for all the outsourcing. The loss of corporate memory and expertise in DUS will be huge. The recent incident of weedicide spraying of preschool sandpits is but one example.

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The funding of Environment ACT is also a cause for concern. There appears to be much more new environmental expenditure than what is allowed for in the environment budget, which means that other expenditure in Environment ACT will have to be cut by some \$400,000 to accommodate any initiatives. I understand that these savings will come partly from contracting out the management of government horse paddocks and maintenance work in the recreation areas within the Murrumbidgee River Corridor.

The Minister for Urban Services yesterday disputed this figure by saying there was actually an increase of \$800,000. Those members who are here might be interested in this. Yesterday when I asked Mr Smyth how all these environmental initiatives could be funded with only \$82,000 extra, he said, "No, there is a difference of \$800,000. You do not understand". But this figure of \$800,000 is just the difference between last year's budget and this year's budget. They overspent. They actually spent \$700,000 more, so we do not have an extra \$800,000 to spend at all. The Minister does not seem to understand the budget himself. They spent \$700,000, more, which leaves \$82,000, unless you are going to tell me that in fact that \$700,000 they spent last year is not going to be spent this year. We would like to know why that is and where it is coming from. We did ask where it is coming from and they said, "Some of it is from Commonwealth grants". We said, "Where is that in the budget?". They said, "We cannot find that. We will get back to you". We are waiting for that. That is quite interesting, because Commonwealth grants normally go to the National Heritage Trust or something.

I note that the Government is introducing a water abstraction charge which will raise \$1.7m this year. While the reason given for this charge is that it is to reflect the environmental cost of supplying water, my concern is that none of this money is going back into management of the ACT's water catchments. At present this cost is borne by the Parks and Conservation Service, which has not had its budget increased. This charge is therefore nothing more than an extra tax with a green wash over the top.

It is interesting to note that there is no mention of PALM in the Minister's press releases or the budget summary booklet. Is this because PALM is going to suffer a significant cutback of some \$1.5m, which the Government did not want to draw attention to? Or is it because PALM does not do planning anymore, just manages development, so there was no initiative that it could announce?

You just have to wonder about the Government's priorities in this budget. It is going to spend \$340,000 on implementing the ACT greenhouse strategy, money which is not there and has to come from existing services, but at the same time it is going to spend \$300,000, almost the same amount, annually to hold the FAI Car Rally so that racers can charge around Canberra in their greenhouse gas belching rally cars. They will get as much money to support them. It is also going to spend \$550,000 so that people in their greenhouse gas belching motor vehicles can find their way down a single road called Northbourne Avenue to Civic.

I am also very concerned about the level of business welfare in this budget relative to money for social welfare. Four hundred and fifty jobs are being cut from the Public Service, yet we are spending \$1m to build a business promotion centre and \$775,000 to

market Canberra as a business destination to attract new businesses to Canberra so that they can offer jobs to redundant workers. We could have kept them in the Public Service in the first place and kept the expertise.

You also have to wonder whether the expenditure on some of the items in this budget is really worth while when there are cuts in the key portfolios of education and health. For example, the Government wants to spend \$575,000 for Christmas and new year parties. I heard Mr Brendan Smyth say at question time how they are a fun party. Mr Moore said, "We are a party party". It is quite offensive when in the same question time this "caring government" refuses to say that it has looked at the equity implications of its revenue-raising measures. This is a government that is not caring. This is a government that needs to be called to task on this budget.

There are real questions around revenue from the gambling tax. The gambling committee looked at taxation and the obvious concern that comes from everybody. I noted it even in the editorial of the *Canberra Times*, which the Government does so love to quote. They said, "Why are we becoming more and more dependent on gambling revenue?". If we increase taxation we are increasing our reliance. That is why the committee did not recommend such an increase in taxation. It is once again a very short-sighted revenue-raising measure.

In conclusion, if we want to have confidence in how government is addressing the issues that we have to address in the ACT, we have to see a much more sophisticated approach to policy than just this obsession with the bottom line and talking numbers. Some things are not easy to quantify, but some things matter just as much. If we do not acknowledge that and get more serious about looking at those quality issues, future generations will pay for the actions of this Government.

**MR QUINLAN (7.54):** It is typical of the style of this Government that this year's budget would have a corny handle attached to it, the "full monty". The enduring characteristics of the Carnell style have been shallow and often crass, glitz and PR spin. Why should 1999 be any different? In searching for my own label for this budget, I find two apparently unrelated labels coming to mind. They are "unremarkable" and "disturbing".

The "unremarkable" label comes to mind when you look at the absence of any initiatives of substance. For all the hype and self-adulation that are this Treasurer, there is nothing in this budget for the average citizen of Canberra. Granted there is, mainly perforce of windfall gains in Federal funding, a reduction in the operating deficit. On the other hand, the general rating formula has been tweaked again to favour those in high-value areas at the expense of those who are less well off. This is regressive taxation that is the hallmark of your average Liberal government.

Ms Carnell's antipathy towards the club industry has taken material shape in the form of additional taxes and restrictions being applied to distributions of earnings. The club industry's major crime has been to have in its ranks the Labor Club Group, which provides a level of support for her opponents. All must pay for this sin. The Labor Party has demonstrated an ability to build, promote and manage a very substantial enterprise, something that I very much doubt that the little Liberal gang over there would have much

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of an idea about. I want you to picture Michael Moore, as the leader, creating a positive commitment to the achievement of a common goal. I want you to picture Gary Humphries charming your clientele. I want you to picture Brendan Smyth as the dynamic decision-maker. I want you to imagine Kate Carnell overseeing the enterprise without a merchant banker or a high-price consultant in sight. I do not think so. But I digress. Let me return to the budget.

I have said that this budget is unremarkable yet disturbing. It is disturbing in that it is a calculated and very deliberate deception. Clearly, this budget swings on \$300m capital repatriation from ACTEW, justified as an adoption of a recommendation of the select committee that examined options for addressing the Territory's mounting unfunded superannuation liability. I chaired that select committee, and I have to say that it is depressing to witness the degree of dishonesty in the misuse of the recommendations in this budget. It is cynical stuff and if the crossbenchers, who hold the balance of power in this place, do not see it as such, then the people of Canberra are poorly represented indeed.

My committee clearly demonstrated that there were several options for addressing the unfunded liability that did not involve the sale of ACTEW. The committee peeled away the misinformation and distortions and revealed the bleedin' obvious - that simply changing the form of your assets is unlikely, in itself, to make you rich overnight. The probable beneficiaries of the sale of ACTEW would have been bankers, lawyers and consultants. It was not going to be you, me or Jane Public.

In the course of the wider debate, one thing remained constant. Mrs Carnell was manic in her desire to flog it. Numbers changed to suit her stated reasons. Then stated reasons changed as they were successively debunked. Only the determination to sell held firm.

**Mr Moore:** I take a point of order, Mr Speaker. I believe Mr Quinlan is reflecting on a decision of the Assembly, a vote of the Assembly.

**Mr Corbell:** I raise a point of order, Mr Speaker. That was a completely frivolous point of order.

**MR SPEAKER:** Indeed. I do not uphold the point of order. It has been a broad-ranging debate and no doubt it will continue to be so. Please continue, Mr Quinlan.

**MR QUINLAN:** That is all right, Mr Speaker. We would do the same to him. I will go back a paragraph so that I regain my flow. In the course of the wider ACTEW debate, one thing remained constant. Ms Carnell was manic in her desire to flog it. Numbers changed to suit her stated reasons. Stated reasons changed as they were successively debunked.

**Mr Moore:** I take a point of order, Mr Speaker. Using the word "manic" with reference to a member of the Assembly is entirely inappropriate. Standing orders make it quite clear that that kind of approach is inappropriate.

**MR SPEAKER:** I would think that people in the community would imagine the word “manic” used in reference to all members of the Assembly was most appropriate, Mr Moore. However, if it is offensive, I am sure Mr Quinlan will withdraw it. I remind members again that we are dealing with the Appropriation Bill. This is an important piece of legislation. I do not want frivolous interjections and points of order. Thank you.

**MR QUINLAN:** I might repeat that paragraph, changing that word. In the course of the wider ACTEW debate, one thing remained constant. Mrs Carnell was feverish in her desire to flog it. Numbers changed to suit her reasons. Stated reasons changed as they were successively debunked. Only the determination to sell held firm. After that exhibition of blinkered fervour, does anyone here even entertain the notion that her motivation to sell, whatever its base really is, has dissipated? I do not think so.

Her repatriation of capital from ACTEW was never recommended as a stand-alone solution. It complemented the Government’s 1998 budget commitment to apply \$200m from operations over four years and the setting aside of a dividend flow from ACTEW that would have disappeared if that utility had been sold off. We now see in this budget the Government renegeing on its much heralded contribution to provide for superannuation. The Government now stands as the one that has provided, from its own management, the least funds for past service superannuation. In fact, this Government, aside from the ACTEW repatriation, has provided nothing to the superannuation unfunded liability over three years. This is after we have dumped the \$200m plan that the superannuation committee recommended be kept.

If you think it through, using ACTEW funds to replace the commitment, to make provisions out of operations, is not a lot different from selling off part of ACTEW. Our overall equity position declines as a result. What is our Government doing? More precisely, what is this fly mob trying to put over us - or at least over the crossbenches? I do not suppose they care much if Labor can see through their dodgy schemes.

Important figures are to be found in the statements for the Superannuation and Insurance Provision Unit. Despite the injection of \$300m from ACTEW, the financial position of that unit improves by only \$176m. We put in \$300m, and it still declines. We should have seen an improvement in excess of \$300m. We should have seen the \$300m contribution, we should have seen the interest accumulated for the year and we should have seen the contributions made by agencies to the Central Financing Unit. Where has the money gone?

In the forecast for the outyears the answer is quite clear. After we make the one-off injection of funds, the Government has chosen to revert to funding the emerging costs and new service employee costs only. The strategy that the superannuation committee, the Australian Government Actuary and Towers Perrin have all agreed is imprudent has been rejected wholeheartedly. The interesting fact is that, while our superannuation liabilities are in fact increasing from \$1.4 billion in 1998-99 to \$2.165 billion in 2002-03, we are going to see borrowings increase from about \$470m to \$670m over the same period. This is just for the general government sector. The total Territory borrowings will increase to \$871m.

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If you want to work out where the borrowings are and where the investments are, you have to do a little bit of gymnastics through these so-called very clear, transparent reports. You even get money taken from ACTEW written up as a receivable. What does that mean? It probably means that ACTEW is in the departure lounge as well. Otherwise, it would be an investment, would it not? We know that Mrs Carnell likes to rub shoulders with merchant bankers. We have all heard rumours of a future career for her in one of any number of merchant banks, some of which become related and then unrelated according to circumstance, but we did not think that she would be practising for this future with territorial funds.

The key point in all this is why, as a sound strategy, we are holding debts which cost interest while investing superannuation and other funds to gain interest at no real cash gain. Pardon the scepticism, but could it be, Mr Rugendyke, that the Chief Minister wants us to remain spooked about the unfunded superannuation liability, even though it appears that our future financial position is improving and it is not quite as bad as is reflected in the superannuation statements?

We would be interested in seeing this Government pursue a financial management strategy that does not try to ride on the wave of stock market gains or one that is not subject to interest rate fluctuations. We would like to see a strategy which uses as little debt as is possible and frees cash flow which can be reallocated to the Superannuation Provision Unit for dedicated investment into the burgeoning superannuation liability. We need to see legislation which will protect the dedicated superannuation funds. We also need to create a board, one which hopefully does not involve Bankers Trust or ABN AMRO, to ensure that our dedicated superannuation assets remain secure.

Regardless of what strategies are forthcoming, it must be noted by all that our borrowings position is predicted to increase as our investments achieve the magnitude of a small eastern oil emirate. Read your statements to see just how much debt we have as well as superannuation liability. We have this humungous load of cash by 2003. Why? I would feel much better if we took a marginally more conservative approach. Other State governments have pursued a strategy of eliminating debt. Even Mrs Carnell's patron saint, Jeff Kennett, paid off debt as a first priority. If the ACT comes a massive financial cropper, it will not be the first State in Australia that has done it in living memory. (*Extension of time granted*) What are we playing at? This Government's record is one of little regard for due process or of acknowledgment that it is handling money on trust for the people of the Territory. It is about time we took a little dose of reality.

What else does the Government gain from adopting in this budget only part of the recommendation of the select committee on the unfunded superannuation liability? It does reduce the net worth of ACTEW. It does bring ACTEW closer to Great Southern Energy in net value, making a merger still a bit unbalanced but a little less unbalanced. A merger offers the Government a chance to sell down more of ACTEW through resizing the asset, through balancing the equity contained. I suggest that the crossbenches have a good, quiet look at the numbers. If the last debate is any indication, then we will get a stream of misinformation from the Government within the foreseeable future.



I return to the report of the select committee. It did include very reasonable concerns regarding the high level of paper investments that the Government would have had it flogged off ACTEW. These investments carry the very real risk of stock market correction that could wipe out hundreds of millions of dollars overnight. Remember, we are investing over the very long term. We are looking at financing and funding superannuation 40 or 50 years out. Do you think the stock market is going to remain as buoyant as it is right now over that period of time?

I am concerned that this budget implies a plan to hold \$1.5 billion in paper assets while maintaining a debt level up near the billion dollar level. I would like to hear the Government explain this strategy. With markets riding high at present, I feel considerable disquiet about the timing of the next bubble burst. That is serious stuff.

I accept that it is fun to mix it with the big boys and girls in the financial market, and it must be nice to strut it with the financial moguls, but who are the real winners in our investment operations? Are our Government and our administration being played for dupes - dupes with the Territory's wealth in their hands, being led along by merchant bankers who, I would suggest, are a bit smarter than those here present?

I want now to address another matter that I find disturbing. Our Chief Minister has written and has stated that we need to move towards surpluses that are at least equal to funds required for the capital program. Intuitively, it sounds okay, but this demonstrates the most basic misunderstanding of accrual accounting, in which she claims so much expertise. She makes a crack about doing accounting 101. Is there a summer school in preparation for that?

Simply because we have adopted accrual accounting, this does not mean that we throw out accounting for the cash. There are non-cash charges made above the line that reduce our operating result but do not reduce our cash holdings. Some need to be matched by setting aside cash, as for superannuation and other employee entitlements, because you are going to have to pay them later. Others do not need to be funded.

The operating data for the general government sector shows a depreciation expense of more than \$120m. This represents liquidation of assets, turning our assets back into money. For a continuing enterprise, it is designed to permit asset replacement. That is what depreciation is about. If it exceeds the regular capital works program, as it does by almost 100 per cent this year, it provides necessary funding. Accrual surpluses are not needed for that purpose. You have to do a fund statement. As well as your cash statement, you still have to do a source and application of funds. Look it up in accounting 101. So we see here the most fundamental misunderstanding of very basic accounting on the part of this self-proclaimed expert. Either that or the Treasurer wishes to convey a picture of our economy that is worse than actually exists. You make up your mind.

