



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

2 July 1999

Friday, 2 July 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.

JUSTICE AND COMMUNITY SAFETY - STANDING COMMITTEE
Scrutiny Report No. 7 of 1999 and Statement

MR OSBORNE: I present Scrutiny Report No. 7 of 1999 of the Standing Committee on Justice and Community Safety performing the duties of a scrutiny of Bills and subordinate legislation committee. I ask for leave to make a brief statement on the report.

Leave granted.

MR OSBORNE: Scrutiny Report No. 7 contains the committee's comments on eight Bills. Mr Speaker, there is one issue in the report that I suggest the Government look at and that is in relation to red light cameras. The legal adviser to the committee has raised a number of significant concerns. I understand that the Government wishes to deal with that matter. I assumed it was coming before the Assembly today.

Mr Smyth: It is not on today.

MR OSBORNE: It is not coming on today. Nevertheless, there are some significant issues there that I think the Minister should have a look at. I commend the report to the Assembly.

WORKERS' COMPENSATION SYSTEM - SELECT COMMITTEE
Alteration to Resolution of Appointment

MR BERRY (10.32): I seek leave to move a motion to amend the resolution of appointment of the Select Committee on the Workers' Compensation System. This is because members did not get their names in within the required time yesterday.

Leave granted.

MR BERRY: I move:

That paragraph (2) of the resolution of the Assembly of 1 July 1999 appointing the Select Committee on the Workers' Compensation System be amended by omitting "Thursday, 1 July 1999" and substituting "Friday, 2 July 1999".

Question resolved in the affirmative.

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LAND (PLANNING AND ENVIRONMENT) (AMENDMENT) BILL 1999

Debate resumed from 1 July 1999, on motion by **Mr Smyth**:

That this Bill be agreed to in principle.

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

MR SPEAKER: Is it intended to set it down for a later hour this sitting?

Mr Corbell: No.

MR SPEAKER: Very well. Thank you..

LAND (PLANNING AND ENVIRONMENT) (AMENDMENT) BILL (No. 2) 1999

MR MOORE (Minister for Health and Community Care) (10.34): Mr Speaker, I seek leave to introduce a new Bill on land planning and environment and to debate the Bill immediately. It is simply to extend the sunset clause, Mr Speaker.

Leave granted.

MR MOORE: I present the Land (Planning and Environment) (Amendment) Bill (No. 2) 1999, together with an explanatory memorandum.

Title read by Clerk.

MR MOORE: I move:

That this Bill be agreed to in principle.

Yesterday the Assembly referred the matter of the report of Professor Nicholls to a committee. It is appropriate that in this Bill we now extend the sunset clause relating to betterment to 31 March so that when the committee reports we can consider the issue appropriately. It seems to me at the moment, from counting numbers, Mr Speaker, that, depending on the report of the committee, it may well come back to 50 per cent, but it will have been considered appropriately and done in a rational way. All this Bill does is extend the sunset clause from 31 August this year to 31 March. No doubt members are waiting to get copies of the legislation so that they can scan through it. They are being distributed at the moment.

This issue has been before the Assembly almost monthly, I think, probably since the Assembly first sat in 1989. We have had many debates on betterment, or what is now referred to as the change of use charge. The issue has caused a great deal of interest, not only here but within the community. There has been a wide range of views and there has been a series of reports into the leasehold system. The one from Professor Nicholls was the most recent, but we can go back to Stein, and many of us remember

the report from the former MHR whom I think Mr Corbell worked for. It seems to me, Mr Speaker, that extending the sunset clause will allow the committee to look at this issue sensibly. Then we can deal with the issue in the house, probably when the committee reports in September and the Government has responded.

MR CORBELL (10.37): Mr Speaker, the Labor Party will be supporting this Bill. We have no objections to it. It simply implements the resolution of the Assembly yesterday and we will be supporting it.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

MAGISTRATES COURT (AMENDMENT) BILL 1999

Debate resumed from 1 July 1999, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MR BERRY (10.38): This matter arises as a result of a recent decision by Justice Higgins. The advice to the Assembly by the Attorney is that Justice Higgins found that a restraining order issued by the Magistrates Court after consent from the parties but without admissions from the parties is invalid and the Magistrates Court has no jurisdiction to make an order. I am advised that the domestic violence restraining orders are not affected by this decision, and that the Domestic Violence Act specifically provides that the court may make an order under that Act with the consent of the parties and without proof or admission that the person to be restrained is engaged in the conduct complained of.

Mr Speaker, there is a retrospective effect of this legislation, I am advised, and it was important, therefore, that the matter be properly examined by the scrutiny of Bills committee before it was agreed to in full. I note that the scrutiny of Bills committee report No. 7 of 1999 refers to the Magistrates Court (Amendment) Bill, in particular, to paragraph 2 (c) (i). I will quote from the report of the scrutiny of Bills committee which was tabled today by Mr Osborne, the chair:

Clause 6 of this Bill may have retrospective effect. It does not, however, impose any form of criminal or civil liability on a person and thus does not offend the common law concept of objectionable retrospective law, nor of any such concept in international rights instruments.

So, Mr Speaker, the Labor Party will be supporting this Bill. I should apologise for the absence of Mr Stanhope to deal with this issue. He was unavoidably called away. I repeat that the Labor Party will be supporting the Bill as introduced.

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MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (10.41), in reply: Mr Speaker, I welcome the support of the Opposition to - - -

Mr Berry: Provided you stop squealing that we never support you.

MR HUMPHRIES: I am very gratified to have your support on this occasion. Support is fine. It is a serious problem and I am glad it is about to be fixed. One thing that is not clear at the moment is where we go from here in terms of the problem that the law has been broken.

This week in the Assembly we have had a very serious principle enunciated by the Assembly about breach of the law by officers of government. Do not forget that the Magistrates Court and the judiciary is an arm of government. It is one of the three arms of government in the Westminster system. We have had this extremely serious principle stated on the floor of the Assembly this week - that where the law is broken, intentionally or unintentionally, there needs to be some accounting for that, some action about that. We have here one of the most serious breaches of the law that it is possible to imagine. We have 600 domestic violence orders of the court being made illegally.

I am not reflecting on the vote earlier this week but we raised in the course of debate earlier this week the implications of illegality in those circumstances, and members were very keen to make the point that governments and those responsible must account for illegality. We laid down some very important principles there. The Chief Minister and Treasurer suffered the indignity of censure on the floor of the Assembly on account of what was attributed to her as a mistake, a serious mistake, in the administration of the law.

Mr Speaker, I put it to members of this place that we have had here a serious mistake in the administration of the law by somebody in respect of the administration of the Magistrates Court. I ask members to explain in the course of the detail stage - we have to have a detail stage debate because there is a typographical error - why it is that there is apparently considerable calm in this place about this breach of the law. There have been 600 invalidly made domestic violence orders in the ACT over a number of years. Where is the outrage on the part of members about that? Why is that, apparently, unimportant? Apparently that is a matter of no great concern to members of the Opposition.

Mr Quinlan: Hey, the debate is over.

MR HUMPHRIES: The debate on this issue is not over, Mr Quinlan.

Mr Quinlan: The one you are talking about is.

MR HUMPHRIES: Okay, I am happy to respond to the interjection from Mr Quinlan. Mr Quinlan is quite right; the debate is over on the other matter, and the outcome of the other matter is clear. The outcome of the other matter was that the head of the ACT Executive, the Chief Minister, was censured by this house because she had presided

over a serious breach of the law. What steps are those in this place going to take about a serious breach of the law in respect of the Magistrates Court? It also is a serious breach of the law. There were 600 invalidly made domestic violence orders.

Ms Carnell: Inadvertently.

MR HUMPHRIES: I am sure, as the Chief Minister suggests, that those breaches were inadvertent. I am sure they were, but, according to the judgment of the Supreme Court, they resulted directly from a misreading of the law. We were told a couple of nights ago that ignorance of the law is no excuse. That principle was stated most emphatically by those on the other side of the chamber. I would have thought, Mr Speaker, that ignorance of the law on the part of magistrates learned in the law, appointed for their expertise in the law, is particularly no excuse.

Now, under the principles that the Government put on the table earlier this week, we argue that those sorts of transgressions are to be forgiven because in circumstances people make mistakes, and, where no malice or intention is evinced, there should not be any adverse consequences for the officers involved, be they the registrars and deputy registrars who might have made some of these orders, or whether they be the magistrates themselves who might have supervised or even made the orders themselves. We argue, as we argued then, that there ought not to be any adverse consequences for those people. But, with great respect, that is not the principle which the Assembly chose to adopt. The Assembly adopted a much higher standard on Wednesday of this week. It said that, where the law is broken, somebody ought to be held to account for it. Now, who was holding the officers concerned in this case to account?

Mr Hargreaves: What on earth are you talking about?

MR HUMPHRIES: There is no fun. Mr Hargreaves, go back under a rock and go back to sleep, - - -

Mr Hargreaves: What on earth are you talking about? Are you talking about the Magistrates Court? Do you want this passed or not?

MR HUMPHRIES: I am very happy for you to pass this legislation, and I suggest to you - - -

Mr Hargreaves: Well, wrap up and sit down and we will do it.

MR HUMPHRIES: Mr Speaker, if Mr Hargreaves fails to understand the significance of this matter, that is not my fault, but I think others in this place do understand it. I would ask others in this place to examine their consciences as to whether they are applying consistently the standard which was thundered on the floor of this chamber only 36 or so hours ago.

Mr Speaker, this is not a matter outside the power of the Legislative Assembly, notwithstanding the doctrine of the separation of powers. There is power under the Judicial Commissions Act, or possibly other legislation, for the Assembly to remove members of the judiciary on account of "gross misconduct". I think I quote the words from the relevant legislation accurately. Those were the very words that were used

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about the Chief Minister in respect of the debate on Wednesday of this week - that she had engaged in gross misconduct. Now, when is gross misconduct not gross misconduct, Mr Speaker? Apparently when it is committed by - - -

Ms Carnell: Me.

MR HUMPHRIES: No. Apparently when it is committed by people other than the Chief Minister it is not gross misconduct. When it is committed by somebody who is in the political sights it is gross misconduct. Mr Speaker, members in this place choose to ignore this important comparison. They choose to bury their heads in their papers and pretend that this is an issue that will be going away. Well, Mr Speaker, it will not be going away. There is the grossest and the most tangible hypocrisy at work here. Members who were so anxious to state the principle that people should be held to account in these matters are now quite happy to pretend and just sort of get on with business. They say, "What is the next item on the program? Let us get on with things. This is all very embarrassing. Let us go". Mr Speaker, I have to say, though, that I do not think this is a matter we can lightly gloss over. It is a matter I will be taking further after today's debate.

MR BERRY: Mr Speaker, I seek leave to speak again on this matter.

Leave granted.

MR BERRY: Mr Speaker, I was going to raise a point of order earlier about the relevance of this, but I thought I would rather let the Deputy Chief Minister dig a bit of a hole for himself in order that he can be straightened out on a couple of issues. Listen up, Mr Deputy Chief Minister. The fact of the matter is that these are entirely different issues. Whilst the courts have discovered that there has been some failing in their administration of law within the magistracy, and the executive arm of government has discovered a way whereby it can fix it, the legislature is now about to fix it. The position of the Chief Minister was entirely different.

Mr Humphries: Why?

MR BERRY: There was a motive to keep it secret.

Mr Humphries: You have not established that.

MR BERRY: That was clearly demonstrated. There was a motive to keep it secret. It was clearly demonstrated that there was an advantage in keeping it secret. It was clearly identified that there was an advantage in keeping it secret. Nobody can deny that. There was an intent to have different arrangements in place in relation to Bruce Stadium. There was an intent, so it was quite clear that the Chief Minister took political risks when she moved to deal with these matters.

The other important point that you tend to gloss over - I hope Mr Rugendyke is listening to this - is that I announced yesterday a method which we will be considering to fix the problem which has been created by the failure of this chamber to live up to its responsibilities in relation to the unlawful behaviour of the Chief Minister. I announced yesterday that we would be considering the application of criminal sanctions for people

who try to step around financial laws in the ACT in these political circumstances. After we have demonstrated that we cannot carry the load here in the chamber, the courts then would have the responsibility. So don't you stand up in this place and try to recraft history again by saying that we have not offered a solution. We have told you what we intend to consider doing. So, Mr Speaker, it needs to be made clear that the circumstances are quite different. The judiciary have discovered a problem with their administration and they are going to fix it. They have put forward a proposal.

Ms Carnell: They misinterpreted the law. They broke the law.

MR BERRY: Now Mrs Carnell, it appears, is claiming that she misinterpreted the law. She is claiming that she misinterpreted it, or is she claiming that a public servant misinterpreted the law? The list of excuses will be as long as your arm by the end of this day. When I sit down after my discussion of this issue you can back it in that Mr Humphries will get up and come up with another list of excuses or another list of shady comparisons which would cast a shadow over our attempt to find this Chief Minister guilty of unlawful behaviour and, of course, throw her out. She said at the outset, Mr Deputy Chief Minister, that she was the one responsible. The first words from the Chief Minister were: "I wear the responsibility from this". Mind you, from that point onwards, the Volkswagen was in reverse gear. She back-pedalled from that point onwards until it then became the problem of the public servants, Mr Speaker.

No, the Chief Minister was right in the first place to take responsibility for the political actions which had intent, motive and advantages. All of those issues were satisfied in the debate earlier this week. To try to draw a comparison between the reprehensible behaviour of the Chief Minister and her Government in relation to this matter and the behaviour of the magistracy is absolutely outrageous. How dare you cast that slur on the courts.

Mr Humphries: It is precisely the same thing, Wayne.

MR BERRY: You call yourself the Attorney-General. You are a disgrace. The fact of the matter is that the courts, as I understand it, discovered that there was a flaw in the application of the law in respect of restraining orders. Mr Speaker, that is not about the financial management of the Territory. That is not about the 300-year-old tradition of financial responsibility of the executive arm of government, and breaches of it and secretive actions which were taken in the political context by this Government. All of these things are avoided in the Attorney's attempt to draw some comparison between this issue that we are now debating and the Chief Minister's reprehensible behaviour in the past. She was found guilty of reprehensible behaviour when she was censured.

Ms Carnell: Not for reprehensible behaviour.

MR BERRY: I am afraid - - -

Ms Carnell: Mr Speaker, I take a point of order.

MR BERRY: Go and get yourself - - -

MR SPEAKER: Order! Sit down.

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Ms Carnell: I take a point of order, Mr Speaker. That does cast aspersions upon my character and that is not what was passed in this Assembly.

MR SPEAKER: Yes, that is quite correct, Mr Berry. I uphold the point of order.

Mr Humphries: It was the handling of the Bruce Stadium matter.

Ms Carnell: That is right. It was nothing to do with reprehensible behaviour. In fact, this Assembly, as a whole, found that there was no proof of intent. Mr Berry has been making comments that are simply untrue and they should be withdrawn immediately.

Mr Corbell: There is no point of order.

MR SPEAKER: Mr Berry, I do uphold the point of order.

Ms Carnell: There is a point of order.

MR SPEAKER: Yes, there is. I uphold it.

MR BERRY: This is not a fair comparison between the events which occurred on Wednesday and the events which have been discovered by the courts for which the Attorney-General asks the legislature to define a remedy. Mr Speaker, the remedy has been recommended to us by the Attorney-General. The remedy that has been recommended is to involve some retrospective action. There can be no comparison. Mr Humphries seeks to go through the pretence that there is some comparison between the behaviour of which the Chief Minister was found guilty in relation to financial management - - -

Ms Carnell: Mr Speaker, I raise a point of order. Mr Speaker, as I understand it, the censure motion was for my possible lack of direction with regard to my department over the Bruce Stadium issue. It was nothing to do with reprehensible behaviour, and nothing to do with anything else that Mr Berry is talking about.

MR BERRY: Mr Speaker, I can help out on that.

MR SPEAKER: Just a moment. I want to see the motion. I have upheld the point of order. While we are looking for this, may I say that I hope you are prepared for a long night and, perhaps, next Monday. Mr Berry, the motion - - -

MR BERRY: Well, I did not start this.

Mr Humphries: Yes, you did, unfortunately.

MR SPEAKER: Mr Berry, the motion - - -

Ms Carnell: Read it, Mr Speaker.

MR BERRY: Yes, read it, Mr Speaker.

MR SPEAKER: All right. I quote:

That this Assembly censures the Chief Minister, Ms Carnell, MLA, for her failure to ensure the requirements of the Financial Management Act 1996 were met in relation to the funding of the redevelopment of the Bruce Stadium.

MR BERRY: Would you read that again, Mr Speaker? I missed that bit. I apologise.

MR SPEAKER: I would have thought, as you asked me to read it, that you might have listened. I quote:

That this Assembly censures the Chief Minister, Ms Carnell, MLA, for her failure to ensure the requirements of the Financial Management Act 1996 were met in relation to the funding of the redevelopment of the Bruce Stadium.

You are out of order with your statement and I ask you to withdraw it. Thank you.

MR BERRY: Which statement was that? Let me quote from - - -

Ms Carnell: All of them. All the ones with regard to reprehensible - - -

MR SPEAKER: Look; what the motion said is quite clear.

Ms Carnell: Mr Speaker, any comments with regard to reprehensible behaviour, intent, or any of the issues that Mr Berry has been raising are simply out of order, and will continue to be in this place.

MR SPEAKER: That is correct. Mr Berry, withdraw.

MR BERRY: Well, can I read to you from the dictionary?

MR SPEAKER: No, you cannot.

MR BERRY: So the dictionary doesn't matter to you.

MR SPEAKER: I know what the word reprehensible means, thank you, but it has nothing to do with that motion which was passed.

MR BERRY: I thought she was censured, Mr Speaker.

MR SPEAKER: You are wasting an awful lot of time, Mr Berry but, as I say, if you don't mind coming back on Monday to finish this work, that's fine.

MR BERRY: I am happy to do that, Mr Speaker.

MR SPEAKER: Good.

MR BERRY: Mr Speaker, again, I go to - - -

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MR SPEAKER: Would you mind withdrawing that?

MR BERRY: Withdrawing what?

MR SPEAKER: The term “reprehensible behaviour”. The Chief Minister has asked that it be withdrawn.

MR BERRY: Okay, I will withdraw it, but I will prove my case later on. I will come back to it.

Ms Carnell: You can't.

MR BERRY: Yes, I can.

Ms Carnell: You'll be ruled out of order every time.

MR SPEAKER: That is right.

MR BERRY: No, no, it is not out of order. Have a look at the English dictionary. I will bring it back down and raise the point later on.

MR SPEAKER: Come on, let us get on with it.

MR BERRY: I will withdraw it for the moment.

MR SPEAKER: Thank you.

MR BERRY: I am sure my staff are listening and are looking for it right now. They will be back later. Mr Speaker, yesterday the Chief Minister was censured over the activities surrounding the financing of Bruce Stadium. That is the finding of some guilt. There is no way of avoiding that, Mr Speaker, and there is no way of drawing a sensible comparison between her behaviour in relation to management of the finances of the Territory and the behaviour of the judiciary in relation to this matter. How can you draw a comparison? The only sensible comparison that you could possibly find is that the judiciary, on the one hand, has found a problem within its own purview. We found a problem within our own purview but did not take it seriously enough. They are the sensible comparisons. We are the end of the line when it comes to dealing with the Chief Minister for her behaviour in relation to managing the finances in the Territory. Now, on the one hand, there is a group in this place who think the Chief Minister's behaviour was so serious as to warrant a censure. They found her guilty of unacceptable behaviour.

Ms Carnell: Mr Speaker, I take a point of order again. What the censure motion was for was my lack of ensuring that the handling of the finances of Bruce Stadium occurred appropriately, as far as I - - -

MR SPEAKER: I am getting very tired of this and I am going to name somebody if this nonsense keeps going.

MR BERRY: Okay, I will accept that.

Mr Rugendyke: I take a point of order, Mr Speaker. I feel certain that what is happening here at the moment is a reflection upon a vote of the Assembly, and I draw members' attention to standing order 52.

MR SPEAKER: Thank you, Mr Rugendyke. I uphold that point of order. If members on either side of the house wish to indulge in a slanging match, would they please go outside and do it so that we can get on with the rest of the business. We have a lot to do. I uphold Mr Rugendyke's point of order. Do not reflect on a vote of the Assembly, Mr Berry.

MR BERRY: Thank you, Mr Speaker. I did not raise it.

MR SPEAKER: I do not care who raised it.

MR BERRY: I am glad that you acknowledge that it was not me. Thank you, Mr Speaker.

Ms Carnell: Mr Speaker, just rule him out of order.

MR BERRY: On what?

Ms Carnell: Well, look; you're out of order. Sit down.

MR SPEAKER: Would you mind addressing the matter before the house, please?

MR BERRY: I have leave to speak a second time, Mr Speaker.

MR SPEAKER: Yes, you have, but address what is before the house.

MR BERRY: Indeed, Mr Speaker. I said I would come back to you with the Oxford dictionary reference to "reprehensible".

Ms Carnell: Mr Speaker, you have ruled Mr Berry out of order on this already.

MR BERRY: I know he has, but this is in - - -

MR SPEAKER: Mr Berry, I am losing patience.

Mr Humphries: He is challenging your ruling, Mr Speaker.

MR BERRY: Well, okay.

Ms Carnell: Mr Speaker, you did make a ruling.

MR SPEAKER: You are now reflecting on a vote of the Assembly.

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MR BERRY: Mr Speaker, there can be no comparison between those circumstances and the circumstances in relation to the judiciary with which Mr Humphries tries to compare them.

Mr Hird: I take a point of order, Mr Speaker. When someone raises a point of order I thought it was courtesy for other members to resume their seat.

MR SPEAKER: Well, get on with it. We will be here all day.

Mr Hird: Sir, I draw your attention to standing order 62. I ask you to take the appropriate action in respect of Mr Berry, and also use standing order 202, if you would.

MR SPEAKER: Tedious repetition, Mr Berry, is dealt with in standing order 62.

MR BERRY: My problem was that I was not allowed to repeat myself. Mr Speaker, let me go back to the issue. Mr Humphries tried to draw a comparison between the behaviour of the judiciary in managing its affairs with the behaviour of the Chief Minister in managing the financial affairs of the Territory. The court of this Assembly spoke on Wednesday in relation to that matter. That court reflected badly on the Chief Minister's performance and censured her. It is as simple as that.

Mr Humphries: But it was because of inadvertence. That is the point.

MR BERRY: I say, Mr Speaker, that evidence of intent, motive and advantage was clearly made out. The Government is still stinging from this, and I hope that each time that there is a piece of legislation - - -

MR SPEAKER: The member's time has expired.

MR BERRY: Well, I do not know that I had a time limit on my speech, but I am happy to conclude there, Mr Speaker. This is a silly argument introduced by - - -

MR SPEAKER: Thank you. The member's time has expired.

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer): Mr Speaker, I seek leave to make a short statement.

Leave granted.

MR HUMPHRIES: Mr Speaker, I will make this very short statement to rebut what has just been said. The Assembly voted not on a motion of no confidence, but on a motion of censure. The motion of censure was based on the deciding vote of Mr Rugendyke. Mr Rugendyke told the Assembly he had not found sufficient evidence to satisfy him that there was intent on the Chief Minister's part to break the law. He was certainly satisfied that there was a mismanagement of the matter, that the Government had broken the law, and that the Chief Minister was responsible for that breach of the law.

Mr Quinlan: Go back to the mismanagement bit.

MR HUMPHRIES: Mr Speaker, if I could be allowed to continue, that is an exact parallel of what has happened in the case of the Magistrates Court here.

Mr Corbell: No, it is not.

MR HUMPHRIES: Yes, it is. Mr Speaker, I can only repeat the point. The Assembly did not find intent on the part of the Chief Minister. The Assembly found that the Chief Minister had broken the law and did not find intent. Now, that is precisely what has occurred in the case of the Magistrates Court. Nobody intended to break the law at the Magistrates Court, but the law, nonetheless, was broken. In those circumstances there is a precise parallel between what has happened here and what happened in respect of Bruce Stadium, and I ask members to draw their own conclusions on what should occur in both cases.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (11.08): Mr Speaker, I move:

Clause 6, page 3, line 1, proposed new paragraph 259 (2) (a), after “section”, insert “206”.

The amendment is a typographical correction. There is obviously a section number missing from proposed paragraph 259 (2) (a) and this inserts that number. I also present a supplementary explanatory memorandum to the Bill.

Amendment agreed to.

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

Bill, as amended, agreed to.

Mr Berry: Mr Speaker, I raise a point of order. Returning to your earlier point of order, may I refer you to page - - -

MR SPEAKER: No, you cannot. I am not going to indulge in some sort of argument about nomenclature.

Mr Berry: This quite plainly satisfies your ruling, Mr Speaker.

MR SPEAKER: It may, and I suppose I could find half a dozen other dictionaries that may not, but it is not relevant. You may take it up on the adjournment.

Mr Berry: Thank you. That is even better.

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PSYCHOLOGISTS (AMENDMENT) BILL 1999

Debate resumed from 1 July 1999, on motion by **Mr Moore**:

That this Bill be agreed to in principle.

MR BERRY (11.09): Mr Speaker, this matter was also raised in the report this morning from the scrutiny of Bills committee. Again I apologise for Mr Stanhope's absence. He has been unavoidably taken away from his duties. Mr Speaker, the Psychologists Act is referred to in the report, and I should refer to the committee's comment on paragraph 2 (c) (i). It said:

The effect of the proposed new section 58 of the Act would be to terminate applications to the Psychologists Board by persons seeking registration, and also to terminate applications for review by the Administrative Appeals Tribunal of decisions of the Board.

These provisions have the potential to retrospectively deprive a person of an accrued right to make these kinds of applications. They do thus involve a retrospective deprivation of a legal right, and there may well be persons who will be affected adversely by these provisions.

The Committee draws this matter to the attention of the Assembly. It is suggested that in any case where a provision of a Bill does have retrospective effect in the manner of this Bill, that the matter is drawn to the attention of the Assembly in the Explanatory Memorandum.

Mr Speaker, that rings alarm bells for me. I hope Mr Humphries does not climb to his feet and try to draw some comparison between this retrospective attempt and the retrospective legislation which attempts to fix up the mess as a result of the Bruce Stadium financing arrangements. That would be a long bow, but we are prepared to debate it if you want to. Mr Speaker, we are reluctant at this point to pass this Bill because of the comments which have arisen this morning from the scrutiny of Bills committee. We will be seeking to adjourn debate on this Bill shortly.

Mr Humphries: For how long?

MR BERRY: I said to Mr Moore that if he can convince Mr Stanhope's office that we ought to proceed, we are prepared to deal with it today. We were handed a rather bulky set of legal advisings just this morning which we have not been able to properly consider. I think it would be fair that we be given time to consider those advisings and any further advice from Mr Moore. We understand that there are a number of applications before the board which bring into play those comments of the scrutiny of Bills committee in relation to undue trespass on personal rights and liberties because of the retrospective nature of the legislation. The number is in dispute, but it could be as many as six. It may be fewer.

Mr Speaker, we are not saying that we are absolutely opposed to this legislation. What we are saying is that the Minister needs to spend a little bit more time convincing the Leader of the Opposition that what he is about to do is fair and reasonable.

There are a few other points that members should take into account when they are considering this issue. The Minister circulated the draft of this last Thursday and introduced the Bill yesterday. There was a long covering letter apparently, but there are some relevant questions which we think were not addressed adequately. We are not aware of the attitude of the Psychologists Board, on my advice, in relation to the matter. Neither are we aware of the circumstances in relation to the six applicants. It would be unfair to call on us, I think, to support retrospective - - -

Ms Carnell: We are going to.

MR BERRY: You are going to call on us to do so? Okay. If you want to ram through legislation which affects the personal rights and liberties of people, you will not be getting our support unless we know what we are doing.

Ms Carnell: I can explain it to you.

MR BERRY: So you are going to speak out in this place, for the public record, and tell us about the personal circumstances of each of the applicants before the board.

Ms Carnell: No, I am not. Of course not. You will not get that information from anyone.

MR BERRY: Well, I can tell you that, if you are not prepared to do that, we are not prepared to support it. We would not ask you to do that on the public record anyway. We would prefer private advice in relation to the specific circumstances of the applicants. Mr Speaker, yes, the Government is in a hurry to deal with this, I can tell, but immediately I sit down we will be moving to adjourn debate on this issue. We are perfectly happy to listen to argument for the rest of the day in relation to the matter, and we are perfectly happy to bring it back on later, but at this point the case is a bit shaky and there are some possible unforeseen circumstances which have not been clearly explained to us. It is unfair for you to call on us to pass retrospective legislation without us knowing the full effects of what you are intending to do. I put it to you, and I put it to other members in this place, that a little bit more groundwork needs to be done.

MS TUCKER (11.15): I would like a little bit more time to look at this as well. I do not know that it has to be done today.

Ms Carnell: It needs to be today.

MS TUCKER: I have just seen this. I know the arguments for dealing with it today. I see that Michael Moore says he has corrected the concerns. I am supporting the view that we need more time, but not necessarily past today.

MS CARNELL (Chief Minister and Treasurer) (11.16): Mr Speaker, maybe it would be appropriate - - -

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Mr Hargreaves: Is this the closure of debate, Mr Speaker?

MS CARNELL: Not necessarily, because I could be speaking in my own right here.

MR SPEAKER: Yes, that is correct.

MS CARNELL: If I speak as me rather than as Michael I will not be closing the debate.

MR SPEAKER: Go on.

MS CARNELL We can put some of the information on the record and then make a decision, but it really is important that this legislation go through today, and we do have one or two other things on our agenda. I think when members passed the Psychologists Bill 1999 we were very well aware of what we were doing. The transitional provisions under section 57 of the Psychologists Act 1994 allowed for the registration of persons who do not possess the qualifications and training that would now be required in order to gain registration as a psychologist under the substantive provisions of the Act. This was a transition provision, members of the Assembly, and Mr Speaker. The inclusion of such a provision was intended to ensure that persons who had practised as a psychologist for four years in the 10 years prior to the commencement of the Act did not have their livelihood compromised by the introduction of the legislation.