On a positive note, Mr Speaker - I could not find many - I would like to focus a little on sport and recreation, which is one of my shadow portfolios. It appears from the budget papers that in the focus of this Government's sport funding is a small but identifiable shift from overwhelming and exorbitant support of elite sport to greater emphasis on sport at the mass participation level. For instance, I had pleasure in strongly supporting

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the funding for the hockey pitch at Lyneham, and I am happy to see that that is in the budget. I might point out that my support for that funding was and is on the basis that hockey is a sport with a very high participation rate in the ACT and is a sport with a growing number of players. It is also a sport where at the elite level we have real medal prospects at the Olympics.

I congratulate Mr Stefaniak if he had anything to do with this shift in focus, and I hope it continues, because I can remember that the Government last year announced quite savage cuts to sport, particularly in the area of ground hire charges, which affected sport at the grassroots level - excuse the pun. The effect of those charges is still being felt. Let me make it clear that I believe the Government has not gone far enough down this path. Support for sport at the mass participation level is a central element of what would be my policy in sport and recreation. (*Further extension of time granted*)

I still have a concern about the position of the ACT Academy of Sport and their funding levels, and there seems to be a net decrease in the overall sport funding in real terms when CPI is taken into account, but overall I would like to think that Mr Stefaniak has exerted himself in the Cabinet and I strongly urge him to continue to do so. This is the one bright spot that I found in the budget. I believe other shadow Ministers are not as fortunate. Certainly, as shadow Treasurer, I find a significant number of problems with the budget, which I have covered.

Before I close I would like to add some positive dimensions. I do not want to be just congratulating Bill Stefaniak. We do have a vision on this side of the house. I do not think that *A Clever, Caring Community* is anything but glib. We need to address the economic development of the ACT. Most of us have seen reports of the Australian Capital Region Development Council and we can mouth the prospective economic development opportunities of information technology, transport and distribution, cultural tourism, environment tourism, education as an industry and Canberra as a great place to live.

If you are glib enough, you can regurgitate those as if you invented them yourself, speaking of absent friends. I have yet to learn that dark art, but I will refer to a couple of them. In the long term I would like to see Canberra aiming itself at becoming Australia's premier centre of education excellence. We are a small nation. I believe that we should try to achieve the position of being the Australian equivalent of both Washington and Boston in the United States - call ourselves Bostington, if you like - with centres of excellence which attract industries that work off them and complement the high education within the ACT.

At the extreme level, I have heard it put forward that the ANU would be an even greater university if it had no students. That is not as silly as it sounds, because there is an opportunity for the building of centres of excellence, for example, as a gateway to Asia, if we get past our Australian cringe and have confidence in ourselves. I think we know a lot more about getting into Asia and trading in Asia than most Europeans do. If there were a centre to develop and pass on those skills and make Australia the gateway to Asia from Europe, I think that one opportunity would build and generate Canberra as a centre of excellence, and once we passed the critical point it would start to grow in itself.

Similarly, with transport and distribution, there is a critical mass point. If you become a distribution centre of sufficient magnitude in specialised products, all of a sudden you will find that the production of those specialised products follows. If we became a centre for the distribution of, say, organic food, we might find that within a few years we had a whole organic food industry in Canberra and in the region.

I do believe that it is necessary for this town to take stock of itself, to the point of conducting a population capability study. There are delimiting parameters in growth. We are an inland city. One of the delimiting parameters in the growth of a city is water. We can stretch our capacity by limiting the use of water, by developing uses of such things as grey water. That is one of the reasons that the ALP will fight against losing ACTEW and will particularly fight against losing water and sewerage. ACTEW must be in public control, because water is one of the basic parameters of our future growth and the future of the kids that come beyond us.

In conclusion, I find this budget both unremarkable in many ways and disturbing in others. We in the ALP would like to see the ACT economy serve its people and not have the people serve the economy, which is the way we are heading, and certainly not have the people and the economy serve the merchant banking industry.

**MR RUGENDYKE (8.23):** I must admit that I did have concerns that the Government might produce a vindictive budget because of its failed ACTEW sale. However, there appears to be nothing of a vindictive nature, which indicates to me that the Government has finally accepted the community's will on the future of ACTEW. This budget rams home to me just how right my decision was to oppose the sale of ACTEW earlier this year. The Government said that we had to sell ACTEW to address the operating loss and the superannuation debt. But this budget proves that there is a way to keep ACTEW in public hands and address the debt.

We are heading for an operating surplus four years ahead of schedule, and the \$300m repatriation from ACTEW to the superannuation debt does not adversely impact on the overall budget, which the Government has to be congratulated on. This proves to me that it was the best option to keep ACTEW. The Territory has in ACTEW a fantastic community asset, and we have a stable financial position which is headed in the right direction. I would like to point out, however, that the forecast was to get the operating loss down to \$139m this year, but the final outcome is to be around the \$150m mark. This does raise questions about the optimism of getting it down to \$64m as this year's budget predicts. We are headed in the right direction as far as the bottom line is concerned. The task now is to ensure that the community concerns and services are correctly prioritised and implemented. There is an enormous amount of work ahead of the Government and this Assembly to come up with the right mix.

Before I raise some concerns I have, I think it is important to give credit where credit is due. I would like to commend the public servants in our fine Public Service who put in the hard yakka which resulted in the additional \$85m Commonwealth funding we see in this budget. I think that we all agree that this long overdue funding helps make up a shortfall and is finally recognition from our counterparts on the hill that we are a unique city with unique constrictions that are a direct result of planning decisions made by Federal politicians in earlier days. The detractors of this \$85m injection seem to think

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that it was a fluke, or simply that it was a case of John Howard or Peter Costello waking up one morning and saying, "How about we throw some extra money at Canberra?". I do not think so. Their decision was based upon the case that was put to them. I applaud the efforts from the Economic Management Branch of OFM, which gave the Territory such a strong case.

On the whole, we have extremely good personnel in our Public Service, but more often than not they go about their business without much fanfare and without receiving much gratitude. This is one case where I certainly believe our public servants deserve a wrap. The benefits are there for all to see, with the extra funding which is locked in for the next five years. I would personally like to acknowledge Under Treasurer Mick Lilley and those under his guidance - his directors John Robertson and Gary Dawson and the staff in Roger Broughton, John Purcell, Hugo Harmstorf, Andrew Philip, Shane Radnell, Graeme Dowell and Megan Smithies. (*Quorum formed*) I encourage them to maintain this dedication to ensure that we get an even better result the next time Commonwealth funding is reviewed.

On budget morning I opened the paper and turned on the radio to learn that the Government had decided to go ahead with the Belconnen pool. Yes, the Belconnen pool, the pool which is a lot like the Loch Ness monster. We have heard a lot about it, but we do not know whether anyone will ever see it.

**Ms Carnell:** They will see it. Will anyone swim in it? That is the question.

**MR RUGENDYKE:** We hope so. The Belconnen pool is a good example of one of the weaknesses of the Government. They may be able to get from A to B, but the processes they employ to get there are sometimes left wanting. The Belconnen pool is a case in point. This whole proposal has been handled poorly, and of course the Government has lost credibility in the electorate of Ginninderra. I must point out that the Government has not reached point B yet with the Belconnen pool, and we are not sure whether they will get there. There is still a chance that this proposal could fall over.

**Mr Smyth:** No, it will not.

**MR RUGENDYKE:** That is good to hear. The crux of the problem with the Belconnen pool proposal is that the Government rushed the plans to accommodate an unabashed stunt to woo votes in the last election campaign. As we all know, it was a great stunt which saw Mr Stefaniak parade himself in front of the cameras, turning sods on a site in Belconnen to create an image that the Liberal Party was going to do something for the Belconnen community. Since that time it has been a badly kept secret that there is a level of regret in the Government that this promise was made.

The Government would have been happy to wriggle out of its pledge, but the decision to give it the green light was due in no small part to the embarrassing situation highlighted by the rest of the Assembly and particularly the crossbenchers. The result is that the Government has managed to upset just about everyone in Belconnen because of the way it went about putting this together for the sake of some good pre-election publicity.

To begin with, the vast majority of Belconnen residents do not think they will ever get to see the aquatic centre. It has been promised twice. The last time, the Government said they would spend \$15m. Now it is down to \$8m. It is little wonder the people are sceptical.

The private pool operators told the Government that their businesses would be hard hit long before Mr Stefaniak picked up his shovel for a sod turning in front of the cameras. These concerns were clearly outlined by the Nicholas report in 1997. The Chief Minister acknowledged this in the Estimates Committee hearings last year, and this was also acknowledged in the Allen report, which was released this week. The Nicholas report was never released publicly. The Government chose to ignore these concerns and went about turning sods. Lo and behold, within a few sleeps, the Government was slapped with competitive neutrality complaints.

When these complaints were served, the Government had to investigate them to comply with competition policy. For a government which has put on the record that its position is to “extend national competition policy reform beyond that required under the agreement”, I find it amazing that the Government did not undertake a public benefits study before making the big promise. If the Government is so committed to, and aware of, national competition policy reforms, why would it not put in the safeguard against competition policy complaints? That safeguard was a public benefits test, but the Government employed that study only when it was forced upon them. The Government knew that there were stringent complaints from private operators. The Nicholas report said in relation to Big Splash Waterpark:

The new facilities would have a dramatic impact on this centre. The severity of this impact will be high, possibly to the point where the centre will be uneconomical to operate.

You did not have to be a genius to work out that the private operators would complain. The Nicholas report also said:

There is a need for the government to carefully consider the potential of negative impacts on the existing facilities and to develop appropriate strategies in the management of this issue.

The Government did not do this. The existing facilities concerns should have been explored fully by the Government undertaking a public benefit study before making the \$15m promise. But obviously the Government was desperate for some good election publicity and decided to rush ahead and announce the proposal. The result has been an embarrassing series of events and a proposal which has seen the dollar amount committed almost halved.

This week I have held discussions with the National Competition Council about the Allen report and the Government’s handling of the Belconnen pool issue. It does appear that the completion of the public benefits study, albeit late, has the Government finally on the right course. But they are not home and hosed yet. This whole proposed project

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could still be open to complaint in terms of pricing structure. If the Government decides that its final approach for the aquatic centre is to own and operate the facility, the question of subsidy rears its head again.

If the Government is serious about going ahead with this project, I urge it to fully safeguard itself against future complaints. It failed to safeguard itself before the last election, but it has an opportunity to take the right path here. The method of safeguarding this time is to test the pricing structure at the earliest opportunity. The pricing structure would have to be put in place and tested as soon as possible before any more public money is wasted and before the proposal is the subject of further competitive neutrality complaints. I make this call after consultation with the National Competition Council, and I will scrutinise the Government's response and actions closely.

In the bigger picture, the Territory's superannuation debt continues to be a concern. I am pleased that the Government has had to look at an alternative to paying it off in one hit. Whether the \$300m repatriation put forward in this budget is the ideal model is yet to be proven. It is a situation the Assembly has to watch closely to ensure that we do find the right model and keep the massive debt in check. There are mechanisms in place to monitor the superannuation debt, and I look forward to the triennial review later this year for an update on the situation.

A topic which has raised concerns is the redundancies in both the Public Service and the teaching ranks. How these are executed is of concern to me. The Government should be on notice that 450 was the number identified in the budget. I will be keeping an eye on that figure over the next year, because any number above this would not be consistent with the transparent budget that the Government has promoted.

On the whole I am satisfied with the elements of law and order and emergency services. However, speed cameras are of concern. I would much prefer to see increased police numbers rather than replacing bodies with technology. I believe that the community would also not like to see speed cameras at the expense of police on the beat. I will be investigating this matter further before we formally vote on that proposal.

I would also like to flag my concern about another Bill linked to the budget. I note that \$1.135m is set aside for victims of crime, on the provision that the Government's criminal injuries compensation reforms go ahead. I have concerns with the extent of those reforms and I would like to make that fact known.

We all know the huge problems in the area of health and the performance measures that have been set out in this budget - \$11.8m in savings and \$6m over the next two years devoted to reduced waiting lists. The onus is squarely on the Health Minister to achieve results.

On education, I am particularly interested to see how the CIT copes with its funding cuts. I will be investigating this further to see how it will affect the provision of vocational education and training in the ACT and whether the projected efficiency measures are workable. In other areas of education I would like to see more resources put towards

helping children at risk and disabled students. These are two areas where children are slipping through the cracks, particularly in the teenage years. This is a social need we have to identify as a priority in the future.

There is the lingering cloud of the SACS award, the implications of which the Government has said that it will consider in its contract negotiations with community sector services. The SACS award could cripple the viability of community service providers such as youth refuges. There is no iron-clad commitment from the Government to fund the full costs of the award.

I would also like to mention the continued emphasis on the redevelopment of the city, which I have mentioned in this chamber before. In the draft capital works program another \$3m is set aside for construction activity in Civic alone. I am concerned that this could be at the expense and the neglect of other areas such as the electorate of Ginninderra. Once again, I would like to mention my desire to see attention diverted to bringing alive the Lake Ginninderra foreshores. There is enormous potential in the Belconnen lake, and I would like to see this realised for businesses and the community in Belconnen.

Finally, Mr Speaker, considering this budget has been coined "the full monty" by the Government, I would like to know whether this means that Mr Humphries, instead of reading his annual appraisals of members' budget replies, will get up on the table and perform that famous Hot Chocolate song in the chamber.

**MR WOOD (8.45):** Mr Temporary Deputy Speaker, earlier today in another debate the Minister for Urban Services, in a rather sanctimonious manner, chastised the Opposition over consultation. He alleged - I dispute the claim - that we did not consult. I do not know how many standards are apparent here, but there have been the most significant changes in some aspects of housing that we have seen for quite a time, changes that affect tenants quite considerably, changes that affect those people in our community who have the least range of resources and changes that are detrimental to their interests, and those changes have been made without any consultation. Those people and the groups who represent them had not heard a word about them beforehand. Yet the Minister has the gall to criticise the Labor Party for an alleged lack of consultation. Why did he not talk to the people affected or their representatives - and there are some very fine bodies in this town who are most interested and knowledgeable in housing?

I have had something of a difference with Mr Smyth over a period about what consultation is. I was pleased that a little while ago - and I carried an invitation to him on this matter - he went to Burnie Court and spoke to the residents. I believe that there was a positive outcome to that. You can talk intelligently and productively to the people in your houses. They know what is in their best interests and they are willing to pursue that path. I think the Minister would do a lot better to take tenants into his confidence.

We have had an announcement today that Lachlan Court is to close. I guess the tenants have long suspected that. At least they now know, and I will have more to say about that later. With the threat hanging over them for quite some time, they should have been

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informed of this closure quite a while ago, because I have no doubt that the decision was made well before this time. There is nothing more important to people than the roof over their head. They need that security.

Some of the changes revealed in the budget place a greater threat, a greater lack of security, over public housing tenants. The Chief Minister has announced the removal of permanent tenure. No longer will you be able after the budget to move into a government house and say, "Well, here we are. I can establish a wonderful garden. This is my home, I have this home". Periodically after Tuesday, new tenants will be asked whether they are still eligible or should be kicked out. Their circumstances will be reviewed. I think that will impose a very difficult problem on people.

Take the circumstance of most people. They are poor and the only housing they can afford is public housing. Perhaps they are unemployed. They get on the eligibility list and get a public house. Their circumstances may change, they may get a job, and then three, four or five years later the Government comes along and says to them, "You are no longer eligible; you do not meet our criteria". It does not happen now and has not happened in the life of the ACT. They could be asked to move and then in the uncertain environment that we have today they could lose that job or their circumstances could deteriorate and they would have to go back and wait for a long period of time before they became eligible for a house.

But it is more than that; it is that feeling you get if you do not think that you are going to be there for a long period of time. Mr Smyth might have greater difficulty in finding his housing tenant of the month, that very large number of people who care very much for their home and put their heart and soul into having a beautiful garden, for example. If you did not have that feeling, if you had a feeling of insecurity, you would be much less likely to do that. A particular problem in today's circumstances, and we have cycles in this regard, is that a few years ago there was a surplus of private rental accommodation, whereas at the present moment private rental accommodation is absolutely tight. It is very difficult to get a private house. That circumstance might apply in a few years and if people had to leave their government house there would be no guarantee that they would get a private residence and they would have to join the list of people who go into a caravan park, sleep in their cars or bed down with relatives, with all the stresses and strains that accompany that. I am sure that you will agree that this is a very significant change, but it was not done with any consultation. So, I do not want Mr Smyth coming in here talking about consultation again, thank you.

There is a further housing matter to raise arising out of this budget, as for last year's budget, and that is the transfer of a large number of homes to the community housing sector. The fact is that in last year's budget it was established as a pilot program. That means what it says. "We are trialling this, folks. We are going to see how it goes to see if it works. We are going to evaluate it". Evaluation was a very essential part of this program, as of any pilot program. There has not been an evaluation. If there had been it would have to say that the program has not gone too well. At this stage, I understand that fewer than 40 of the 200 houses proposed have been transferred to the community sector. There is a little time yet to go before the year is up and there is a great flurry of activity, but it is no easy task because for the most part, among other things, the houses that are



going to be transferred are tenanted, and people might not be too fussed about leaving the known ACT Housing for the unknown community sector and who may run that. So, it is difficult, and we are now going to continue with 200 a year.

There is a further problem in this regard. Do you assume that a group of people can get together and manage 10 or 20 homes? That is a skilled task. But I do not see anywhere mention of training. I am not aware of any training happening. I think CHC - Community Housing Canberra - was supposed to do some training. I am not aware that any has happened or even that they have been funded to do training, but if you are transferring homes from ACT Housing, which is experienced - and look at the problems it has - to the community sector, how are they going to be looked after? Are we confident that they will be well treated? I am not sure.

There is supposed to be a high level of tenant participation; it speaks for itself. How much training of that kind have we seen? I know of groups that have joined together in only the last week or two to try to claim some houses and they acknowledge that they know nothing about how to run a cooperative of houses. There is a lot more to be done than making simple, bland statements that we are going to transfer 800 homes over five years to community housing. I think that we are looking at failure and a lot of travail for these people if there is not more hard work at the coalface in providing training, expertise, encouragement and support to these groups.

I mentioned Lachlan Court before. At last the people know now where they stand.

The Minister has said that our current housing stock does not always meet the needs of the community today, and I think that that is probably right, but there is a need for units for single people and we are quite rapidly diminishing the housing stock that meets the needs of single people. Condamine Court has been knocked down and the redevelopment is not finished. We have closed Macpherson Court; now we are closing Lachlan Court. We will be saying in a short period of time that there are not enough housing units for single people. Those people have a right not to be consigned to some distant part of Canberra. I think there are some people - I can be corrected - in Lachlan Court who were transferred from Macpherson Court and who are probably going to be transferred to Burnie Court or somewhere else and I do not think that that is quite the right way to go. I am not blaming the Minister entirely for that because the neglect goes back 30 or 40 years, I freely acknowledge, but the sad fact is that we have not been able to manage the stock that we have.

I am not impressed with arguments from the Minister that these places are 40 years old. Until recently I lived in a place that was 40 years old and it was pretty good. A very large number of the houses in Canberra are getting to that figure of 40 years old. Certainly, across Australia most houses are more than 40 years old. That alone is not sufficient reason to say that we have to knock them down. The problem is what I call and what others call cannibalism. We know the story about Third World countries that buy a fleet of buses and then, as they run out of parts, cannibalise one bus and put the parts into others and then cannibalise another and another and another until there is nothing left. That is what is happening with the houses here. We are cannibalising our houses to maintain a basic stock. I think that is a very poor practice.

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At least the Burnie Court people know that they have a future. The bulldozers are not waiting down the street, as I once speculated on behalf of residents. They know that there is a future there; there are going to be some improvements. It is a wonderful location. It has enormous potential. I think that concentrated work there could see it become a fine example of what public housing can do.

I want to emphasise a point about access to private housing. I have done it before and I thank the Minister again for the cooperation of his officers when I refer people to them as I mediate with people who need housing. Over and over again, people simply cannot get access to public housing, but at the present moment you cannot get private housing. You cannot get it, it is not available, as the situation is so tight. There was a scheme whereby ACT Housing was able to lend money for a bond. Today the bonds can be as much as \$600 to \$1,000 and a lot of the people that I talk to simply do not have that amount of money. There was a scheme to lend money but that is now gone. I think that is a shame because that was a way of helping people in a way that might have been able to get them through the door of private accommodation, difficult as it is. I think that is a real disappointment and it is a real blow to a number of people. It has not been so much as to help a vast number of people, but it has been important.

I want to say something about the disability sector. Let it be acknowledged that there is \$1m extra in that sector and I congratulate Mr Moore for that work. But on Mr Moore's figures, there is still a shortfall of \$4m immediately identifiable in that sector. Again, let me compliment Mr Moore for putting out a draft strategy on disability that spells out very clearly and accurately where the shortfall is. I have never seen a strategy from government that is quite as explicit and I compliment him for it. My remarks will be softened because of that, because I would encourage that sort of detail. A couple of his earlier draft strategies in other areas could learn from that.

I share Mr Moore's disappointment that the Federal Government did not come to the party two or three weeks ago at a ministerial meeting. (*Extension of time granted*) On his figures, there is a shortfall of at least \$4m and somehow we have to handle that. This is the neediest area in the ACT. The demand there is most urgent, most problematic, and somehow we have to handle that. I await the review of that draft strategy so that Mr Moore can come up with more ideas. I was a little concerned at one point in that draft strategy in that it seemed to be wanting to throw some part of that problem back to the community. It will not work like that. The community is already exerting itself in more than full measure to care for the disabled in this community, particularly the families of those who are disabled.

The Chief Minister, in her usual style, has been critical of the Opposition and of the earlier Labor budgets. I suppose that is the way that these places tend to work. I want to point this out: Earlier Labor governments were highly responsible in the way they worked. Mr Berry and I are the only remnants of those earlier Labor governments. I recall the graphs that were presented to us at each budget deliberation showing where we were and where we had to be in 1991, 1992 or 1993 by the time those transitional funds were phased out. We observed that. We reduced our expenditures and we increased our revenues in accordance with that. Every year we met that target. We took some hard decisions. In fact, it was in those early years that the Follett and Kaine

governments made the biggest steps in bringing ACT revenues into line with New South Wales, something we have often heard about in this Assembly. They took the biggest steps. The fact remains that the current Chief Minister is deriving benefit from the activities, or in some circumstances the lack of activity, of those earlier governments.

In the last two or three years the Chief Minister has taken something like half a billion dollars out of the assets of the ACT - half a billion dollars. I remember interjecting on the Chief Minister in one of her budget speeches, "You must think that ACTEW has got some hollow logs", and she said, "Yes". I do not know whether there were hollow logs, but the \$300m this year, the sale of buildings and the money from ACTEW in earlier years - about half a billion dollars - that the Chief Minister has used in recent budgets was there, was nurtured, and was not used in Labor Party times, and she is now deriving the benefit of that. There is no great magic about the Chief Minister's budgets. There is nothing special about them. There is no great genius behind them. It is simply the utilisation of the assets that have existed right through the days of self-government. That is what it is about. That is the difference between the Chief Minister's budgets and the Labor budgets. She has used those assets in a different way. Maybe she should thank the Labor Party for leaving that money there for her to employ in this budget and in other budgets.

**MR CORBELL** (9.05): My colleagues Mr Quinlan, Mr Wood and Mr Stanhope have all raised a range of issues in relation to this budget which highlight the Opposition's concern with it. Mr Quinlan addressed the issue of superannuation in a way which puts the lie to much of the claims made by the Government about its concern and its efforts to address this issue. Mr Stanhope raised issues relating to the crass and heartless approach taken by this Government in relation to voluntary redundancies. Mr Wood has just outlined the human impact of decisions such as changes in the housing area.

Mr Temporary Deputy Speaker, before I embark upon looking at some of the areas of the budget which I have concerns about, I want to make one overall comment. We hear again in the budget papers and in the speech on Tuesday of the Chief Minister and Treasurer that this budget is achieving the results at the bottom line that the Territory needs. The focus of this budget is overwhelmingly financial in terms of its ends. The ACT Council of Social Service itself has said that that is, in itself, a commendable action - and that is debatable in some aspects - but there is little to demonstrate that it is addressing the social needs of the community. They are not my words, Mr Temporary Deputy Speaker; they are the words of the ACT Council of Social Service.

Those comments, when I heard them yesterday, made me think of a book I read about a year ago which reflected on the prevailing economic ideology embraced by governments of various persuasions over the past decade or so. This book said, in essence, that the focus on achieving bottom line financial outcomes with the promise that the pain was necessary to achieve the social needs of a community was in many respects a focus on a false promise, but our community has collectively, nationally, over a period of several decades been offered the promise that the pain was necessary as good times were ahead.

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We hear that promise at every budget. But does the community see the promise fulfilled? Do we ever see the outcome delivered? The answer is that we do not. The answer is that with each fresh budget we are asked again to weather the pain, to tighten the belt, to do more with less. It is that philosophical approach which most deeply concerns me and, I have no doubt, my colleagues in relation to this budget, because it is an approach which puts the financial bottom line ahead of the needs of people and the community. Budgets are here to serve people. As Mr Stanhope and Mr Quinlan said, people are not here to serve budgets. I think that, when it comes down to it, that is the fundamental difference between this side of the chamber and the other side of the chamber. It is the matter of emphasis and it is the philosophic approach that you bring to decision-making when you are putting together a budget.

Turning to some of the areas in the budget, I would like to outline some of my concerns. The Department of Urban Services performs a broad range of functions. It is perhaps one of the most important service delivery areas of the Government. The department in this budget is asked to restructure and has been provided with funds to restructure, a total of \$10m. But the \$10m is in the form of a loan which the department will have to repay. We know that on top of the \$10m that will have to be repaid by the Department of Urban Services there is an additional \$2m that has to be repaid in interest on that loan. That reflects a massive - there is no other word for it - assault on the structural integrity of that department.

At the end of this process, not only will the department have spent \$10m on redundancies, but also it will have incurred costs in making people redundant - \$2m in interest on top of the \$10m principal that has to be repaid. That strikes me as false economy - completely false economy. It means that the Department of Urban Services will need to find an additional \$2m after it has made all those people redundant to be able to repay in full the loan that has been provided. The implications in terms of the morale in the Department of Urban Services and the implications for the finances of the Department of Urban Services worry me immensely and they should worry every other member of this place because the Department of Urban Services is responsible for the provision of important municipal and other services which are essential to the good functioning of our city.

The other aspect at a departmental level that I am concerned about in the Urban Services area is the announcement that the department will be undertaking market testing of certain functions. These functions include environmental management and regulation, nature conservation and land management, along with information planning. Interestingly, the budget papers actually highlight that there will be savings worth \$2.3m to be achieved from market testing. We should think about that for a moment. I thought market testing was when you went out to see whether there was a market for the services provided by the department and then you moved on to see whether you could make those contestable - that is, contract them out. Market testing is the first stage, but this budget says that they know before they have even tested the market that there will be savings of \$2.3m. How do you know if you have not done the testing? It seems to me to be a very strange way of doing things.

The only assumption that can be drawn from that statement in the budget is that this Government has already made up its mind to contract out that range of services and, more importantly, they have locked it in. They have locked it in because they are factoring in savings of \$2.3m in the coming financial year. The decision about market testing of those functions and the contracting out of those functions has already been made. The figures show that. We should have concerns that the environmental management and regulation area will be contracted out. These are important functions of government. They cannot be left to the private sector to undertake.

Moving to the Planning and Land Management Group, planning in many respects became an important issue in Canberra when Canberra became the Federal capital. The city is a planned city. Its success, the ability of its various areas to interact with each other, to provide spaces for people to live, work and recreate in pleasant human surroundings, in spaces which are equitable, democratic and part of the public sphere, are all elements of a good planning system. The importance of maintaining a good planning system is emphasised by the need for a strong, effective and efficient planning agency. The Government itself, in its rhetoric, says that it recognises the importance of having a strong, effective and efficient planning agency. But, when you examine the budget papers, what you see undermines those statements. Over the next two years Planning and Land Management will lose 29 staff out of a total staff number of 314. Those are full-time equivalent positions.

**Mr Berry:** Almost 10 per cent.

**MR CORBELL:** That is almost 10 per cent, as my colleague Mr Berry points out. That means that PALM is being asked to do more with less. In the budget papers we see in the outputs area in almost every respect a requirement for PALM to improve its targets in relation to service delivery, meet higher targets, but it is being asked to do so with fewer staff, far fewer staff. Interestingly, the Minister has continually said over the past six months that he wants to see PALM more responsive to the demands of developers, more responsive to the demands of those making applications for development. But in these budget papers we now have revealed that the number of applications for new developments, excluding single dwellings, that are to be approved within the statutory time limits will drop from 85 per cent to 75 per cent. That means that a quarter of all new development applications are not expected to be processed within the statutory time limits. For a government that says that it is committed to responding to the demands of the development industry to reduce the target and acknowledge that a quarter of all development applications will not be assessed within the statutory time limits underlies the false economy that this Government is adopting in relation to the Planning and Land Management Group.