Following difficulties in the interpretation of the legislation by the board, legal advice was sought and it confirmed that the provision of section 57 was not finite as had been originally intended, and that persons who were not qualified to gain registration under the substantive provisions of the Act can continue to make applications under section 57.

Statutory regulation exists in the interests of protection of the public. Now, remember the reason why we passed the Psychologists Act. The reason we passed it was to ensure that only people who were properly qualified could claim to be psychologists. I think it was to protect the community. I am sure Ms Tucker would agree with that; that the whole basis of the Psychologists Act was to protect the community. People who were psychologists needed to have proper qualifications. The transition provisions of the Act as they apply do not assist the board in administering the Act in a manner in which it can be confident of offering the public such protection. What we need to do here is to ensure that the board has a capacity to do what it is supposed to do, and that is to protect the community.

In repealing sections 57, 58 and 59 of the Psychologists Act 1994, a provision has been included in the amendment Bill which allows for all applications before the board under section 57 or before the Administrative Appeals Tribunal under section 58 which have not been decided before the commencement of the Act to be taken as withdrawn. I think that is Mr Berry's problem, and the scrutiny of Bills committee's problem. It was considered inappropriate to include provisions in the amendment Act which would allow for these applications currently in process to continue to be considered and determined following the commencement of the amendment Act. It is not in the

interests of protection of the public to allow such persons to continue to seek registration as psychologists under section 57 and to practise in that capacity without holding the qualifications and experience required by the substantive provisions of the Act - I think everyone would agree with that - upon receipt of legal advice by the board that the transition provisions are still operable, even though they were not meant to be.

I think everyone accepts that the provisions were not meant to exist. The way we put the legislation together, the way we passed the legislation, transition provisions were supposed to exist for a set period of time to allow people who were currently practising as psychologists, and had been for years, to get over the line and to be registered. Then, supposedly, the sunset clause would come in and all would be well. What has happened is that the sunset clause we thought we had passed appears to not be operable and section 57, the transitional provisions, is still operable, according to legal opinion.

The board has registered approximately eight persons as psychologists under section 57 of the Act. There are currently six applications - so Mr Berry is right - for registration under section 57 that have been received by the board and are in process. There are currently no appeals in progress under section 58 of the Act against board decisions under 57 of the Act. It is important to understand exactly what these six applications look like. The proposed new section 58 of the Act has no impact on persons who are already registered under section 57. So the registration of those who have already got through cannot be revoked.

Section 58 does provide, though, for termination of section 57 applications currently before the board and the AAT, as I have said. These applications currently before the board under section 57 are from persons employed as school counsellors. This is the important bit here. School counsellors do not require registration as psychologists to practise as school counsellors. So they can continue to operate as school counsellors, but they do not have the required qualifications to be registered as psychologists. I would have to say nor should they, Mr Speaker, unless they have the qualifications involved. They should not be entitled to call themselves a psychologist. So these persons can continue to work as school counsellors but should not be able to register as psychologists under the whole intent of this Act. Unfortunately, what has happened with the extension of section 57 is that these persons, these school counsellors, have appealed or have requested to become psychologists. These are the people who are currently the six applicants for registration under section 57.

I would agree with members of the Assembly that normally an application that was in would not be ruled out of order by legislation in this place, but in this case I think it is essential that it happens because this is not the intent of the legislation that we passed. We passed legislation to ensure that people who are registered as psychologists have the appropriate qualifications for that registration. I think we would all agree that school counsellors who do not have other qualifications should not be able to register as psychologists. Now, put simply, that is what this is about. I have trouble believing that anybody in this place would not support that approach.

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I do not accept Mr Berry's comment that we have to know individual information about every one of those six. We know they are school counsellors. They can still work as school counsellors. Nobody is taking away their capacity to operate in the jobs that they do now. If we let them through the system, as it appears they may be able to do under the current Act, according to the legal advice that we have, I do not believe we would be doing in this place what we intended to do. Therefore, we should pass this legislation now. This is to help the board do what they are required to do - to protect the public; to ensure that proper peer review is in place.

Let us just put aside the politics for a moment and pass this legislation. We are very well aware what the scrutiny of Bills committee has said, and that is that people who already have applications on the table will be ruled out. They should be. They are school counsellors. They should not be registered as psychologists unless they have the prerequisite qualifications to be psychologists. I have to say that I do not quite understand what more time will do in this particular situation. Let us just pass the legislation. We have a lot of work to do today. Let us get on with it.

All this Bill does, remember, is ensure what we intended; that is, that there was a sunset clause on the transition provisions of the psychologists that actually came in and was real. We now find that we have a problem with that sunset clause. Let us get rid of that problem. Let us pass it now and then get on with the business of the rest of the day. We are not changing policy here. We are doing exactly what we intended to do initially with the Psychologists Act, and that is protect the public by ensuring that only people who have proper qualifications can register as psychologists. So, let us pass the legislation. Let us get on with it.

MR SPEAKER: Before I call Mr Hargreaves, I would like to recognise the presence in the gallery of students from Years 4 and 5 of Torrens Primary School who are doing an area of study on local government. Welcome to your Assembly.

MR HARGREAVES (11.26): Mr Speaker, I do not think anybody in this place has any difficulty with what we are trying to achieve with this Bill. It is crystal clear that, where a sunset clause that was established some time ago has overrun its time, we should do something about it. There is no difficulty with the intention of the Government to do this, so far as we can see. There is some smokiness and some murkiness about whether or not the Bill, as presented, will achieve that as far as we are concerned, but I will not go into those details at this point.

The scrutiny of Bills committee has raised a query. It says that the effect of section 58 would be to terminate applications to the Psychologists Board. They have already got these six in there. It has not been proven to me that these people's rights will not be infringed. If the board rules these things out, fine. But it has not. There are applications before the board. Furthermore, another section terminates applications for review. These people have another one. Now, in a nice world, we would go down the track that the Government is going down without putting anybody's case at risk. There would be no applications before the board and that would just change things very neatly. We would be happy about that.

Essentially, what would keep me happy, if you are going to act retrospectively on this, is that the retrospectivity operate after the date of receipt of the last one of those six. Let them be considered. I guess all we want the Government to do is allow these six to be considered and to have the appeal rights that the scrutiny of Bills committee says are being unduly trespassed upon. I do not see what the problem is about six applicants. Why is it necessary to do that? Why cannot we just grandfather those six and let them compete?

Ms Carnell: Because they will end up being registered and they have no capacity to be registered.

MR HARGREAVES: Well, if they will end up being registered, Mr Speaker, that is not a decision for this Assembly to take. It is something for the board to do. The board has been set up to independently assess these things. There is a criterion in place right now. What we are doing is shifting the goalposts on people who have expectations and who have put in bona fide applications for registration. What we are saying is that you do not have any right to do that. I think the scrutiny of Bills committee was quite right in pointing out that this will unduly trespass on their rights.

We are asking the Government to take this Bill away. If we can come back and we can fix these six people up, the legislation, I am sure, will have a fairly speedy passage, so long as the murkiness in other stuff is looked after. My own position here is that the most significant issue is that yesterday six people thought they were going to satisfy criteria laid down by the board and put in bona fide applications, and tomorrow we change the rules on them.

Ms Carnell: No, we have not. That is not true. The rules were - - -

MR HARGREAVES: Mr Speaker, the Chief Minister says we are not changing the rules on them. What she is doing is terminating their right to apply. I believe that that is an undue trespass on personal rights and liberties. What is wrong with letting them go? Let them be considered by the board. What this Government is doing is changing the issue when we have received stuff. The Chief Minister seems to have missed this simple point. The simple point is that yesterday these people believed there was something that they had about their person which would satisfy a criteria for registration. We are changing that criteria. I do not have any difficulty with those sorts of issues, but I do not think you can go back and say, "Sorry, guys; you used to have your higher school certificate to get into uni. Well, now your higher school certificate is really only the leaving certificate, so you cannot go in". I do not think that sort of thing is on.

Mr Speaker, we are not talking about hundreds of applications. We are not talking about floods of applications. We are only talking about six people. I would have thought a little bit of compassion on the part of the Government might be in order, a little bit of reason and a little bit of fairness. All we are asking is that we delay the Bill while consideration is given to looking after those six people. We are not at this time rejecting the whole lot. All we want is a little time for you to go back and think about those six people.

Ms Carnell: Mr Speaker, may I have the right to speak again?

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MR SPEAKER: Is leave granted?

MR BERRY: Mr Speaker, I would like to say a few things on advice that I just had. You might wish to comment on it, too.

MR SPEAKER: Go on. Go ahead.

MR BERRY: Is that okay?

MR SPEAKER: Yes, it is.

MR BERRY: Thank you, members, and thank you, Mr Speaker. I spoke to Mr Rugendyke about this a moment ago and he is worried about the politics that he thinks are being played in relation to this.

Ms Carnell: We are not trying to.

MR BERRY: Well, there are politics involved in this. We have a policy in my party of being concerned about the rights of individuals and we exercise political intuition in relation to our behaviour in this place. We want to protect the rights of people when we are concerned about them. I will go to the advice that was given to you. It is your advice. It talks about the sections which you seek to strike out of the legislation. One of those is, on my reading of it, section 57(4). It says:

Neither section 57(4) nor section 57(1) are expressed to depend for their operation upon a person applying within a certain period of time. These provisions can be contrasted with section 57(3)(b) which does impose a time limit.

The advice goes on to say:

It would be reasonable to assume that if the legislature intended that section 57(4) would only apply to persons who applied for registration within a certain time period then that section or section 57(1) would clearly say so.

But it does not, you see. Mr Speaker, you might say that that was the intent at the time, but the legislation does not say that. Later, the advice goes on to say:

This means that where a provision is intended to benefit a particular person or class of persons any ambiguity or uncertainty in its interpretation will be resolved in favour of the intended beneficiary.

That is, the applicant. It goes on to say, Mr Speaker, and I think this is important:

Therefore, in my view, the Board should continue to consider applications for registration under section 57(4) when they are lodged after 15 December 1995. However, if a person does apply for registration after 15 December 1995 then this would be a relevant factor for the Board to consider in deciding whether to exercise its discretion under section 57(4) to register that person.

Now, I go back to an advice which you have, which is dated 30 March 1998 - there is an earlier advice than that, I think, which goes back to 1995 or 1996 - which again raises the issue of why is it so urgent today when it was not urgent before. I note from that advice - I do not know whether this person is still an applicant, but this was in relation to a person, a person X - that there was a decision of 2 November 1995 not to register a person. I do not know the circumstances of person X. I would not have a clue. I do not want to. The Labor Party does not want to take over the role of the board, but we certainly do not want to subvert the role of the board either by retrospective legislation. The politics of this are whether you want to make sure that the rights of individuals are preserved or you do not. I am going to err on the side of safety, and we are going to err on the side of safety - - -

Ms Carnell: Safety for whom, the community?

MR BERRY: Safety for the people involved, the community.

Ms Carnell: It is not the community.

MR BERRY: No, the applicants are members of the community as well, Mrs Carnell. Applicants do not automatically throw out their right to be treated as members of the community merely as a consequence of being an applicant, for heaven's sake. All we ask is that Mr Moore or his officials talk to Mr Stanhope and his office and clarify the issue. We would be quite happy to deal with it a little bit later on today if everybody can be satisfied that everything is okay. Given the scrutiny of Bills committee report this morning, these advisings which we received this morning and have not had time to consider properly, and some of the things that have been said here, I think it is just fair to take a step back and let this rest until a later time this day. I indicate that we will be moving to adjourn it.

MS CARNELL (Chief Minister and Treasurer): Thank you very much, Mr Speaker. I think I already sought leave to speak a second time.

MR SPEAKER: Yes. I will ask for retrospective leave for Mr Berry as he spoke again. That seems to be a popular phrase these days.

MS CARNELL: Mr Speaker, I will make a couple of points. One is that the "legal right that is being removed", and I put that in inverted commas, is a right which you would have to say on policy grounds simply is not appropriate for people to have. I will give you a good example of that. Mr Moore has taught for many years in schools and has acted as a school counsellor. Mr Moore could apply right now, under this, to be a registered psychologist. So could Mr Wood. Mr Wood similarly, after many years of teaching, could, under this current deal, apply right now to be a psychologist.

Mr Quinlan: Stop it. You are scaring the kids.

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MS CARNELL: Well, there you go, you see. This is why I am arguing with Mr Berry about protecting the community. I am sure those opposite would like to protect the community from Mr Moore. You can just imagine Mr Moore out there being a psychologist, and Mr Wood as well. Mr Speaker, I think it shows the importance of this legislation and getting it through. Currently we have a situation where the legal right that Mr Berry talks about really is not an appropriate right. It is not appropriate for Mr Moore to have the right to apply to be a psychologist. He simply does not have the qualifications to do that, although he does have many years as a teacher working as, amongst other things, a school counsellor. Therefore, he could apply and could, potentially, under these sorts of situations, be registered.

Mr Speaker, I do not think you could say that this is a true civil liberties issue at all. The Minister and his staff, I understand, have worked cooperatively with Bill Wood on this. The information that Mr Berry has brought forward today was spelt out in full in the explanatory memorandum that went to all the members.

Mr Speaker, I just come back to the important issues here. The six people involved are school counsellors. They will continue to be able to be school counsellors. That is their job. So no-one is taking away any right that they have. What we are suggesting is that they should not have another right, a right to be a psychologist, that was never intended in this place or in policy. So this Bill does not take away a right that should exist, and it protects the community. It protects the community from Mr Moore registering as a psychologist, or Mr Wood registering as a psychologist, people who obviously do not have the qualifications that we believe they should have in the interests of the community. Again I come back to this. This does need to be passed. This is about playing politics with anything that it seems that those opposite want to oppose. This is important for the community. We should pass it.

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

That the debate be adjourned.

The Assembly voted -

AYES, 5

Mr Berry
Mr Hargreaves
Mr Quinlan
Mr Stanhope
Ms Tucker

NOES, 8

Ms Carnell
Mr Cornwell
Mr Humphries
Mr Kaine
Mr Osborne
Mr Rugendyke
Mr Smyth
Mr Stefaniak

Question so resolved in the negative.

MR SPEAKER: Do you want to speak, Mr Stanhope?

MR STANHOPE: I do.

MR SPEAKER: You may speak.

MR STANHOPE (Leader of the Opposition) (11.45): I speak to express continuing concerns about the way this matter is being handled. The position of the Labor Party, following the investigation that we have been able to make of this Bill, is that it is probably worth supporting. That is our in-principle position. But in terms of process in this place, I think it is worth repeating the way this has been handled. It was introduced yesterday.

Ms Carnell: But we gave it to you last week.

Mr Humphries: Yes, we gave it to you last week.

MR STANHOPE: It was introduced yesterday and it is being debated today. The legal advice on which the legislation is based was delivered to my office at about 10 o'clock this morning. The vital piece of information in terms of our capacity to properly assess this legislation was introduced to our office at 10 o'clock this morning. Interestingly, that legal advice was written nearly two years ago. The legal advice is dated 1998 and here we are having this rammed down our throats as so pressing a piece of legislation that it was introduced yesterday and is being debated and supposedly passed today. This piece of legal advice is dated 1998. Now, all of a sudden, this matter is so important, so vital, so pressing, on the basis of a legal advice over 18 months old, that it has to be dealt with immediately. This is the process that we have come to.

The first piece of legal advice provided today is dated 1996. The advice is over three years old, and all of a sudden this matter is so pressing that it has to be dealt with the day after it is tabled. It is incredible that we are having this rammed through, rammed down our throats, on the basis of an issue that has been around for three or four years. The Government believes it is so imperative that it has to be dealt with, that this loophole has to be closed, with one day's notice, on the basis of legal advice that is over three years old.

Ms Carnell: It's not one day's notice. We circulated it last week. You know that.

MR STANHOPE: The legislation was introduced yesterday. We received a letter with some papers that actually did not advance the case at all last Friday. So the matter was around for six days before introduction, and we are expected to debate it after one day. It is to be noted, Mr Speaker, that the scrutiny of Bills committee does raise some issues about it. That committee's report was tabled this morning. Just look at the timetable in relation to this. Legal advice that is either two or three years old was provided to us at 10 o'clock this morning. We did not get the scrutiny of Bills report until after 10.30 this morning. The Bill, which actually does affect the rights of some individuals in this community in a serious way, was tabled yesterday, and we are debating it one day later.

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The pity of this, Mr Speaker, as I said before, is that it is almost certain that the Labor Party would have supported the legislation if only this had been done in accordance with some due and appropriate process. The process is not just flawed; it is basically non-existent. There is no process attaching to or associated with this issue. This matter should not be dealt with today. It is a very poor reflection on this place for us to do business in this way in relation to legislation that does not deserve this degree of urgency. It has been around for years. It would not hurt for this to wait another six weeks.

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

Leave granted.

MS CARNELL: Speaking very briefly, Mr Moore has worked closely with Mr Wood on this. The legal opinion was provided to Mr Wood when he asked for it, I understand, last night. It was distributed to members last week. It is important that it is handled today. I just lay that on the table.

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (11.49): Mr Speaker, I want to make a very brief comment. The legal advice referred to here is not legal advice relating to the amendments; it is legal advice relating to the general issue of a problem emerging with the legislation. There are a number of applications now before the board which give rise to the need to legislate fairly urgently, Mr Speaker. That is why this advice is immaterial to the issue before the house today. Six weeks delay means that a number of people, almost certainly, will be registered as psychologists who, on any reasonable reading of the matter, should not be registered as psychologists. It debases the concept of being a psychologist to have those people out there registered in that way.

The legislation was not introduced before yesterday because members wanted to adjourn the Assembly for seven days on account of the no-confidence motion. The Government was ready to introduce this Bill at the beginning of last week, on Tuesday of last week, but it was the wish of the Assembly that we not do government business at that time in order to allow seven days grace for the no-confidence motion.

Finally, Mr Speaker, the Opposition says it is concerned about the civil liberties of individuals. When it comes to recriminalising the actions of those people involved in the hospital implosion, there was no hesitation on the part of the Opposition to trample on their personal liberties with great alacrity. So let us have this nonsense about double standards being applied here put to one side.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

PERSONAL EXPLANATION

MR STANHOPE (Leader of the Opposition): Mr Speaker, could I utilise standing order 46 to make a short explanation?

MR SPEAKER: You may.

MR STANHOPE: I understand from my staff that the legal advising was delivered to Mr Wood's office last night. I was not aware of that. It was slipped under his door after he had departed. It was picked up, we understand, by a cleaner and placed in an in tray. We were not aware until it was announced just now that it had been there. So, it certainly was in Mr Wood's office. It had not been delivered. It was stuck under the door and nobody knew it was there.

MR SPEAKER: Thank you.

PAYROLL TAX (AMENDMENT) BILL (NO. 2) 1999

Debate resumed from 1 July 1999, on motion by **Ms Carnell**:

That this Bill be agreed to in principle.

MR QUINLAN (11.52): I have to advise the Assembly that this morning I have had quite a number of phone calls from people on whom this legislation might impact who, apparently, have been contacted by an officer of the Chief Minister's Department and informed that I either was against this Bill or intended to vote it down. I have not seen the words of the communication but, certainly, there are a number of people in the IT industry or in the body hire industry who have been misinformed as to what I said or what I intended.

Yesterday, I moved in this Assembly that debate on this Bill be adjourned so that we could talk to people in the industry and clarify what was going on. I have to register my disappointment that public servants should be used in this way, whether it be communicating fact or fiction, because this is a political process. I also have to register my grave concern that I have been misrepresented in this communication. I understand that since then at least one member of this industry has been informed that Mr Quinlan has backed down from his position on this legislation, which, again, is misinformation. I have to say that, if I could connect this chain of events back to any member of this Assembly, we might be going through another censure or no-confidence motion, because it is reprehensible behaviour if it came from this chamber.

In relation to the Bill itself, Mr Speaker, I would like your advice. Is the term "cock-up" unparliamentary?

MR SPEAKER: It depends on how you are using it. I will advise. If it is, you can withdraw it.

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MR QUINLAN: Mr Speaker, that term, whether unparliamentary or not, is a fairly good description of what has happened here.

Mr Smyth: It is unparliamentary on the part of school kids. You should not be saying that in front of the kids, Ted.

MR QUINLAN: Not in front of the children!

Mr Smyth: Do not scare the children.

MR QUINLAN: Right. It turns out that we had a Bill which went through this place in order to fix some loopholes in the legislation that had been pointed up by cases outside of this Territory, particularly in Victoria. The Government moved to fix that and they failed; in fact, they introduced inappropriate legislation. This Bill, as I understand it, does not fix that problem; it just takes us back to square one so that this time round the Government can consult the people in the industry, which they obviously did not do, and get it right the next time round.

I understand from people in the industry - some of those that we were seeking out to speak to; some of those that rung my office because they had received this misinforming missive from the Government - that it is the intention of the Government to form some sort of consultative panel and it is the intention of the Government to come back and introduce legislation that no longer is flawed to the extent of the original legislation. You would reckon, from the week that we have had when we have had a mess-up with legislation, that just for once the Government would come into this place and say, "We messed it up. Can we go back and start again? We did not consult. Can we go back and consult?". Instead, we get what I have to say is a misleading presentation speech with this Bill. But, for all that, we support the Bill.

MS CARNELL (Chief Minister and Treasurer), in reply (11.57): Mr Speaker, the Bill amends the Payroll Tax Act 1987 to clarify that wages paid by employment agents to contractors who are bona fide employers in their own right continue to remain exempt. The Payroll Tax (Amendment) Act 1999, gazetted on 6 May 1999, sought to address two Victorian Supreme Court decisions, provide greater certainty and objectivity for taxpayers in order to reduce overall compliance costs and, where possible, be consistent with legislative amendments in Victoria and New South Wales.

As a result of representations from the employment agent industry, it is now recognised that the attempt to tighten current exemptions could have inadvertently affected some bona fide employers in their own right who supply the services of their employees through employment agents. That impact is inconsistent with government policy and is not in line with the intention of the legislation. This Bill will rectify this unintended consequence and clarify for employment agents that wages paid by them to contractors who are bona fide employers in their own right will continue to remain exempt. For this reason, the Bill will be given a retrospective commencement date of 6 May 1999. Mr Speaker, while the industry was critical of the original timing for the amendments which were gazetted on 6 May 1999, the timing was essential due to the perceived threat to the ACT payroll tax revenue base from not providing legislative certainty under the employment agent provisions.

Mr Quinlan's reaction, shall we say, this morning to some of the phone calls that he got was very interesting. Mr Speaker, I understand that we advised the industry yesterday exactly what Mr Quinlan said in this place, that is, that he was not sure about the support of the industry for this legislation, and it was important from my perspective that the industry talk to Mr Quinlan to assure Mr Quinlan of its support. Yesterday, Mr Quinlan got up in the Assembly and said that he had had representations from the IT industry and he was not sure that the legislation in front of us yesterday fixed the problem, so he was not sure that the industry supported the legislation. I thought that it was absolutely essential that Mr Quinlan understand that the industry did support this legislation. How do you do that in 24 hours? I have to say, very appropriately, that you ring the people who have been involved in the consultation and get them to ring Mr Quinlan and assure him that they do support the Bill.

Mr Speaker, I am advised that at no time did the department misinterpret or misrepresent Mr Quinlan's views. He said in this place that he was unsure of his support for the Bill, because he was unsure that the industry supported the Bill. That is a quite fair statement, which was the reason we were happy yesterday to adjourn the debate until today. So, quite logically, we ensured that the industry got in touch with you and, I understand, gave you its support for this piece of legislation.

In conclusion, Mr Speaker, the Government and the IT industry will continue to work closely to address the long-term payroll tax issues faced by the employment agent industry generally in the ACT. I would like to take this opportunity to publicly thank those members of the IT industry who have provided input and are working with the ACT Revenue Office towards a viable long-term solution which will protect ACT revenue and support the development and growth of the IT industry in the ACT. I think that this shows a cooperative approach with the industry. It does show, quite definitely, that there is a problem with some aspects of the industry using the provisions in an inappropriate way, and I think that the industry accepts that those loopholes have to be closed. We are always interested in working with the industry to ensure that the outcome is appropriate for everybody.

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

Leave granted.

MR QUINLAN : Mr Speaker, the Chief Minister mentioned ringing people in the industry. I understand that at least one of them received an email with a name and an email address on it. I ask that the Chief Minister please table a copy of that email and the list of people it was sent to.

Ms Carnell: Mr Speaker, I do not have a copy of the email.

MR QUINLAN: I ask that the Chief Minister make an effort to get one and table it.

Ms Carnell: Why?

MR QUINLAN: Because I want to see what is in it.

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MR SPEAKER: Oh, come along, my friends, we have a long time to go. This is very precious, but I suppose we will have a look at it.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

SUSPENSION OF STANDING AND TEMPORARY ORDERS

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

That so much of the standing and temporary orders be suspended as would prevent order of the day No. 8, Assembly business, relating to the Report of the Select Committee on Estimates 1999-2000, being called on immediately after the resolution of any question relating to the conclusion of consideration of order of the day No. 1, Assembly business, relating to the Government's Response to the Report of the Select Committee.

APPROPRIATION BILL 1999-2000

[COGNATE PAPERS:

ESTIMATES 1999-2000 - SELECT COMMITTEE - REPORT ON THE
APPROPRIATION BILL 1999-2000 AND GOVERNMENT RESPONSE]

Detail Stage

Debate resumed from 6 May 1999.

MR SPEAKER: Is it the wish of the Assembly to debate this order of the day concurrently with the orders of the day, Assembly business, relating to the Government's response to the report of the Select Committee on Estimates 1999-2000 on the Appropriation Bill 1999-2000 and the report of the Select Committee on Estimates 1999-2000? There being no objection, that course will be followed. I remind members that in debating each question on order of the day No. 5, Executive business, they may also address their remarks to the relevant sections of order of the day No. 1, Assembly business, relating to the Government's response to the report of the Select Committee on Estimates 1999-2000 on the Appropriation Bill 1999-2000 and No. 8, Assembly business, relating to the report of the Select Committee on Estimates 1999-2000 on the Appropriation Bill 1999-2000.

Standing order 180 sets down the order in which this Bill will be considered, that is, in the detail stage any Schedule expressing the services for which the appropriation is to be made must be considered before the clauses and, unless the Assembly otherwise orders, the Schedules will be considered by proposed expenditure in the order shown. With the concurrence of the Assembly, I am proposing that the Assembly consider Schedule 1 by part and appropriation unit and departmental totals. Is that the wish of the Assembly? That being so, Schedule 1 will be considered by part, appropriation unit and departmental totals, then the clauses prior to Schedule 2 and the title.

Schedule 1 - Appropriations

Part 1 - Legislative Assembly Secretariat

Proposed expenditure - Legislative Assembly Secretariat, \$7,038,000 (comprising net cost of outputs, \$4,044,000; and payments on behalf of the Territory, \$2,994,000)

MR CORBELL (12.07): Mr Speaker, in dealing with the Appropriation Bill and the report of the Select Committee on Estimates, I would like to make some comments that I was unable to make when the Assembly last sat; indeed, when the Estimates Committee report was tabled last week. Mr Speaker, on that occasion I was unable to make the comments because of the precedence that the Assembly had given to the motion of want of confidence in the Chief Minister, but I was, of course, required to table the report. I did that then, but I would like to put some comments on the record, as none have been made so far, in relation to the conduct of the Estimates Committee and its recommendations.

Mr Speaker, the estimates process this year was, I believe, a very constructive process. I am pleased to say that the report of the Select Committee on Estimates on the budget for 1999-2000 is the unanimous report of all non-executive members. Quite clearly, the convention has continued in this place as the government member of the Estimates Committee has continued to dissent from a wide range of recommendations outlined in the Estimates Committee report. However, unlike previous years, this Estimates Committee report has achieved a unanimous consensus amongst all non-government members. I think that is a significant achievement and demonstrates the ability of the committee to work constructively on the wide range of issues that the committee was asked to address. For the record, I extend my thanks now to the other members of the Estimates Committee for their cooperation and their assistance in developing this very significant report.

The report has 67 recommendations - the largest number of recommendations yet produced by an estimates committee - but I would hasten to note that it is a matter not simply of quantity but also of the quality of the recommendations. I believe that we met the mark well there. They are well considered and they outline a range of very important issues.

Mr Speaker, the committee this year continued the practice of the Estimates Committee formed last year in providing an opportunity for members of the community to come and give evidence before the committee. We had 18 submissions from either community organisations or individuals this year, up on the 14 of last year. Again, that is a process which is being well received by the community and is continuing to be used

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by the community. I am glad that we were able to have that opportunity to hear from different community representatives on the impact that the budget would have on them as people resident in the city. Mr Speaker, I would hope that future estimates committees will take advantage of that provision in examining future budgets.

I would like to outline just briefly a number of the key recommendations in the Estimates Committee report as part of this process we are undertaking today. The first, Mr Speaker, is a very relevant one because it goes to the heart of the role of the estimates process. Mr Speaker, during the hearings the committee was challenged on its ability to raise questions about the Bruce Stadium redevelopment. We had those comments reasserted by the Chief Minister and other members of the Government in the debate on Wednesday on the want of confidence; indeed, we had them as late as this morning.

Mr Speaker, the Government has consistently argued that they believe that it is not within the scope of the Estimates Committee to examine issues relating to Bruce Stadium. The argument goes something along these lines: There is no line item. There is no money in the budget specifically allocated to Bruce Stadium. Therefore, you cannot ask questions about it. Mr Speaker, I think it is important to put on the record that the committee does not agree with this view. The reason for that, Mr Speaker, was that the committee took the view that it was entirely within the realm of the committee to examine any issue relating to the public administration of the city where public funds were being expended to effect the purpose, such as the administration of the Bruce project.

Mr Speaker, the committee sought some advice from the Clerk of this place in relation to the formal authority that the committee had to examine this issue. The Clerk advised on a couple of issues. First of all, he advised the committee that formal authority over the proceedings of standing and select committees and the powers and authorities of those committees lies with the chair of each of the committees, rather than the Speaker of the Assembly. In most respects, the chairperson of a select committee has the powers of the Speaker of the Assembly in relation to the proceedings of that committee. So, it was entirely within my responsibility as chair of the committee to make a ruling as to what was in order and what was not in order in relation to questions asked by the committee. That is the first point.