Is it any surprise that the target has dropped when the Government has targeted jobs in the agency, targeted the loss of experienced personnel who have the expertise to make the complex professional decisions that need to be made in relation to development applications? Is it any wonder that everywhere you go in this town people tell you that PALM is struggling to cope, that PALM is having difficulties in addressing the demands placed on it? And what is the Government's response? The Government's response is not to recognise the need to resource the agency in an effective way so that it can actually

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deliver services in accordance with the statute, the Land (Planning and Environment) Act. Instead, the Government's response is to reduce the level of staff by nearly 10 per cent, to take \$1.5m out of its budget in the coming financial year, to market test a number of its functions and to reduce the number of development applications that will be approved within statutory time limits. (*Extension of time granted*) Planning in Canberra deserves better. Canberra deserves better. Planning in Canberra should be a high priority for any government. Maintaining the integrity of the planning system and the agency that maintains the system should be a high priority. Recognising the need for a planning agency that can actually undertake planning, that can actually plan proactively, should be a high priority. We have seen none of that from this Government.

Looking at the environment side of the budget, we can see some concerning trends. Again, the issue of jobs is high on my list of concerns. I raise the issue of jobs in the environment area because over the past 12 months there have been two significant reports from the Standing Committee on Urban Services which have outlined the committee's unanimous concern at the lack of resources within Environment ACT to do its job, to undertake and implement things such as the draft plans of management which the committee has been asked to comment on in relation to certain areas of the Territory. The concern has been expressed in an unambiguous, clear and direct way. The committee has on two occasions in two significant reports expressed its serious concern that the ability of Environment ACT to undertake the work it is required to undertake under law in managing and maintaining the ACT's environment reserves is seriously compromised and is grossly inadequate. Yet the response of this Government has been to ignore those recommendations, not to accept in any way that they are an issue of concern and to blithely suggest that everything is well.

We know that everything is not well. We understand that. We hear it every day. In the coming financial year Environment ACT will have to absorb eight job cuts or a total of 16 job cuts over the next two financial years. It is ironic indeed that this Government feels that it is appropriate to spend more money on signage on Northbourne Avenue than on a strategy to reduce greenhouse gas emissions - \$500,000 will be spent on signage alone on Northbourne Avenue. For a government that claims that greenhouse gas emissions are a high priority in its environment agenda to spend only \$340,000 - \$160,000 less than is to be spent on signage on just one avenue - underlies exactly why people seriously question the credibility of this Government's environment agenda. The intent may be there, the goodwill may be there, but it is not backed up by the concrete action that it so desperately needs.

Another concern in the environment area is in relation to the failure of the Government to effectively justify the implementation of the water usage charge, which is intended to raise \$1.7m. It is not in any way linked to strategies to improve water quality or management. Instead, it is simply designed to be fed into general revenue. I have no doubt that people would feel more sympathetic and give greater support to this charge if they knew that it was being used to improve water quality or management. But, from my reading of the budget papers, that is not what this Government has done. It is not an environmental safeguard. It is merely another revenue-raising exercise.

The Government has provided a \$10m capital injection into the information technology modernisation program and it estimates that 80 per cent of the IT infrastructure in the ACT Public Service needs to be replaced. The Urban Services Committee's report on the draft 1999-2000 capital works program recommended that the Assembly be provided with a clear and detailed explanation of the whole IT modernisation program. The budget fails to highlight any intention of the Government to make this modernisation program transparent. Rather, as Mr Stanhope said earlier today, in keeping with the monty theme, it insists on a Monty Python approach, intent on purchasing every machine that goes ping. That may be a sexy approach, but it certainly does not address the issue of where exactly all this money is going. That, I think, is one for the Estimates Committee.

I want to finish by focusing on just one other aspect of the draft 1999-2000 capital works program. The draft capital works program report contained a recommendation that before funds are expended on upgrading the old Ainslie Public School to convert it to a craft centre the Government should develop a full business case and feasibility study in order to demonstrate that the project is justified. It is quite clear from the budget papers that they were not going to accept that recommendation one little bit. The Chief Minister had made up her mind about Ainslie Public School. For all the talk about probity, for all the talk about process, for all the talk about justifying expenditure down to the last cent, when a standing committee of this Assembly highlights the fact that the Government is proposing to spend over \$150,000 on a refurbishment which has no justification whatsoever, when the committee says, "Before you spend that money, you had better get some justification", and the Government simply ignores it, slots it into the budget and says, "We are spending the money", is it any wonder that the community has concerns about the approach of this Government? These concerns, I hope, will continue to be focused on, elaborated on and examined as part of the Estimates Committee process.

**MR TEMPORARY DEPUTY SPEAKER** (Mr Hird): Order! The member's time has expired.

*(Quorum formed)*

**MR HARGREAVES** (9.29): Much has been said by those opposite about the full-monty budget. The Treasurer has said that it is a reveal-all budget, but I do not quite see it that way. In many ways, people have been left in the dark - fearfully in the dark. It will be up to the estimates process to scrutinise this budget fully and delve into the real reasons for some of the initiatives, and I use the term very loosely, and see whether any are in a mean sense. It is not my role to propose budget initiatives; rather, to point out to the Government some of the parts of the budget which will hurt people of the ACT, such as those which will impact heavily on families and businesses. This budget has in it the draconian slashing of 450 jobs. Far from saying that the pain is over, this Treasurer has continued unabated to cut out jobs in the service sector of the public sector.

**Ms Carnell:** What did you do?

**MR HARGREAVES:** In response to the interjection of the Chief Minister, I did nothing. It is interesting to note that in the support area of the Department of Urban Services there are currently 360 positions, and there are 661 positions in the operations

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area. Of the cuts to be applied over the next two years, 28 will be from the support area and 97 will be from the operations area. The percentage of support positions to operations positions currently is about 45 but the cut is about 28 per cent. The jargon used is “market testing”. This phrase is used widely in the documents. It is just code for privatisation. This privatisation will affect those on very low salaries. Low-income families will be adversely affected. That has been pointed out before, but it seems that this Government just does not care as it slashes away anyway.

I note that the cost of cleaning and litter removal is to reduce by \$714,000. That can only mean the elimination of general service officers from CityScape. How many of those officers are on more than \$40,000 a year? Not many. The market testing and corporate restructuring are nothing more than a sale. Where is the proof?

**Ms Carnell:** What would you do?

**Mr Berry:** We would sack the Chief Minister for a start and put in decent management.

**Ms Carnell:** But then you would want to have another one. It is not the same.

**MR HARGREAVES:** Mr Temporary Deputy Speaker, I call for your support and protection.

**MR TEMPORARY DEPUTY SPEAKER:** Order! Mr Hargreaves has the call. The Leader of the Opposition and the Deputy Leader are having an in-depth conversation. Push the mute button, if you would, as your colleague Mr Hargreaves has the call.

**Ms Carnell:** Could you tell him not to be boring, then?

**MR HARGREAVES:** Mr Temporary Deputy Speaker, I ask for the Chief Minister to withdraw that remark. It was offensive and uncalled for and, for somebody who was not in the chamber for the last couple of hours, it was a bit hypocritical.

**MR TEMPORARY DEPUTY SPEAKER:** What remark was that, Mr Hargreaves?

**MR HARGREAVES:** To stop being boring. I would like it withdrawn.

**Ms Carnell:** I said he was boring.

**MR HARGREAVES:** Well, do you or do you not?

**MR TEMPORARY DEPUTY SPEAKER:** Order! Mr Hargreaves, you have the call.

**MR HARGREAVES:** Thank you very much, Mr Temporary Deputy Speaker, I will continue. But I will go back a sentence, with your indulgence. The market testing and corporate restructuring are nothing more than a sale. Where is the proof? Ms Tucker has revealed that the reduction from 180 jobs to 110 jobs in the voluntary redundancies for the Department of Urban Services is due to the engagement of 70 officers in contract management. What contracts? Where is the information in the budget papers? So much for transparency!



However, to give credit where it is due, the Government has finally come clean over the emergency services levy. Having said last year that it is not a tax, they say in Budget Paper No. 3:

The Emergency Services Levy is an additional tax ...

However, after saying that the funds reaped will go to guaranteeing funding for those services, the Government said in the same paragraph:

Additional resources have not been provided ... as a result of the imposition of the levy.

In 1997-98, these services were provided from the base budget. I repeat, in 1997-98 these services were provided from the base budget. In 1998-99 the emergency services received none of the \$10m reaped, and they will get none of it. This Government should stop the furphy of calling it a levy for emergency services and acknowledge that the additional tax - their words - has nothing to do with emergency services.

I note that the Government is taking much credit for initiatives for which it was not responsible. It claimed credit this very morning on 2CC for the roundabout on the Monaro Highway. Was it not done using Federal funding? Why did the Minister not tell the caller that this morning? Because he wanted the credit. What a shame that was.

The same Minister has said that we need speed cameras to reduce road accidents. He says that other jurisdictions have reduced their accidents by 80 per cent. I want to know which jurisdictions have reduced their accidents by this enormous figure. Not just one, Minister, if you are listening; you said "other jurisdictions", a plural description. I note that the ACT has a very good record regarding accidents and road deaths. True, we could do better, but I doubt that this initiative will do anything about the number of accidents here in the future. What the cameras will do is return \$2.5m for the investment of \$600,000 - a good return, I concede; but be honest, Minister, like your Chief Minister says that you all are, and admit that it is just a revenue raiser. How are you going to explain it to a driver who is in a line of traffic going marginally over the speed limit, driving quite safely, who has always been vigilant and careful but who could cop three speeding infringements in consecutive days, rake up fines of about \$450 and lose many points, perhaps a licence, and find out weeks later? The police do a good job here on traffic law enforcement. We do not need yet another draconian measure like that.

I do, however, commend the red-light camera initiative. People run red lights deliberately and they always know that they have done so. I have no sympathy here. If red-light cameras reduce these infringements and the inevitable crashes, well and good.

The reductions in ACTION jobs is, I know, due to the deal struck last year. I have a problem, however, in relation to how the cuts are being made. They are to go from maintenance activities - 34 positions, to be exact - and the provision for driver and passenger safety for this year is to reduce from \$3.2m to \$2.5m, a reduction of \$700,000. Yet the documents all say that there is a commitment to safety. Some commitment!

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My colleague Mr Corbell has talked about the interest on the loan to the Department of Urban Services for redundancies. As indicated, \$2.2m has to be paid in interest. There are only two ways to pay this sum. One is through more job losses and the other is through decreased services. Why did you not say how the Department of Urban Services is going to find the monthly repayments of interest? I note in the ownership agreement for the Department of Urban Services that the annual interest payments are as little as \$38,500 in 2004-05 but as high as \$326,500 in the coming year, rising to \$696,500 in 2000-01. At \$40,000 a year, that is equivalent to eight jobs in 1999-2000 and over 17 jobs in 2000-01. Why did you not tell us about that? So much for the full-monty budget; so much for revealing all. I do not have confidence that this budget will deliver any comfort to the average family in Canberra. It will only, through pain, loss of jobs, increased charges, greater uncertainty, deliver comfort to the big end of town. It is not a full-monty budget; it is a Monty Python budget.

**MR BERRY** (9.39): The first thing I want to refer to in speaking to this budget is some comments that have been made generally by government members. One that I found surprising came from Mr Smyth when he talked about the social fabric and how important it was. Of course, we all would agree with that. But then I thought about it in the context of the budget and I found it difficult to work out how new pistols and capsicum sprays for the police and a party at the end of the year would add to the social fabric in the Territory. If you put in those sorts of issues and other shortfalls, the social fabric would not be enhanced by this budget.

The budget has already been shown as a sham by my colleagues who have spoken on their various portfolio areas. In particular, the claims of the Chief Minister and Treasurer about how she is a better manager as she was able to spirit away \$300m from ACTEW - the ACTEW saved by the Assembly - and claim it as her own, just shows how boastful she can get and how brazen she can be in respect of her performance in the ACT. The people of the ACT know that she has cheated on them. She attempted to cheat them of their electricity authority. Before the last election there was no sign of this authority being stolen, but at the very first opportunity this rationalist Chief Minister attempted to cheat on them and spirit away their public authority and use it for her own purposes. The same Chief Minister has taken the same approach to the \$300m which she has taken from ACTEW. She has attempted to demonstrate that it was her contribution to the management of the budget.

**Mr Corbell:** And you voted for it, Mr Moore.

**Mr Moore:** I am proud of it, Simon. I am proud of it.

**Mr Corbell:** Mr Moore says that he is proud of voting for the sale of ACTEW.

**MR BERRY:** Mr Moore would be proud of voting for the sale of ACTEW because Mr Moore is rusted onto this lot over there, but I will get to him later. I have a few things to say about Mr Moore.

The next thing that we have to deal with is the jobs that will go from the ACT Public Service as a result of this budget. The Chief Minister announced that 450 jobs would be going out of the place. We discovered that the heartless Mr Smyth had agreed to the

establishment of those awful things described as departure lounges for public servants, a couple of hundred of them. Mr Smyth had the gall to go on radio and say that he was looking after the workers' dignity by putting them in a departure lounge. He thought that it was a good thing to look after the workers' dignity as they were going out the door. Of course, the establishment of - - -

**MR TEMPORARY DEPUTY SPEAKER:** Mr Berry, I would just like to point out there is a coup under way here. I notice Mr Rugendyke sitting near the Chief Minister's chair.

**MR BERRY:** Thank you, Mr Temporary Deputy Speaker. Are you able to interject? I suppose that is all right then. This budget has as part of its hallmark cruelty, because any Minister who would stand up in public and say that these departure lounges were good for the dignity of public servants who were losing their jobs has no idea of the real world, no idea whatsoever. He does not understand the trauma that the loss of one's job can cause to public servants, especially long-term public servants, and their families. The idea for these departure lounges is clear. It is to draw a line between where a person was working and where they are headed and make sure that there is no return to their old job in the department. It puts psychological pressure on individuals as they leave the service. In many cases, departing public servants will be scarred by this process. But the Minister does not seem to understand that.

Before the election this cheating Chief Minister promised to abandon plans for big cuts to the ACT Public Service and use the \$5m worth of unspent redundancy money on a range of programs for job creation, health, education and other matters. The Chief Minister is now planning to spend \$16m on axing public servants' jobs. Who would feel good about that?

**Mr Moore:** How did you feel when you spent \$17m?

**MR BERRY:** Do not interject, Mr Moore. I have a little bit for you on one which I heard raised earlier and which I know you will enjoy. We spent \$3m to get the waiting list up by 21 per cent. Does that mean that \$6m will raise it by 40 per cent? That was not a bad little aside. We will see what happens by the end of the year. Let us get back to the main chase.

**Mr Moore:** What happened when you were Minister, Wayne?

**MR BERRY:** Mr Moore asks what happened when I was the Minister? I will go through my record if you would like. When you equal it you can sit over there boastfully. The establishment of the clinical medical school and the establishment of abortion law reform in the ACT. Do you want me to go on? Tobacco legislation and boxing legislation. Do you want a few more? I could go on for some time. When you have equalled that you can stick your halo on and give it a bit of a polish. These indicators from this budget demonstrate to us that this Government is as uncaring as it has always been.

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Let us go to the initial claims about the budget in respect of its transparency. It is described as a full-monty budget. I suppose that meant no hats. We discovered, as I said last evening, that it is really a three-card-monty budget. In three-card monty you will always find some pickpockets and dishonest people around, and that is the style of this budget. We found an example of that in Mr Moore's own budget papers. Mr Moore has been out defending himself on that and has a different position on it, but the papers show that between Canberra Hospital and ACT Community Care 353 jobs are to go. Mr Moore will say that half of them or more are going to be transferred from Canberra Hospital to ACT Community Care.

**Mr Moore:** I did say it. I told them on the radio. You got it wrong, wrong, wrong, wrong.

**MR BERRY:** No, I got it right. Your budget papers are wrong. You put out budget papers which were dishonest and misleading. You deliberately tabled in this place budget papers which were dishonest and misleading, because they make it clear that 353 jobs are going.

**Mr Moore:** Jon's office was able to work it out.

**MR BERRY:** Look at the papers yourself. Just get out your own budget papers and they will demonstrate that to you. I will go through the numbers if you do not understand them, Mr Moore.

**Mr Moore:** I do understand them.

**MR BERRY:** FTEs in 1998-99, 2,452, and in 1999-2000 - this is for the Canberra Hospital - 2,105. These are from your budget papers. The difference is minus 347.

**Mr Moore:** Jon, stop him. This is your area. He is blowing it badly.

**Mr Corbell:** I take a point of order, Mr Speaker. I am loath to interrupt my colleague Mr Berry, but Mr Moore just cannot help himself. He persistently and wilfully interjects whenever Mr Berry is on his feet and he should by now have a level of self-discipline that stops him from doing that. I would ask you to call him to order.

**Mr Moore:** He is deliberately baiting me, Mr Speaker.

**MR SPEAKER:** Mr Corbell, I uphold your point of order. Deliberate provocation is not unknown from either side of this house. However, I am conscious that it is almost 10 to 10 and many of us are getting past our bedtimes.

**MR BERRY:** I am not. I have got plenty left in me.

**MR SPEAKER:** Did I suggest an answer?

**MR BERRY:** No, Mr Speaker.

**MR SPEAKER:** I was simply cautioning some members.

**MR BERRY:** I concede. Thank you, Mr Speaker. In ACT Community Care, FTEs in 1998-99, 912, and FTEs in 1999-2000, 906, a difference of minus 6. Total that up - 353 jobs. If your papers are wrong, then it is about time you did something about them, Mr Moore. Just say that your papers are wrong. Delivering to the community budget papers which are incorrect is a dishonest approach to government. Mr Moore, when you interject next, I will have a little present for you.

**MR SPEAKER:** Order! There will be no interjections next time, Mr Berry.

**MR BERRY:** If he wants to spit the dummy he can have this one.

**Ms Carnell:** It suits you.

**MR BERRY:** It certainly does. Nobody would be surprised by that. I am just about to get to him because I want to talk about what the Australian Education Union has had to say about Mr Moore. Let us talk about education for a moment, Mr Speaker. In February, Mr Moore said:

... I've made it very clear since, that I'm not changing my stance on education, that if in the next two and a half years, during this electoral period, if a Government cuts education funding to schools, then we will have a no confidence motion.

Ho, ho, ho! Education cuts were made. Mr Speaker, \$1.5m was taken out of the education budget and spirited off into the treasury. A whole range of election promises which were intended to come from new money came out of the base. There were very clearly cuts to the education funding. Everybody agreed with that. The Assembly's Estimates Committee agreed with it, Mr Speaker, but did Mr Moore want to talk about that? No, of course he did not. Plenty of opportunities arose here for him after that. We were waiting for the motion of no confidence that Mr Moore was going to move, but what did we hear from Mr Moore? Excuses and the thinnest of explanations as to how it was not an education cut, that the \$1.5m reduction was not a cut.

**Mr Moore:** Last year you said that it was \$4m.

**MR BERRY:** Of course, that \$1.5m plus all of the initiatives that were taken out of the base funding added up to close to \$4m and Mr Moore did nothing. He did absolutely nothing. He should be wearing a pointed hat as well, Mr Speaker, because a good student of politics would know and understand that when you make promises you should stick to them. Dunces' corner for Mr Moore.

Mr Speaker, I would also like to draw some attention to a press release that was issued this morning - - -

**Mr Moore:** Wayne, I did not lead a group into dismal failure in an election.

**MR SPEAKER:** Order, please! I cannot hear Mr Berry. I may have to ask him to repeat his speech.

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**MR BERRY:** Indeed. Mr Speaker, I am happy to do that. Mr Speaker, I also want to draw attention to a press release from the Education Union in which Mr Hagggar “highlighted teachers’ and parents’ concern that Kate Carnell in her election promises for March 1998 committed herself to no cuts to school staff” - a quite unequivocal, honourable promise, it would seem, at the time of an election. Minister Moore, as an Independent, made it clear as late as 24 February 1999, “If a government cuts education funding to schools, then they will have a no-confidence motion”. That was a very clear statement. Of course, we find that there have been staff cuts at our colleges. It is very important to remember that because Mr Moore is the one who railed against Labor when the formula was about to be altered in a particular budget and altered the budget to ensure that the formula could not be altered in a way which may have affected schools and colleges, but here we have a budget which is described by the Education Union along the following lines:

... the Government has dishonestly hidden a staffing cut to secondary colleges behind a so-called teacher renewal program which will see 20 experienced teachers replaced by beginning teachers in the next 12 months.

But there are cuts to schools, staffing cuts to schools. That means education cuts to schools. Mr Moore, I am prepared to sit down and let you move the motion now, if you want to elbow me aside. No, of course you will not, because you are a gold-digger. You are not interested in your election promises. You are only interested in yourself. Those were strong commitments to the community and they expected better.

**Mr Moore:** I rise to a point of order, Mr Speaker. He is really pushing his luck about gold-diggers, election promises, lying and all those sorts of things, Mr Speaker. He is really pushing the level there. Imputation, Wayne.

**MR SPEAKER:** Please, Mr Berry. There is an imputation.

**MR BERRY:** I think gold-digger is pretty fair.

**MR SPEAKER:** No, I am afraid it is not. If it were addressed to a female member of this Assembly, she would be rightly offended, and I see no reason why we should be sexist about this.

**MR BERRY:** Mr Speaker, I will withdraw that.

**MR SPEAKER:** Thank you. The member’s time has expired. Do you want an extension?

**MR BERRY:** Indeed, I would love one. I am sure that you will let me. (*Extension of time granted*) Mr Speaker, I will conclude quickly. Mr Moore has cheated on the electorate. The electorate at large is entitled to feel that way. Mr Speaker, I also would like to refer - - -

**Mr Moore:** There is a reason, Wayne, why you lost so many votes for Labor.

**MR BERRY:** You would just love to get as many as I did, Michael.

**Mr Moore:** Not many of them were personal votes, Wayne. Watch it when you are not leader and see how many you get then.

**MR BERRY:** I was not a leader once before, Michael, and I got more.

**Mr Moore:** I got more personal votes than any Labor member of the electorate I was in.

**MR BERRY:** Okay, yours is bigger than mine; I give up.

**MR SPEAKER:** Order, please! You were going to conclude your contribution.

**MR BERRY:** The next thing I want to deal with is the encouragement of teachers over 45 years of age to take early retirement. Mr Speaker, if the Government is saying that that is not against the Discrimination Act, that it is not discriminatory, they should drop the 45 years of age requirement because that is the only way that you can make it non-discriminatory. Stop kidding us. It is discriminatory and the Government will be forced to drop it in the end, mark my words. You cannot discriminate against people on that basis. The best the Minister could come up with today was to say that it is to be voluntary. Mr Speaker, it is not available to people under 45 years of age, so it is discriminatory. Mr Speaker, the Government will have to ditch it if their credibility is to be preserved.

I heard Mr Rugendyke waxing lyrical about the Belconnen pool project. I thought for a moment that he may have had a lapse of memory because I do recall an Estimates Committee report on the last budget which recommended that the pool be built. The Government ignored it and Mr Rugendyke still voted for the budget. I do not want to aggravate him too much about that issue, but I just thought for a moment that there was a slight memory lapse. Of course, we will be ending up with half a pool now.

**Mr Osborne:** What was the choice? Vote against the budget.

**MR BERRY:** Mr Osborne says, "What is the choice? Vote against the budget". The choice is to say to the Government, "I am not voting for that particular one. Go away and fix it up". These budgets, in effect, are draft budgets. That is the practical effect of these budgets; they are draft budgets. That has been proven before. Labor has suffered amendments to its budget and Mr Moore will attest to that. Mr Kaine will recall that as well. So too will you, Mr Speaker, because I think you had a hand in it as well. These are draft budgets, Mr Osborne, and you cannot pretend anything else, otherwise we would not be dealing with a motion in principle now and having a detail stage later where people can do certain things with the legislation, including amend it. So, they are draft budgets, in effect. You can treat them in that way if you are hairy chested enough to look after the community; in particular, look after the promises that you made to the electorate. Mr Osborne, I know that when the crunch comes you will treat this budget as a draft budget, because that is what it is.

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Mr Speaker, this is a budget that has not shown itself worthy of support. It has to go through a closer scrutiny process with the Estimates Committee. I look forward to an involvement in that from a member's point of view. I am not on the committee this year, but I will be involved in the process. I repeat my welcome of that opportunity to scrutinise this budget. I know that there are more holes in it than in Swiss cheese, but there is work to be done to uncover them. That is part of the scrutiny process that this Assembly provides. For heaven's sake, Mr Osborne, and others on the crossbench, do the scrutiny process justice. Treat it as a draft budget and treat it as if you really care for the community.

**MR OSBORNE (9.59):** All those words will come back to haunt Mr Berry at some stage, Mr Speaker. I look forward to the first Quinlan budget and I look forward to Mr Berry once again standing as, God forbid, a Minister and saying, "If you do not like it, just amend it. We will accept that. Amend our budget".

**Mr Berry:** Not necessarily accept it, but you have to cop it if it happens.

**MR OSBORNE:** So it is okay for them but not for us. Mr Speaker, I will be brief because, as is often the case with budgets, it does take a fair amount of time to go through what it contains. One of the valuable assets is the estimates process, and I look forward to further scrutiny of the budget during that time. My initial reaction to the budget was one of relief. I was completely convinced that voting against the sale of ACTEW was the right thing to do. I do not think that this budget is filled with the horror and the doom and gloom the Chief Minister said would be the consequence of not supporting the sale, so obviously I am pleased.

It even seems possible that the Territory is now on the verge of living within its means. How is this possible without the sale of ACTEW going through, given what we heard from the Government? I guess it was fortunate that the rest of us did not believe everything we read in the press releases churned out by government offices about how vital the sale was to the future of the ACT.

I have made no secret of the fact over the years that I have been here that I fully support the concept of the Territory living within its means. Members will recall - and it was on the daily program yesterday to be finalised - that I tabled some legislation which would establish that principle in law. It makes good sense that we should not spend more than we earn each year, yet this is something successive governments have not been able to do since self-government a decade ago. Bringing the budget back into the black takes balance and must not be rushed, because the human cost would otherwise be too great.

At first look - and I emphasise "first look" - this budget seems to have reasonably good balance. I appreciate that this budget comes with a certain measure of cost. There are quite a few new fees and increased charges this year and around 450 voluntary redundancies in the package. It will certainly be interesting to see what else comes to light during the estimates process, given the Chief Minister's claim that this was the full monty and everything has been fully exposed. Somehow I doubt that, though I hope it is true.



Mr Speaker, while there is much that I like on the surface of this budget, I agree with Mr Quinlan that there is a strange coincidence in the improvement of the operating loss. Our Commonwealth funding has been increased by \$85.4m and the operating loss has gone down by \$86.3m. The Chief Minister has claimed good financial management for the improved bottom line - and I want to believe it - but the similarity of these two numbers is indeed striking. I appreciate that some tough decisions have been made over the past four or five years and some are still to be made but, to put the bottom line into perspective, the Government must admit that it is riding on the wave of some good economic growth figures and a better than expected grant from the Federal Government. I do not think the Government can claim too much credit for the good growth figures, but I do believe that the officials deserve a pat on the back in relation to the grant from the Federal Government. I congratulate the Under Treasurer, Mr Lilley, on a job well done.

Mr Speaker, there are several aspects of this budget that I particularly like and some that I do not. I also have a number of queries. I was asked on radio yesterday whether I had put in a budget submission this year, to which I replied that I had not. I guess this was only partly true, as since the last election I have had a kind of standing budget submission. The Chief Minister has a copy of my election policies. If they want to know what I want included in any budget, they need just to look up those documents.

To that end, I am pleased that our police are to be issued with better equipment over the next few years. I do not think it is a secret that police resources were badly neglected over the first few years of self-government. The police are finally beginning to catch up with some other areas of the public sector in terms of resource funding. I do not know whether this is because of my involvement here in this place but I will certainly be taking the credit for it.

I also cannot pass up the opportunity to briefly mention the Territory's superannuation liability. Much has been said since the 1996 budget about our unfunded liability, and the Chief Minister's approach this year again is interesting. In taking another \$300m from ACTEW, the Chief Minister is once again walking the tightrope of truth between her claim of no new borrowings and making a corporatised government business borrow on her behalf. It is pleasing to see our unfunded superannuation liability receive substantial funding, but I notice that the \$300m only keeps us up to date for about two years, so it seems that the Government is perhaps expecting a more permanent solution to come along within that time.

Mr Speaker, I did not place any demands on this budget, but I did place a demand on what the budget ought not to contain - money for a shooting gallery. From what I can see, it is a case of so far so good. During the last sitting week I promised the Health Minister that my office would go over his budget with a fine toothcomb, and I am sure that he is pleased about that. I can assure Mr Moore again today that we will certainly be doing just that. Given that Health has the largest individual appropriation and Mr Moore carries around with him the impression that he has been poorly managing his portfolio, I trust that other members will also be giving this line of the budget very close scrutiny. I think Mr Moore often gives us the worst case scenario - I hope he is listening - and then comes back and says, "Look I have fixed it". Maybe I am just a cynic.

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I would like to make a couple of brief observations in regard to the use of voluntary redundancies. It is no secret that a large part of government spending goes towards wages, and therefore any genuine attempt to bring the budget into balance and keep it there would, to some extent, require efficient government departments which contain fewer staff. At this stage I wish to restate my opposition to forced redundancies and would add to that cautious support for voluntary redundancies where they are well placed. For example, I see little point in reducing the number of nurses in our hospitals or reducing the corporate knowledge of a department by prematurely removing the older, more experienced staff. I am yet to be convinced that the attempt by the Education Minister to discourage schoolteachers from staying in the classroom after they have reached the age of 45 - something that is a long way away for me yet - is little more than a cynical cost-cutting exercise.

There are several other aspects of the budget that I look forward to hearing explained during the estimates process. One of them is the budget response to the chronic shortage of public housing in my electorate. Many families are enduring waits of up to six years for a house, which is an appalling state of affairs. The Urban Services Minister assured the people of Brindabella two weeks ago that he was working on a solution but said that it would take time. Given that the budget looks forward to the year 2003, I trust that the Minister's plan to provide more public housing is in there somewhere.