The second point, Mr Speaker, relates to the ability of the committee itself to examine the Bruce Stadium issue and the Clerk went on to observe in his advice to me as chair that the fundamental role of the Assembly is to seek information and, if seen to be necessary, to bring governments to account and to bring issues of concern into public view. I would like to quote from this advice because I think it very important. He advised that the committee:

... is not precluded from questioning the adequacy of the expenditure and revenue proposals referred and any liabilities to which the Territory may be exposed should it see fit. This could include the adequacy of the appropriation sought for the relevant department and the potential liability to the Territory arising out of the Stadium redevelopment. It is also my understanding that Territory employees have an administrative role and certain responsibilities in relation to the redevelopment proposals and this must be a relevant issue.

Quite clearly, Mr Speaker, what the Clerk is saying there is that if we are paying officials to administer the Bruce Stadium redevelopment, which we certainly are, then we are entitled to ask questions about the conduct of those officials and their responsibilities, including anything relating to the Bruce Stadium redevelopment. Mr Speaker, I think it is a very important point to make that the Estimates Committee has a very clear and wide-ranging function to examine public administration, including the administration of the Territory's finances by the Government. That is exactly what this committee did.

Mr Speaker, the committee has made a series of important and sensible recommendations. The most significant, I believe, is recommendation No. 2, dealing with the continuing deterioration in social conditions and the provision of social services in the Territory. That is an issue which the Government rejected in its response and Mr Hird rejected in his dissenting report. However, Mr Speaker, it was the view of all non-government members of the committee that the Government develop:

as a matter of utmost priority, a strategic social plan for the ACT, to be used to target and address the continuing deterioration in social conditions and in the provision of social services, and that the plan be used in developing the guidelines for budget priorities and goals, and assessing those goals against other, financial measures...

The committee went on to recommend that there should be an annual report on the impact of social, fiscal and economic policy on those who are in greatest need.

Mr Speaker, that is a central recommendation. What we saw from the Government did not satisfy us that the Government's use of key result areas was the most appropriate measure in determining the social impact of fiscal policy. The committee went on to observe that, quite clearly, there was no justification for the Government's claim that it was not focused solely on financial objectives. That did not stand up to scrutiny, Mr Speaker. What the committee is saying here is: "Let us have a strategic social plan for the Territory. Let us put it in place and have it as a tool for focusing on our budget priorities to make sure that we are addressing those areas of greatest need and, equally, that we are not adversely affecting them in the implementation of our financial priorities".

Unfortunately, the Government in its response to the Estimates Committee report has said, "No, we will not implement a social plan for the Territory". Interestingly, the Government in its response makes the point that it is doing a number of things that it believes substitute for a social plan. (*Extension of time granted*) Mr Speaker, the Government, amongst the various documents that it quotes in its response, indicates that it is addressing the recommendations of the recent report on the quality of life project carried out by ACTCOSS and the Government which will provide mechanisms to reflect community values in the assessment of and planning for quality government programs. Mr Speaker, I understand that that quality of life project has gone nowhere, absolutely nowhere, since the report was delivered to the Government eight months ago.

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The Government cannot go round claiming that it is addressing social needs when it allows reports to be produced and then just sit on a shelf gathering dust, and that is what has occurred in this case, Mr Speaker. Before the Government comes back to this Assembly and says, "We do not believe that we should have a social plan because we are doing all these other reports", it should be at least a little more up-front about exactly what it is doing with those reports. Perhaps that only reinforces the comment from the director of ACTCOSS that social policy seems to be done by committee by this Government, but then there is no follow-up. Certainly, my reading of the comment was that it was a convenient way of sidelining social issues in terms of budget priorities.

Interestingly, in response to that recommendation, the Government went on to say that they are also developing a strategy for social equity through the ACT and subregion community planning framework. The Government has shown scant regard for the ACT and subregion strategy before. You have only to consider the Government's attitude towards rural residential development to get some sort of idea of what they consider to be the importance of the ACT and subregion strategy, so I do not think that it can provide much weight in that argument.

The Government also says that it is undertaking a poverty inquiry. That, of course, is to be welcomed. That is an important development. But if it is simply a case of producing a report and then not acting on its recommendations, which certainly seems to be the case with the quality of life project, we are really not getting very far. It highlights again the significance and the importance of developing a social plan for the Territory.

Mr Speaker, I would like to address quickly a number of other recommendations in the Estimates Committee report. There are some sensible procedural ones, including the provision of a lock-up facility for Opposition and crossbench members. That would be a significant improvement in providing for informed comment and understanding comment which is properly assessed in the light of the budget papers. My colleague Mr Quinlan provided some important input in that regard.

The committee also made specific recommendations about the Bruce Stadium redevelopment. I note that the Government in the response has referred to the advice of Mr Richard Tracey, who, of course, was the Government's legal adviser on this matter. However, I must say that that response was quite disappointing. For example, in relation to recommendation 11(1)(c), the committee asked the Government to inform the Assembly, in relation to the Bruce Stadium redevelopment, whether the provisions of the Public Sector Management Act had been breached in any particulars and, if so, what action had been taken. That was not even part of the brief to Mr Tracey, so how can the Government refer to that in its response to this recommendation?

Quite clearly, the Government has shown no contrition, genuine contrition, in relation to the Bruce Stadium issue. How can we continue to accept their assertion that they did nothing unlawful when they are not showing any genuine contrition? Quite clearly, Mr Speaker, the Government's response on Bruce in relation to a number of the other recommendations of the Estimates Committee report indicates that they have not been sufficiently addressed. These include the conclusion that the Government comes to in its response to the select committee's report when it says:

The conclusion that the use of Bruce Stadium as an investment vehicle was unlawful cannot be sustained in the light of Senior Counsel's opinion.

That is in light of their senior counsel's opinion; but, in light of the opinion of two other senior counsel, there is no doubt that the use of Bruce Stadium as an investment vehicle was unlawful, and remains unlawful. The Government in making that assertion, in producing that support after it had gone through a want of confidence motion which became a censure motion in this place, shows a clear lack of contrition, an absolutely fundamental lack of contrition, Mr Speaker.

Interestingly, the Government continues to say that there was an administrative failing in relation to Bruce Stadium and it goes on to say that the view about the expenditure of non-appropriated moneys is incorrect. We have had no contrition, no acceptance that they did something fundamentally wrong; just a continuing assertion that the only thing that was wrong was that there was an administrative failing. Mr Speaker, as the crossbenches have pointed out, the jury is still out on that issue and I am sure that the Assembly will revisit it at some time in the future.

Just to recap quickly on a number of the other key recommendations of the Estimates Committee report, I would like to draw to members' attention one of the recommendations in relation to rural residential development in the Territory. The committee found in its questioning of the Minister for Urban Services absolutely no justification for the Government's policy on rural residential development in the Territory. Indeed, when questioned on a range of issues, including environmental issues, issues to do with bushfire risk, land management issues, issues to do with consistency with the subregion strategy and issues to deal with the future metropolitan growth of the city and the future metropolitan structure of the city, Mr Smyth was unable to answer any of them except to say, "We think that it is a good idea".

That is the Government's entire justification for its approach to rural residential development: "It is our policy and we think that it is a good idea". That does not stand up to much scrutiny when you put the blowtorch to it in terms of the range of issues which this Assembly agreed to assess in the motion yesterday relating to an inquiry into rural residential development. The Estimates Committee report recommended an inquiry into rural residential development and that, I am glad and pleased to see, has been implemented by this Assembly.

Mr Speaker, the Estimates Committee report makes a whole series of recommendations. I think it is more appropriate to deal with those substantially when we go through the budget area by area. But I did think that it was important to put on the record that the committee has undertaken a very thorough job, has worked in a spirit of cooperation over some very difficult issues and has come to a majority report - indeed, a unanimous report amongst all non-government members - in relation to this budget. It is disappointing that we were unable to achieve completely unanimous support, if that is not a contradiction in terms, from the government member, but that would seem to be a trend which is being perpetuated in this place.

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Mr Speaker, the only other point I would make is that the dissenting report from the Government does not draw on evidence that was provided, in the main, from the committee's hearings. Mr Hird, I am disappointed to say - and I am sure that Mr Hird will take this in the right spirit - did not, I believe, endeavour to draw out during the committee hearings evidence to justify his very detailed dissent. Members may make of that what they will; but, if you are going to be writing a dissenting report, I believe that it is only appropriate that you make the effort to get the evidence in the hearings to justify your dissent, rather than failing to draw it out during the inquiry and writing a detailed dissent afterwards. Mr Speaker, that is the process that everyone should expect. Unfortunately, I do not believe that it has been addressed on this occasion.

MR HIRD (12.26): Mr Speaker, in following the Chairman of the Estimates Committee, I do not intend to traverse both the report and the Government's reply. I would like to speak briefly to my dissenting report and then I will ask for the leave of the house to have my speech incorporated in *Hansard*, if I may. I just want to touch briefly on two issues. Firstly, I did go by the evidence. Secondly, I would like to compliment the chairman of the committee this year. He had a very difficult task to perform and he undertook it in a very professional way. Contrary to what others in this chamber may think, Mr Corbell undertook his task seriously. I disagree with his recent remarks. However, notwithstanding that, I think the time has passed with respect to the Estimates Committee because the Government has reported. Having said that, I seek the leave of the house to have my speech incorporated in *Hansard*.

Leave granted.

The speech read as follows:

Mr Speaker ...

This Estimates Committee has continued the habit of being more a vehicle for political point-scoring than careful analysis of issues.

Just like the way the Opposition jumped in last week with its ill-considered, ill-conceived, fruitless politically motivated bid to discredit the Chief Minister and to unseat this Government. They just weren't prepared to wait for the umpire to come in.

Those measures ... Mr Speaker ... like the Estimates Committee Report ... should be subject to the closest scrutiny by the Parliament.

What ... Mr Speaker ... was the Opposition's motive in bringing this motion of No Confidence forward with such haste?

It is very clear Mr Speaker ... that the motivation was political grandstanding in a bid to raise the profile of certain members of the Opposition before the ALP Conference last weekend.

The trouble is ... Mr Speaker that this political grandstanding was at the cost of the Canberra community ... not just in the extra costs involved in extending the duration of the Assembly sitting ... but in stifling Assembly business to the detriment of the people of this Territory.

It only served to demonstrate to the community the lack of concern that this Labor Opposition ... and its supporters on the cross-benches ... have for the people of this Territory particularly Mr Speaker the business community and its employees.

To them ... Mr Speaker ... these grandstanding tactics by the Opposition were like being hit in the face with a dead fish!

It also was no coincidence ... Mr Speaker ... that the Committee Chair Mr Corbell was seen to be taking advantage of media mileage on the Estimates Committee Report **AGAIN** on the eve of the ALP conference.

It must be a matter of concern to this Assembly ... Mr Speaker ... that this year most members of the Estimates Committee were prepared to ignore information put before them and that they showed no hesitation in misrepresenting the facts if that helped them to criticise the government.

It was another instance of the Opposition resorting to the old saying **"Don't let the facts get in the way of a good story"** Mr Speaker.

Equally unjustified, is the fact that they were prepared to falsely accuse some agencies of not taking the committee seriously.

The Parliament should be aware ... Mr Speaker ... that all agencies and those who appear before the Estimates Committee take the process seriously and spend a huge amount of time preparing for the hearings so that they can comply with the needs of the committee.

But this did not stop the committee attacking public servants, Mr Speaker.

There is a ridiculous assertion in this Report that the Government has focused singly on a balanced budget, regardless of the social implications.

This is the sort of thoughtless comment that discredits the estimates process and the MLAs guilty of uttering such nonsense.

Mr Speaker ... It was made clear to the committee that the elimination of the Territory's operating loss was high on the Government's agenda because of the need for improved social and community outcomes.

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But the committee refused to accept that.

And in spite of the committee's attempted 'spin 'to the contrary, a balanced budget is not an end in itself. Rather, it is the means by which funds become available on a sustainable basis for higher quality services to more people.

Mr Speaker ... the committee is just plain wrong in some cases. For example ... Mr Speaker it claims that in the Federal Parliament there is a budget lock-up for all Non-Government members. **NOT TRUE**

A phone call to the office of the Minister for Finance has confirmed that Opposition Members are **NOT** invited to attend the Federal Budget lock-up with accredited media personnel and Government advisers.

Cross-bench Members also are not usually admitted ... but my advice is Mr Speaker ... that a one-off provision was made for Independent Senators Haradine and Colston to attend the 1999 Federal Budget lock-up.

Other members of the Committee could have received the same clarification with a simple phone call to any Member of the House of Representatives or the Senate ... Mr Speaker ... instead of jumping in with their own assumptions.

The amount of misinformation in the Report's reference to superannuation must be a matter of great concern to this Assembly... Mr Speaker.

The committee has obviously refused to listen to the evidence provided and is either unwilling or incapable of understanding a simple table of cash flows.

The committee's conclusions are false, misleading and unnecessary.

Since the committee has been advised by the Shadow Treasurer on these matters, it can only be assumed that he has either **NO** understanding of them or has chosen to be deliberately perverse in his analysis of the superannuation liability.

The fact that the committee's comments add nothing to an understanding of superannuation and misrepresent the current situation in the ACT and lead to no recommendations, is proof that the committee has nothing useful to offer on this subject.

The Committee's Report on the financing of Bruce Stadium is proof of its refusal to take account of information and explanations provided.

The facts of the Bruce Stadium redevelopment are simple. It was announced from day one that private sector participation would be sought in the redevelopment, with the government's contribution to construction costs limited to \$12.3 million.

Whether this participation was an up front capital contribution, or a loan serviced by capital contribution and operational revenue, is a matter of degree not concept. In fact, there was always to be a loan ... as the committee acknowledges Mr Speaker.

The short-term project financing from the CFU, as the documentation shows, was approved. However, there was an administrative defect in the form of that approval and the government has apologised for the administrative deficiency.

Contrary to the committee's allegation, the overnight loan was not to cover an unlawful act, but was as per the conditions of the approval.

Mr Speaker ... the committee should not make allegations it knows to be false.

It knows that the loan was **NOT** a device to obscure the expenditure of non appropriated monies. It knows that the loan was fully disclosed in numerous places, including the end of year financial statements which were scrutinised by the Estimates Committee in late 1998.

The committee also knows that there was no improper or unlawful motive. The people concerned acted, as they have always done, believing that they did so fully within the law.

The only area of legitimate criticism is that the normally high standards of administration and process control achieved by the department were not met on this occasion.

However, it was not so much that officers acted without diligence or improperly, but rather they relied on long standing practice.

Contrary to what the Committee says, the corporate and financial structure for Bruce Stadium is not extraordinarily complex and intricate ... Mr Speaker.

Indeed ... Mr Speaker ... it is normal business practice but, **SIGNIFICANTLY**, is outside the limited experience of members of the committee!

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Whilst the financing structure for the project might have seemed complex to non-specialists, it employed well-used and understood approaches in the project and infrastructure industry

The Committee's ignorance of accepted business practice or its determination not to understand the financing of Bruce Stadium **NOT SURPRISINGLY** has led to its exaggerated conclusion of "serious concerns" about the prudent financial management of the Territory's finances.

This Government ... Mr Speaker ... has continually made progressed towards addressing the Territory's previous financial situation ... which we all know was fraught with danger for the future generations of this Territory.

It is the committee's duty to put the technical breach of law into perspective and not to try to create confusion, doubt **AND UNCERTAINTY**.

I believe the committee has been **MISLEADING AND IRRESPONSIBLE** in this matter ... Mr Speaker.

Another political stunt perpetrated in this Report ... Mr Speaker ... is the Committee's recommendation to reinstate the Competition Policy Forum -- **A FORUM THAT WAS A FAILURE** -- because it rarely met and its few reports made little contribution to public policy issues.

It would serve no purpose because the government is establishing the Independent Competition and Regulatory Commission to investigate and report on competitive neutrality complaints and, where necessary, the impact of commercial arrangements on the public interest.

That makes the Committee's recommendation irrelevant ... Mr Speaker.

The committee has erred again ... Mr Speaker ... in its recommendation on secondary college funding (Recommendation 24).

There is no reduction in funding to colleges - as is clearly indicated on page 258 of Budget Paper Number 4).... Mr Speaker.

The overall funding to government schools has increased by \$6.5 million for 1999-2000, following an increase of \$45.2 million in the current year, more than meeting the Government's election commitment.

The Government must be able to shift resources to reflect changing needs and priorities ... Mr Speaker.

The Committee says that the Government should not proceed with rural residential development, but it failed to listen to the reasons in favour of it.

The first is choice. There are people in the ACT who prefer a rural lifestyle, but the only opportunity for this is across the border in NSW. It is disappointing to note the arrogance of some committee members who have no interest in providing for a lifestyle which is different from their own.

The second is forgone rates revenue. People who would prefer to live in the ACT, but have to live in NSW if they want a rural lifestyle, do not pay rates in the ACT but still use ACT services. It would, obviously make sense to provide for those people to live in the ACT and thereby expand the ACT's revenue base.

The third is more efficient land use. The flaw in the committee's argument against rural residential development is the (wrong) assumption that the only alternative to conventional urban development is the existing use for grazing. Clearly, it makes no sense to deny rural residential development and retain it for grazing on the grounds that one day in the distant future it may be required for urban development.

It is strange that the committee prefers to retain a lower valued grazing use, and less revenue for the ACT, than allow a higher valued rural residential use.

Finally, Mr Speaker, the Committee recommends against the Government's proposed changes to tenancy and eligibility criteria for ACT Housing tenants. This Opposition simply reflects Labor's old-fashioned prejudice against home owners.

The impact of the Committee's recommendation would be to make public housing available to all comers, including those who could easily afford their own home.

It does not seem to concern the committee that if you have a regular job and are on a high income you can keep out another person who is unemployed and needs help with housing.

This is not fair ... Mr Speaker. The government's policy - in contrast to the attitude of the committee - is to target fairer public housing assistance so that it is delivered more efficiently and equitably to people most in need.

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It is a sign of a responsible public housing management program - and a socially responsible government - that periodic reviews of housing eligibility are carried out in the ACT to ensure that those whose personal circumstances improve have less opportunity for exploiting the system to the detriment of those most in need.

Mr Speaker ... for these reasons I have submitted a separate dissenting report.

MR RUGENDYKE (12.28): I rise simply to congratulate Mr Corbell on his chairmanship of this year's Estimates Committee hearings. He performed a difficult job in a very professional and even-handed way. I congratulate Mr Corbell on his ability to reach a unanimous report with the crossbenches, even though some of us have differing philosophical views.

MR QUINLAN (12.29): I echo the words of Mr Rugendyke. I thought that Mr Corbell - in fact, I thought the committee in its entirety, and I include myself - did an exemplary job in a fairly brief timeframe. Some of the hearings were protracted because of the difficulty in obtaining information. It was like pulling teeth from time to time. There was considerable variation in the degree of cooperativeness - I guess one could expect that - depending on the people who were there or the sensitivity of the issue at the time. Overall, I think that most of the people who came before the committee are to be congratulated on the way that they had obviously prepared the information that they had readily available for the committee. Certainly, Mr Corbell is to be congratulated on pulling together what I think is an excellent Estimates Committee report in a very brief space of time. I would like to extend those congratulations beyond that to the secretarial staff, who obviously worked long and hard and out of hours to put the report together.

Proposed expenditure agreed to.

Part 2 - Auditor General

Proposed expenditure - Auditor-General, \$904,000 (comprising net cost of outputs, \$904,000)

MR QUINLAN (12.31): Mr Speaker, as you are aware, the Standing Committee for the Chief Minister's Portfolio does go through the Auditor-General's budget and program with him and he is reasonably satisfied. Obviously, the Auditor-General would like more. He has indicated that he may be changing his mode of operation by using more salaried officers and fewer contractors, expressing some disappointment in the performance of the contractors; otherwise, he seems to be satisfied with the quantum of his budget and I am happy to support that bid.

Proposed expenditure agreed to.

Part 3 - Chief Minister's Department

Proposed expenditure - \$93,847,000 (comprising net cost of outputs, \$67,077,000; capital injection, \$8,348,000; and payments on behalf of Territory, \$18,422,000)

MR QUINLAN (12.32): In life and economics the age old idiom of lies, damn lies and statistics pops up every now and then. I want to refer to the economy generally under this heading and, to some extent, make reference to Mrs Carnell's response to a dorothy dixer yesterday - or a Harold Hirder, as we might call them in this place - on the state of the economy. She questioned why we on this side of the house, those over here, have not been as excited as she might be. In fact, she questioned why it is that we have said that the economy is still a little flat. Today I would like to put some balance into the Chief Minister's rhetoric of yesterday.

Let me give you a quick rundown on two key forms of economic indicators, Mr Speaker. Firstly, there are forward-looking indicators, which tell you what is expected to happen in the future. They tell you what has been approved to happen or is expected to happen at some time in the future. Secondly, there are historical indicators. As the name suggests, these figures generally tell you what has happened in a past period. From those you could generally get the feeling of how the economy has been looking.

The first part of what I want to say is just a quick look at the historic picture. Of interest to the Chief Minister is the historical state of the economy. The trend rate of unemployment for the ACT currently stands at 6.2 per cent. That is a pretty good number compared with the Australian number, but if you look at the ABS numbers more closely you will find that the ACT is one of three jurisdictions where the figure is back on the increase. More interestingly, if you look at the structure of unemployment in this town you will see that more than 32 per cent of those out of work are long-term unemployed.

That figure is rising. Australia-wide it has dropped by 11 per cent, but in our very own backyard that figure for the number of people who have been unemployed long term has grown by 15.4 per cent. We, at least, are concerned with that figure. We believe that it relates directly to the actions of the Federal Government in particular and to some extent to the ACT Government with its limited capacity to provide employment opportunities.

Let us move to building commencements. At the end of the December quarter the total value of commencements in the ACT had contracted by 58.9 per cent on the previous year, compared to a marginal drop nationally of 8 per cent over the same period. Why are we worried? Because these figures indicate that the building and construction industry has 59 per cent less business than it had at the same time last year.

Let us look at another interesting indicator, motor vehicle registrations, which are a great source of revenue from stamp duty and, of course, a prime category of private new capital expenditure. Guess what happened in May? There was another drop, Mr Speaker. The number of monthly registrations has contracted every single month in trend terms for the last 12 months. The annual drop is 20 per cent in the ACT compared with a 4 per cent fall nationally. Those in the business call that a canary indicator in

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that, when it starts to fall, they start to worry. My guess is that the first few months were during the Hyundai phenomenon, with heaps of redundant workers buying new cars with their packages; but we have to question 12 months of continued contraction. That is beyond a technical recession in new motor vehicle registrations.

Then there is the big one - State final demand. The Chief Minister was correct in stating that the annualised growth at the end of the March quarter was 5.8 per cent on original terms. The original figures are subject to question because there may have been events in the quarter, such as post-Christmas sales, which affected the outcome, something that is problematic from a long-term planning point of view. But what happened with the month to month change? It contracted. The Assembly should be aware that the figures for State final demand have now been negative for three quarters over the past 16 months. Fortunately, the contractions have not been consecutive. The Australian economy as a whole has recorded only one period of stagnation but then 12 months of positive growth. Is the ACT situation indicative of a boom, as the Chief Minister alluded to? Clearly, the answer is no.

Let us examine some of the forward-looking indicators to see how we will be going in the future. The ABS indicators report for June has an interesting figure for us to digest. The value of housing finance commitments contracted by 22 per cent in original terms or, from a long-term planning point of view, by 12.6 per cent in seasonally adjusted terms. That means that the amount of building work in the future, building commencements, is going to contract as well. That means less economic activity in the construction industry.

What about ACT business expectations for future sales as recorded by the ABS? Medium-term expectations are for an increase in sales of 1.7 per cent by the March quarter 2000 compared to the March quarter 1999 - 1.7 per cent. The national figure has increased sales of 2.3 per cent. I think that is an indication of overstatement on the part of the Chief Minister. I think that, overall, I have ventured sufficient indicators to register a concern. I am not downplaying the ACT economy, but I do resent to some extent the Chief Minister coming into this place with this "happy days are here again" stuff.

Ms Carnell: It is the view of the business community.

MR QUINLAN: Is that a Chris Peters one? Does that have the high degree of credibility attributed to Mr Peters?

MS CARNELL (Chief Minister and Treasurer) (12.40): I ask for leave to move together amendments 1 and 2 circulated in my name.

Leave granted.

MS CARNELL: I move:

Column 4, omit "8,348,000", substitute "35,731,241".

Column 6, omit "93,847,000", substitute "121,230,241".

I present a supplementary explanatory memorandum. Mr Speaker, the amendments proposed to the Appropriation Bill 1999-2000 only provide additional funding for the redevelopment of Bruce Stadium. They do not cover the retrospective appropriations that were proposed in the draft of the legislation provided to members earlier this month. This Bill provides for an increase in the 1999-2000 appropriations. The Bill proposes that the capital injection for the Chief Minister's Department be increased by \$27,383,241. This increase will provide \$22,383,241 for the repayment of existing loans associated with the redevelopment of Bruce Stadium and for further payments relating to the cost of the redevelopment. The increase will also provide \$5m for working capital for Bruce Stadium.

Mr Speaker, the Government will bring forward further amendments to the Financial Management Act and to the Territory Owned Corporations Act to address some of the other issues that have been discussed in this place over the last few weeks and were involved in the initial amendments that we gave to members. For example, legislation is still required to ensure that guidelines issued under subsection 67(2) are subject to disallowance. However, I have proposed these amendments to the Appropriation Bill and a new piece of legislation that we will handle later this day, the Appropriation (Bruce Stadium and CanDeliver Limited) Bill, to ensure that the most urgent and pressing issues are dealt with in the first instance.

Mr Speaker, during the debate yesterday on whether we should have a select committee, members, particularly crossbench members, asked that I get a sign-off from the Auditor-General with regard to the figures. For both of these Bills, that has been achieved. The Auditor-General has signed off that the figures are appropriate and any member who would like a briefing on that is more than welcome to have one, Mr Speaker.

MR SPEAKER: The question is: That Ms Carnell's amendments 1 and 2 be agreed to. Members, may I remind you that you can all speak twice to each of these parts for 10 minutes each. I make that statement reluctantly, however, but I think I should at least advise you.

MR QUINLAN (12.44): I would like to speak to the amendments. Is that all right?

MR SPEAKER: Yes, that is perfectly in order.

MR QUINLAN: In case I am not burning one of my other opportunities, if need be. Mr Speaker, I believe that the \$5m-plus is new money. I would be happy for the Chief Minister to interject on the number, because she gave a figure of \$22,383,241 for the repayment of loans and I got a figure this morning from the Under Treasurer of \$21.412m. There is a discrepancy in the numbers in the space of less than four hours, which I think to a large extent exemplifies why there was a need to refer this matter to an estimates committee in the first place. We have amendments coming through which initially purported to fix the problem with the previous maladministration of the highest order. We have now got new money being appropriated through the amendments.

Could someone on the government side just tell us precisely what the figure is? I rang Mr Lilley this morning and he gave me a loan figure of \$21.412m. The Chief Minister has given us a figure of \$22.383m, so there is the odd \$1m floating around there.

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Ms Carnell: No, there is not.

MR QUINLAN: Excuse me, I rang Mr Lilley this morning. He gave me a figure, \$21.412m. You have just informed this house that the loans that are to be repaid are for \$22.383241m, I think. Is that true? Do you want to try the “don’t know” defence?

Ms Carnell: No. I am not in the business of answering questions from the floor. Interjections are out of order.

MR QUINLAN: If the members had been here, how could they be expected to pass the amendments to the Appropriation Bill if you are not going to tell them precisely what they are about?

Ms Carnell: We already have.

MR QUINLAN: No, you have not. Speaking of misinformation, I spoke to the Auditor-General this morning. (*Quorum formed*) Mr Speaker, yesterday the Chief Minister informed this house that she would get the Auditor-General to sign off on the amendments. I rang the Auditor-General this morning. He told me that what had been referred to him at 5 o’clock last night was the retrospective Bill on Bruce and that the amendments to the Appropriation Bill had not been referred to him. Can I repeat that for *Hansard*? The Auditor-General, shortly after 9 o’clock this morning, informed me that he had not been asked to look at numbers for the 1999-2000 amendment.

I did suggest that he call the Under Treasurer and have a look at those numbers because those numbers incorporate new money. They incorporate new money that has not been detailed to this Assembly. The first time this Assembly was informed as to the quantum of the loan to be repaid was in the Chief Minister’s speech immediately before mine. She then gave a number which does not agree with the number that I was given by the Under Treasurer.

Ms Carnell: That is because you have not spoken to your staffer, who knows what that is because he has been briefed.

MR QUINLAN: What, in the last five minutes?

Ms Carnell: Sorry, what the difference between the \$21m and the \$22m is.

MR QUINLAN: What sort of show are we running here when you put up amendments to the Appropriation Bill that have no detail.

Mr Moore: How much information do you think we are going to provide to you guys if you will not even listen and you come down and give this sort of story?

MR QUINLAN: This is all factual.

Mr Moore: You want us to help you.

Mr Hargreaves: I take a point of order, Mr Speaker. Would you ask Mr Moore to contain himself, please?

MR SPEAKER: Order, please! Can I have a bit of shush here, please. Mr Quinlan has the floor. The opportunity is there for everybody to participate in the debate and I am sure that everybody will.

MR QUINLAN: Mr Speaker, I believe that this amending of the Bill is part of the continuing misinformation and sleight of hand that have been associated with this project from day one.

Mr Moore: Methinks it is the kettle calling the pot black; it is as simple as that.

MR QUINLAN: I have not had the chance yet. It may happen. It may well happen. I have spoken to the Auditor-General and explained to him what I, at that point, understood may be happening.

Mr Moore: Why did you not speak to your own staff.

MR QUINLAN: We are talking about five minutes ago, mate. I am in here making up a quorum and attending the debate of the year, the budget debate.