I am also looking forward to more information being provided regarding the intended use of speed cameras. I wish to remind the Minister that for a variety of reasons I have not supported the use of speed cameras in the past and it is going to take some further discussion and convincing from him before I could be fully comfortable with their introduction. I believe Mr Hargreaves supported the introduction of red-light cameras. I think they are long overdue and I fully support them.

I am sure the Government has not been too disappointed with all the distractions this week. Since the budget was delivered on Tuesday afternoon, the focus of this place has mainly been on obtaining documents about Bruce Stadium, on the hospital implosion and on a pathetic spat between a couple of lawyers. I would encourage members not to get caught up in these side issues, important as they think they are, and to keep their focus on giving this budget proper scrutiny over the next few weeks.

**MR MOORE** (Minister for Health and Community Care) (10.10): There are a couple of little issues that I thought would be worth raising. I expect to speak for only three or four minutes. Ms Tucker and Mr Berry ran the line that government schools have done very badly in this budget and in previous budgets. Since I began pushing the Labor Government many years ago, there has been no cut to school education.

Mr Berry suggests, as he did last year, that \$4m has come off the education budget. When \$4m is cut from any area, you feel pain. Pain was not felt across the school sector. Mr Berry, you have accused others of cheating, gold-digging and so forth. Granted, you withdrew those imputations. But on health, Mr Berry, both on the radio this morning and in here, you were simply wrong.

**Mr Berry:** No, I was right, several times, on the ABC. I heard it.

**MR MOORE:** No. The fact that you cannot read the budget papers and cannot assess that a number of allied health jobs with the hospital are transferred to Community Care shows that there have not been, as you claimed in the media and claimed here, a cut of over 350 jobs. It simply did not happen, and it is not in the budget. You misunderstood it, Mr Berry. You got it wrong, as you get so many other things wrong.

It is the same with the cuts to school education. It is wrong. There is no cut to school education. Yes, Mr Berry, there may be some transfer of places within the schooling system and yes, there may be fewer teachers in the college system. A judgment has been made that it is more important to have those teachers in the high school sector, in the primary school sector or in special areas. Mr Berry, that was never my promise. Go back to my platform and what I have said before. I said that the school education budget - - -

**Mr Berry:** You said that if a government cuts education funding to schools then it will have a no-confidence motion.

**MR MOORE:** Mr Berry, I am sick of being misrepresented on this. I am sick of you misleading the house on this and I am sick of other people misleading the community on it. I have a very clear - - -

**Mr Berry:** I have to raise a point of order, Mr Speaker.

**MR SPEAKER:** You do, and I uphold it.

**MR MOORE:** Mr Speaker, I withdraw any imputation. I made a very clear-cut promise. It is in writing. I made a clear-cut promise and I have stayed by that promise. I have never moved from that promise. It remains. It has been clear and I have not for one minute - - -

**Mr Berry:** Nobody believes you.

**MR MOORE:** If Mr Berry wants to build a straw man and continue misleading the community in that way, that is up to him. Very few other people would be able to lie straight in their bed having gone through that type of misleading of the community. The difficulty the Opposition have is that they have before them a very sensible budget. They have difficulty in criticising a very sensible budget, because it is just that - it is sensible. It is not a flamboyant budget. It was designed specifically to tackle the operating loss, and full marks go to the Chief Minister for the work she has done in managing to achieve that.

Mr Speaker, it is a caring budget. I am very proud of the money that has gone into disabilities. I am particularly proud of that million dollars. If Senator Newman is able to deliver on the indications the Federal Government has given, that should turn into another couple of million dollars as well to meet the unmet need. Ministers agree that there is an unmet need of \$293m Australia-wide, as identified by the Australian Institute of Health and Welfare. These are the sorts of things we are interested in and these are the sorts of things we are concerned about. It is not a matter of just tackling the operating loss for some esoteric reason and saying, "Okay, now we do not have an operating loss".

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It is about getting a sustainable economy so that we can spend the money where it is needed, for the people who need it most. That is what it is about, and that is why I am very proud to be associated with a very sensible budget.

**MS CARNELL** (Chief Minister and Treasurer) (10.16), in reply: Mr Speaker, a number of pretty unbelievable things have been said in the debate on the budget, and I am sure some more fairly unbelievable things will be said before this budget comes to the final vote.

**Mr Berry:** Not as unbelievable as the budget.

**MS CARNELL:** Mr Berry says, "Not as unbelievable as the budget". The fact is that this afternoon and this evening nobody has managed to come up with one thing wrong with the budget. Certainly, Mr Quinlan did raise a couple of things that he obviously did not understand very well. He appears to have a gross misunderstanding of accrual concepts. I suppose one could say he needs to go back and learn a little more about accrual accounting. When he was operating as a cash accountant, the approach he took may have been right, but it is simply not the case anymore.

Mr Quinlan should be aware that the funds statements he was talking about went out with the ark. All that Mr Quinlan seeks is contained within the cash flow statements. There is nothing in the funds statement that cannot be found in the financial statements in the budget papers.

**Mr Stanhope:** Tell us this without reading it to us.

**MS CARNELL:** I can, if you would like. Mr Quinlan needs to have a full briefing on these issues. Earlier I ran through with him the issue of investments in the CFU papers to explain to him that the increase in the investments that he has been speaking about over the last couple of days is not external money, money into paper, money into cash or shares at all. It is money invested into other parts of government. (*Quorum formed*) No cash has gone missing anywhere in this budget, as Mr Quinlan would like to say. The movement into the superannuation account is a \$300m injection, less of course the annual accruing expenses. This is a fundamental part of accrual accounting.

Mr Quinlan also made some comments about how Victoria have reduced their burdening debts. You have to ask how Victoria has achieved the ends that they have achieved. They have done it by selling assets - disposing of electricity authorities, gas authorities, transport entities and so on. Victoria obviously had to pay off their debt because they had an incredibly high level of debt which put their whole credit rating at risk. That simply is not the case in the ACT.

Mr Quinlan also criticised the high levels of cash and liquid asset balances in the forward estimates, which it would appear he would prefer us to spend rather than keep them as assets against superannuation and accruing liabilities. This strikes me as an extraordinarily unusual approach to budgeting. We do have assets that we are keeping in our superannuation provision account and in other places, to balance our accruing liabilities generally in government, and that again is just good management.

Tonight we have heard comments about us not living up to our promise of real terms funding in education. Not only have we complied with our real terms funding guarantee for government-based schooling but we have spent some \$26m more than real terms funding. It was interesting recently to hear Mr Quinlan criticise the Government on the basis of our approach to rates increases. We increase our rates based on a projected CPI figure, which over the last couple of years - yes, Mr Quinlan is right - has come in under our projection. Mr Quinlan has suggested that under those circumstances we should give the community a rebate. We could do that if we did the same thing in education, because we have geared our education funding to the same CPI increase. I am not sure whether Mr Quinlan is suggesting that we take out the \$26m that we have put into education over and above real CPI increases. I would be surprised if he is saying that, but if you take his approach to rates then you have to take the approach to education that would take \$26m out of education funding over the last few years.

In this budget we spend \$5.2m more on government-based schooling and \$2.76m more on non-government schooling. This spending shows a significant commitment to education. Along with that, as I have made the point before, in this budget we have picked up on areas of particular need, such as people with disabilities. There is an extra \$1m for disability funding, an increase of 5.8 per cent in ACT funding to disabilities. An extra \$100,000 is to go to students with disabilities in non-government schools. There is an extra \$420,000 to upgrade Melba High and Canberra High for disability access. Those sorts of areas are incredibly important in any budget. You have to ensure that you target what little extra funds you have to the areas of most need. I suppose the thing of most interest in this whole debate is how few problems anybody could find.

**Mr Berry:** Have you not been listening?

**MS CARNELL:** I have. We could not think of any issues that were raised. All we have ended up hearing from the Opposition is, but again, that you should not go down the path of redundancies, even though they did when they were in government and spent some \$37m on over 1,000 redundancies over three years. That really shows that, in government, they know as well as we do that you have to reduce expenditure. There are a number of ways to do it, but one major way to do it is to reduce your staffing levels. Mr Kaine knew the same thing when he brought down a budget. You have to reduce your staffing levels if you are to reduce your expenditure.

**Mr Smyth:** What is the percentage for wages?

**MS CARNELL:** It is different in different departments, but basically wages are 70 per cent of the budget. Those opposite have suggested that we should address the operating loss. Mr Quinlan has said categorically that ideally we should move the budget into surplus in 2000-01. That is what we have done.

**Mr Quinlan:** Categorically? Ideally? What is it?

**MS CARNELL:** Ideally. What you said was "ideally". You said that we should move it into surplus, and gave the exact year that we are going to do it.

**Mr Quinlan:** I think I said it would be nice.

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**MS CARNELL:** Okay. It would be nice. We agree that it would be nice, and we are doing it. We are bringing the budget into the black. We are doing it by balancing our expenditure reduction, except that even with our expenditure reduction our expenses increase by 3 per cent, or just under one per cent in real terms. We are increasing our revenue by 9 per cent, of which about 4 per cent is own-source revenue. Most of that is payroll tax, so most of it is not new taxes, as Ms Tucker would like to suggest to members of the community. The vast percentage of it is basically business tax - clubs and payroll tax - not tax on people who cannot afford it, because it is a caring budget. It is a budget that balances expenditure and revenue and comes up with a position that will deliver an operating surplus in 2000-01, the budget after this one. That is a pretty good outcome.

What has come out of this debate today is that those opposite have no answers at all, not one. They do not want to reduce staff. They do not want to increase taxes. They want lots of extra expenditure. They do not want to sell anything, but they want to reduce our operating loss, as Mr Quinlan says, to a surplus by 2001.

We will be waiting with bated breath, but I suspect that we will be waiting for a very long time, to learn how the Opposition plans to do that. Maybe Mr Stanhope will tell everybody in his budget speech at lunchtime tomorrow. We will be very keen to listen to that. He did not do it today. In fact, he came up with not one answer. If you can show how to do it without decreasing any staff or increasing any taxes, I will be very happy to clap. Again the Opposition shows that it has not one answer. All they can do is criticise.

Question resolved in the affirmative.

Bill agreed to in principle.

**MS CARNELL** (Chief Minister and Treasurer) (10.27): Pursuant to standing order 174, I move:

That the Appropriation Bill 1999-2000 be referred to the Select Committee on Estimates 1999-2000.

Question resolved in the affirmative.

### **CONSIDERATION OF ASSEMBLY BUSINESS Suspension of Standing and Temporary Orders**

Motion (by **Mr Berry**) put:

That so much of the standing and temporary orders be suspended as would prevent Notices 1 and 2, Assembly business, relating to the establishment of a Select Committee on Government Contracts and the referral of the operation of the Financial Management Act 1996 to the Standing Committee for the Chief Minister's Portfolio being called on forthwith and in seriatim.

The Assembly voted -

*AYES, 9*

Mr Berry  
Mr Hargreaves  
Mr Kaine  
Mr Osborne  
Mr Quinlan  
Mr Rugendyke  
Mr Stanhope  
Ms Tucker  
Mr Wood

*NOES, 6*

Ms Carnell  
Mr Cornwell  
Mr Hird  
Mr Humphries  
Mr Moore  
Mr Smyth

Question so resolved in the affirmative.

**GOVERNMENT CONTRACTS - SELECT COMMITTEE**  
**Appointment**

**MR STANHOPE** (Leader of the Opposition) (10.32): Mr Speaker, I seek leave to amend the motion standing in my name on the notice paper to establish a select committee to inquire into government contracting and procurement processes.

Leave granted.

**MR STANHOPE:** I move:

That:

- (1) a Select Committee be appointed to inquire into and report on the Government's contracting and procurement processes;
- (2) the Committee be composed of:
  - (a) one Member to be nominated by the Government;
  - (b) one Member to be nominated by the Opposition; and
  - (c) one Member to be nominated by the Independent Members to be notified in writing to the Speaker by 11.00 pm on Thursday, 6 May 1999 and duly appointed by the Assembly;
- (3) the Committee report by 23 November 1999; and

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- (4) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

I will be very brief, Mr Speaker. A recurrent theme during this Assembly has been the way that this Government goes about its business. Questions have been raised about how it determines projects will proceed, how it selects partners for projects, and how it selects consultants, managers and builders. Questions have been asked about the way that some projects have been condemned because of flimsy assessment. Questions have been raised about the way that the people of the Territory have been committed to the redevelopment, for instance, of Bruce Stadium, a redevelopment based on fanciful projections of use, projections derided by all, including the tenants of the stadium.

We had a long debate yesterday about the tabling of certain documents in relation to Bruce Stadium. I feel that that debate in a way actually serves as a detailed explanation of the need for and worth of an inquiry by the Assembly into the contracting and procurement processes and policies of the ACT Government. An inquiry has been proposed, therefore, by the Labor Party to examine the tendering and contracting arrangements of the Territory. The Labor Party is proposing that a select committee look at the very important issues of contracting and procurement because of the broad focus that any such inquiry would have. We propose that a select committee inquire into contracting and procurement - all aspects of the tendering process and contracting done by the ACT Government - because the issue of contracting and procurement is relevant to all portfolios; in fact, to the activities not only of the departments but also of the Territory owned corporations.

Such an inquiry would be a major and most significant inquiry, one that would go to the expenditure of enormous amounts of the Territory's revenue on the whole range of contracting that we do in terms of the purchase of services, the construction of capital works and everything else in relation to which we issue contracts, even perhaps the basis on which departments contract out for legal services. This is a major and very important issue that requires a whole-of-government approach and it is the view of the ALP that a select committee would be the most appropriate way of achieving that direct, all-of-government focus on contracting and procurement.

Mr Speaker, I will wind up now because this matter was dealt with in detail in the debate yesterday in terms of the sorts of issues that are raised. I think the Bruce Stadium development project from start to finish is a good illustration of the range of issues that are faced in the tendering or contracting process. We can use that in a way as a model to explain or to illustrate the reasons that this inquiry is particularly important. I leave it at that other than to say, Mr Speaker, that I feel comfortable at this stage - it is late and we are all tired - about not discussing this issue at length. I have spoken to members of the crossbench. Indeed, I have spoken to Mr Kaine, Ms Tucker and Mr Osborne and they have all signified to me their support and endorsement of this inquiry. I believe that there is majority support for the inquiry and I do not think that we need to waste too much of the Assembly's time on debating it.

Debate interrupted.



## SUSPENSION OF STANDING ORDER 76

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

That standing order 76 be suspended for this sitting.

### GOVERNMENT CONTRACTS - SELECT COMMITTEE Appointment

Debate resumed.

**MR SMYTH** (Minister for Urban Services) (10.38): Mr Speaker, under the current administrative arrangements, I am the Minister responsible for government procurement. The Government has set out standards for that quite clearly. The Government's purchasing policy is based on six principles. Those principles are: Value for money; open and effective competition; probity and ethical behaviour; buy locally; environmentally responsible purchasing; and risk management. I think all would agree that these are worthy principles and that they should be adhered to.

Mr Speaker, ACT government purchasing is performed in a decentralised model whereby each agency is accountable for its procurement practices. Under this arrangement, chief executive financial instructions in each agency prescribe financial arrangements that include purchasing. ACT Contracts and Purchasing, a unit in Urban Services, provides tendering and contracting advice and services to all agencies. We have significant knowledge there, Mr Speaker, that is available to the other agencies to make sure that they do get it right, that they are adhering to the six principles. Template documents have been developed and maintained for each of the major groups of contracts. Services are provided free of charge at present, but they will operate under a fee-for-service arrangement from 1 July 1999.

Mr Speaker, approximately 350 contracts per annum are arranged and approximately 180 tenders are let. The Urban Services master register of contracts at 31 March 1999 reported current contracts with a total value of some \$141m. It is very pleasing that 86 per cent of these contracts are supplied from within the Canberra region. ACT Contracts and Purchasing develops a whole-of-government purchasing policy and advises other government bodies on procurement matters.

Mr Speaker, this is an interesting motion. It is a motion that the Chief Minister will speak to and move some amendments. We believe that through ACT Contracts and Purchasing there is a very clear process. It is a process that works very well. A purchasing manual has been developed. Training in procurement is provided by Contracts and Purchasing to ensure that people are abiding with the intent of the Government's policy, so much so that we purchased a licence from the Victorian Government Purchasing Board in 1998 to ensure that this information is as up-to-date as possible. The Chief Minister will comment further on this motion on behalf of the Government and will have some amendments to move.

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**MR MOORE** (Minister for Health and Community Care) (10.42): Mr Speaker, the motion that Mr Stanhope has moved does raise a series of problems. I think the most significant of those problems is the fact that we are doubling up on committees. We already have a committee system which is well defined and which has clear responsibilities set out for the sort of work that should be done. More than anything, Mr Speaker, it seems to me that the Government's contracting and procurement processes are the very nub of the work of the public accounts committee of the Standing Committee for the Chief Minister's Portfolio which, as we have generally commented, is fairly ably chaired by Mr Quinlan, with the exception of a few times when I have disagreed with him. It is quite clear that Mr Stanhope, for some reason, seems to lack confidence in Mr Quinlan, if I can put in the standard wedge.

Mr Speaker, I think that the notion of inquiring into contracting and procurement processes is fine and I think it is something that the Government would welcome because, as a matter of course, we should be inquiring into those issues. There are other problems with the motion. The fact that we had to notify you, Mr Speaker, of the membership of the committee by 4.00 pm today does make for some awkwardness. I understand that there is an amendment around to deal with that. But it seems to me that the real issue here is which committee it should go to.

It is quite clear, Mr Speaker, that the public accounts committee in a range of parliaments looks into this very issue. It is the bread and butter of a public accounts committee. I have to say to Mr Stanhope that it would seem to me to be incredibly irresponsible to try to set up a select committee, with all its extra expenses, when we have a committee already set up specifically for this task. That is its role. Mr Kaine of all people has been on public accounts committees and I think is on the current public accounts committee. When he was Leader of the Opposition he chaired the then public accounts committee, as I recall. I am sure that he would agree with me that this is entirely the role of the public accounts committee. I understand that Mr Rugendyke is preparing an amendment to refer this issue to the public accounts committee.

**Mr Quinlan:** How does he know that, Dave?

**MR MOORE:** I hear an interjection - perhaps I should call it an aside because I know that Mr Quinlan does not tend to interject - from Mr Quinlan to Mr Rugendyke, saying, "How does he know that, Dave?". The reason I know it is that I go round and talk to other members of the Assembly. It may surprise you, Mr Quinlan, but when I get out of this seat and talk to people it is not necessarily just to persuade them and to try to put some weight on them.

**Mr Kaine:** You told him to do it, did you?

**MR MOORE:** I did nothing of the sort. The method I use instead of that is to try to ensure that I understand the views of people. I understand that Mr Quinlan is seeking to move an amendment to the motion, Mr Speaker, and I give him the opportunity to do so.

**MR RUGENDYKE** (10.46): Mr Speaker, I move:

Omit all words after 'That', substitute 'the Standing Committee for the Chief Minister's Portfolio inquire into and report by 23 November 1999 on the Government's contracting and procurement processes.'

I am simply seeking to refer the matter to the Chief Minister's Committee, which is the appropriate committee to look at these matters, rather than forming a completely new select committee for a reason I am yet to fathom.

Question put:

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

The Assembly voted -

*AYES, 7*

*NOES, 8*

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

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

Question so resolved in the negative.

Original question resolved in the affirmative.

**CHIEF MINISTER'S PORTFOLIO - STANDING COMMITTEE**  
**Reference - Review of Financial Management Act 1996**

**MS TUCKER** (10.50): I move:

That the Standing Committee for the Chief Minister's Portfolio inquire into and report by the first sitting day of October 1999 on the operation of the Financial Management Act 1996 with particular reference to:

(1) the effectiveness of this Act and the arrangements made under it for managing the Territory's financial operations, assets and liabilities;

(2) the efficiency and economy effects of the implementation of the provisions of this Act and the arrangements made under it for managing the Territory's financial operations, assets and liabilities;

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- (3) the effectiveness of this Act and the arrangements made under it in facilitating scrutiny of the financial management of the government of the Territory;
- (4) the impact that this Act and the arrangements made under it have had on the achievement of the objectives of the government of the Territory;
- (5) the possibility of incorporating environmental and social accounts into the financial management framework; and
- (6) any other matter relating to the financial management of the Territory.

Mr Speaker, it is now three years since the Financial Management Act was passed and we have just seen the third budget presented by the Government under the accrual accounting system that was introduced by this Act. The Financial Management Act was a radical departure from the previous financial system used by government. At the time the Act was debated the Greens and even the ALP raised concerns that there was considerable uncertainty about how well the financial reforms would work in practice. The point was raised at the time that considerable work was being put by the Public Service into the technical implementation of the new accrual accounting system, but that relatively little time was being spent on looking at the policy implications of moving to this new system, in particular the move to output-based budgeting, service purchasing and the setting up of performance targets.

I therefore put up an amendment to establish a statutory review of the Act by no later than 30 June 1999. This amendment was not supported by the Assembly, primarily on the ground that it was not necessary to write a review into the Act as the Assembly already had the power to initiate a review at any time. No-one believed that there should never be a review of the Act. The ALP specifically acknowledged in the Assembly that a review of the Act would be worth while in time, but that this could possibly be undertaken by the public accounts committee. The date of 30 June 1999 is nearly here and I think the need for a review is now coming to a head, with the recent revelations over the financing of the Bruce Stadium redevelopment.

While the Government may have technically acted within the law - and I say "may have" - by borrowing money to cover the additional funds spent on the Bruce Stadium because private sector investment in the stadium had not occurred, there is still the question of whether it acted responsibly in managing its appropriation and whether the provisions of the Financial Management Act are adequate to regulate this type of action. This incident has highlighted that section 6 of the Act, which states that no payment of public moneys shall be made otherwise than in accordance with an appropriation, may be too general to cope with the types of public and private sector business partnerships that this Government seems so fond of.

There is also the issue of what constitutes an investment of public money, which I also raised three years ago. It is interesting to look at the *Hansard*, particularly in terms of Mr Moore's position on that. Section 38 of the Act allows the Treasurer to invest money in any prescribed investment. But "prescribed" in this instance means the financial management guidelines issued by the Treasurer. Basically, the Treasurer can invest public money wherever she likes, regardless of how risky that may be. We did see that as a fundamental accountability mechanism. Mr Moore joined the Greens at that time in supporting that as a fundamental accountability measure. That has become an absurdity in the last budget, where loans given out by the Central Finance Unit to other agencies are listed as investments, whereas they are really liabilities that must be borne by these agencies. We therefore have the crazy situation where money given to the Department of Urban Services to fund redundancies is listed as an investment. An investment in what?

There is also the issue initiated by the passing of this Act of whether the reduction of all government activity into a series of outputs has actually improved service delivery, efficiency and accountability, or whether it has introduced rigidity and an overemphasis on the bottom line financial cost. I am aware that each year the Estimates Committee makes various comments about the presentation of the budget, but that is really just tinkering around the edges. The Assembly needs to undertake a more thorough analysis of whether the financial management system adopted in 1996 is really meeting the needs of the Assembly to ensure that taxpayers' money is spent fairly, efficiently and with proper authority.

A further issue that I have raised in the terms of reference is the question of whether environmental and social accounts can be incorporated into the financial management framework. Members would be aware that there are many assets of the ACT, such as its air, water and bushland, which cannot be reduced to monetary values but which nevertheless are affected by government activity and which should be accounted for in some way in the balance sheet of the ACT. I also raised this issue as an amendment three years ago, but at the time other members did not want to lock it into the legislation before more development work had been done on how it could be implemented. Given that three years have passed since then and there has been considerable work done at the national level and overseas on environmental accounting, it is timely to reconsider this issue.

To mention the other parts of my motion, the terms of reference are basically a revised version of the statutory review I proposed when the legislation was first passed. These relate to the fact that there are differences between the efficiency, effectiveness and economy of an action. In terms of financial management, we need to look at issues such as whether the controls on expenditure in the Act are too loose or too tight. Is there too much or too little flexibility in how government can redirect funds to areas of emerging need? Are the resources currently put by public servants into the development of the ACT budget appropriate to achieving the objectives of the Act and the policy objectives of the Government?

There is also the need to examine how the Act impacts on the ability of the non-Executive members of the Assembly to scrutinise the financial management of the Government. We are all aware of how complex the budget papers are. While the Government makes much of how transparent the accounts are, there is still the potential

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for the sheer bulk of numbers and the particular configurations in which they are presented to disguise the specific type of information that is most useful to non-government members in monitoring the Government's revenue-raising and expenditure activities. There may be a need to write into the Act specific reporting requirements that will assist members to scrutinise the budget more effectively.

I think this inquiry is very timely and necessary in ensuring that government funds are managed to the highest possible standard and I look forward to Assembly support for this inquiry. I understand that Mr Quinlan will be moving an amendment to extend the reporting date. After the previous debate, where members moved an inquiry from a select committee to the public accounts committee, there is going to be a lot of work for that committee, so I would imagine that an extension of time will be needed even more.

**MS CARNELL** (Chief Minister and Treasurer) (10.57): Mr Speaker, we will not be opposing this motion. In fact, we perceive that it is probably about time that the Financial Management Act 1996 had a review. I will be moving an amendment later, but I will speak to it now. The amendment has been circulated. It is to paragraph (6) and seeks to add the words "as it relates to the Act". Any other matter relating to financial management of the Territory could be a little onerous for the committee, I would have thought. I would have thought that relating it to the Act would be a more sensible approach here.

Mr Speaker, I would just like to make some comments on paragraph (5), which relates to the possibility of incorporating environmental and social accounts into the financial management framework. I fully accept that it does say "the possibility". I think it is important to give some background to the Assembly with regard to this paragraph. I wonder whether the Assembly would really want to incorporate it at this stage. In 1996, the Assembly agreed to refer proposed amendments to the Financial Management Bill 1996 to the then Planning and Environment Committee. Those amendments related to environmental accounting. An environmental accounting status paper was prepared in accordance with this commitment and the status paper was tabled in September 1997, outlining the Government's progress in developing an environmental accounting framework. In the tabling speech, comments on the status paper were requested as part of a sensible process for furthering the principles of environmental accounting. To date, though, there has been no comment or guidance on this status paper from the Assembly, not even from the Greens.

That aside, Mr Speaker, there has been no reporting framework, no conceptual framework, developed to enable the proposals to be implemented. Some developmental planning has occurred, with particular focus on local government, and the Australian Bureau of Statistics, the University of Canberra and the Australian National University are active participants in the early stages of this work. The work is still in the very early developmental stages. It is too early to be legislating where there has not been a generally accepted definition of what constitutes environmental assets and liabilities. The Australian Society of Certified Practising Accountants supports the concept of environmental accounting, but considers that there are many technical issues that still

need to be resolved before a working model can be introduced on the issue of social accounts. Again, there are difficulties in definition and management. Until a generally supportable conceptual and reporting framework is developed, the issue is far too early to legislate.

Mr Speaker, the proposal does refer to the possibility of incorporating environmental and social accounts into the financial management framework. I accept that that does not say that it needs to be done this time. But I have to say that a lot of work has been done already by the Government and others and we are still quite a long way away, as I have said, from definitions and conceptual approaches. For a review of the operation of the Financial Management Act - and Mr Quinlan might listen for a moment as he will have to conduct this inquiry - to incorporate at this stage the possibility of incorporating environmental and social accounts into this particular framework would seem to be taking a fairly fundamental leap in any data that we have on the table. From Mr Quinlan's perspective, it would be a big job to look at this Act to start with, let alone look at new areas that do not have definitions, not even conceptual agreements, yet. I have absolutely no problems with an Assembly committee looking at this issue again. Remember, we do have a paper on the table which has had no input whatsoever from this Assembly, not even from the Greens, because it is too hard.

**Mr Quinlan:** Get some soldiers ready. I feel a departmental work recommendation coming on.

**MS CARNELL:** Mr Speaker, we have done it. We can give it straight back to you, Mr Quinlan. The ball is back in your court if you want this provision in this inquiry. Again, the motion does not say that it definitely has to happen, but it does seem to me to be detracting from the work that this committee could do in looking at an Act that is currently on the table. I suppose almost as much work as went into the Financial Management Act would go into establishing conceptual guidelines and definitions on the whole deal, Mr Speaker. I just ask for comment.

**MR SPEAKER:** Chief Minister, may I suggest that you foreshadow your amendment.

**MS CARNELL:** I foreshadow the amendment circulated in my name.

**MR SPEAKER:** Thank you. Mr Quinlan, would you like to - - -

**MR QUINLAN (11.03):** I foreshadow the amendment circulated in my name, Mr Speaker.

**MR SPEAKER:** No, I would like you to move it, because it precedes the Chief Minister's amendment.

**MR QUINLAN:** Mr Speaker, I move:

Omit 'by the first sitting day of October 1999', substitute 'by 9 December 1999'.

Question resolved in the affirmative.

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Amendment (by **Ms Carnell**) agreed to:

Paragraph (6), add ‘, as it relates to the Act.’.

Motion, as amended, agreed to.

### **GOVERNMENT CONTRACTS - SELECT COMMITTEE Membership**

**MR SPEAKER:** Pursuant to the resolution of the Assembly of today, 6 May 1999, I have been notified in writing of the nominations of Mr Cornwell, Mr Osborne and Mr Stanhope to the Select Committee on Government Contracts.

Motion (by **Ms Carnell**) agreed to:

That the Members so nominated be appointed as members of the Select Committee on Government Contracts.