We are finding today what the level of new money is. There are some invoices lying around - we do not know how many - and there is \$5m worth of working capital. Mr Speaker, I understand from the Auditor-General's advice to me - it was only informal telephonic advice - that if it was working capital it would have to be considered to be repayable, a repayable capital injection. Under the Financial Management Act, section 12(f), a capital injection that is to be repaid needs to be associated with a statement that identifies the capital injection as such an injection and specifies the conditions under which the injection is to be provided, including the requirements relating to the period within which it is to be repaid.

That has not happened here. Initially, we got a set of new numbers and were told, "This fixes the old problem. The Auditor-General" - up to yesterday - "is going to check it". These numbers were not referred to the Auditor-General, but we were given the clear indication that they would be. I am sure that we will find if we go back in *Hansard* that the Chief Minister has chosen her words well, but we would have been, I think, invited to have misinterpreted them and assume that these amendments to the appropriations have been referred to the Auditor-General. According to his words to me this morning, they were not. As I have said, this is a continuation - - -

Mr Humphries: Move a motion of censure.

MR QUINLAN: Are you recidivists or what? Two days ago we debated due process, and what have we got? (*Extension of time granted*) I believe, Mr Speaker, that we must reject the amendments because we have not been given the detail and we have not been given the appropriate information. They may well be outside the Financial Management Act - and you would not want to breach it again, would you? - because

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they have not been associated with the appropriate statement in a schedule. So, Mr Speaker, I think this Assembly, at this point in time, may find itself unable, in fact, to pass these amendments. I think that will do me for the moment.

MS CARNELL (Chief Minister and Treasurer) (12.55): I rise to answer some of Mr Quinlan's questions. He asks about the difference between the \$21.412005m and the \$22.383241m. It is \$971,238 for remaining construction costs. If you add the amount of money required to retire loan funds provided for construction, which is \$21,412,005, and the remaining construction costs - - -

Mr Quinlan: Did you get it wrong before?

MS CARNELL: No.

Mr Quinlan: You told us that it was \$22m.

MS CARNELL: No, I am just showing what you have to do to get the \$22m. The remaining construction costs are \$971,236, which comes to \$22,383,241, which is exactly the figure I used.

Mr Quinlan: You were out \$3, but do not worry about that.

MS CARNELL: Sorry, no. The figure I used was \$22,383,241 and that is exactly the figure, exactly the figure.

Mr Quinlan: You are three bucks out, but do not worry about it.

MS CARNELL: No, I am not. I am not three bucks out. Anyway, that is the figure; so, wrong again, Mr Quinlan. Now, Mr Quinlan, if you add that figure - - -

Mr Quinlan: No, you were wrong. Ha, ha!

MS CARNELL: Mr Quinlan, if you add that figure - - -

Mr Moore: I rise to a point of order, Mr Speaker. The geese are cackling here. They are getting a sensible explanation for the questions they ask.

MR SPEAKER: Order! If that is the situation, Chief Minister, why bother explaining it to them.

MS CARNELL: Mr Speaker, I was just trying, for the information of members. I know that Mr Rugendyke is listening, at least. If you take - - -

Mr Quinlan: When he is not being distracted by you lot.

Mr Moore: Mr Speaker, I think he should be named - 202(e).

MR SPEAKER: Settle down. We will see how chirpy you are at 5.00 am tomorrow.

Mr Berry: Mr Speaker, I raise a point of order just to try to keep things here a little bit balanced and a bit civil. Referring to members of the Opposition as geese does not help.

MR SPEAKER: At the same time, interjections are out of order anyway.

Mr Stanhope: That is acceptable, is it, Mr Speaker?

Mr Berry: That is okay. You have set the standard.

Mr Moore: Mr Speaker, just to ease things, if you would prefer me to withdraw the word “geese” and change it to “hyenas”, I would be happy to do that.

MR SPEAKER: Come on! Would you all stop acting like children and get on with it. This is the most important debate of the year and you are behaving like primary school children.

Mr Berry: Mr Speaker, I take a point of order. I am happy to proceed with this important debate with all due pace but commentary from the Chair does not help in this matter, either. We have all got to be a bit level-headed.

MR SPEAKER: It certainly will not be helped if I do not comment from the chair.

Mr Smyth: On a point of order, Mr Speaker: If they are upset with the use of the word “geese” or “goose”, it is because of the low standard that the Leader of the Opposition set. The Leader of the Opposition, in the press, has referred to me several times as a goose. What is good for the goose is good for the gander.

MR SPEAKER: I have had enough of this. The discussion is concluded.

MS CARNELL: Mr Speaker, I am trying to take this debate seriously by putting the figures on the table. If you take the \$22,383,241 mentioned in my first speech and add \$5m for the appropriation for working capital, you get \$27,383,241. Mr Speaker, that looks very much like the figure in the amendments.

Mr Quinlan: That is \$6m in new money.

MS CARNELL: No, it is not. With regard to the Auditor-General, Mr Speaker, the Auditor-General is an auditor. What does an auditor do? He looks at past payments. That is all an auditor can do.

Mr Quinlan: He does performance audits.

MS CARNELL: The Auditor-General can only audit past payments. The Auditor-General agreed that the amendment to the 1999-2000 appropriation of \$27.383m could not be audited because it involved some future expenditure, as does, by the way, the whole of the budget. Mr Speaker the Auditor-General does not audit the budget - - -

Mr Quinlan: Did I waste my time yesterday?

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MR SPEAKER: Order, please! Come on, grow up, everybody. Thank you.

MS CARNELL: Mr Speaker, the Auditor-General does not audit the budget prospectively; he audits retrospectively. He has to. That is the way it works, Mr Speaker. The capital injection is not repayable. The return will be by way of dividend, as stated previously. Mr Speaker, everything that everyone has asked for has been provided in detail, signed off where appropriate by the Auditor-General; where not appropriate, signed off by the Under Treasurer. Mr Speaker, all of the figures add up. As I explained yesterday, the retrospective legislation is the money that has been spent, signed off by the Auditor-General and audited.

For the prospective Bill, the documentation and the figures have been made available for members. I come back to the fact that the amendments are on the table because the Auditor-General said that this was the way that he thought we should do it. Mr Osborne and Mr Rugendyke said that it was the way that they thought we should do it. We are happy to comply with those requests.

Debate interrupted.

Sitting suspended from 1.02 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Hospice

MR STANHOPE: Mr Speaker, my question is to the Minister for Health and Community Care. Yesterday, in answer to a question, the Chief Minister revealed the existence of a Commonwealth Government policy to move to commercial rates of rent on the expiry of subsidised lease agreements. The Chief Minister suggested that this was the basis for the Commonwealth's decision to charge the ACT commercial rent for the Bruce Stadium lease from 2009. She also revealed that, consistent with this policy, the Commonwealth was charging a commercial rent for the extended licence to operate the ACT Hospice at Acton Peninsula. Can the Minister tell the Assembly what rent the ACT is now paying for the Hospice site at Acton?

MR MOORE: I thank the Leader of the Opposition for the question. The annual licence fee of \$38,200 is for occupation of the site, plus a one-off administration fee of \$1,500.

MR STANHOPE: I ask a supplementary question. Can you tell the Assembly what rent the ACT previously paid for the Acton site? When did the Commonwealth first suggest it would charge a commercial rent for the site, and what case did the ACT mount to continue to pay a peppercorn or subsidised rate for the hospice site?

MR MOORE: The peppercorn rate paid previously was \$1. The Commonwealth has changed its policy and now is interested in commercial rents. That is why we are paying \$38,200 a year, with an initial term of 12 months, followed by an extension to 31 December 2000.

Payroll Tax

MR QUINLAN: Mr Speaker, my question is to the Chief Minister. From your comments this morning, it is apparent that you were aware that an officer of your department contacted a number of business organisations advising them that yesterday Mr Quinlan said that the Labor Party could not support the Payroll Tax (Amendment) Bill (No. 2) because his contacts in the IT industry believed it would not fix the problem. Are you aware that this message was going to be distributed, and did you sanction the promulgation of this untruth?

MS CARNELL: What a stupid question.

Mr Quinlan: It is a good question.

MS CARNELL: No, it is a truly stupid one. I asked a member of the Public Service to get in touch with the group that had done the consultation with the Government, which had agreed that the Bill that was on the table was the appropriate way to go, to get in touch with Mr Quinlan and to tell him that so that he would pass that Bill today. Yesterday, when I asked him whether he was willing to pass it today he said, "I do not know. I am not sure. It will depend". I did not know what it depended on, so I thought it was a really good idea for members of the industry to tell Mr Quinlan that they were happy with it.

MR QUINLAN: I ask a supplementary question. Do you approve of departmental officers contacting businesses urging them to put pressure on members of this place?

MS CARNELL: Mr Speaker, I think it was very important for this piece of legislation to have gone through this morning, and it has gone through. Mr Quinlan, you did say in the house yesterday that you had been contacted by people from the IT industry and you were not confident that the Bill was the appropriate way to go. That is certainly my memory. If that is not what you said, please let us know. Mr Speaker, I think it was very appropriate under those circumstances.

Mr Corbell: Do you endorse this behaviour?

MS CARNELL: Do I endorse the behaviour of my Public Service? Yes.

Primary Schools - Work for the Dole Scheme

MS TUCKER: My question is to Mr Stefaniak. In response to recommendation 1 in the Education Committee report on the work for the dole project in primary schools, yesterday you stated that the Department of Education and Community Services had complied fully with the Government's consultation protocol. I am happy to remind the Minister of what is in the protocol if he would like, but I am hoping that he has some understanding of what it requires. Evidence which came to the committee was absolutely clear on the fact that this process did not occur. Consultation with the Youth Coalition involved an information phone call on the day the application was signed off.

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P&C was advised on or about the same day. Primary principals were consulted once the initial concept was identified but were not given detail and later rejected the proposal. None of the unions representing staff working in schools were consulted before the proposal was submitted. The School Board Forum was not consulted before the application was submitted. In fact, only the Chamber of Commerce was given any earlier notice, which is interesting, considering their core business is not education. How can you possibly stand by your claim that you have complied with the consultation protocol?

MR STEFANIAK: Ms Tucker, I am rather amazed at that question. Evidence was given before your committee that an application had to be made fairly quickly and that to go through a full and extensive consultation before you did that would probably mean that you would not get past first base because the application would be too late. Further evidence was given of considerable consultation, indeed ongoing consultation, and we actually took notice of some of the concerns during that process. Sure, a lot of that might have been after the application went in. One concern expressed by a number of people who were consulted was that young people used in this scheme would be involved with children in the classroom. Accordingly, that was changed, and I think rightly so. That just shows the result of sensible consultation. But as for a whole swag of consultation before the application went in, quite clearly the evidence said that that simply was not possible in the time given.

MS TUCKER: I ask a supplementary question. The Minister has not answered the question. Obviously, they did not comply. He is saying they did not comply with the consultation protocol because this was a different process and they wanted to get the application in. Is the Minister aware of the fact that one of the criteria that the Federal Government puts up for work for the dole projects is that they must enjoy community support? As you did not ask any of the key stakeholders whether or not they liked what you were proposing to the Federal Government for the work for the dole project, how could you have said that it enjoyed community support, which you must have said, because it is a criterion for the project?

MR STEFANIAK: My understanding of that, Ms Tucker, is that work for the dole generally in Australia has considerable community support. Even the Federal Opposition support it. There is also considerable support for similar projects in the United Kingdom. What is your definition of “community”?

Mr Corbell: “Community” is the Chamber of Commerce and Industry.

MR STEFANIAK: They certainly supported it, Mr Corbell. My understanding is that the P&C certainly did not have any great problems with it either. I do not expect the Australian Education Union to agree with a Howard Government proposal only a few months out from an election. Quite clearly, they had an ideological problem with it. Certainly not all members of the community support it, Ms Tucker. I do not think you can expect that of any proposal. The concept of work for the dole and, I would suggest, this program would have had considerable support in wide sections of the community. I think that probably remains the case. I also stress, Ms Tucker, that it is voluntary. It is voluntary for the schools also. It is up to them whether they want to pick it up or not.

Hospice

MR BERRY: My question is to the Minister for Health and Community Care. Has the Minister formally apologised to the Aboriginal community for mistakenly suggesting that the major stumbling block to the ACT Hospice remaining on Acton Peninsula was the cultural attitude of indigenous people to death? What form did that apology to the Aboriginal community, if any, take, and when did you make it?

MR MOORE: Thank you, Mr Berry, for the question. Amongst comments on a whole series of things, I made a comment on ABC radio to Cathy Van Extel about the Hospice. The information I had about the Aboriginal and Torres Strait Islander Institute had come from Senator Macdonald's office. When I made that comment, I had a telephone call to my office, certainly within the first 24 hours, and I spoke personally to Mr Rus Taylor of the institute. He said to me that that was not the view of the institute. I do not know whether the view of the institute had changed or not, nor did I ask.

I said to Mr Taylor, "I apologise for doing that, because I certainly would not have done that deliberately". Mr Taylor then said to me that he was going to put out a press release correcting the position so that there would be no misunderstanding about the position of the institute. I said, "That seems perfectly reasonable to me. I would understand that". The only place I made that comment was on ABC radio on that particular program. I took care not to mention it elsewhere. In fact, I phoned the *Canberra Times* reporter and said, "I have been approached by the institute and they have a different view. If you picked that up from the radio, I would appreciate you not putting it into your article". I heard Mr Taylor being interviewed on that same ABC show yesterday morning or the morning before, following the media release. He made his comment, so I thought it appropriate that I apologise, and I did so at the time. That was the reason for the apology.

Yesterday Mr Berry sought to ask a very similar question. I have been through the draft *Hansard*, and the question yesterday accused me of racism, racial vilification and so on. That question was ruled out of order. Mr Berry has not yet apologised for accusing me of racism or racial vilification. I must say I am very disappointed at that. I have been prepared to apologise for having misled - - -

Mr Berry: It took you two days.

MR MOORE: Not after two days. I spoke to Mr Rus Taylor the moment it was drawn to my attention. The moment it was drawn to my attention I apologised rather than going back into the media with it, where I felt it may have caused some problems. I knew Mr Taylor was putting out a media release and was happy for that to occur, and at that point I apologised. I was prepared to apologise, Mr Berry. I wonder whether you are big enough to do the same.

MR BERRY: Contrition in retrospect, I call that.

MR SPEAKER: Do you have an apology or do you have a supplementary question?

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MR BERRY: I am happy to set a new pattern, Mr Speaker, of them asking me questions if you like. Do you want me to answer the question or just ask the supplementary question?

MR SPEAKER: If you wish to ask a supplementary question, you may. Mr Moore has asked for an apology. He is not enforcing it.

MR BERRY: I am happy to answer the question if I am not going to be pulled up.

MR SPEAKER: He did not ask a question; he asked for an apology. If you want to ask a supplementary question, do that.

MR BERRY: I like a free rein, Mr Speaker. Now that this major stumbling block has evaporated, will the Minister go back to the Commonwealth and negotiate to keep the Hospice on Acton or for compensation to support its relocation, to make up for the half-baked Acton-Kingston land swap deal, which is going to cost us so much?

MR SPEAKER: It is a very long bow that those two are related.

MR MOORE: Mr Berry, you did this deal in the first place. With the wisdom of hindsight, we can now see that it was a really lousy deal that you did five years ago. As you know, it was a position that I supported at the time. But with the wisdom of hindsight, Mr Berry, I can recognise that it was a really lousy deal. I wonder whether, with the wisdom of hindsight, you can do the same. Had Mr Berry listened to that interview or paid attention at all, he would realise that this was a minor part of the negotiations. It was put in that context on the radio. The Commonwealth is not interested in renegotiation.

This opportunity allows me to add an element to the question that the Leader of the Opposition, Mr Stanhope, asked earlier. When I responded to you about the costs and so on, I should have pointed out that the agreements on this matter between the ACT and the Commonwealth Government are at draft stage at this stage. They are not fully signed agreements. I just wanted to make sure that that was clear.

Mr Berry: Mr Speaker - - -

Ms Carnell: You cannot have another question.

Mr Berry: No, he just said he wondered whether I - - -

MR SPEAKER: Mr Berry, you may use the adjournment, if you wish to apologise. I am sure we will be happy to listen to you. That is two you have to do.

Land Sales

MR HIRD: I am going to take the same tack as I did yesterday. I am not going to waste the house's time. I am not going to ask a supplementary question. My question is to the Minister Assisting the Treasurer. Mr Berry keeps on interjecting. I am trying to concentrate, and I know the Minister Assisting the Treasurer is trying to listen to my question.

MR SPEAKER: Let us go on with it, please, Mr Hird. We have a lot to do. Get on with it, please.

MR HIRD: My question is to the Minister Assisting the Treasurer, Mr Humphries. Comments have been made in this place that the Territory's land sales are in a slump and that property values are falling. The Territory's land resources are one of the most significant and important assets. There have been several land auctions in recent weeks. Is the Government making sure that the ACT taxpayer is getting the best return on these assets?

MR HUMPHRIES: I thank Mr Hird for that question. It is a very appropriate question, given some of the extraordinary comments we have heard in the recent last little while about the state of the ACT economy. We have heard suggestions, even today in the course of debate on the Appropriation Bill, that there are still problems with a sluggish economy. I can understand that it is in the interests of the Opposition to bag out the economy every now and again, because by doing so they bag out the Government.

When you enter into such an exercise, you hope that there is at least a few slim pieces of evidence to rely upon. When economic growth is the highest of any State in Australia, when unemployment stands at its lowest rate in nine years, when retail sales are surging, when every other economic indicator you can think of is pointing to the ACT going ahead in leaps and bounds, it is pretty inventive to find something that is not quite pointing in the same direction, but the Opposition thought it had something of that kind when it pointed to the land market, the real estate market, in the ACT.

We heard the Opposition this morning comment, "Land sales are still not very strong, and there is a bit of sluggishness in the land market. In fact, land sales are in a slump and property values are falling". Mr Speaker, I think it is worth while knocking that one slender piece of so-called evidence for their supposition of a weak economy well and truly out from underneath them. The reality is that the opposite is the case. It may historically have been the case that there was some sluggishness in the Canberra property market - no doubt about that - but I will come to the reason for that in a moment.

Clearly, however, at the moment, that is not the case. There is great strength in the property market in the ACT. In fact, I think members may have seen an article in today's *Canberra Times* entitled "Property market on the upswing". I will read a couple of paragraphs from that article:

Canberra's real estate market is in a strong recovery mode ...

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I do not know whether Dr Goebbels wrote this article, according to the Opposition's nomenclature. He probably wrote the editorial that they are so upset about. I do not know what Dr Goebbels has been doing to upset you lot over there, but let me quote from this article. It states:

Canberra's real estate market is in a strong recovery mode with record house prices and the highest rental demand of all capital cities.

The Real Estate Institute of the ACT has seized on recent buoyant house sales and a steadily rising demand for rental properties as the most important development for Canberra's economy in a decade.

It further states:

Institute president Craig Bright said yesterday that he believed the industry was at its most buoyant since the mini-housing boom in 1988.

The surge in interest from investors was a significant indicator of a strong recovery in Canberra's economy, hit badly by job cuts across the public sector in recent years.

Canberra's rental vacancy rate stood at 1.8 per cent, compared with Sydney 2.3 per cent; Melbourne 2.2 per cent; Brisbane 4.4 per cent ...

It goes on to state:

"We are getting million dollar plus sales," he said. "It's just staggering. There is incredible depth in the market."

It also states:

Latest institute studies found Canberra's residential sales for the March quarter rose 15 per cent, housing sales by 12 per cent and flats and units by 20 per cent.

MR SPEAKER: Would you mind repeating that, Mr Humphries? I could not hear.

MR HUMPHRIES: I would be happy to, Mr Speaker. It states:

Latest institute studies found Canberra's residential sales for the March quarter rose 15 per cent, housing sales by 12 per cent and flats and units by 20 per cent.

Mr Speaker, the Government's own commercial sales have underscored that very positive trend. At the commercial land auction on 2 December last year, four out of five blocks offered for sale sold at 10 per cent above the reserve price. Total revenue was almost \$700,000. That is for residential blocks in the ACT. At the residential auction

on 26 May this year, just a couple of weeks ago, all blocks sold above reserve. That was for both residential and commercial land. Twelve residential blocks sold for \$3.1m, \$1.25m above the expected market value.

It is true that in the last few years there has been a slump in housing sales in particular in the ACT. It is worth remembering that when this Government came to office thousands upon thousands of residential blocks which had been placed on the Canberra market by the former Labor Government had not been absorbed by the retail market. There were huge asset sales by that former government to keep its budget in the black, with the result that, from memory, something like 6,000 residential blocks in the marketplace that had been sold by government to developers had not been taken up by buyers at that stage, by residential property owners.

With 6,000 blocks flooding the market, it is no wonder that the market was going to be pretty stagnant, pretty much in a slump, for some time after that. We have kept the tap turned off. The result has been that the market has absorbed many of those 6,000 blocks and we are now seeing the indicators of a strong upswing in the Canberra property market. That is a matter for which the ACT Government should be reaping some credit.

Narrabundah Long-Stay Caravan Park

MR CORBELL: My question to the Minister for Urban Services relates to the Narrabundah long-stay caravan park. Minister, recent announcements by the Government have made the residents of Uriarra Village happy. They are allowed, in the Government's own words, "to progress a rural-residential option at Uriarra". This is despite the Government's earlier concerns about possible large infrastructure costs and maintenance costs. Minister, the residents of the Narrabundah long-stay caravan park have not received the same good news. They told the Government they were willing to form a community housing group and take over the management of the park themselves. In a letter from you received by them on 29 June you carefully skirt around the issue. Instead, you say that the Government is committed to selling the park as a going concern but would welcome a tender from residents. Minister, my question is: How does the Government intend to proceed on this matter, and what requirements will be laid down?

MR SMYTH: Mr Speaker, it is the Government's intention to proceed with the sale of the long-stay caravan park at Narrabundah, and we will be putting out tender documents when appropriate.

MR CORBELL: Mr Speaker, I ask a supplementary question. The residents of the Narrabundah long-stay caravan park have also asked that the lease of the caravan park be subdivided. They are still waiting for an answer on that issue. Minister, these caravans are people's homes. These people need and deserve security of tenure. When will you provide them with an answer on this issue?

MR SMYTH: Mr Speaker, we are still looking at the leasing options. It is something that the Government has considered. I do not have an answer on that yet, but when we do we will provide that to the residents.

Research into Recreation Facilities

MR RUGENDYKE: My question is to the Chief Minister. In March I asked for details to be provided on a study being conducted by the Los Angeles firm Economic Research Associates on the feasibility of establishing a theme park in the ACT. In your reply you indicated that a representative of your department assisted in obtaining data for the research being conducted. Could you please advise the Assembly whether the report has been completed and whether your department is still assisting the consultancy firm?

MS CARNELL: Thank you very much, Mr Rugendyke. I understand that discussions with regard to that research are continuing with the company involved with the proposed theme park for Australia. These discussions will take a significant amount of time. The company believes that a very fast train would be essential for Canberra to be the site for a theme park. I think we have always made the comment that it would be impossible for just Canberra, with 300,000 people, to support a major theme park. It is based upon improved transport connections to Sydney. Of course, we do not have a final decision yet on whether the fast train will go ahead. We are certainly doing everything in our power to ensure that that is the case. That is one of the issues involved.

It will take a lot of time, a lot of assessment, to determine whether this major investment will go ahead. I suppose there are two stages. One is to convince the company that Australia is the place rather than somewhere in South-East Asia, and the other is to convince them that if they decide to come to Australia Canberra is by far the best destination. We are doing our absolute best to ensure that is the case.

MR RUGENDYKE: I ask a supplementary question. Chief Minister, could you confirm or deny whether the chain being represented is Legoland?

MS CARNELL: I can neither confirm nor deny whether it is that particular entity. I think it probably would be in the best interests of ongoing discussions for me to neither confirm nor deny that. There are confidentiality agreements involved, and I think it would be in the best interests of the ongoing discussions for my answer to stop there.

Tender for Event Management Services

MR HARGREAVES: My question is to the Minister for Urban Services, who spoke yesterday about tender T99091. Can the Minister tell the Assembly whether it is likely that that tender for the supply of event management services for New Year's Eve will be awarded? When is it likely that the contract will be awarded?

MR SMYTH: Mr Speaker, I do not have the exact details. Once the tender is closed it will be assessed as per guidelines and then awarded. It would need to be awarded fairly quickly, given the approach of the end of the year.

MR HARGREAVES: I ask a supplementary question. I was trying to get a handle on the duration we are looking at. Can the Minister confirm that the tender makes no provision for infrastructure services such as security and power supply? Can the Minister say why the centrepiece of the New Year's Eve celebrations, the waterskiing spectacular he announced last week, has already been awarded, without tender, to Jack Ellinson Water Skiing Enterprises?

MR SMYTH: Mr Speaker, there are a limited number of groups in the country that can provide that service. I will seek further advice from the department on the procedure that was taken to award that contract.

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

AUTHORITY TO BROADCAST PROCEEDINGS

MR SPEAKER: For the information of members, I present, pursuant to section 4 of the Legislative Assembly (Broadcasting of Proceedings) Act 1997, authorisations to receive sound broadcasts of Legislative Assembly and committee proceedings given to specified government offices, subject to certain conditions.

ADMINISTRATION AND PROCEDURE - STANDING COMMITTEE Report on a Protocol for Government Interaction with Assembly Committees - Government Response

MS CARNELL (Chief Minister and Treasurer) (3.00): Mr Speaker, for the information of members, I present the Government's response to the Standing Committee on Administration and Procedure's report entitled "A Protocol for Government Interaction with Assembly Committees", which was presented to the Assembly on 11 March 1999. I move:

That the Assembly takes note of the paper.

MS CARNELL: Mr Speaker, I ask for leave to have a very short statement incorporated in *Hansard*.

Leave granted.

The statement read as follows:

This Government Response relates to a referral to the Standing Committee on Administration and Procedure of a Government Protocol that outlines processes and practices for Ministers and officials to follow in their contact with Assembly Committees.

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I would like to thank the Standing Committee for its approach to the consultation on the Protocol. This is part of a constructive dialogue between the Government and the Assembly and its Committees. However, as the Standing Committee Report notes, our approaches will inevitably reflect different perspectives.

As you will see from the Government's Response, we are not able to agree on all points, although the Government has made some amendments to the Protocol, which is attached to the Government Response.

The Protocol retains the emphasis on the role of Ministers as the contact between the public service and Committees. The Standing Committee did raise some concerns with this issue, although I do not consider that the Government's position is likely to be out of step with practice in other jurisdictions.

This may be an area where we have to agree to differ, although I hope that the Speaker will maintain communication with the Government and raise concerns where there are particular problems in arranging public service appearances before Committees.

The Government also agrees that documents such as these must be updated to reflect changes to practice and procedure. As acknowledged by the Standing Committee's Report, there are current Committee inquiries, such as the inquiry into committee evidence and the inquiry into the Review of Governance, that will continue this dialogue. I look forward to responding to those Reports in due course.

Question resolved in the affirmative.

**CHIEF MINISTER'S PORTFOLIO - STANDING COMMITTEE
Report on Review of Auditor-General's Reports No. 8 and No. 9 of 1998 -
Government Responses**

MS CARNELL (Chief Minister and Treasurer) (3.01): Mr Speaker, for the information of members, I present the Government's responses to the Standing Committee for the Chief Minister's Portfolio Public Accounts Committee Report No 17, entitled "Review of Auditor-General's Report No 9, 1998 - Financial Audits with years ending 30 June 1998" and the Chief Minister's Portfolio Public Accounts Committee Report No 14, entitled "A Review of Auditor-General's Report No 8, 1998 - Territory Operating Loss and Financial Position". The reports were presented to the Assembly on 22 April and 11 March 1999 respectively. I move:

That the Assembly takes note of the papers.

I seek leave to have my tabling statement incorporated in *Hansard*.

Leave granted.

The statement read as follows:

Mr Speaker, I would like to present the Government's response to two reports presented by the Public Accounts Committee.

The first is, Report No. 14, 'Review of Auditor-General's Report No 8,1998 - Territory Operating Losses and Financial Position', the second being Report No. 17, the 'Review of Auditor-General's Report No. 9, 1998 - Financial Audits with years ending 30 June 1998'.

The Government Response to Report No. 17, pertaining to agency financial audits, addresses the two recommendations of the Committee.

I would like to assure the Assembly that this Government has made a strong commitment to ensuring that the budget and financial statements are consistent and comparable.

Mr Speaker, in response to the Committee's recommendations, it is important that a distinction be made between:

- the variations between budget forecast and actual outcome; and
- variations due to a change in accounting treatment.

The Budget process occurs a significant time before the annual financial statements are prepared. Budget forecasts are developed using a set of assumptions, based on past performance and known future transactions.

Mr Speaker, while every effort is made to present a best estimate in budget, the parameters underpinning the budget estimates may change during the year.

While such variations between budget and annual financial statements are unavoidable, the Government considers that these should be adequately explained in the financial statements.

On occasions, accounting methodology will change, refine or be clarified during the intervening period, and further information or advice about accounting treatment will evolve.

Mr Speaker, generally each variation is specific to an agency, and addressed on a specific basis. However, the Government has a range of general measures in place which cover all agencies. These include:

- the ongoing process through monthly reporting which monitors actual performance against budget estimates;

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- the bi-annual update and amendment to the Accounting Policy Manual. This is done in full consultation with the Auditor-General; and
- agencies are also encouraged to consult with the Auditor-General on any significant accounting issues prior to budget and the preparation of financial statements to avoid possible inconsistencies.

Mr Speaker, I would like to comment on one of the observations in the Committee's report in relation to Bruce Stadium. In its report the Committee observed that Bruce Stadium redevelopment is the subject of a separate audit, and indicates that in due course will examine and report to Assembly on the audit.

Mr Speaker, I must point out that the Bruce financing transaction has already been audited by the Auditor-General. The financial statements for 1997-98 for Chief Minister's Department disclosed the loan transaction.

On page 200, Volume 2, it states and I quote:

"a loan amounting to \$9,714,700 was raised from the Commonwealth Bank of Australia by Bruce Property Trust on the 30th of June 1998 ... pending formation of the Trust, interim funding via the CFU Whole of Government account was used until the external financing structure was put in place."

Mr Speaker, in the Report No. 9, the Auditor-General concluded that the responsible agency had managed both its departmental and territorial operations "to its budget".

Mr Speaker, the Committee has now examined that Report and again it has not come out with any recommendation.

Mr Speaker, I might also add that the financial statements were also examined by the Estimates Committee in October 1998. This issue was neither discussed nor reported on by that Committee.

Mr Speaker, the Auditor-General's Report No.8 on the Territory operating losses has proven the government's dedication to the continuous improvement of the ACT's financial position, which continues to be presented by way of the Consolidated Financial Statements each month and year ended 30 June providing an excellent reporting mechanism.

Indeed, the Auditor-General states in this report that *'The preparation and presentation to the Legislative Assembly of Consolidated Financial Statements for the Territory...is an excellent initiative*

which should enable more informed decision making on financial strategies and public resource allocation as well as enhancing accountability.'

The report shows that we have been successful in halving the operating loss from \$344m in 1995-96 to \$170m in 1997-98 and continue to improve our result as shown in the 1999-2000 budget papers where we are forecasting to achieve an operating surplus by 2000-01. The Auditor-General notes that *'when assessed over a sequence of years the operating result is an important indicator of the financial sustainability of the government's strategies and policies'*.

In the face of significant cuts in funding from the Commonwealth we have kept borrowings to a minimal level and maintained the ACT's AAA credit rating.

Mr Speaker, the Government Response to Report No. 14 addresses three issues raised by the Standing Committee:

- The first being, our treatment of depreciation under accrual accounting:

Our treatment of depreciation conforms with the relevant Australian Accounting Standards. The cost of maintaining or replacing the community's assets has been taken into account and it is very important not to underestimate or ignore this cost. The ACT's financial statements would be subject to audit qualification if depreciation principles were not properly applied.

- The second issue raised by the committee is a question as to whether accrual accounting precepts, which are appropriate to the private sector in terms of taxation and retained profits are relevant to the activities of government:

The payment of taxation, or its equivalent, by our government's agencies is part of the disclosure of the full cost of their activities. Competition policy also requires that competition between private and public sectors be conducted on a level playing field.

The third issue is the statement by the committee that alternatives to Asset Sales were not given:

I would like to draw the committee's attention to the fact that the government's alternatives to Asset Sales are included in the Auditor-General's report in the appendix on page 53 which were:

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injections to the superannuation provision account to offset our employee entitlement liability;

legislative reforms that require prudent management of the assets and liabilities and achievement of operating surpluses;

contestability and contracting out in order to improve service delivery and more efficiently managed costs;

comparative pricing;

reconsideration of the level and mix of services; and

increased productivity through continuous improvement in work practices.

I would also like to take this opportunity to highlight some issues raised in the Auditor-General's Report No. 8.

It is stated on p22 of the report that *'The significance to the ACT Community of the existence of the large losses is that the losses will eventually have to be met from future Territory revenues and these revenues must be supplied by the taxpayers in the community. Alternatively the Territory will have to significantly reduce services, and/or sell some of the taxpayer's significant public assets. Also almost certainly the capital works program will have to be cut.'*

The Auditor-General, in his report, placed emphasis on asset sales, in particular the sale of ACTEW, an option not accepted by the Assembly in its vote on 2 February.

Mr Speaker, we must efficiently utilise our resources including our public assets. The Auditor-General notes on page 44 of his report that ACTEW, one of our most significant assets *'in its current form will not grow in value, and in fact its value is most likely to fall significantly'*. We have put up a number of options to reduce the operating loss and addressing the unfunded superannuation liability, but every time we provide suggestions those opposite merely criticise and do not support new ideas and strategies.

Even the Auditor-General states on p8 of his report that the reduction of an operating loss *'will not be effectively implemented unless a cooperative and constructive approach is taken by all Members of a fully informed Legislative Assembly'*.

We have. Mr Speaker in the 1999-2000 budget, achieved a remarkable result. We have set a budget strategy that will result in the elimination of the ACT's operating loss within two years. But we can not stop there, we must achieve a sustainable operating position. We need to be able to fund liabilities, such as superannuation, maintain

our capital works program and eliminate debt. To do this we need to continue to focus on the cost of service delivery and revenue opportunities, and we will.

Mr Speaker, I commend the two reports to the Assembly, each providing the Government Response to the Standing Committee.

Question resolved in the affirmative.

PAPER

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer): Mr Speaker, I present, for the information of members, guidelines dated 15 April 1999 prepared in accordance with the Classification (Publications Film and Computer Games) Act 1995 of the Commonwealth relating to printed matter classification guidelines (amendment No. 1), guidelines for the classification of films and videotapes (amendment No. 2) and guidelines for the classification of computer games (amendment No. 1).

LEAVE OF ABSENCE TO MEMBERS

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (3.02): Mr Speaker, I move:

That leave of absence from 3 July to 24 August 1999 inclusive be given to all members.

I note, Mr Speaker, that you will be overseas from 15 July to 14 August, during which time I assume that the Deputy Speaker will act in your stead.

MR SPEAKER: That is correct.

Question resolved in the affirmative.

URBAN SERVICES - STANDING COMMITTEE Report on Existing Petrol Sites Policy - Government Response

MR SMYTH (Minister for Urban Services) (3.03): Mr Speaker, for the information of members, I present the Government's response to the Standing Committee on Urban Services Report No. 17, entitled "Existing Petrol Sites Policy", which was presented to the Assembly on 18 February 1999. I move:

That the Assembly takes note of the paper.

I ask for leave to have my presentation speech incorporated in *Hansard*.

Leave granted.

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The speech read as follows:

Mr Speaker

Members will recall that on 2 September 1998, the Assembly resolved to refer the existing petrol sites policy and draft contaminated sites legislation to the Urban Services Committee. The Committee subsequently tabled its report on the service station policy on 18 February 1999.

The Government welcomes the Urban Services Committee Report and fully supports the general intent of the Report, which seeks to clarify a number of aspects of the service station policy and the draft contaminated sites legislation.

The detail of the Government's response to the Committee's Report is set out in the formal response I am tabling today. However, I should just take a few moments to summarise the key elements of that response:

With the introduction of the Environment Protection Act and the Environment Protection (Amendment) Bill 1999 dealing with contaminated sites the ACT will have comprehensive environmental legislation which deals with all aspects of contaminated land including service station sites.

The Environment Protection (Amendment) Bill 1999 introduces a regulatory framework for the management of contaminated sites which includes adopting relevant national guidelines, the "polluter pays" principle and a scheme for the independent audit of contaminated sites.

The Government's policy on service station sites has been effective in encouraging these sites to continue operation as an ongoing concern for the benefit of the community, including facilitating entry of independent fuel retailers to promote competition in the ACT.

Overall, I believe that, in light of this Report and the Government's response, the ACT community can feel confident that all issues associated with service station sites are managed through an open process, to the benefit of the community in accordance with the highest standards of best practice.

Question resolved in the affirmative.

CHIEF MINISTER'S PORTFOLIO - STANDING COMMITTEE
Report on Review of Auditor-General's Report No. 5 of 1998 - Government
Response

MR SMYTH (Minister for Urban Services) (3.04): Mr Speaker, for the information of members, I present the Government's response to the Standing Committee for the Chief Minister's Portfolio Report No. 15, entitled "Review of the Auditor-General's Report No. 5, 1998 - Management of Housing Assistance", which was presented to the Assembly on 11 March 1999. I move:

That the Assembly takes note of the paper.

Mr Speaker, I seek leave to have my presentation speech incorporated in *Hansard*.

Leave granted.

The speech read as follows:

I welcome the opportunity to respond to the Standing Committee's *Review of the Auditor-General's Report No. 5 on Management of Housing Assistance*, which was tabled on 11 March 1999.

The ACT Auditor General's Report No 5 of 1998 on Management of Housing Assistance was tabled in the Assembly on 27 October 1998. In providing detailed input to the Standing Committee's review of the Auditor-General's report the Government stressed the substantial reforms it had already introduced and the comprehensive review processes under way to ensure that housing assistance is not only provided efficiently and effectively, but also equitably.

The Committee acknowledged that many of the issues raised by the Auditor-General in his report had already been addressed by the Government or were already under review. However, the Committee's recommendations (in paragraph 5.1) sought information on the outcomes of the review processes that were in place into various aspects of housing assistance.

The Government response that I have tabled today outlines the measures that have been introduced in the 1999-2000 Budget to reform housing assistance in the ACT. These primarily relate to the reform of tenure, eligibility, allocation and pricing and include:

- Simplification of eligibility arrangements for public housing so that an applicant who receives a pension or allowance of at least \$1 from Centrelink or Veterans' Affairs (other than the minimum rate of Family Allowance) will be eligible to seek public housing;
- introduction of new pricing arrangements in which all residents of public housing will contribute towards the rent of the property they occupy at the same general rate of 25% of income;

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- the implementation of new tenure arrangements from 1 July 1999 so that all new public housing tenants will be offered leases that will be reviewed every three to five years. This will ensure better targeting and matching of tenants needs with available housing stock. It should be noted that special safeguards have been set in place, for example to protect the interests of people with disabilities; and

improvements to the applicant management system, including clearer guidelines for the handling of priority access to public housing.

Consistent with the Auditor-General's finding that the rental bond loan scheme was neither effective or efficient the Government has decided that the scheme be terminated at the end of this financial year.

Reviews into the Applicants Services Centre and tenant appeal mechanisms will be completed by 31 December 1999. I will provide the Assembly with the outcomes of the reviews following their completion. I am sure that the Assembly will agree that the range of measures that have been introduced are comprehensive and largely address the matters raised in the Auditor-General's recent report.

Question resolved in the affirmative.

URBAN SERVICES - STANDING COMMITTEE
Report on Canberra Nature Park - Final Draft Management Plan –
Government Response

MR SMYTH (Minister for Urban Services) (3.05): Mr Speaker, for the information of members, I present the Government's response to the Standing Committee on Urban Services Report No. 7, entitled "Management Plan for Canberra Nature Park", which was presented to the Assembly on 22 September 1998. I also present "Horse Riding in Canberra Nature Park - Management Principles and Policies", dated April 1999, and a report to Environment ACT entitled "Horse Riding in Canberra Nature Park" prepared by Jill Landsberg. I move:

That the Assembly takes note of the papers.

Mr Speaker, in July last year the Standing Committee on Urban Services considered the final draft management plan for Canberra Nature Park. In September the committee issued report No. 7, which contained some 20 recommendations. The Government deferred consideration of the response until early 1999, in light of recommendation 3 of the standing committee's report that independent advice be obtained to review the impacts of horse riding in conservation areas. We did this because several other recommendations depended upon recommendation 3. It seemed most appropriate to do it in that manner.

Dr Jill Landsberg from the CSIRO Division of Wildlife and Ecology was commissioned to prepare the report which was completed on 19 March 1999. The report concludes that no simple answer can be given as to whether horses should be permitted in reserve areas and that each reserve had to be assessed individually according to the criteria recommended in the Landsberg report. Mr Speaker, the Government accepts the recommendations of the Landsberg report, and I can advise the Assembly that the assessment methodology contained in the report can be used to assess the areas of a Canberra Nature Park where horse riding historically has been undertaken. The result of this assessment has been incorporated into the management plan for the Canberra Nature Park.

The Government is able to agree with or note the remaining recommendations, except for recommendation 15, which concerns the separation of the position of the conservator from that of the executive director of Environment ACT. On this matter the Government has decided to retain the current conservator arrangements. However, I do note that there is a private members Bill on this subject and that the issue will be further debated in the context of the Bill.

Mr Speaker, the Government notes recommendations 17 and 18 dealing with whether the provision on public land of means of access, signage and related matters can constitute an outdoor recreation activity and with the power of any agency to undertake work in designated areas. The Government considers that these recommendations are adequately covered in the management plan or by the provisions contained in the Territory Plan.

The Government has given careful consideration to the committee's recommendations, and I am now able to table an improved final management plan for the Canberra Nature Park. I would thank the committee for their work on that. I also table for the information of members the Landsberg report, the full title of which is "Horse Riding in Canberra Nature Park" and an Environment ACT policy document entitled "Horse Riding in the Canberra Nature Park - Management Principles and Policies" that reflects the criteria set out in the Landsberg report.

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

DISABILITY SERVICES - STRATEGIC PLAN Paper

MR MOORE (Minister for Health and Community Care) (3.08): Mr Speaker, for the information of members I present the strategic plan for disability services in the ACT and I move:

That the Assembly takes note of the paper.

Mr Speaker, I seek leave to have the presentation speech incorporated in *Hansard*.

Leave granted.

The speech read as follows:

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I am very pleased to table today the ACT *Department of Health and Community Care Strategic Plan for Disability Services 1999*.

We in the ACT are members of a diverse community. People with disabilities are represented in each age group, ethnic background, interest group, geographic region, occupation, and practically every other 'group' within our community.

People with disabilities play the roles of parent, son or daughter, employer, employee, volunteer, community leader, teacher, friend ... in fact, the same variety of roles as all other citizens.

It would therefore be a mistake, and an affront, to define people primarily by their disability. The very term 'people with disabilities' was chosen by the people themselves to clearly state that they are people first and foremost, and that the 'disability' is only one characteristic of the whole person.

All people are interdependent, requiring the support and assistance of others in their day to day lives. People with disabilities may have specific needs for support and assistance to enable them to carry out their daily activities and to participate in community life.

Governments have a responsibility to promote equality of opportunity for people with disabilities. This responsibility is partly addressed through funding specific disability support services. It can also be addressed through working in partnership with the rest of the community to ensure that people with disabilities have effective access to the services, venues and facilities which are available to other citizens.

The *Strategic Plan for Disability Services* contains strategies both for service provision and for community development through partnerships within and between government and non-government agencies, people with disabilities and families, friends and carers of people with disabilities

The Department of Health and Community Care purchases a range of services which assist people with disabilities in their daily lives. The *Strategic Plan* sets out ways to ensure that these services promote the best possible outcomes for people with disabilities. Strategies focus on achieving outcomes through both quality and efficiency in service provision.

It is acknowledged that there is significant unmet need for services for people with disabilities. Despite considerable increases in funding by the ACT Government, including an extra \$1 m for disability services and \$1 m for Home and Community Care services in the 1999 budget, this remains a key issue. The *Strategic Plan for Disability Services*

endeavours to respond to this issue through strategies aimed at increasing available resources, using resources efficiently and creatively, and promoting access by people with disabilities to mainstream services wherever this fits their best interest.

Where there is unmet need it is easy to allocate all resources, including new resources, to fill urgent gaps in service and to react to crises.

If this is allowed to happen we will not have resources available to increase the availability of services such as early intervention, skills development and community access programs. These services are crucial because they enable people with disabilities to optimise their independence and inclusion and to reduce their longer term dependence on families and services. The establishment or expansion of these types of service will therefore be a central focus in allocation of all new disability funding.

At the same time, the *Strategic Plan* acknowledges the importance of responding to people in urgent need of support. The development of improved information, assessment and service allocation mechanisms will assist in ensuring that services are allocated according to priority of need.

Other key strategies in the *Plan* relate to consultative mechanisms, consumer empowerment, improving the information base for disability service planning, improved coordination within the disability service system and the development of options and models for disability service provision.

It is critical that the detailed planning and implementation of the *Strategic Plan for Disability Services* is carried out in close consultation with those who it directly affects. People with disabilities, their families, friends and carers, service providers, peak bodies and other interested people will play an integral role in the next steps of this *Strategic Plan*.

The *Strategic Plan* sets out a shared objective, goals and strategies. There is immense energy and commitment among the various stakeholders. I am confident that by joining forces we will see continuing progress in the development of an ACT community which includes people with disabilities as contributing citizens in a healthy society.

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

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**PATIENT ACTIVITY DATA
Papers**

MR MOORE (Minister for Health and Community Care) (3.09): Mr Speaker, for the information of members, I present the information bulletins relating to patient activity data for the Calvary Public Hospital and the Canberra Hospital for April and May 1999 and the Department of Health and Community Care activity report for September, December and March quarters 1998-99.

QUESTIONS WITHOUT NOTICE

MS CARNELL (Chief Minister and Treasurer): Mr Speaker, I took some questions on notice during question times in the April and May 1999 sittings of the Assembly. I took a number of questions by Mr Kaine on notice - one on 20 April relating to the cost of an overseas fact-finding trip taken by the Under Treasurer in November regarding water franchising; one on 21 April regarding money paid to Nationwide Venue Management; one on 22 April regarding payments made to the contractor working for the Bruce Stadium project; and one on 4 May relating to operations of Fujitsu in the Territory and assistance provided by the ACT Government.

I also took on notice two questions without notice from Mr Stanhope. On 4 May Mr Stanhope asked a question relating to CRI Ltd and Bruce Stadium, while on 6 May he asked a question relating to payments made to subcontractors working on the Bruce Stadium project.

I took also a question on notice from Mr Rugendyke on 5 May relating to a reply from the Minister for the Olympic Games and other related issues.

Mr Speaker, I have already advised members of these answers and have distributed them, but I table them and ask for leave to incorporate them in *Hansard*.

Leave granted.

The documents read as follows:

Water Franchise – Report on Overseas Study Trip

Mr Kaine asked the Chief Minister, upon notice, on 20 April 1999:

In relation to the overseas trip which the Under Treasurer undertook in November, what was the cost of the visit?

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

The cost of the trip was a total of \$9.497.

Bruce Stadium

Mr Kaine asked the Chief Minister, on 21 April 1999:

In relation to the \$774,000 paid to Nationwide Venue Management for the marketing of Bruce Stadium:

1. from which bank account are payments being made; and
2. what proportion of the \$774,000 represents payments for professional services for which half a million dollars has been budgeted?

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

1. The payments are made from the Bruce Operations Pty Ltd bank account.
2. The total fee for the Nationwide Venue Management (NVM) contract is paid in equal monthly instalments. The budget breakdown was indicative at the time of tender of the likely application of monies across the various areas of activity. NVM has been asked what proportion of the payments made relates to professional services but has declined to provide the information in response to the Member's question. The company has indicated, however, that it will provide more detailed information if required by the Auditor-General as part of his performance audit.

Bruce Stadium

Mr Kaine asked the Chief Minister, on 22 April 1999:

In relation to payments to contractors working on the Bruce Stadium project:

1. Can the Chief Minister tell us at this stage how much has actually been paid to the contractor?
2. Has the final contract been adjusted to put the contract price at \$32m or whatever the blow-out figure is as opposed to the originally contracted figure of \$27m?
3. Will the Chief Minister also find out where the additional money has come from, from whom it has been borrowed, by whom it has been borrowed and what are the terms and conditions of that loan?

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

1. The Stadium redevelopment has been completed in stages. Each stage has been undertaken through a separate contract. Amounts paid to date are as follows:

Stage 1 lowering and re-establishment of playing surface	2,682,490
Stage 2 installation of the new inner bowl seating construction of change room facilities	6,060,000
Stage 3 redevelopment of the Eastern Grandstand	11,982,563
Stage 4 redevelopment of Western Grandstand East Stand roof	7,365,547
Total	28,090,600

2. The current project control limit of \$32.6m includes all contracts.

3. As the Member is aware, the redevelopment is currently being 'project financed' through the Central Financing Unit prior to the finalisation of the private sector financing package. The external financing of the project will ensure a Government contribution of \$12.3m when the project is completed with all other costs covered by the financing package.

Fujitsu – Business Deal

Mr Kaine asked the Chief Minister, on 4 May 1999:

In relation to the operations of Fujitsu in the Territory and the assistance provided to them by the ACT Government:

1. Can the Chief Minister tell the Assembly what was the total value of the tax payer funded incentives that went to Fujitsu including both cash contributions and foregone revenue to the Territory?

2. Can the Chief Minister, tell the Assembly how many of those 900 jobs have in fact materialised? It is now a year and a half later. There must be a significant number of them in place presumably?

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

1 . As stated previously the majority of the assistance provided to Fujitsu has been by way of accommodation and payroll tax relief.

Incentives provided to Fujitsu in relation to accommodation are associated with discounted rental of the refurbished level 4 of the Moore Street Building and the Callam Offices where Fujitsu are now operating the Help Desk and Call Centre Operation, referred to as the Enterprise Management Centre (EMC). The Moore Street site is being used as a backup site.

Fujitsu receive rental assistance on Moore Street and Callam which sees the rental going from rent free to converging on or above market terms by December 2001. It is estimated that the rent free period to date has provided assistance to the value of \$0.761m. However, strong commercial returns for the Territory over the remaining seven years of the lease will be achieved.

Based on the current level of employment achieved by Fujitsu as detailed below the amount of revenue foregone is estimated to be \$0.428m.

2. As at today Fujitsu has 140 staff, 80 of which are permanent employees. The Enterprise Management Centre currently services 21 customers ranging from call management through to high level technical support and resolution. Fujitsu's clients include government departments, private enterprise and educational institutions throughout Australia and the Asia Pacific region with skill sets in Chinese, Korean, Japanese and Mandarin speaking clients.

The 900 jobs that people refer to is to be achieved over the better part of five years with exponential growth forecast in the last two years.

Bruce Stadium

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?

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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.

Bruce Stadium

Mr Stanhope asked the Chief Minister, on 6 May 1999:

In relation to payments to sub-contractors working on the Bruce Stadium project:

- 1 . Has the Chief Minister received any advice that sub-contractors working on the Bruce Stadium redevelopment have been told by the lead contractors they cannot be paid because the Government has not met payments in the past month?
2. Can the Chief Minister confirm that the contractors in the Bruce project have not been paid by the Government?

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

- 1 . No. Haskins Contractors Pty Ltd, the Construction Manager for the final stage, has been paid what it is owed to date. The 'construction management' method was used to deliver the final stage. This means that the companies delivering the various trade packages have contracts directly with the Stadium. Every contractor who has submitted a progress claim which, in accordance with normal practice, has been certified by the construction manager, the project

manager and the cost controller has been paid. If sub-contractors engaged by the trade contractors have not been paid, that is a matter for them to take up with the relevant head contractor.

2. No.

Olympic Games – Travel Proposal

Ms Carnell: On 5 May, **Mr Rugendyke** asked me a question about free public transport to the Olympic Games. In my answer I referred to a letter to me from the Minister for the Olympics, Michael Knight. That letter reads:

The Hon Kate Carnell MLA
Chief Minister
Treasurer
Level 2
ACT Legislative Assembly Building
London Circuit
Canberra ACT 2601

Dear Chief Minister,

I apologise for the delay in responding to the letter from the Australian Capital Region Leaders Forum. concerning the free travel associated with tickets for the Sydney 2000 Olympic and Paralympic Games and seeking an extension of the scheme to include Queanbeyan/Canberra and Yass.

The free travel scheme has been designed to enable Olympic spectators to travel to and from their chosen events without any additional charge to the ticket price and without the need for a separate ticket. The scheme entitles ticket holders to travel free for the entire day of their event and until 4 a.m. the following day.

It is important to note that the free travel entitlement applies only to the designated Olympic transport system. In designing the Olympic transport system, the Olympic Roads and Transport Authority (ORTA) was determined to ensure it covered metropolitan Sydney and also extended into regional areas,

For this reason, the rail component of the system is not limited to the CityRail Sydney Suburban network, but extends to the outermost stations on the Greater CityRail network; Dungog, Scone, Nowra, Goulburn and Lithgow. Because of the comparatively short distance of CityRail services to the west, buses will extend the Olympic transport system from Lithgow to Bathurst.

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It is not feasible to operate an Olympic transport system beyond these boundaries or to extend free travel to services not included in the Olympic transport system.

Rail services beyond the CityRail network are CountryLink services. These services have a different fare structure and require seats to be booked, factors which are not compatible with the operation of the Olympic transport system or free Olympic travel.

People travelling from beyond the free Olympic Transport boundaries are unlikely to travel to Sydney to watch an Olympic event and return on the same day. Country people are likely to stay in Sydney for a few days and will get all the benefits of the Olympic transport system.

A copy of my Media Release of 24 August 1998 concerning these arrangements is attached for the Forum's information

It would be appreciated if you could convey my response to those members of the Forum who were signatories to the letter.

Yours sincerely

MICHAEL KNIGHT
Minister for the Olympics
President of SOCOG

MEDIA RELEASE

Monday 24 August 1998

OLYMPIC TRANSPORT UNTIL 4 A.M.

Olympic spectators will have free travel on the Olympic transport system for the entire day of their Olympic event and until 4 am. the following day.

The Minister for the Olympics and President of the Sydney Organising Committee, Michael Knight, made the announcement today while outlining the free travel entitlement included in every Olympic ticket.

Confirming that information on Olympic ticket prices will be unveiled by SOCOG on Wednesday, Mr Knight said the State Government had formulated a transport scheme which would maximise the Sydney Olympic experience for ticket holders.

The 4 a.m. entitlement follows the announcement last month that transport will operate 24 hours a day for the general public during the 16 days of the Olympic Games.

“The travel for holders of Olympic tickets will be Australia's biggest ever free transport operation and will underpin the public transport strategy for the Games,” Mr Knight said.

“The free travel will be available on the CityRail network and the special Olympic bus routes to be established by The Olympic Roads and Transport Authority (ORTA).

“Olympic spectators will have free transport not only to and from their events, but also unlimited travel on the Olympic transport system for other purposes over the relevant period.

“The decision to extend the entitlement until 4 a.m. will allow ticket holders to combine their attendance at Olympic events with late night sightseeing and entertainment in the city and other areas.

“People living or staying in outer suburban and regional areas will be able to attend Olympic events, then travel free to places like The Rocks to join late night festivities and still travel home for free.”

The cost of the transport services for spectators will be met from a lump sum received by ORTA from gross ticket revenues.

This lump sum has been factored into ticket prices by SOCOG, and includes the most expensive tickets - even those tickets of patrons who choose not to use the transport system.

Mr Knight said that to aid an easy flow of Olympic transport, spectators would not need to show anything other than an appropriately dated event ticket to travel.

“Queuing and crowding at railway stations will be minimised because spectators will not be required to use barriers operated by magnetic stripe tickets,” Mr Knight said.

The free travel will cover more than 300 stations forming the CityRail Suburban and InnerCity Network - extending to Newcastle, Dungog and Scone in the Hunter Valley; Port Kembla and Bomaderry (Nowra) to the south; Goulburn to the south west; and through the Blue Mountains to Lithgow.

Buses covered by the scheme will fall into three main categories:

- Sydney Olympic Park regional bus routes: buses to Sydney Olympic Park at Homebush Bay on routes designed to complement the rail system;

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- Park and ride bus routes: buses operating shuttle services between park and ride car parks and Olympic competition venues., and
- Rail shuttle bus routes: buses operating between selected CityRail stations and competition venues.

A free bus will also operate from Bathurst to Lithgow to increase access to the western boundary of the free rail travel.

The travel entitlement will apply to all tickets for all competition events in Sydney, as well as tickets for the Opening and Closing Ceremonies.

APPROPRIATION BILL 1999-2000

[COGNATE PAPERS:

ESTIMATES 1999-2000 - SELECT COMMITTEE - REPORT ON THE
APPROPRIATION BILL 1999-2000 AND -GOVERNMENT RESPONSE]

Detail Stage

Schedule 1 - Appropriations

Part 3 - Chief Minister's Department

Proposed expenditure - Chief Minister's, \$93,847,000 (comprising net costs of outputs, \$67,077,000; capital injection, \$8,348,000; and payments on behalf of the Territory, \$18,422,000)

Debate resumed.

MS TUCKER (3.11): I will make a few general comments in this area that I think are very important. Because this is a cognate debate covering the Estimates Committee report as well, I want to thank my colleagues on the committee, who worked cooperatively to get consensus on the recommendations. I was not happy with some of the recommendations and would have liked them to be stronger. I will talk to those as we go through the sections.

I want to comment on the response from government to the Estimates Committee recommendations related to the Chief Minister's Department, particularly the recommendation asking that we have some sort of social plan or a cohesive approach to social policy issues. We made the statement in the committee that the Territory was facing a growing social deficit. This statement has been rejected by the Chief Minister and her Government, who say they have a proven record in addressing social issues in a positive manner. We are told to look at the key result areas and measures of success.

Of course, we have already had this discussion to a degree in the Estimates Committee, but I want to get it on the record that when you look at the key result areas, where we have been told to look to see how the Government has proved its performance in social matters, there is nothing there particularly referring to the issue of social equity and ensuring that our society is a place where people can have a reasonable quality of life, regardless of whether they are particularly rich or poor, a place where all have access to what are regarded as the necessities of life. A distinction always has to be made between relative poverty and absolute poverty. When you look at the reports that have been produced on this subject around Australia, you see that distinction made.

Both relative poverty and absolute poverty are important. We are seeing an increase in people experiencing absolute poverty. That is measured in homelessness and the number of people who are being fed by charities in Canberra. Relative poverty is also important. Relative poverty is defined as whether or not you have the same ability as other people in society to access the opportunities that are regarded as necessary for a reasonable standard of living.

I refer the Government to the Western Australian report on poverty. I think it would be useful for them to look at that. It was produced in response to the United Nations International Year for the Eradication of Poverty, which was 1996. This report came out in 1998. If government read that and took notice of it, they might respond in a more positive way to the sorts of concerns that were raised in the Estimates Committee. It really is not just about people making a fuss for the sake of it without any supporting evidence, which is the impression that is given from the Government's response. They write off those comments, as if they are not proven. In fact, the truth is quite different. I will get on to more evidence to support that in a minute.

We were told to look at the key result areas. They are a strange mixture. They do not give a sense of balance at all, in my view, despite the claim made by government. There are three financial key measures relating to information technology. There is one related to health, which is basically IT as well. That is about a customer identifier. Another one is about police and safety. Redeveloping the city, a sort of capital works thing, is another. What about competition policy and what about greenhouse? And, as I said, there is nothing about social equity.

I will comment at this point on the one related to the environment. Reducing greenhouse emission levels is an environmental imperative, and everyone has recognised that. But it is concerning to see that that is the only key result area that the Government has focused on in terms of the environment. We would like to have seen a recognition of the broader environmental concerns. The value that the community has put on the environment that we have enjoyed in Canberra to this point is reasonable compared to many other cities. It is not just about greenhouse gases. There are a lot of other issues of concern.