### **ADJOURNMENT**

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

That the Assembly do now adjourn.

### **Stanhope Opposition**

**MS CARNELL** (Chief Minister and Treasurer) (11.05): Mr Speaker, it is not often that I come into this place to make comments in the adjournment debate to start with and I rarely do so on the issue of leadership, so I hope members will pay attention to what I say tonight. For the Labor Party and its leader, Jon Stanhope, today was supposed to be their one big day of the year, the day when the Opposition, particularly its leader, would outline an alternative vision for the future of Canberra and show how he - or sometimes she - would deliver a responsible financial management package for the Territory.

Instead, today has been a shameful day for the Labor Party, particularly for Mr Stanhope. We have wasted a whole day debating a motion that should never have been introduced. Indeed, even after Mr Humphries spoke, Mr Stanhope could have withdrawn his motion when it became patently clear, I would hope, even to him that his motion did not have a leg to stand on. Instead, we have witnessed perhaps the greatest blunder from an opposition leader in my time in this place. As opposition leader, I certainly made some mistakes, but one thing that I quickly learnt was how to cut my losses. Mr Stanhope certainly did not do that today. Mr Speaker, you would have to say that he committed a tremendous blunder.



I would have to say that his performance was embarrassing. Not only was it embarrassing to have to endure a want-of-confidence debate, but then we were presented with a budget reply speech that I would have to say ranks as the worst I have ever heard in this place. Even poor old Andrew Whitecross made a better fist of it than that. Mr Speaker, this is important because budgets are a basic part of the way any government is run in this country. For the last year, I have sat back and watched Mr Stanhope in his role as Leader of the Opposition in a bid to see what fist he would make of the job. As I was Leader of the Opposition for just over 18 months, I feel that I am pretty well qualified to make comments about the job and maybe what is required.

Mr Speaker, let me go back in time for a moment. Mr Stanhope came into this chamber on 28 April last year and made some bold statements about his leadership and the direction he would take the Labor Party. I would like to quote just one of those. Mr Stanhope said:

I make it clear from the outset of this Fourth Assembly that the Australian Labor Party accepts, without making excuses, its punishment from the people of the ACT; we deserved it. In the court from which there is no appeal, the people's verdict was to demand a much better performance from ACT Labor. They deserve it and they will get it.

He went on to say in the same speech:

We are here to make a new beginning. I am determined that the charge of selfishness, complacency and taking the people for granted can never again be brought against the Australian Labor Party in Canberra.

Mr Speaker, have we seen a new beginning 12 months on? Have we seen a better performance from the Labor Party? No, we have not. In fact, today we have had what was literally an embarrassment to our whole system of government. That there was no vision, no leadership and no hope was the general message from Mr Stanhope in his budget reply today. There was no alternative view, no plan for responsible financial management. The speech was bad. Obviously no work had been put into it. I would have to say that we all had trouble responding to it. That is the reason Ministers on the whole did not speak. What could we say? I honestly expected better. I had expected much better from Mr Stanhope over the last 12 months, and so had the Canberra community.

One of the jobs of Opposition - and I know that those opposite believe that it is just to oppose - is to be the alternative government. The day that the Opposition respond to the government is the day that they get an opportunity to show what they are made of, to show what they would do in government, to express the vision that they would bring to this Territory and that the people of Canberra could expect from them in government. Mr Speaker, we did not have one idea, one new approach, one anything. Mr Speaker, I have been leader of the party on this side of the chamber for six years and over that whole time, whether in government or in opposition, we always told the people of Canberra what we stood for. You cannot say that for those opposite, Mr Speaker.

### Stanhope Opposition

**MR WOOD** (11.10): Mr Speaker, it is not so remarkable that the Chief Minister would take time in the adjournment debate to attack the Opposition and Mr Stanhope. The pressure is showing with the Chief Minister, Mr Moore and others. We saw it in the debate today. When Mr Moore lacks argument he resorts to abuse. He has done it often before and he attacked Mr Stanhope today, as the Chief Minister has tonight. When there is no argument, there is attack and abuse. There is no argument, that is clear, because the Chief Minister did not even defend her deputy in the debate today. She did not stand up and defend him. I think that is very meaningful. The pressure is showing because the Government is increasingly resorting to personal attacks, demeaning attacks on their part, on Mr Stanhope in particular. It is a measure of their concern. It is a measure of the growing pressure around the Chief Minister and on the Chief Minister.

### Stanhope Opposition

**MR BERRY** (11.11): The day the Chief Minister comes in here and says that the Labor Party is doing a good job is the day that something has gone terribly wrong with the Labor Party. Mr Speaker, we have seen in the past many personal, vitriolic and spiteful attacks from this Chief Minister and the pattern has not changed. But today is a little different because there is now an Attorney-General who has been tainted by his involvement in an affair in the ACT which has brought great shame on him. He is hanging on by one vote, his own, and he is now tainted because of his behaviour. You had only to watch television tonight to find out how successful a day it was for the Labor Party. Even though Labor was unable to dislodge the Minister, it was clearly pointed out on the TV tonight that the Minister was in trouble. The Minister is tainted as a result of Labor's activities today, particularly the activities of Mr Stanhope, and it was a good day in that respect for Labor because we pointed out the frailties of those opposite. In fact, the Liberals opposite helped us, because the best that they could come up with in the course of the debate was a vitriolic attack on us as individuals, Mr Stanhope in particular, and a vitriolic attack on Mr Collaery, who is their nemesis, it appears, otherwise there would not be such vitriol displayed in the overall presentation of their arguments.

Mr Speaker, today is also a very special day for this Assembly because this is the first day in my memory of this place that posters denigrating the Leader of the Opposition have been spread around the Assembly by staff members of the Liberal Party. They were spread around the Assembly by your staff members or you.

**Mr Moore:** You want to be careful accusing.

**MR BERRY:** No, I am not being careful, because I know where they came from and they did not come from us. I hope that one of my staff members or a staff member upstairs is listening to me and can get down here quickly with a poster. The smart alec, postgraduate politics played in the Assembly today has shown through in the vitriolic attack that the Chief Minister has laid on the Assembly tonight. I am glad that you did raise it, because it gives me the opportunity to point to it. It was a shameful piece of work by somebody who is supposed to have some respect in this place. You never take

prisoners in relation to your politics and you deserve the same treatment. Yours has been a shameful, vitriolic and spiteful attack at a time when you have a Minister tainted and no arguments to defend him. The only argument that you have to defend him is that you have the numbers. Nothing in principle supports that Minister because of his activities, and the best that you can do is walk into this place and use spiteful, hateful tactics on Jon Stanhope. Why do you not go to the issues of substance? No, you do not, because you only ever go to the personalities. Mr Stanhope's response today in relation to the budget was the sort of response that you would expect from an opposition in relation to a conservative budget. It hit the sorts of buttons that an opposition such as is provided by the Labor Party would hit in respect of a conservative budget prepared by Liberals. At the same time, there was a strong exposure of a tainted Minister. He is your baggage now and I am glad that you are travelling with him.

### Stanhope Opposition

**MR QUINLAN** (11.15): Mr Speaker, I was about to go home, but I really think that the initiation of this debate was in particularly bad taste. Today was replete with people on that side of the house - - -

**Mr Smyth:** Bad taste. Look at the *Canberra Times* this morning.

**MR QUINLAN:** Stay out of this, sonny. It was replete with personal attacks. We have just had another one here tonight, an unworthy attack. It is completely predictable on the part of Mrs Carnell that she would denigrate Mr Stanhope's speech, it is predictable that Mr Smyth would be over there nodding like a noddy dog in the back of an old Valiant, and it is absolutely predictable that Mr Moore would join in as well, because Mr Moore has over time become the ultimate Liberal, wedded to the Government, and obviously he is going to make the same attack. I reckon that is pretty poor form.

### Stanhope Opposition

**MR SMYTH** (Minister for Urban Services) (11.17): Mr Speaker, the things that Labor accuse us of are the very things that they stand up and do all the time. Mr Quinlan says that we resort to personal attacks. He stands up and opens with a personal attack. Mr Berry, whose own tactic is to play the individual every time, stands up here with a sanctimonious look on his face and says, "We never do anything wrong. We are the good guys here". Today, Mr Speaker, the good guys brought on a motion of no substance. Mr Berry claimed that there was more evidence to be revealed. We are still waiting for it, Mr Speaker.

It is an atrocious misuse of this place and its processes to stand here and say, "We are pure and you are hanging on by only one vote, your own vote". That is the nature of a small Assembly. Most things in this place are decided by one vote. But today is genuinely the Opposition's day. Today is the day that the focus is on the Opposition and what they stand for. What did we see today that they stand for? They stand for nothing. Jon Stanhope's leadership stands for nothing. How do we know that, Mr Speaker? We

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know that because on a day when he had the ultimate in free kicks, 34 minutes in which to respond, we saw nothing. They revealed nothing; there was nothing to reveal. The other day Mr Moore quoted the T.S. Eliot poem that I enjoy so much:

We are the hollow men  
We are the stuffed men  
Leaning together  
Headpieces filled with straw.

...            ...            ...

This is the way the world ends  
This is the way the world ends  
This is the way the world ends  
Not with a bang but a whimper.

What we have heard tonight, these explanations in the adjournment debate, are the last whimpers of a leadership and the last whimpers of a Labor Party that stand for nothing.

This morning what did we see? We saw a motion of want of confidence - the most serious of motions that can be raised in this place - based on a private matter that was being dealt with through the proper procedure by the Law Society. Who made it public? Mr Kaine. Who wheeled the wheelbarrow? Mr Berry. Who was the dupe that stood up and moved the motion? Mr Stanhope. Mr Berry accused a Liberal Party staffer of putting up some sort of poster in the Labor Party area. Perhaps they should look to some of the junior staffers in their own ranks who are absolutely appalled at and disgusted with the way that the Labor Party is behaving and its lack of a stance on anything. They stand for nothing.

Today we had a censure motion that was to reveal inadequacies in the Attorney-General and a lack of responsibility. Responsibility is about judgment and about leadership. It is about making a point and it is about showing the community that you care. We had nothing but gratuitous words from Mr Stanhope when he started: Labor had got the message, Labor was going to change, Labor was going to work cooperatively. We have seen none of that in this place since that day. Mr Speaker, it is about time they stood up and said what they stand for. They stand for nothing. They say, "We go out into the community and the community say that they are disappointed with the Liberal Party because it does not do anything, it does not stand for anything". I am not sure where they go. Had they bothered, like Mr Quinlan did, to go and listen to the Chief Minister's speech yesterday morning, they would have seen 500 representatives of the community saying that we had got it right on the budget.

We stand for something. We stand for sound financial management, sustainable financial management, so that we can deliver a sustainable social Canberra and we can deliver a sustainable environmental Canberra. We are working towards aims that we enunciate clearly, that we live by and that we will deliver. They stand for nothing. Events today prove that. We had this amazing motion of want of confidence based on a private matter that was being dealt with by the Law Society. We were then accused of denigrating Mr Collaery in this place. We did not denigrate him. We did not seek to

bring Mr Collaery into this matter. We did not even seek to raise the matter. I knew nothing about it until Mr Kaine decided to reveal private correspondence that could only have come from the Law Society or Mr Collaery's office. It did not come from this side of the house.

Then we had these speeches tonight about how we denigrate Mr Stanhope and how we attack the leadership of Mr Stanhope. It is a shame that there is nothing to attack. There is nothing there. There is nothing of substance. What do they stand for? What have they said today? Absolutely nothing. We then had the debate on the budget and all of them stood and poked holes but none of them offered a single solution, none of them offered any hope. There is no hope within the leadership of the Labor Party and there is no hope in what we have been offered today.

It is very important that oppositions be constructive and that oppositions work for the good of the people. Oppositions should not oppose just for opposition's sake. But that is all that we have from them; they stand for nothing.

**MR SPEAKER:** Order! The member's time has expired.

### **Stanhope Opposition**

**MR MOORE** (Minister for Health and Community Care) (11.22): Mr Speaker, I have to disagree with my colleague Mr Smyth on one small matter. He suggested that the Opposition had achieved nothing today. I think that that is not quite right, because Wayne Berry stood here and said that Mr Humphries was tainted. Yes, I think that in this sense Mr Berry is right; I think there was some taint put on Mr Humphries today. If that was the aim of the exercise, then I think that there was some success in that. I think that that is really sad, Mr Speaker, because the taint was gained through personal attack, through using a statutory declaration, through using a series of accusations, letters and personal correspondence that simply provided no evidence whatsoever. The taint started in this morning's paper when Mr Stanhope did an attack on Mr Humphries without him having an opportunity to respond in any meaningful way.

**Mr Smyth:** The great civil libertarian.

**MR MOORE:** In a great civil libertarian way. And they come into this chamber, Mr Speaker, and stand here tonight as hypocrites. Each and every one of them who spoke here did it with a huge amount of hypocrisy. As they did that, Mr Speaker, they said that the trouble with Mrs Carnell is that she launches personal attacks. I ask you, Mr Speaker: Is there an example of hypocrisy that would compare with that? They deliberately set out to taint Mr Humphries. They had no evidence, but they still went ahead and did it. What actually horrified me the most was the response of Ms Tucker because, as far as I am concerned, today she reached an all-time low. She is so ready to ensure that anyone in this Government is removed so that she can have her Labor government in that she is prepared to go along with anything. Today's effort from Ms Tucker was just appalling.

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When she stood up to speak it was with her normal paternalistic, patronising approach - that she gets everything right and everybody else has to learn how to do things with process. If she had looked at the process with even half an attempt to be fair she would have seen that Mr Humphries had passed this issue over to the Law Society for doing at arm's length from him. He had had a professional and sensible approach, Mr Speaker, and he was subjected to incredible personal attacks.

Mr Speaker, what we see from that side of the house is what psychologists would refer to as projection. They are projecting their own situation and their own personalities onto this side of the house. We on this side of the house have thought through what we want to do. We have set the agenda in terms of where we are going with the clever, caring capital. In health - and I take some pride in this - we have set a direction through "Setting the Agenda" in terms of where we are going. Each of the Ministers has done so within the government context. We know where we are going. We are driving for it. We are doing it in a responsible way, both the financial aspects and the social aspects, because there is no point in doing the financial stuff unless you have got your goals ahead of you in terms of how you can improve society. That is what we are here for. We did not get elected just to balance the budget. We want to balance the budget for a specific reason - so we can deliver a better Canberra. Some of us in this Assembly have different views about where the better Canberra is, but we in the Government have put together our direction and we know where we are going with it. Mr Speaker, I must say that when I hear the appalling attacks that are made by Labor members and the level of hypocrisy from those hypocrites opposite - from Mr Berry, tonight from Mr Quinlan and tonight from Mr Wood - I am appalled.

Question resolved in the affirmative.

**Assembly adjourned at 11.27 pm until Tuesday, 11 May 1999, at 10.00 am**