The Chief Minister also referred us to the measures of success. If you look at the measures of success, you will see that there is inconsistency in them. Population growth is the first one. Then we have interstate migration, unemployment rate, and education levels and participation rates. Implied in those measures is an object. Education levels and participation rates are a measure of how many people in our community are educated and how many people participate in education. That is

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a reasonable measure. When you get to the environment, you have achievement of greenhouse gas targets as a measure. That is fine. But under that you have state of environment indicators. That is quite odd. What is the objective in state of environment indicators? They do not sit with the others at all. They are something that the Commissioner for the Environment is developing. What is the objective?

Then - and this is what was also pointed out in debate when I raised the issues of equity - we have opportunity and fairness as a measure. That is fine. But the really critical question that has to be asked here is: How are these measures applied? We have heard the Chief Minister say that they have done work on this with ACTCOSS, who was obviously a significant witness at the Estimates Committee. One can only infer from the Government's response to the Estimates Committee report, particularly the statements on equity, that they are finding fault with ACTCOSS's evidence. That is pretty concerning, because the Government has worked with ACTCOSS a lot and relied on their not inconsiderable expertise.

ACTCOSS have always produced very well thought out and researched documents. I imagine that is why the Government has worked so often with them and produced good documents - the service purchasing document and, more lately, the *More Than the Sum of Its Parts* document, which was about planning for and assessing quality in ACT government services. What came out of that report clearly was the need for the very broad statements that government has produced as outcome statements, which are really little less than rhetoric, to be linked with a process of measurement which you can understand and see and which is transparent.

The statements from the Government about equity and how they have proven progress are not supported in any way by anything that we can read in any document. When I asked for something in writing, particularly in estimates, about how they assessed their revenue measures in this budget for impact on disadvantaged people, I was told that there was a process, but it was obviously not one that they could table. It was done by the bureaucrats and there was no consultation with the community when it was done. That is not satisfactory if the rhetoric that is being produced by government is to be believed. Those outcomes, broad as they are and supportable as they are, have to be supported by actual methods and links to how they are measured and how they describe quality. That is exactly what *More Than the Sum of Its Parts* is about and what it recommended that government should do. The work just has not been done, and the statement that it has cannot be substantiated.

There was also the comment: "Where is the evidence that there is a social deficit?". These indicators that government has produced do not show us that it does not exist. However, we do have other more recent evidence to show that it does exist. Today or yesterday ACOSS produced a report called *Australians Living on the Edge No. 2*. The key findings show clearly that there are real concerns in the welfare community about what is happening to people in Australia who are disadvantaged and on low income. The issues are broad. The issues are very much related to what is happening, for example, with work. We hear this Chief Minister talk about jobs, but we do not hear how many of those jobs are casual. We do not hear what the real impact of the changes in the working conditions of Australians means for them. When we look at reports such as *Australians Living on the Edge*, we see real consequences being experienced on a daily basis by agencies supporting disadvantaged people.

I will read out some of the key findings. Seventy-seven per cent of agencies reported an increase in demand for their services. The main reason for the increase in demand for services included an increase in the number of people in need, 25 per cent; an increase in the complexity of client needs, 21 per cent; an increase in referrals of clients from other agencies, 24 per cent; and changes in government policy, 10 per cent, with many agencies citing changes to social security rules and entitlement from Centrelink administration as critical factors. Seventy-seven per cent of agencies reported they were acting at maximum capacity at the time of the survey. Also, 73 per cent of agencies reported that they were operating in a maximum capacity six months prior to the survey.

MR SPEAKER: You are on your last 10 minutes, Ms Tucker.

MS TUCKER: Thank you. This suggests that agencies were operating at maximum capacity over a sustained period of time. The increase in demand for community services appeared to be a sustained trend. The first Australians living on the edge survey, conducted in November 1998, found that 65 per cent of agencies had experienced an increase in demand for their services and that 73 per cent expected further increases. The expectation of further increases in demand at the time of the first survey seems to have been well founded. The community welfare sector is operating under enormous pressure. Of the agencies experiencing an increase in demand for their services, 58 per cent are stretched and 25 per cent report not being able to cope with the increased demand.

This is an Australian survey the ACT participated in, but I do not have to refer to that. If you want to know whether or not there is a growing social deficit, you just have to look at the reports that have come out of this Assembly, particularly in the last Assembly but this Assembly also, on social issues. Whenever we have done an inquiry into issues relating to services, there has been a clear picture of unmet need. We hear it recognised by the Government. We hear Mr Moore say, "I am sorry we can only give \$1m to disability". It is acknowledged. How can we have a statement which says there is not a growing social deficit?

The unmet need in these areas is absolutely well known and is recognised by government. That is why there is such a strong voice from the community and from people interested in social equity for governments to look at where this is heading, how we can measure it and what we can do as a society together to address these needs. I think it is perfectly legitimate that the community did make those statements, and they are supported by evidence.

I move on to another topic, Totalcare. While I supported the recommendation that the Estimates Committee made, I would have liked it to have been stronger. I supported it so we would have an agreed report. I am very concerned about the delay in action by Totalcare in installing pollution control equipment to reduce dioxin emissions from its incinerator. Totalcare has always known that there would be some dioxin emissions from the plant and that testing as early as October 1997 had shown that the dioxin emissions exceeded both European and US standards.

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There is also the problem of how the toxic solid waste collected from the proposed new pollution control equipment will be disposed of. The recommendation in the committee's report was welcomed, but it did not address the full extent of the issue. While in future the dioxin emissions will be reduced with the new pollution control equipment, we have no idea what health impacts there have been on ACT residents from the dioxin emissions that have occurred up to now. I foreshadow that I will be moving a motion about the incinerator in the next sitting period. I will be asking the Government to immediately include the European standard and I will be raising a number of other issues.

On EPIC, I am disappointed that the Government is not taking seriously enough the concerns of Watson residents who are subject to regular bouts of excessive noise from events at EPIC. I do not think it is good enough just to say the environmental authorisation for EPIC deals with noise. I would like the Government to be actively seeking to reduce noise levels from events at EPIC through limiting the number of noisy events there in the future and by cracking down on excessive noise at existing events.

On CTEC, I have to give my interpretation of the committee's recommendation regarding the promotion by CTEC of ecologically sustainable development within the tourism industry. As the person who put up the amendment to include this requirement in CTEC's statutory functions when the legislation for CTEC was debated in this Assembly, I obviously would not support any deletion of this function from the legislation. The wording of the recommendation suggests that the Government has a choice of either keeping or deleting this requirement. I think this was meant to be more a rhetorical expression than a direction to government. I want to make it clear on the record that that was the intention. I am glad that the Government accepts that the promotion of ESD in ACT tourism is important, but I still believe that CTEC needs to do more to fulfil its statutory function in this area and I will be expecting improvements from them over the next year. Thank you.

MR STANHOPE (Leader of the Opposition) (3.28): Mr Speaker, I would like to take the opportunity to make some broad comments on aspects of the Estimates Committee report and the Government's response to that report. I agree with comments made previously that it was a very good and comprehensive report. There are some particular aspects of it that I would speak to.

Recommendation 7 went to the need for the Chief Minister's Department to develop appropriate benchmarks and recommended that all benchmarking data for departments be reviewed by the Auditor-General. I am pleased to see that the Government has accepted the desirability of some benchmarking but unfortunately the Government did not accept that part of the recommendation that went to the involvement of the Auditor-General.

I believe that that is a good recommendation and that that would be a very good role for the Auditor-General. I think by the Government's own admission it is sometimes difficult to find meaningful comparative information from other jurisdictions. As a result, an analysis by the Auditor-General may assist in determining the relevance and

practicality of comparative information. A report released today by Dr Collignon on the Canberra Hospital mentions the difficulties we experience in comparing like with like in relation to delivery of services. There would be an important role for the Auditor-General to play in relation to benchmarking.

Other recommendations by the Estimates Committee that are particularly important and that I would like to see implemented fully and earnestly are those that go to a number of issues relating to the ACT indigenous community. In recommendation 8 of the report the committee recommended that the Government consult widely with the ACT Aboriginal community and peak indigenous organisations to ensure whole-of-government policy in relation to the ACT Aboriginal community, that the policy developed through that consultation be resourced appropriately and that the Government fully monitor the development of an ACT-wide strategy to ensure that all government agencies comply with the final recommendations arising from that process.

Through the estimates process of speaking with officials from different departments I have noticed what seems to me at times a lack of cohesion in relation to the all-of-government approach to issues affecting the indigenous community. I think here in Canberra we still have an understated range of issues affecting the indigenous community that we do need to address much more seriously than we have in the past. They go to that interrelationship between Aboriginal community services, health services, housing and education and the interrelationship - a growing problem, unfortunately - between indigenous people and the criminal justice system. There are a range of issues there that I am not convinced that we as a community have grappled with as well as we could. We have a range of issues affecting the indigenous community in the ACT that I believe deserve much greater attention and I recommend to the Government that it not only say that it will implement recommendation 8 but do so in a serious way.

I will come to the recommendations relating to Bruce Stadium in a minute, but there are a couple of other matters in the Estimates Committee report that I would like to touch on first. Recommendation 20 went to a possible continuing role for the Competition Policy Forum. I support the need for the Competition Policy Forum to be reconvened to inquire into the adequacy of the legislation review process and the exhortation by the committee that the Government fully implement the report on an independent council on competition policy. I think we await with some impatience the Government acting on the vital need to ensure that there is an appropriate review of competition policy issues in the ACT.

I note that it was the committee's view, very much echoing the view of ACTCOSS, that the Government had failed to adequately examine social needs and to distribute resources accordingly. It certainly is a logical step to ask that an independent regulator examine the consistency with which departments are applying national competition policy. There has been an unfortunate tendency in the past for the Government to use national competition policy to further its own ends while conveniently applying a different interpretation when it appeared that that particular legislation might benefit the public interest. We, of course, have the experience of the Belconnen pool, which stands as a stark and appalling misuse of competition policy principles.

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The Government's response indicates that the Government responds to the National Competition Council's reporting requirements and does provide reports. I am not quite sure whether they are tabled, but there are annual reports. I would very much like to see those, and I will pursue their availability.

I am not quite sure whether the next issue is specifically relevant to the Chief Minister's Department. Perhaps it is not. It goes to the point that I was making about the response to indigenous issues. I am not sure that the current processes used by the Government result in adherence by ACT services and departments to the range of recommendations that were made in the black deaths in custody report and the Bringing them home report being reported on as fully and as well as it has been in the past. I believe reporting practices in relation to the black deaths in custody report - and I would now add the Bringing them home report - are not as adequate, as full, as meaningful or as useful as they have been in the past. It concerns me that there has been a slippage or a lack of detailed attention to the need for us as a community to be completely rigorous in the way we address the recommendations in those reports. That is a major concern that I have. I think we should report much more fully on those recommendations than we do. There were hundreds of recommendations in the black deaths in custody report. I do not believe our reporting on those issues is as good as it should be.

Those are some specific aspects of the Estimates Committee report. I would also like to add to some of the comments which my colleague Mr Quinlan made in relation to the proposal to amend the Appropriation Bill to deal with the retrospective payment for Bruce. I share the concerns that Mr Quinlan voiced about exactly what it is that we are doing. I really do not believe that the explanation that has been provided to date has been as clear as it should have been. I think it is a pity that we have not had the opportunity to address officials in detail on these particular issues, and it does make it so much more difficult to understand exactly what it is that the Government is seeking to do here.

The sums just do not add up for me, as they have not for Mr Quinlan. A paper circulated by the Government - I am not quite sure in what way or in what form, but it is a government paper - reveals a total all-up cost for Bruce of \$44m, with a redevelopment cost of \$34m, a total furniture, fittings and equipment cost of \$6m, start-up advertising and marketing costs of \$1.7m, and associated legal and finance costs of \$1m. Today a retrospective appropriation of \$27m has been requested. We add the \$27m to the \$12m already spent and we get \$39m. We then add, however, the \$6.6m, the \$1.7m and the \$1m and we do go to \$44m. Yet the Chief Minister tells us that in the \$27m there is a \$5m component for working capital. When we add the \$5m for working capital on top of every other cost, we now have a total cost of \$49m. Nobody on the government side seems inclined to dispute that this is the current cost of this project. We are now up to \$49m. We are pushing around \$50m. We are now up to \$49m.

MR SPEAKER: You are on your second 10 minutes, Mr Stanhope.

MR STANHOPE: We really must have explained to us that we are now up to \$49m. It is intriguing, and I think most concerning, that in relation to Bruce Stadium in the space of this last week we have gone from \$39m to \$44m - that happened last Wednesday - and between Wednesday and Friday we went from \$44m to \$49m. That is

what we all are entitled to believe in relation to Bruce, unless the Government, in this debate, can explain to us why that is wrong. We have \$12.3m already spent. We have \$34.6m admitted to date in relation to total redevelopment. We have \$6.6m total furniture and fit-outs. We have \$1.7m for start-up advertising, and we have \$1m for associated legal and finance costs. If the Bill is passed today, we will have \$5m for working capital. That adds up to roughly \$49m.

To take the points that Mr Quinlan has been making, it would be useful to us, now that we are denied an estimates process in relation to the Bill, to know what assumptions have been made to suppose there is a need for \$5m of working capital. What is it anticipated that Bruce Stadium management will do with \$5m of working capital? Could that be explained to us? I would appreciate that being explained. Why do we need \$5m of working capital?

There is another thing I would like explained, if the Government could respond in this debate. If they will just bear with me, or even forgive me, could they explain for me where the \$6.6m for total furniture, fittings and equipment costs appears in the budget papers or where it was paid from? Where did the \$1.795m for start-up advertising and marketing costs appear? How did we pay that? If the Government could just humour me and answer that, I would appreciate it. How and where did we pay the \$6.6m for the total furniture, fittings and equipment? How and where did we pay the \$1.795m for start-up advertising and marketing costs? How and where did we pay the \$1m for associated legal and finance costs? I would like to know where, when and how those payments were made.

Ms Carnell: Some of them have not been.

MR STANHOPE: The Chief Minister says they have not been. Could you explain to me how they will be paid? I would like to know how each of those costs will be paid so that I can understand whether this project has cost \$39m or \$44m or \$49. I will not be able to understand, and I do not believe any member in this place will be able to understand - - -

Ms Carnell: Dave understands.

MR STANHOPE: Mr Rugendyke, in your response on the Appropriation Bill, could you explain it to me? The Government does not seem to have the capacity or willingness to do it, despite its new full monty approach. Perhaps somebody else could explain to me whether it is \$39m, \$44m or \$49m and what each of the components of each of those sum totals is. I would like those questions answered. Unless they are, I do not think any person in this place can possibly support this retrospective appropriation.

In the context of those comments that I have just made and our need to understand those figures, it would perhaps be useful to refer to the Government's response to those recommendations of the Estimates Committee report that went to Bruce Stadium. In the context of our need to have that basic information about what the working capital is for and how we are paying for the furniture and fit-out, it may be useful to read that part of

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the response. If I read it to the Chief Minister, she may accept the good sense of what she included in her response and give me that information about those figures. The Government says:

The Committee was concerned about the limited time and resources to attend to the issues associated with Bruce Stadium redevelopment. The Government believes that despite the large amount of information, previous disclosures, and the number of detailed briefings provided, no amount of additional time would have clarified any issues for the Committee as they are bent on criticising and impeding what has been a completely open and accountable process.

In terms of this completely open and accountable process, could you please explain to me all those issues that I have just raised?

There are a couple of issues in relation to this that it is probably appropriate to touch on. There is one issue in relation to the Estimates Committee report on the recommendations relating to Bruce that we have not really had an opportunity to talk about subsequent to the no-confidence motion the other night and the Government's defence of itself. The Government's defence of itself was, in effect, that the Public Service had failed it in relation to Bruce Stadium; that it simply was not aware what the law required of it; and that it was as a result of the actions of unnamed and unidentified public servants that this disaster occurred.

I notice, in that respect, that the Estimates Committee did suggest that it would be appropriate for us to have some understanding of whether or not any action had been taken under the Public Sector Management Act in relation to those grave failings that did occur. I do not know whether this is the appropriate opportunity, but I wonder whether the Chief Minister might be able to advise us whether, as a result of the grave failings of her officers, there has been any counselling, whether any officers have been relocated or whether any action at all has been taken.

I think this is a serious matter. It goes, in a way, to the point that Mr Quinlan raised earlier in relation to the Payroll Tax (Amendment) Bill. It goes to the same issue of what we expect of the Public Service. Of course, this is an issue that is relevant to the Chief Minister's Department and it is something that is relevant to this debate. Mr Quinlan asked for a one-day adjournment in relation to the Payroll Tax (Amendment) Bill. As we had received it quite late and had no time to consider its implications, he quite appropriately and reasonably asked whether it might be adjourned from yesterday until today. I have the *Hansard* here.

Ms Carnell: When I asked him, "Will you handle it today, Ted?", he said, "I do not know. It depends".

MR STANHOPE: He said:

My office has been in touch with a couple of people in the IT industry and they are not sure that this particular Bill solves the problem and, seeing as it was brought down this morning, I have not had time to get into it. I know it is a “try and fix” Bill but we would like to have a look at it.

The *Hansard* then reads:

MR SPEAKER: Do you wish to debate the issue?

MR QUINLAN: I cannot say until I have a look at it and find out.

MR SPEAKER: You are moving that the debate be adjourned?

MR QUINLAN: I am moving that the debate be adjourned.

Mr Corbell: It does not sound like he is going to vote against it to me.

MR STANHOPE: That is right. That is a very reasonable request by a very reasonable Opposition saying, “Look, we want to be reasonable and helpful. Can you give us a chance?”. How does that discussion in the Assembly translate when it gets to the Chief Minister’s Department? It translates in an email from Mr Chris O’Rourke to who-knows-whom - - -

Ms Carnell: Do not name public servants in this place, Jon.

MR STANHOPE: Well, all right then - a public servant in the Chief Minister’s Department. What did he say? This person said, “Good morning”.

Ms Carnell: Mr Speaker, I raise a point of order. Could Mr Stanhope please not name public servants in this place? As he has, he might like to ask for the name to be taken out of the record.

MR SPEAKER: I do not want to know names, thank you. I do not think this Assembly needs to know names either.

MR STANHOPE: I just need to read this note:

Well, we had the Bill up for debate about 6.30 last night. All appeared fine to get the legislation through retrospective from 6 May. Then Mr Ted Quinlan got up and said that the Labor Party could not support the Bill because his contacts in the IT industry believe it will not fix the problem.

Mr Quinlan said no such thing. It is simply not true. It is a matter of grave concern that public servants are writing to the private sector that Mr Ted Quinlan got up and said the Labor Party could not support the Bill. Mr Quinlan said, “Can you give me a bit of time to think about it? I need to consult”. This is quite serious.

Mr Berry: It is reprehensible.

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MR STANHOPE: It is reprehensible that public servants are writing to members of the community attributing to the Labor Party views about legislation that are simply not true. It is a serious matter.

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

MR CORBELL (3.48): Mr Speaker, I think the Chief Minister should explain to the Assembly the issues just outlined by Mr Stanhope. Quite clearly, a public servant has written to someone in the private sector alleging a course of action by the Opposition which simply is untrue. I think the Chief Minister should give this Assembly an explanation.

In speaking to the Chief Minister's Department appropriation, I want to raise a couple of issues. The first relates to the payment of the ACT Senior Executive Service. I do not mean the Executive, the Government. I realise that is a separate appropriation. I want to refer to SES officers in the ACT Public Service. My office, and indeed Mr Berry's office, made some inquiries during the Estimates Committee process relating to the cost of the ACT Senior Executive Service. We were particularly interested in comments by the Government back in 1996. At that time the Government made some fairly fundamental changes to the structure of the Senior Executive Service in the ACT Public Service. The *Canberra Times* of Wednesday, 3 January 1996, said:

Thirty of the 110 jobs reviewed in the Senior Executive Service are expected to go in the reshuffle, which the Government says will save \$1 million a year.

We were interested to test the accuracy of the Government's claim. I put a question on notice, and I was provided with an answer. I would just like to go through what this revealed. In June 1995 there were 123 SES and equivalent level officers in the ACT Public Service. The Chief Minister's Department estimated the total cost for payment of those 123 SES officers to be \$7,645,000 a year. When the Government implemented changes to the Senior Executive Service, this figure changed. By June 1997, 84 out of 90 SES officers and equivalents were on the new executive contract arrangements. By May 1999, there were 84 Senior Executive Service and equivalent officers, a reduction of 39 executives - from 123 to 84. But what is the cost of the new Executive Service? Members may well ask, seeing that we are meant to be saving \$1m a year. The cost now is \$9.141m. In June 1995 the cost was \$7.6m. In May 1999 it was \$9.1m, even though we had reduced the number of executives by 39.

The Government made a claim three years ago that it was going to save \$1m a year through a reduction in the numbers in the Senior Executive Service. Mr Speaker, that claim is just patently wrong. One of the key justifications for the Government's decision to revise the Senior Executive Service has just gone out the window in a fundamental way. It now costs the ACT community \$1.4m a year more than it did when we had 39 more Senior Executive level officers. I know that the Chief Minister makes much about the financial credibility of her Government and its much vaunted financial management style, but it is not showing up in these figures. The SES is costing us more than it did three years ago, even though the number of positions has

been reduced by 39. That is a very concerning figure and highlights the usefulness of the estimates process in scrutinising, to a proper level of effectiveness, the Government when it makes those sorts of off-the-cuff claims about making savings.

There are a couple of other issues I want to address in relation to the Chief Minister's area. The first is recommendation 21 of the Estimates Committee report, relating to the Totalcare incinerator at Mitchell. The committee recommended that the Government act to put in place the additional equipment required to eliminate dioxin emissions at the Totalcare incinerator. It also recommended that the Commissioner for the Environment report on the standard for monitoring emissions from the incinerator. The Government agreed in principle with that recommendation and said in its response:

It should also be noted that Totalcare have committed \$0.3m for a baghouse to eliminate the emissions of dioxins.

A bag house, I understand, is some part of the machinery of the incinerator which is meant to capture dioxins and other emissions coming from the incinerator prior to being vented up the stack. The incinerator employs between 20 and 30 people, so it is not an insignificant part of Totalcare's operations. The Government is saying that the \$300,000 is all that is required to eliminate dioxin emissions from the Totalcare incinerator.

I am informed that the Totalcare board is currently looking at proposals that require \$600,000 on top of the \$300,000 currently committed to properly eliminate and to capture dioxins emission from the incinerator. The Government has made a commitment of \$300,000, but I am informed that unless a complete commitment totalling \$900,000 is made the incinerator will not meet the standards required to prevent dioxin emissions and it will probably have to close.

That would have a number of very significant impacts. The first is that all of the medical waste from the Canberra Hospital, the private hospitals and other private health facilities that is currently disposed of at the incinerator will have to go interstate, probably to Sydney, for destruction. That would be a very concerning development if it came about. It would mean the transport of hazardous biological waste to Sydney for destruction. It would also mean the loss of jobs at the Totalcare incinerator.

The Government should be coming clean to the Assembly on the real issues surrounding the Totalcare incinerator and they should be making an up-front commitment not only to keep the incinerator open but also to make sure it meets the full safety standards required of it for its safe operation. That, I understand, requires an expenditure of \$900,000. I would be interested to hear the Government's response on this issue during this debate, because it is a very important issue that affects those people who work at the incinerator.

It is also a potentially very important environmental issue if the ACT is unable to dispose of its own medical waste. Instead of paying to shift the waste to Sydney or wherever else for destruction, some unscrupulous operators may choose simply to dump it in some other way. Obviously that would be illegal. Obviously that would not be in the best interests of the environment of the Territory, but the pressure will be there if it

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is not possible to dispose of waste at the incinerator at Mitchell. The Government has an obligation to inform the Assembly whether or not \$600,000 is needed for the Totalcare incinerator at Mitchell on top of the \$300,000 already committed.

MR SPEAKER: You are on your second 10 minutes, Mr Corbell.

MR CORBELL: I was concerned to see that there was no strong commitment from the Government in relation to the Competition Policy Forum or its successor. The Estimates Committee was very concerned to see that the Government's proposals were not consistent with the recommendations the Standing Committee for the Chief Minister's Portfolio made last year. It was the committee's view that they should have been. Again, I believe that the Government should be explaining why it is not pursuing the recommendations of the standing committee but instead pushing ahead, as it usually does, with its own proposals, regardless of any advice that comes from the standing committee process.

Those are a significant range of issues coming out of the Estimates Committee report which the Government has not adequately addressed. It is concerning that the Government will always put a gloss on how it responds to an Estimates Committee report. It says that it is responding to a large number of the committee's recommendations, but when you dig slightly below the surface you see that that is certainly not the case. Quite often recommendations are accepted in writing but certainly not in practice.

MR BERRY (4.00): The first thing I want to draw attention to in relation to the Chief Minister's line in the budget is the spectre which appeared at the Estimates Committee - I do not know whether this has been mentioned to this point - of the Chief Minister attempting to stand over the Auditor-General in relation to the evidence that he was giving to the committee. I have been associated with the Estimates Committee on one side or the other of the debate ever since I came here, and I have never seen or expected such a thing. After the event I thought I should have said something about that, but such an unexpected turn of events took me a little bit off guard.

It struck me as an appalling picture in the scrutiny process here in the ACT that the Auditor-General, who is as a statutory officer charged with the great responsibility of scrutinising the ACT Government and who was giving independent advice to the Estimates Committee, was being stood over by the Chief Minister and being urged to consider evidence and support evidence of her own. That, to me, was troubling, and it should be to anybody else who remembers the incident. It was something of a surprise. I know at the time things were not going the Chief Minister's way and there would have been some sort of an urge in anybody to do something about it, but I thought that a bit of restraint would have been more in order in those circumstances. That tells us a little bit about the way this Chief Minister and Treasurer and this Government operate.

Earlier I heard some comment about open and accountable government. When we look at the Bruce Stadium imbroglio, we find that open and accountable government comes to us when information about events which are going on behind the scenes is apparently leaked to the media. I find that sort of openness and accountability a little distressing, and I think most people in the community would too. It is not good enough for the

Government to claim that it is open and accountable and then engage in underhanded behaviour behind closed doors, to the point that public servants start to get nervous about what is going on and leak information to the media. As was said in the debate on the motion which censured the Chief Minister for this behaviour, this matter has gone on for far too long in secret. This sort of behaviour cannot be tolerated.

Before the last election, the Chief Minister claimed, "Ah, the pain is over". Subsequent to the election and in the two budgets which have emerged we have found that this in fact has not been the case. Hundreds and hundreds of jobs have gone in a campaign which will impact on the economy in the ACT. At the same time the Chief Minister is trying to be very upbeat about our economy. It is fine to be upbeat. That is a responsible thing for any government to do, but at the same time you have to have a bit of integrity in relation to your promises to the community.

The "Ah, the pain is over" claim was patently inaccurate and misleading. The pain continues. In this budget 450 jobs or so are to go. There is the demoralising spectre of departure lounges being developed in Urban Services in order that the slippery slide to unemployment can be greased so that people who have been identified as potentially surplus to requirements can be placed in the departure lounges and the door shut behind them so they cannot go back to their job if they choose to refuse a redundancy or some other way out of the ACT Public Service.

That is not in keeping with the spirit of the motion that was passed by this place in relation to redundancies. We made it clear in this place that voluntary redundancies were the way forward, not compulsory ones. We made it clear, certainly in the spirit of the motion, that there ought not be some contrived arrangement to force people out of the Public Service. Clearly, the departure lounge prospect is contrary to the promise that the pain was over, and it is certainly contrary, if not to the word, to the spirit of the motion that was passed here in this Assembly. There will be involuntary redundancies if the Chief Minister is allowed to get away with it.

I need also to talk about the industrial relations practices within the Chief Minister's Department. It is now clear that there was an attempt to achieve non-union agreements amongst staff in the Chief Minister's Department and a lot of other departments, who rejected them. Somebody was engaged as a consultant to try to make sure that the non-union agreement happened, and after it failed somebody was engaged to see why it failed. My understanding is that then somebody was engaged to try to make it happen once again. This confusion of consultancies over an issue which could have been resolved by reasonable negotiations with the unions throws open the Chief Minister and her department to severe criticism for unhealthy industrial practices.

We have seen this approach permeating the rest of the ACT Public Service, where there is a myriad of bargaining arrangements being put into place to make it difficult for the unions to negotiate. That is just anti-worker and it is aimed at forcing workers' wages and conditions down, or at least at preventing staff from organising in the strongest way possible to enhance their position. I understand the Liberals' ideological position on this. It has always been the case, and I do not expect that it will change, but to pretend that something else is going on is quite hypocritical.

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In tourism we have seen a litany of problems. We saw last year the terrible mess that was made out of the Floriade fee. This resulted in a massive reduction in funding available to tourism. The returns from the Floriade fee were down \$800,000, hundreds of thousands of dollars.

Ms Carnell: No.

MR BERRY: You can tell us later what they were.

Ms Carnell: They could not have been down if there was not an admission fee before.

MR BERRY: They were down on the budgeted expectations. That mess damaged our standing in the Australian community and damaged our tourism industry. There were lots of complaints about it, and this year, though better handled, it is hard to imagine that this whole range of happenings has done anything to enhance our standing in Australia so far as tourism is concerned. Let us also recall for a moment the announcement in the Estimates Committee that future Floriades could be in danger.

MR SPEAKER: You are in your second 10 minutes, Mr Berry.

MR BERRY: What a time to announce it. In the lead-up to Floriade we announce that there might not be one next year or the year after or some time in the future. I think there needs to be a little bit more thought put into this. That was a thoughtless and strategically silly approach to take.

“Feel the power” seems to survive. Who knows how much we have spent on that one in one way or another. Hundreds of thousands of dollars have been wasted on a program that it is hard to see any benefit flowing from. There may have been some benefits to the people who owned the slogan in the first place. They have done pretty well out of it. If there has been some TV advertising, I guess the people who put the TV advertising together and those who carried it out did pretty well out of it, but I cannot see anything that flowed to the ACT from it, though claims are still being made for it by the Government. I think they feel rusted on to it and cannot possibly detach themselves from it because of the massive loss of face that it would incur.

We also heard during the Estimates Committee hearing that the contract for the painting of the aircraft could not be enforced because the contract was not any good. That sends us a message about the operations of the Government. That contract was not any good. All of the business surrounding Bruce Stadium is looking a bit rusty and corroded. If those are the sorts of things that we dragged out from a government reluctant to provide information, it tells you plenty about what is going on behind the scenes. This sort of manipulation and can-do approach to governance in the ACT is appalling.

We are asked at this point to consider amendments to the budget and retrospective Bills to cover up for the Bruce imbroglio. At the same time we are denied a proper scrutiny process through another Estimates Committee. I remind the Assembly of the great weight the Chief Minister put on a second appropriation when her health budget blew out a couple of years ago. There was a lot of fanfare around a second appropriation to demonstrate that this Chief Minister was open and accountable, and where the budget

had blown out she came back to the Assembly and asked for extra money. As a result of that process there was a second Estimates Committee process which went through the appropriation, as was appropriate in the circumstances.

This time round, though, the Government does not want us to sniff around the Bruce Stadium matter anymore. They have had enough. They have been stung by it; they have been wounded by it. Why? Because they tried to keep it a secret. It was a cover-up of enormous proportions from the word go. Before the last election the Government made sure that it was kept secret, because their economic credibility would have fallen into tatters had they made that information available. The Government's refusal to support an Estimates Committee process on these extra arrangements to cover the Bruce Stadium is reprehensible. The Chief Minister has been reprimanded for her activities in relation to Bruce Stadium. I cannot for the life of me see why she should persist in trying to cover up what went on there.

Mr Speaker, this line of the budget cannot be supported. The budget in all, in my view, cannot be supported because of the doubt which exists about the ability of this Chief Minister and Treasurer and this Government to properly manage the finances of the Territory. Laws have been broken in relation to the Financial Management Act. The Assembly has failed to bring the Government to book at a level which Labor would support. It would be very difficult to support a budget managed by this team, given their performance thus far.

MR TEMPORARY DEPUTY SPEAKER (Mr Hird): The question is that the Carnell amendments Nos 1 and 2 be agreed to. Do you wish to speak to those amendments, Mr Quinlan?

MR QUINLAN (4.16): Mr Temporary Deputy Speaker, I wish to speak generally to this line item in the Appropriation Bill, having already spoken to the amendments.

MR TEMPORARY DEPUTY SPEAKER: All right. I was not sure because you got up and sat down.

MR QUINLAN: Well, I am an indecisive sort of character. I want to make a few comments, mainly arising out of the Estimates Committee report which, as I think I said earlier, I believe is a high-quality report. We did make some recommendations in relation to the budget format, and I wish to mention them at this stage. I could have mentioned them anywhere, I guess. One of them is that the budget has some standardised statements, and I believe that is the way to go, but we find from time to time very large amounts of money being allocated through budget statements under the heading of "miscellaneous or other revenue" or "other expenses for admin charges". The Estimates Committee made a recommendation on this and the Government has been very dismissive of that recommendation.

I recommend that the Government take a second look at the presentation because notes attaching to statements do not always define the information or give any information. I am here talking to myself, am I not? I believe that if the Government wants to live up to a claim of being open then it should take note of a few constructive comments that are put in the Estimates Committee's report about giving detailed information where

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there are large lumps under other headings and there are no notes attaching to them because possibly the volume has not changed much. I do recommend that the Government take note of that.

I also recommend that the Government take note of our recommendation that, if they have enough information to be able to give us an estimated outcome for the financial year in which the budget is prepared, then they should give us estimated outcomes in the tables where they quantify measures and outcomes because they would have that information. It is difficult when working through the budget to work out what the Government is doing in the next year if in fact the estimated money spent changes significantly but there are no figures to show whether the outputs changed commensurately. If you have enough information to produce the monetary amounts, then I think you have enough information to produce the numerical measures.

Now, this may be falling on deaf ears, but I think from what I have seen that there is a genuine attempt on the part of this Government to improve the quality of the budget as it is presented. There are a couple of constructive recommendations in the Estimates Committee report that I think the Government should take on board and make some effort on. I think we have dealt with most of the other matters. I think we had a debate on gaming taxes. They are separate. We have had a rating system debate. We have certainly had debate on Bruce. So, that will do me for that.

Question put:

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

The Assembly voted -

AYES, 8

NOES, 7

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

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

Question so resolved in the affirmative.

Proposed expenditure, as amended, agreed to.

Part 4 - ACT Executive

Proposed expenditure - ACT Executive, \$2,922,000 (comprising payments on behalf of the Territory, \$2,922,000)

MR QUINLAN (4.25): I want to make one comment under this heading. There has been an increase in overheads generally, mostly related to increased expenditure on IT, according to the budget.

Ms Carnell: Like in the Assembly budget?

MR QUINLAN: Yes. I am just using this heading as the vehicle to mention that across-the-board increase. I have to comment that in the forward estimates there does not seem to be any benefit flowing from that expenditure. One might have expected, if we are going to spend money to improve and to become more efficient, that we might have seen some gains from it.

Proposed expenditure agreed to.

Part 5 - Office of Asset Management

Proposed expenditure - Government Asset Management, \$13,426,000 (comprising capital injection, \$13,426,000) - agreed to.

Part 6 - Central Financing Unit

Proposed expenditure - Central Financing Unit, \$22,444,000 (comprising capital injection, \$2,427,000; and payments on behalf of the Territory, \$20,017,000)

MR QUINLAN (4.28): I have a brief comment to make on this. I would like to see a little less of the funds in the CFU and a bit more in the superannuation and insurance provision.

Proposed expenditure agreed to.

Part 7 - Superannuation and Insurance Provision Unit

Proposed expenditure - Superannuation and Insurance Provision Unit, \$319,246,000 (comprising capital injection, \$300,000,000; and payments on behalf of Territory, \$19,246,000)

MR QUINLAN (4.29): Mr Temporary Deputy Speaker, I have to say in this house that I felt that I was bullied over the Estimates Committee report by Ms Tucker.

Ms Tucker: I made you tone down the language.

MR TEMPORARY DEPUTY SPEAKER: I could never imagine that.

MR QUINLAN: I did write some comments - - -

Mr Rugendyke: I take a point of order. I think it is most unfair of Mr Quinlan to call my colleague on the crossbench a bully. I call on you to direct him to withdraw the comment.

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MR TEMPORARY DEPUTY SPEAKER: I think you have been to the Berry learning school.

MR QUINLAN: Under extreme protest, Mr Temporary Deputy Speaker, I withdraw the comment. I did write some comments for inclusion in the Estimates Committee report relating to what I thought was a gross misuse of recommendations from the select committee that examined the Territory's superannuation liability, a committee which I chaired and of which you were a member, Mr Hird. As Ms Tucker has interjected, they were toned down.

I would like to place on the record the fact that I am very disappointed that the Government should so misuse the recommendations of that committee as some form of justification for what they have done this particular year in relation to superannuation and what they did during last year. Last year they said they would put aside some \$40m-plus in cash. They have not. They promised in last year's budget to put away \$200m in cash, over three years, towards this unfunded liability, but they took the opportunistic route. When they received the report from the superannuation committee, which included various options, part and only part of which was capital repatriation from ACTEW, they took that piece of one or two of the options provided but did not implement the options in toto. They then said, "This replaces our promise of \$200m over three years".

Mr Temporary Deputy Speaker, in fact we are blowing, to a large extent, that capital value extracted from ACTEW because it has been used to compensate for other moneys that should have been put into investments through the Superannuation and Insurance Provision Unit. So we have, in fact, in this case gone backwards. I think it is a matter of provable record that the Carnell Government has the worst record, other than in respect of this \$300m, of any in providing for unfunded superannuation. This budget continues that record. In fact, aside from that capital injection, we provided nothing last year and nothing this year. So, in that regard, this budget is most disappointing.

Proposed expenditure agreed to.

Part 8 - Department of Health and Community Care

Proposed expenditure - Health and Community Care, \$361,450,000 (comprising net cost of outputs, \$318,691,000; capital injection, \$32,811,000; and payments on behalf of the Territory, \$9,948,000)

MR STANHOPE (Leader of the Opposition) (4.33): Thank you, Mr Temporary Deputy Speaker. You took almost a minute to read out all those figures and detail, Mr Temporary Deputy Speaker.

MR TEMPORARY DEPUTY SPEAKER: Well, I have to give you the correct details and title, Mr Stanhope. Enjoy the niceties, as they say.

MR STANHOPE: Thank you, Mr Temporary Deputy Speaker.

Mr Hargreaves: I take a point of order, Mr Temporary Deputy Speaker. Who is the duty Minister this afternoon?

MR TEMPORARY DEPUTY SPEAKER: I think Mr Moore is and he is taking some advice; but do not interject on your leader, if you would be so gracious. You just took up a minute of his time.

MR STANHOPE: I would like to touch on a number of issues in relation to the department that were referred to in the Estimates Committee's report. I will go through a few of the issues and some of the responses that were dealt with. Recommendation 29 was that the Government, on a trial basis, provide Assembly members with monthly detailed information about projected savings and revenues for the Canberra Hospital and the basis of the projections, et cetera. I think that is a very good recommendation. There is considerable public and community interest in the public health system and the Canberra Hospital in particular, as one would expect, and I think this recommendation goes to allowing the community and members of the Assembly the opportunity to more closely monitor the performance of the hospital. It is pleasing that the Government, in its response, has accepted this recommendation and is prepared to trial this proposal.

I guess the Estimates Committee's recommendation is a response to some of the public debate that we have had over the last six to nine months about the Canberra Hospital's budget and the extent to which the budget did blow out. I think we, as members of this place, had difficulty in following the history of the blow-out and exactly what it meant, and wondered whether or not we were receiving the full story in relation to the hospital's budgetary problems. We acknowledge that the Canberra Hospital does already report in a very detailed way. It is probably the case that the Canberra Hospital does already report in a more detailed way than other agencies, but, because of the significance which each of us places on a healthy health system, I think that is only appropriate having regard to the significance of health and health services to every member of the community. In view of the constant problems that we have with waiting lists and operating times, it is relevant that we have this information available to us.

As well as the issue of the hospital's budgetary problems and the significant problems which the hospital and the Minister have experienced in keeping the budget anywhere near that which was predicted, we have had, over this last year, I think, a very worrying and commensurate blow-out in the waiting list. I think it is a matter of double concern that we have a budget running amok as well as waiting lists that to some extent are keeping pace with the budget blow-out. I have not seen the figures that the Minister tabled today but, unless there is a dramatic difference, we have a very sorry history in terms of the tracking of waiting lists and surgery throughput over the last year. We look forward to significant reductions in the waiting list and increased throughput in both the day surgery and the main theatre.

Another issue that the Estimates Committee touched on was aged and disability services. I think it is generally accepted that there is a significant unmet need in the area of aged and disability services. As everybody knows, Canberra has a significant issue in the ageing of our population and there is a continuing and significant unmet need with disability services. I understand that Mr Moore is negotiating with the Commonwealth in relation to those services, and we wish him well in his negotiations.

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One other issue that the Estimates Committee did comment on was the development of a process for the compensation of people within the Canberra community who acquired hepatitis C as a result of blood transfusions from the Canberra Hospital. This is another issue that we have had significant community debate about and interest in. The issue was made public by the Minister a year or so ago. It has had a rocky history. We are still not entirely sure of the nature of the legal regime which has been developed or negotiated, and I think that is a pity.

The Minister, when he announced that we did have this significant issue facing us, initially proposed a legislation-backed scheme to allow for the compensation of people who had contracted hepatitis C as a result of blood transfusions. I remain not entirely clear in my mind about the nature of what the Government is currently doing in relation to the compensation of people who unfortunately did acquire hepatitis C. I understand from the Minister's last answer on this issue that the Government is negotiating with the legal advisers of affected people on an individual basis. I notice that the budget allowed for just over \$4m in this financial year for compensation of people who did contract hepatitis C.

I think that is an interesting figure in the context of advice that there are potentially 45 people who were affected in this way. The budget appears to allow for compensation of \$100,000 for each person. I know that when the scheme was initially foreshadowed by the Minister, when we were going to have a legislative backed scheme, the proposal was that there would be a capping of compensation at \$100,000, with an expectation that most people who would be compensated would receive perhaps less than \$30,000. So there are aspects of the scheme which is currently being negotiated by the Government with representatives of the affected people that I look forward to having explained to us in some greater detail.

It is still not entirely clear to me either why it is that we chose to compensate people who acquired hepatitis C in a different way from those who acquired the HIV virus. I still do not quite understand why we went to a non-legislative backed scheme in relation to hepatitis C. I look forward with interest to some further explanation and I note, I guess with some concern, the advice given to the Estimates Committee by Dr Simms from the ANU that he regards the compensation scheme as legally quite bodgie. So there is more that we await to hear on that.

It is important to note that the Estimates Committee did also recommend that the rights of people with mental illness be considered prior to the implementation of any proposed changes to public housing policy. They recommended in recommendation 63 that the Government's proposed changes to public housing policy be referred to an Assembly committee. That is a matter that has been dealt with. It is interesting that, in relation to recommendation 34, the Government disagreed with the need to further investigate the rights of people with mental illness in relation to changes to public housing.

I think one of the things that were very obvious during the estimates process was that there had been a serious lack of consultation over the rights of mentally ill persons in relation to recommended changes to the public housing policy. It was in response to that perception that the committee recommended that the Government address the needs of the mentally ill in relation to housing. I am hopeful now that that is something that we can achieve.

MR TEMPORARY DEPUTY SPEAKER: Mr Stanhope, you are now on your second 10 minutes.

MR STANHOPE: I think it was extremely disappointing that the Government rejected the Estimates Committee's recommendations in relation to mentally ill people. I know that this matter will be further pursued, but I think it is extremely important that the Government commits itself to an open and transparent assessment of the proposed changes to housing policy in so far as they will impact on people with that particular disability.

One other matter that it is very important that we raise and focus on in relation to the Health and Community Care budget and some of our priorities is the need to develop and implement an Aboriginal health strategic plan that we are genuinely committed to. I know that the Minister's department is working on an Aboriginal health strategic plan. I believe it is something that has been seriously neglected in the past. I trust that it is receiving the resourcing and the support from within the department and from the Minister that it deserves. I think this is a most important issue and I believe it requires very significant support from the Minister and from his senior officers. It is a matter of very significant concern to me, and I am sure to every thinking person in the Canberra community, that the health status of indigenous people in Canberra mirrors the health status of indigenous people in all other jurisdictions around Australia. Some of us have always felt that Canberra is different and that we really do match the rhetoric about being a community that applies a range of services without discrimination; that this is a community that is prepared to ensure that those least able and perhaps most affected by disadvantage are not disadvantaged in their health status or in any other way.

There is a significant indigenous population in the ACT. There are now, on most assumptions, about 3,000 or 4,000 indigenous people in this community. It is not as if we can dismiss the health status of indigenous people by assumptions that there are very few indigenous people here and that the statistics in relation to their health can be dismissed as irrelevant in some way. In Canberra our indigenous neighbours, our indigenous friends, can expect to die over 20 years before our white neighbours. That is the situation here in Canberra. I believe this is one of the great scandals in Australia. I am particularly conscious that it is a scandal that persists here in the ACT; that our indigenous neighbours, our indigenous workmates, our indigenous friends, can all expect to die on average 20 years before we do. That is a terrible thing to contemplate. That raw statistic or fact in itself goes to a range of other health issues facing indigenous people. We do have an excellent indigenous health service here in Canberra in Winnunga Nimmityjah. It is overstressed in terms of what is being asked of it. It does require nurturing and support. It does need the continuing assistance of the Government and all of us.

I made a point earlier in relation to a range of issues in the black deaths in custody and the Bringing them home reports. I will not repeat that. I made it earlier in relation to the Chief Minister's Department, but it is something which affects Health and Community Services as much as other areas, and that is why we need an all-of-government and very strategic approach to indigenous issues in Canberra. There is a range of recommendations in relation to indigenous health that I believe we need to

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constantly assess because of our obligations under those reports. It is interesting in relation to Winnunga Nimmityjah that they did not receive the mental health funding from the Bringing them home report that they deserved. The ACT did miss out.

We have had a couple of questions today in relation to the hospice. I think it is relevant that we raise here the fact that we are losing the hospice on Acton Peninsula. I think there are an awful lot of people in this community who are most concerned about that. There are a lot of people in this community, including me, who are concerned that the Government waited until the very last minute before managing to come to some so-called accommodation with the Commonwealth in relation to the Acton Peninsula. I have been urging for over a year that the Minister and others take this issue seriously so that we were not left at the last minute with a situation in which we would have to endure on Acton Peninsula during the period that it was a construction site and then be asked to shove off. I think it is insulting to learn today that for the privilege of being allowed to remain in the middle of a construction site we are likely to pay \$38,200. I think that is an appalling result for the people of Canberra.

It is also worrying that there is nothing in the capital works program or the budget to allow for the development of a new hospice. We have been very poorly served by this arrangement, and it is an arrangement that would have been avoided if this Government had not insisted on including the hospice and its site in the land swap. It should not have happened, it need not have happened, and it is a great shame for us that it did happen.

There are a couple of other issues that concern me and that I would like to raise. They are issues that go to the hospital budget blow-out and the rectification plan that has been developed in relation to that. I will be interested in the monitoring process that will be applied to the impact on services of the incremental implementation of the rectification plan. There are issues in the rectification plan that are very significant and will require, if they are to be implemented - I am not sure they all will be - some very sensitive implementation and very close analysis.

In the rectification plan, for instance, I notice that savings are predicted through the introduction of a cook-chill facility at the hospital. It is noted in the rectification plan that it would require \$800,000 to upgrade the kitchens at the Canberra Hospital. One does wonder what liaison there was between the separate ACT departments in relation to the development of the kitchens at Bruce when we see that particular issue in the hospital's rectification plan.

I am particularly concerned too at the difficulties that are being suffered at the Canberra Hospital in relation to imaging. Imaging really is half staffed and faces grave difficulties in servicing the needs of clients that need the imaging service at the Canberra Hospital. In view of the prospect of those services being outsourced, I hope that that service is not being run down with a view to it being sold off.

There are also similar concerns about the non-replacement of staff in the oncology ward at the Canberra Hospital. I wonder whether the Minister today, or at some other stage, might be able to give us some advice on whether or not he is maintaining appropriate levels of servicing in the oncology ward at the Canberra Hospital. I have had calls to

my office from relatives of people with cancer who are concerned at the possibility that the level of service that they believe is required in the oncology ward will not be there when they need it.

There is one other matter that I want to address quickly and I will mention it now. It is something that does concern me. It is the continuing development of drug programs. I do not know what the Minister intends, for instance, in relation to the safe injecting place. The Minister did introduce some legislation. We have had a public debate, a useful debate. We do have positions in relation to that. (*Extension of time granted*) There are issues in relation to the safe injecting place that I think we need to continue to pursue. The Minister is aware of the Labor Party's position in relation to the safe injecting place. Part of that position, and an important part for the Labor Party in terms of our preparedness to accept the further development of a safe injecting place in Canberra, is the need for the moneys to be appropriated.

It is of some concern to me, in the context of the debate we are having and the Minister's public statements that he intends to persist with this matter, that there was no allocation in this budget for a safe injecting place. Having regard to the Minister's understanding of the Labor Party's position, I presume this means that he has no intention of proceeding with this matter in this financial year, and it would be of interest to the Labor Party and to me to know exactly what the Minister does plan.

The Minister has stated publicly his support for this proposal, as has the Chief Minister. I know that some others are not so supportive. Knowing, as we do, that he requires the support of the Labor Party in relation to this initiative and that we are prepared to support it in certain circumstances, I am concerned that there has been no apparent attempt to meet our particular requirement that funds for the safe injecting place must be appropriated; that funds must be provided in the budget for it so that we can see how and what is being done, along with a range of other issues that we would insist be dealt with in relation to this issue. I would like to hear further from the Minister on that particular issue. It should be clearly understood that the Labor Party is prepared to work in terms of our position on a safe injecting place, but we do have certain requirements. It is interesting to me that the Minister has not sought to meet them. It does make me wonder whether the Minister maintains his commitment to that initiative.

There is a range of other matters that I have a particular interest in and concern about, many of which go to some of the initiatives in the rectification plan, that it would be useful to debate. I really have pursued issues that we will remain acutely aware of and that we will continue to question the Minister about.. In terms of the Government's undertaking to continue to provide, on a trial basis, the monthly statements of what is going on at Canberra Hospital, there are issues that we will continue to monitor.

MS TUCKER (4.57): I want to make some comments on the area of mental health. This came up in Estimates. I did ask the Minister to respond to the review of the Child and Adolescent Mental Health Service, and I asked why it was not acknowledged in the budget that there was a need to do some very serious work in that service area. The Minister said it was too recent to have them incorporated in the budget.

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I was very concerned to hear that because I believe we saw those problems identified in the last Assembly through the committees which I chaired. The Social Policy Committee's reports on children at risk, mental health services in the ACT, violence in schools, the disabilities inquiry and the closure of the School without Walls all raised the issue of mental health in young people. I also pointed out that it must be of interest to the Minister because it is obviously related to the drug issue which he is so interested in, as am I. We understand, because we are interested in this, that dual diagnosis is a major issue. I acknowledge that the Minister has said that dual diagnosis services will be made available. From memory, I believe there was to be Commonwealth funding, but the Minister can correct me on that if it is not right that there was going to be work done in this area.

However, I am really very concerned because I hear in my office from people who are very unhappy about the availability of mental health services for young teenagers. Often, that is when the onset of mental illness can occur, and when it is really critical to get in early because the preventative work is definitely useful.

I remember that when we did the mental health services inquiry in the last Assembly we visited EPPIC, the Early Psychosis Prevention and Intervention Centre in Melbourne, where there was a group specialising in working with young people at an early stage of psychosis. It was very interesting to see how effective that was. Obviously, if we know that this is effective and important in terms of reducing long-term mental illness which can become a very serious disability, we must see it as a useful thing to do, not just because of the human suffering involved but also because of the economic cost of not doing it. If you allow the illness to become entrenched, the cost of treatment is obviously greater than if you can get in early. So I want it on the record that I am concerned that it was not acknowledged in this budget. I seriously hope that I do see it acknowledged by Mr Moore very soon and that we do not have to wait.

Debate interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

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

Question resolved in the negative.

APPROPRIATION BILL 1999-2000

[COGNATE PAPERS:

ESTIMATES 1999-2000 - SELECT COMMITTEE - REPORT ON THE
APPROPRIATION BILL 1999-2000 AND GOVERNMENT RESPONSE]

Detail Stage

Item 1 - Appropriations

Part 8 - Department of Health and Community Care

Proposed expenditure - Health and Community Care, \$361,450,000 (comprising net cost of outputs, \$318,691,000; capital injection, \$32,811,000; and payments on behalf of Territory, \$9,948,000)

Debate resumed.

MS TUCKER: I have finished what I wanted to say on that particular matter. I will say a little bit about mental health services in schools and cross-agency liaison. I am disappointed that we still do not see these issues adequately addressed by this Government's work, particularly the issue of the mental health services for children and adolescents and the relationship between the Departments of Health and Education and other agencies involved in education, health, mental health services, family services, police and juvenile justice. This is despite budget submissions made by key organisations working in this area.

It is also despite the Standing Committee on Social Policy's recommendations that came out of the report of the inquiry into services for children at risk which found the need for early intervention preventative programs for children at risk, for children with behavioural disorders and children with psychological problems. Many of these intervention services should be working more closely together, with schools particularly, or could even be located within schools across the whole range of areas. This cross-agency liaison is either missing or is poorly resourced. For example, many indigenous students still continue to fall through the net, and continue to feel and be alienated from schools.

This is clearly an issue that requires strong cross-agency liaison, but, as recently as 28 May, a workshop organised by the implementation task force of the Canberra journey of healing network, which included representatives from all agencies, actually reinforced this concern that agencies were not working together enough and did not have the resources to work together enough to support indigenous students. These concerns are mirrored across a range of different areas and reflect the Government's ongoing neglect in the area of cross-agency liaison for provision of services to children and adolescents.

MR BERRY (5.02): I will be confining my comments to the issue of the hospice and the Government's appalling performance in relation to it. There has been an attempt to recraft history in relation to this matter, which is, I suppose, quite typical of the Government.

Mr Moore: Well, don't do it.

MR BERRY: I hear Mr Moore interjecting. I heard him say at question time that he thought, in retrospect or in hindsight, that it was a lousy deal.

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Mr Moore: With the wisdom of hindsight.

MR BERRY: Yes. Well, the deal was a good one when it was first done, and it was undercut by the Chief Minister. Let us get history in its proper order. In, I think, the 1992 election, both political parties had a commitment to retaining some buildings on that site, and I think Mr Moore did too. As the then Minister, I persisted with the promise from the Labor Party to ensure that that commitment to the community in the ACT was delivered. I had the support of Mr Moore in respect of that. Later on in the show, of course, Mrs Carnell came on the scene and strenuously opposed it. She strenuously opposed it on the basis that it was uneconomic to have the hospice on the site, not much more. It was carping opposition for opposition's sake because it was a great proposal, it was supported by most members of the Assembly, and it was welcomed by the community. I was unlucky enough not to be able to be there as Minister for its opening, but I take full credit for the siting of the hospice at the time, and its five years of operation which, incidentally, began after I left the ministry. Its course has been a successful one, welcomed and applauded by all.

There are many of us who would know somebody who has availed themselves of the service that is provided by the Little Company of Mary, and I have not heard a criticism about it. It was a decision which was supported by all. But later on there was a dark cloud on the horizon. The Chief Minister, a well-known opponent of the positioning of the hospice there, engaged in negotiations with the then Keating Government in relation to that site. Also bear in mind that the NCPA, or whatever it was called by then, had continually played a funny little game to stop the hospice being placed on the site. Nobody really ever knew why they were trying to stop it being placed on the site.

Mr Moore: It would have been a nice clean site for the museum.

MR BERRY: But the museum was not in the picture then. Bear in mind that the museum was going to be at Yarramundi Reach.

Mr Moore: I do not think the National Capital Planning Authority - - -

MR BERRY: Well, the National Capital Planning Authority might not have thought that was where it was going, but everybody else did. During the debate on the Kingston/Acton land swap - that land swap which has cost us millions of dollars, of course - the hospice was a forgotten casualty. Bear in mind that Mrs Carnell went in opposing the positioning of the hospice on that site. It is not surprising that she forgot about it and that she did not argue or run a tough line on keeping it there because she had earlier opposed it. It was, I am told, excised in one particular plan, but I have noticed, on all plans that I have seen of the national museum, that the little site for the hospice has been carved out. There is absolutely no reason why it has to move. The building is protected. It will always be there. There is no reason for it to be moved. We find out today that the Commonwealth is charging us rent for it.

Now, surely those are the sorts of things that should have been taken into account when the negotiations were going on in relation to that land swap. No. The hospice was abandoned because Mrs Carnell wanted it off there because she always argued that, and

we know how persistent our Chief Minister is when she gets an idea into her head. She never lets go, and that was the case with the hospice. There are a few smiling faces around here, and I take that as a sign of agreement with that proposal.

It became obvious at the Estimates Committee hearings on the 1998-99 budget that the hospice was in strife. The committee said in its report:

The Committee considers the Commonwealth should accept the continued operation of the Hospice at the Acton Peninsula site and that the matter should be resolved as soon as possible to allow the Little Company of Mary to concentrate on managing the Hospice.

The Committee considers that the Hospice, in which the ACT community has a significant financial and social investment, was a forgotten casualty of the Acton/Kingston land swap. The failure of the government to take the future of the Hospice into account in the land exchange is likely to result in another considerable financial impost on the Territory if the Hospice is forced to move.

We are now informed that that is about \$4m. No attempt, as far as I can make out, has been made to extract \$4m from the Commonwealth, not a single attempt. No attempt has been made to accomplish this recommendation of the then Estimates Committee, and I will read it, which was agreed to in principle by the Government:

The committee recommends that the Commonwealth be advised that the Territory will be continuing to operate the Hospice on the Acton Peninsula and that relocation will only be considered where the Commonwealth is prepared to accept liability for full compensation for the move to a new site including land and building costs.

That was the position that was put to the Government when this Estimates Committee report was handed down in August 1998. What sort of a result has it brought to us? Not much. What we have ended up with is a government which has offered, on the face of it at least, to move the hospice in accordance with an earlier land swap agreement which was signed by the Chief Minister.

We have been sold out on this one. We have been sold out because the hospice will be removed from the prime site in relation to its operation. We have been sold out because the Chief Minister has not pursued the \$4m that we are going to have to pay for the relocation of the hospice. We have been sold out because we are going to have to find it against the background of financial strife in the Territory, such as things like the Bruce Stadium affair, and the additional costs we are all going to have to bear for the results of whatever happens following the coronial inquiry into the implosion of the buildings at Acton. We know already that millions have been invested in legal costs there. They are all the results of this dud Kingston/Acton land swap. Who knows what the eventual bill for the Territory will be? Some of us will be pushing up daisies before the final costs will be able to be calculated. This thing has been a disaster from the word go, and the hospice is just one of them.

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I am very agitated about this attempt to create a new version of history as a result of the Chief Minister's failure in the first place in relation to the Kingston/Acton land swap and the new version of events which this Minister is trying to create. The Government have failed to act in accordance with recommendations which were made known to them almost a year ago. They have taken absolutely no notice of them, although they said at the time they agreed in principle. The community of the ACT has been severely let down because the Chief Minister always wanted to get that hospice off that site. That is why it was not included in the negotiations on the now discredited land swap, and that is why no attempt has been made for almost a year to recover the \$4m which the Commonwealth owes us. They owe us. That is what it boils down to. Mr Temporary Deputy Speaker, the record needs to be set straight in respect of that matter. No amount of twisting and turning can change what occurred.

I will go back to what Mr Moore said in relation to hindsight. I suppose you could say that if Mrs Carnell had negotiated a better deal on the Acton/Kingston land swap we would not have had to worry about the hospice. It would have been a good decision. If Mrs Carnell had got the \$4m out of the Commonwealth that it is going to cost to replace the hospice, we would not have to worry about it. Well, the hindsight that we get from this is the fact that we have been abandoned by our Chief Minister and that is why we are going to have to pay the price for her incompetence.

MR HARGREAVES (5.12): I would like to have seen some indication of how in a monetary sense the Government is going to address some of the overspends in the hospital. I have not seen any in what I have looked at. First, I want to touch on some of the positive things. I was very heartened when I saw a lot of the allied health professional services come out of the hospital and go to ACT Community Care. Because that service has been allowed to function according to what I think is a very good charter, it has been a very successful service. My understanding is that it not only pays its way but also provides excellent services out there to the community. I think whoever is behind letting the managers manage in that area needs to be congratulated. They have done an excellent job.

The artificial limb service is a very unexploited service. Although it provides an absolutely brilliant service, it is unsung. I would like to take this opportunity to congratulate the manager of the RALA service, Mr Barry Leech, who has been with that service for 30 years. I would urge the Minister and/or his advisers to consider an appropriate nomination for some sort of award for that officer. He has been exemplary. He has gone back and forth between the Commonwealth and us like a table tennis ball. Nonetheless, he has still provided a superb service. That service, without competing, is a very good example of how the public sector, when encouraged to do so, can provide services which not only return good moneys to the taxpayer but also do a brilliant job.

I would not like to see the health services provided to the community through our health centre services reduced any further. The Whitlam days of money flowing everywhere are long gone, but I think we need to remember that not all the health services in the ACT are centred on the hospital. The hospital has difficulties with its funds management. I suspect that is because management is too busy concentrating on the big picture and not enough on the smaller picture. Some of the administrative practices within the hospital leave an enormous amount to be desired and, on examination, could achieve reasonable savings in functions quite successfully.

I would like to see an abandonment of the propensity within Health to change its leadership constantly. One of the malaises that have affected Health over the years has been this constant change at the top. It has not actually saved any money - - -

Mr Moore: Just make sure I stay here and you will be right.

MR HARGREAVES: I meant the top. I am sure that Mr Moore, with all of his good motives, would do an absolutely brilliant job as Health Minister, second only to Mr Stanhope. The hospital suffers from the same malaise as the whole of the central body in that we seem to constantly change the captain of the ship instead of having a look at whether there is something wrong in the engine room. In fact, one could almost compare the hospital to the Collins class submarines. They are pretty appalling as well, and they are costing \$300m to fix up.

Mr Moore: The hospital works. It is just the finances.

MR HARGREAVES: I hear the Minister saying that the hospital works. I saw an article in the *Sydney Morning Herald* about how Australia-wide it should take a day to have your gall bladder out. I also know that for somebody in our system it has been nigh on a week, so if the hospital works it is not working very quickly. I have visited some very dear friends of mine who have been having major surgery in pretty ordinary circumstances. The professional staff at the hospital, in my view, are second to none in Australia. The hospital is so big that people are running around confused and do not know how to fix the problem. My experience is that if you look at some of the smaller things and work your way up you can be surprised how much you find.

I think ACT Community Care and its managers, particularly Michael Szwarcbord, have done a superlative job, and if they are allowed to get on with the job we will not hear any more of them. I think the Minister would well be advised to let them get on with the job and concentrate on the hospital. If he does, I think we will be doing well.

MR MOORE (Minister for Health and Community Care) (5.18): I would like to take the opportunity to respond to some of the comments that have been made. I will deal with Mr Hargreaves first and say thank you for the compliments. I am sure that they will be picked up by people within the department. It is important to recognise the good work that is being done by people. Mr Hargreaves named a couple of people. They are good examples, but there are a huge number of workers doing a fantastic job. Of course, the issue with the hospital is not to do with the professional care. Recently it has only been about budgetary matters. I will perhaps come back to those.

Mr Stanhope in his comments raised the issue of wanting to see the full story and doing a six months' trial of providing further information. It is the same information, of course, that I provided in retrospect to the Select Committee on Estimates. It is the monthly ownership reports to the Treasurer. I am happy to provide those reports. They did not reveal any secrets. In some way or other we have been providing the information. This will perhaps do it in a clearer way for members, and I am very pleased with that.

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Mr Stanhope made a comment about the budget running amok, and he made a comment in the same sort of language about waiting lists. No, the budget is not running amok. There was a prediction that we would have a \$10m operating loss. That does look like it will now come in, as we put in the budget, at around a \$5m overrun. That is not good enough and we will still seek to deal with something like that. It is interesting that just today Dr McLaren has released his report saying that the hospital is not overfunded. Of course, we have three or four other indicators that it is overfunded. I think the critical issue is that we are not trying to cut the budget at the hospital. We are saying, "Live within the budget you have". Even if Dr McLaren's figures are right and the costs are the same as for the rest of Australia, we would say that we are still not changing the budget. We want to make sure people take responsibility within their budget, and that is why we are going through those issues in the rectification plan.

Mr Stanhope raised the issue of hepatitis C. Let me once again say to members that the Chief Health Officer will be delighted to brief you at any time on the hepatitis C program. Some issues are confidential because of the way the negotiation has occurred. Our original plan, as Mr Stanhope correctly pointed out, was to ensure that the hepatitis C issue was dealt with on a legislative basis. That ran into a number of problems, not the least of which was a requirement by the Federal Government. For them to put money in, we had to meet certain criteria. On reviewing those, we slightly changed the process that we used. We still proceeded down the path of going through \$200,000 for the people with hepatitis C who have haemophilia. Under most circumstances, these people would not have been likely to receive any compensation, but we thought compensation was appropriate. For the other people, the negotiations are going on in a similar way to negotiations in other parts of Australia to ensure that we get a fair outcome. Part of the difficulty with the legislative approach is that it would have removed some of people's rights. We feel that we now have a better solution. Once again I would be happy to offer members a briefing from the Chief Health Officer on that matter should they wish that at any time.

Mr Stanhope raised recommendation 34 about the rights of people with mental illness to be considered. The reason this recommendation was not accepted is that the recommendation wanted this to be considered prior to the implementation of the proposed changes to the public housing policy. The changes to public housing policy are going ahead. Recommendation 63 states:

The committee recommends that the Government's proposed changes to public housing be referred to the Assembly committee for inquiry and report; and that no changes to the current policies should take place until after that report has been considered by the Assembly.

I understand that the Assembly is considering that. It has gone to the committee. Will we delay these issues in terms of mental health? I think we now have the opportunity for the committee to consider these issues of mental health when they are looking at those things, and I would be very happy for them to report back and give me further ideas. Of course, we are interested in ensuring that people with mental health issues are dealt with appropriately in relation to public housing. I think most of us, especially if we have been to visit, recognise that they are looked after particularly well in relation to public housing. In many cases I am sure there is a possibility we can do better.

Mr Stanhope said that we should make sure that we respond positively to recommendations of the Royal Commission into Aboriginal Deaths in Custody and the Bringing them home report. I have good news for you, Mr Stanhope. I presume that yesterday you saw the Chief Minister table our report on both of those issues. That is a positive tick for the Government. We will continue doing that, but of course there are challenges there.

Mr Stanhope referred to Aboriginal people having an life span of some 20 years less than other Australians. That is of major concern, but I think we should take care that we do not extrapolate that to the ACT. That figure is an Australia-wide figure. Although it is still a concern for us in the ACT, we would need evidence that that is the case. Anecdotal evidence would indicate that the problem is not as serious in the ACT, but that is not to take away from how serious the problem is.

Contrary to the accusations made by Mr Berry yesterday, which he still has not apologised for, I am not racist and I do not vilify. I work very hard to ensure that we can get the best possible health outcomes for those who need most help. The single most significant group in the ACT, as in Australia, are indigenous peoples.

Mr Stanhope briefly raised the issue of the hospice. I will come back to that when dealing with Mr Berry. Why were the figures not within the budget for the hospice? In responding to Mr Berry, I have to say, "How come you did not hold out much better?". It is one of those issues where we are damned if we do and damned if we do not. But I will come back and deal with that when I respond to Mr Berry on that.

Mr Stanhope also raised the issue of cook-chill. I am very pleased to respond to that, because there was a misrepresentation on the whole issue of cook-chill in the *Canberra Times* and led by Mr Stanhope. Somehow or other the word "Bruce" came into it. I think I should explain exactly what happened so the misrepresentation does not continue.

Cook-chill was proposed as part of the rectification and brought to me as a possible saving, as I recall off the top of my head, of some \$800,000. When it came to me, I was aware that as part of the Bruce redevelopment a cook-chill facility had been built into Bruce. I was the person who checked with the Chief Minister's Department, and the Government is now obtaining professional advice on what possibility exists for a rationalising approach between the Canberra Hospital and Bruce Stadium. I think it is unlikely, because we are talking about over a million meals a year at the Canberra Hospital, whereas at Bruce Stadium I understand they are talking about some 50,000 meals a year. The incredible discrepancy probably indicates that there will not be any ability to rationalise the two but it is certainly worth pursuing and looking into, and we hope to have a result on that in the next couple of weeks. But of course that was blown out of proportion and misrepresented by Mr Stanhope and by a reporter for the *Canberra Times* at a time when it was necessary to act like lions hunting a wounded gazelle in the lead-up to the no-confidence motion.

MR TEMPORARY DEPUTY SPEAKER: You can take your second 10 minutes, Mr Minister.

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MR MOORE: The issue of imaging was raised. There is an Australia-wide shortage of radiographers. There is no attempt to downgrade the Canberra Hospital. An illustration of the care with which the Canberra Hospital is working on this is the fact that, even while there was some concern here, somebody from the United Kingdom accepted a job at the Canberra Hospital. We had already been advertising and had found somebody there. There is interest from other people as well. There is an Australia-wide shortage of radiographers, and we are doing our best.

Mr Stanhope raised specific issues about oncology. If he has any particular issues, I have always said that I am prepared to look at them. I think Ms Tucker and Mr Stanhope would verify that any time you have raised issues with my office we have dealt with them very quickly, as quickly as we could, and got back to you and made sure you understood what was going on and what the issues were. That will continue.

Mr Stanhope also raised the issue of why we do not make a special appropriation for a safe injecting room. Mr Stanhope, if you look at the appropriation that we are talking about here, part 8, an appropriation of \$361,450,000 for the Department of Health and Community Care, I think you will realise that we do not make specific appropriations. We appropriate a large sum of money. We then purchase from within that budget and distribute according to that budget.

That having been said, we would expect that a safe injecting facility would be purchased through our purchasing contracting system in the same way, for example, as we have just let a contract for Canberra Injectors Network, which you would be aware of. That was a contract of about \$100,000, as I recall. That is how we would expect it to be done - in the normal purchasing of things, if we get to that stage. But we will not proceed to that stage, as we have mentioned to this Assembly, before we have a full drug strategy. As was requested by Ms Tucker and by others, and as I agreed, we will have a full strategy. It will not be just a health drug strategy. It will be a broad drug strategy which takes into account education, policing and a full range of issues and how they are integrated. I hope to be able to bring that to the Assembly at the next sitting, but certainly as soon as we can. It will be done in that broad context, as you requested and as Ms Tucker requested, so I believe we will be able to handle that issue.

Mr Stanhope: So you are funding the safe injecting place in this year's budget?

MR MOORE: No, I have not responded about how it is going to be funded at this stage, but I have said that there is a range of possibilities about how it will be funded, the same as there is a range of possibilities about how other things can be funded when an initiative starts at the beginning of the year. We have methods of doing that within an appropriation of this kind. It is possible and it is appropriate. The money is appropriated for us to use through the Department of Health and Community Care, and that is an entirely appropriate way to go. But I am happy to be guided by this Assembly if they would like to use a slightly different method.

Ms Tucker raised a series of issues. The one I would like to respond to mostly is the issue of dual diagnosis. I would be happy to provide you with an extra briefing on that issue. We have a new training program in response to work that has been done on dual

diagnosis and that I signed off earlier today. I would be happy to provide you with a copy or that and to show you where we are going with dual diagnosis, which I think is quite interesting. I think you will find that useful.

I would now like to come back to Mr Berry and the hospice. According to Mr Berry, the Government has been rewriting history. "Michael Moore said, with the wisdom of hindsight, we really ought not to have sited the hospice on the Acton Peninsula". At the time, I agreed with Mr Berry, because, like Mr Berry, I had gone to an election saying there should be a health facility on the Acton Peninsula. But it is no good for Mr Berry now to say that Kate Carnell has deliberately undermined it; that it was all her fault; that it was a perfectly good deal at the time; that it was a terrific deal at the time; and that everybody realised it was a good deal at the time but things have changed. The editorial in the *Canberra Times* on 10 February 1994 puts the lie to the misrepresentation that Mr Berry is making on this issue. Among other things, it said:

It would be idle to pretend that this sort of nonsense has been hitherto entirely unknown from state-level politicians, but even most western and northern premiers and chief ministers adept in inventing and developing confrontations with the wicked Commonwealth for local purposes would regard this particular piece of crass populism as well beneath them.

What was the crass populism that the editorial referred to? Referring to what Mr Berry said, the editorial states:

"Who is going to come around and evict the dying after five years?", he asked. "If the NCPA wants to boot people off, they can buy the site".

They have booted people off - that is the crunch - although they have given us 18 months.

Mr Stanhope: Only because they have got the land, Minister.

MR MOORE: Mr Stanhope interjects, "Only because they have got the land". But the editorial shows that Mr Berry was warned at the time. This is when he announced it but had not done it. He was warned and warned that this is what would happen, so it was not just because they had the land. Listen, Mr Stanhope, to what the editorial said:

The questions raised go well beyond issues of his taste or his judgment: he is proposing to spend \$2.8 million or more to refurbish this hostage to his Government's ambitions. Any recurrent expenditure on a hospice on the site is almost bound to be more expensive than it would be were it located close to other health facilities - since it would either lack the economies of common services or have to pay a premium to get them.

This is the critical part.

Opposition members interjected.

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MR MOORE: Mr Temporary Deputy Speaker, they were heard in complete silence. I ask for the same courtesy.

MR TEMPORARY DEPUTY SPEAKER: Order! Minister Moore has the call.

MR MOORE: Thank you. The editorial continues:

But now the capital investment will almost certainly have to be amortised over five years. If the Commonwealth, as well it might, decides to resume the site for the museum, it is highly unlikely that it will be influenced one way or the other by anything Mr Berry has done. There would not even be left a space for a plaque to mark Mr Berry's obstinacy or his folly with taxpayers' dollars. This habit of misjudgment by Mr Berry - - -

It goes on to talk about his misjudgment in other areas. When Wayne Berry stands here and says people are rewriting history, he is misrepresenting what has happened. He is not being forthright. He is wishing that that were the case. I have to eat some humble pie on this as well, because at the time I supported the stance that Mr Berry took, but with the wisdom of hindsight surely we can say that that is not what we should have done.

Between Mr Stanhope and Mr Berry, we are damned if we do and damned if we do not. One is saying, "It was just Kate Carnell failing to negotiate at the land swap and we should have negotiated much harder". We did negotiate incredibly hard. We pushed the Federal Government right up to the limit. The hospice lease ended a couple of days ago, and we only accepted the Commonwealth's proposal when the Chief Minister met with the Prime Minister about a week earlier. I reckon that is pretty hard ball. We were in the media and in other places and discussing with Senator Macdonald and others the alternatives to keep us on the Acton Peninsula. We were playing hard ball.

Mr Stanhope, on the one hand, is saying "You have to get other things going quickly". Mr Berry is saying, "You have to stay on Acton Peninsula". We are damned if we do and damned if we do not. When you have a party that stands for nothing and when they take you apart whichever way you go, it does make it much more difficult to negotiate. We knew what we were doing. We were proceeding to see whether the Acton Peninsula could remain as the hospice site, and we pushed it as hard as we possibly could.

We now have a 18-month extension. We would not have proceeded if we had not had some insight that we would be able to get an 18-month extension. We have that time now to ensure that we can build the hospice on another site. But with the wisdom of hindsight there is no doubt that spending that kind of money on Acton Peninsula was, as the *Canberra Times* editorial pointed out at the time, sheer folly. It has nothing to do with the way they would like to rewrite history. It has nothing to do with how the Acton/Kingston land swap went.

I have to say, particularly to members on the crossbench, that when you listen to Opposition members they often sound so convincing, particularly Mr Stanhope, who insists still that he was right. (*Extension of time granted*) This highlights how carefully you must assess what they are saying when they say it with so much confidence and they spin things to such an extent that they become quite twisted. I think we have seen it in a series of examples over the last month or so. This is just another one.

I want to stay focused on health. Members raised a series of issues. I hope I have addressed each one of them. I have attempted to address each one. I emphasise again that if members have specific issues they wish to raise they can approach my office. We attempt to respond to them as quickly as possible, and we will continue to do so. I appreciate the opportunity to respond to those issues that members have raised.

Proposed expenditure agreed to.

Part 9 - Department of Urban Services

Proposed expenditure - Urban Services, \$300,452,000 (comprising net cost of outputs, \$223,157,000; capital injection, \$76,273,000; and payments on behalf of the Territory, \$1,022,000)

MR HARGREAVES (5.40): With our commitment to great municipal services in this town, which is essentially half of what this portfolio is all about, it is noteworthy that the department's total appropriation is \$300.5m. Measure that against the appropriation for the Chief Minister's Department of \$121,200,000, and there seems to be a priority problem here. We are more concerned about things like the very high speed train project proving process, \$1.5m; interactive gaming, \$0.8m; initial security costs for the Olympic Games of \$0.5m, with \$3.2m in 2001; and centenary of federation celebrations, \$250,000. They are parties, in my view, with the exception of a very fast train, which I happen to support. We seem to see a lot of parties for quite a lot of money but we only see \$300m for the Department of Urban Services. I think the priorities are upside down.

I am disappointed with the Urban Services component in the budget. It is budget dedicated to outsourcing or, as the Government likes to say, market testing. "Market testing" is a fancy term for what is becoming the inevitable in the Public Service under this Government. This Government will claim that market testing is needed to see whether the service is competing and performing efficiently. But we really know that it is just a process which delays the inevitable for many services. The Government likes to prolong the agony before they stick the "For Sale" sign out the front.

This year under attack are horticultural and cleaning services. I have had numerous people employed in those industries complain to me that they are not getting a fair shake. The most recent was a person formerly employed by CityScape who had hoped to score a job with Excel from Melbourne, only to be told, "Too bad, mate. We do not need you".

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Other services under attack are landfill disposal operations, parking management and domestic animal control services. In recent times the Government has cut back on the quality of services by closing them on the weekends or reducing staff numbers. We have already seen people squealing in the paper - and quite rightly so - about roaming dogs and how they have had difficulty getting somebody to come and take care of them on the weekend. It is the small end of a service spectrum that always seems to get it in the neck. The public begins to complain, so the Government announces outsourcing and the public are happy to see it sold off. That seems to be the scheme of things.

History has shown that a business in trouble is easy prey to a takeover bid, and sadly that is what this Government is doing time after time. It is really a familiar story. Ask the people at ACT Survey about it. Ask the people at Ecowise about it. It is a familiar story that the people at the service end of Urban Services are always under attack by this Government.

As usual, this Government is targeting the lowest salary earners to increase the number of people leaving the service. How many people who have left the service because of these cutbacks over the last two years were earning an average salary of \$26,000 a year? I would think bucketloads of them. This year we will see 110 jobs cut from Urban Services, not surprisingly a third from CityScape. To cover the numbers, the Government threw in the term "departure lounge" to make it enticing. It is like Alice in Wonderland, to quote the Minister himself only two days ago.

During the estimates hearings the Labor Party quizzed the Minister about these so-called departure lounges. His departmental people use smoke and mirrors to cover up the real purpose of the lounges. Yet the Minister would not guarantee that his department would find jobs for those people who refuse redundancies. Instead, they will use psychological warfare to pressure people to leave. Unfortunately, in the majority of cases, the Government will win, leaving many Canberra families with very uncertain futures.

No relief is in sight for Canberra families who are just beginning to feel the full brunt of last year's budget. A year later, my office is still receiving calls from families who are struggling to meet the financial demands that this Government has thrust upon them. No assistance has been given to families suffering from the increase in registration charges or the insurance tax imposed upon the responsible. We cannot forget bus fares, which in many cases rose by 160 per cent.

The Minister for good news stories turns a blind eye because he does not want to know of people's hardship for fear that he may look bad in the eyes of the public. This is the Minister who has virtually eradicated public metal rubbish bins because they were becoming full. With what? With people's rubbish. No, we cannot have rubbish in the bins. That is just too much. I always thought that it was the Department of Urban Services that should provide those essential everyday services for Canberrans. Obviously, I was mistaken.

Driving around Canberra, one can actually see the deterioration - street signs broken, litter along the side of the road, long grass, streetlights out, to name just a few things. Once upon a time these things would have been fixed within a week but nowadays, because the service has been stripped to the bone, it is weeks, sometimes months, before anything is done. Indeed, we had to kick off a hotline before the Minister copied having a hotline to fix street signs and, lo and behold, street signs were fixed.

The Minister will tell you about the \$2.3m being spent on city maintenance. What about the suburbs? I am not talking about suburban shopping centre refurbishment. I had a good look at the list of those, and it is pretty disgusting when his own electorate misses out on that sort of stuff. We all know that the Government is spending this money in Civic only because of the Olympics. If the Government regularly maintained the various services, we would not have to spend such large amounts each budget.

Surprisingly, the budget papers revealed that 189 of Canberra's 440 playgrounds do not meet Australian standards. Fifteen playgrounds are being upgraded each year at a cost of \$20,000 each. What this might mean is that by the year 2011 Mr Corbell's new son, Henry, will be able to play in a playground which meets the standards. The only problem is that Henry will be 12 at the time and he will not be allowed to. Mr Smyth would no doubt make an analogy between the Australian standards and cars - I think he did once before - rattling off some jargon that some cars built years ago do not meet the standards of today.

Whatever the excuse, I just cannot understand why his department has allowed it to become so bad. Perhaps it is because their resources have been pared away. They do not have the money to do it. They do not have the inspectors to go around and check. I am told that departmental inspectors do go around and check whether the playgrounds are okay. Sure, that is what they do. They go around and identify them and say, "It is no good". What happens next? A report is filled in, then nothing happens.

It is not only playgrounds that are failing to meet the standards but also ACT roads. At the time of self-government, the design life of our roads was 20 years. That is a decade ago. We will probably hear the Minister say, "You blokes were in government at one time. Why did you not fix it?". That is the constant bleating reply that we get to this sort of thing. These guys dig deep into the bowels of history and say, "You guys did not do it. Why do you ask us to do it?". With your indulgence may I go to my second 10 minutes, Mr Speaker.

MR SPEAKER: Yes, go ahead.

MR HARGREAVES: I will not need all of it. Going into the bowels of history and asking why we did not fix it means absolutely nothing to me. This Government has been around now for five years. It has had five years to identify that somebody else did not do it, to provide the resources to do it and to get on and do it. This is a can-do government, I am told. As far as I am concerned, this can-do government has half of the pieces of its meccano set missing and cannot do it.

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After two recommendations from the Urban Services Committee, the Minister will not make a commitment to implementing a planned program of expenditure on rehabilitating the Territory's roads. During the Estimates Committee hearings he rattled on that the level of expenditure was adequate, but that was never the question. Is it really that hard to start a program and make a commitment to the ACT public about their roads? Commonsense tells you that by putting a program in place you are protecting yourself for the future rather than running down the condition of assets to a point where it will cost you twice as much to repair them. By ignoring the issue, the Minister is digging his department a great big black hole for them to inevitably drive their buses into.

How does a department get out of that black hole? With speed cameras. The Minister claims that speed cameras are in the interests of road safety. The Labor Party acknowledges that speed is still a major factor which contributes to road fatalities and we too are committed to seeing the statistics drop. But there are still too many unknowns regarding speed cameras. For instance - and I do not know whether to say this slowly or to give them snapshots - will the cameras be operated out in the open or round corners? We do not know. Will there be an amnesty period for people? We do not know. Probably not. This is a revenue-collecting can-do government. It is can-do when it comes to collecting fines. Where does the system fit into a declared and comprehensive road safety strategy? I do not want to hear, "It is coming. It is coming round the bend". It is coming round the mountain; it is not coming round the bend. The only thing round the bend at the moment is the whole concept of speed cameras.

These are all very important questions this Government has failed to address. I understand that the Government intends to release a road safety strategy later in 1999. I have no quarrel with a road safety strategy. I reckon it is great stuff. The Government are also going to have a community awareness program relating to speed cameras. That is going to begin this month. I am pleased to see that the Government has been listening to me in recent times. I have been in the press advocating the need for a strategy. However, this Government should be providing a comprehensive road safety strategy before the introduction of the speed cameras, so that the cameras can be transparently seen as part of an overall strategy to change driver attitude and behaviour.

Any road safety strategy ought to be complete. What we will be seeing is something stitched together when we have the speed cameras in and we have the programs. I would like to see exactly what the media campaign is going to be. I would not have a clue. We were not told. Nobody knows. Nobody in the public has a clue. It can be a great road safety strategy when we tell them what we have told them, not tell them what we are going to tell them. The road safety strategy is being developed, yet they are still going ahead with one of the major parts of it. So much for community consultation on the efficacy of such a strategy. How about developing your strategy first. Put it down so people can have a look at it, pick holes in it and give you some better ideas. Then people will realise you are genuine. I do not believe you are. Originally, this Government was intending to introduce legislation last week and debate it this week, allowing no time for the drivers of Canberra to adjust to it.

Mr Moore: And you stuffed that up, did you not?

MR HARGREAVES: Certainly did, and I am proud of it. I am glad the Government and the major motor organisations listened when we complained that this was not enough for a comprehensive strategy. The Bill did not seem to reflect the presentation speech and, interestingly, it has now been regarded by the scrutiny of bills committee as very sloppy legislation. A quick perusal of the scrutiny of bills committee report to this Assembly will show that it is all over the place like a mad woman's make-up. This Minister ought to be ashamed of bringing such garbage to this Assembly.

I see speed cameras at the moment - and I want to underscore "at the moment" - as a pure revenue-raising exercise. There has not been an orchestrated publicity campaign. There was a little window, a little glimpse, a little star on the horizon, of what the real intention of this Government was about when the other day Mr Humphries, in his pontificating hypocrisy in defending the inglorious Mrs Carnell, said, "The delay in the legislation will cost the ACT \$7,000 a day". But he, as Minister for Community Safety, made no mention of road safety. He was saying, "You bunch of ratbags are holding up this legislation so we cannot collect \$7,000 a day in revenue". Where was the mention of a comprehensive strategy? Where was the mention of a publicity campaign? Where was it mentioned that people might stop killing themselves if they do not drive too quickly? There was no mention of those things by the Minister for Community Safety. A major road safety strategy should begin months before the cameras are introduced, educating drivers in the behaviour change which is needed in relation to speed. Furthermore, it should indicate the consequences of speed in addition to the financial and other implications of being caught on camera.

The Urban Services budget fails to deliver to the people of Canberra. The Government should be improving the quality of services. Instead, they are bleeding it dry and selling it off. The Minister is only interested in revenue raising, and even then his department will pocket the money. There is no guarantee that any of this money will go to road safety initiatives any more than the insurance levy of \$10m went to Emergency Services.

This budget confirms that the good news Minister is still playing his usual tricks, playing happy families and making up warm fuzzy stories, but he is failing to see that this is not how the majority of Canberrans are living. It just proves that he is living in a fairy tale world. He certainly is not living in mine.

MS TUCKER (5.59): I did think we were going to dinner but again the Liberal Whip did not tell the crossbench that we are having a late dinner.

MR SPEAKER: It will be at 7 o'clock.

MS TUCKER: I thought it was from six to 7.30 normally. No-one told me it was 7 o'clock and I made an appointment.

MR SPEAKER: I understood it was 7 o'clock, Ms Tucker. It may be subject to variation - I do not know.

MS TUCKER: My point is that no-one told me and I made an appointment.

Mr Rugendyke: I did not know either.

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MS TUCKER: Mr Rugendyke did not know either, Mr Liberal Whip, if you are listening upstairs.

MR SPEAKER: We might have to check on this, Ms Tucker. You begin your comments.

MS TUCKER: My first comment is on outsourcing and job cuts. I am disappointed that the Government chose to ignore the Estimates Committee concerns regarding the market testing of many Urban Services functions and the subsequent staffing cuts in the department as functions are outsourced. The savings expected by the department are based on flimsy evidence and we have no guarantee that the level of service delivery will be maintained. The problems within CityScape Services in relation to the mishandling of weed and pest control activities indicate that expertise is being lost and standards are not being maintained in the move to contracting out of Urban Services functions.

On the environment budget, I am disappointed that the Government does not accept the committee's recommendation that the section in Budget Paper No. 3 on the environment include expenditure details. Otherwise, this section is just propaganda from the Government to attempt to convince us how good it is on environmental issues rather than a clear expression of the Government's expenditure priorities.

The avoidance of giving expenditure detail makes it much easier for the Government to hide the real expenditure on the environment. For example, it was only through questioning during the Estimates Committee hearings that we found out that, while there are some new environmental initiatives in the Environment ACT budget, these have not been equally matched by increased funding, so that Environment ACT has to find \$322,000 in savings in its budget this year.

MR SPEAKER: Excuse me, Ms Tucker, the debate is interrupted. I do believe that information has been sent to staff that we are going to dinner from six till 7.30. I suggest that as the staff have been informed accordingly we should suspend the sitting now and resume at 7.30, when you may resume your comments.

Sitting suspended from 6.01 to 7.30 pm.

MS TUCKER: Mr Speaker, I am just trying to recall where I was at the suspension of the sitting. Mr Smyth would probably love to hear me talk again about what is wrong with the environment budget.

Mr Smyth: Go for your life. I would be delighted to hear it all again, Ms Tucker.

MS TUCKER: I think I had covered my concerns about the lack of specific information on expenditure in the environment budget in particular. I was saying how I was concerned that Environment ACT had to find savings of \$322,000 in its budget this year and that these savings would come from contracting out the management of the horse holding paddocks, the contracting out of maintenance in the Murrumbidgee corridor and reduced staff numbers. We heard in estimates that this will result in the loss of 16 positions over the next two years.

Regarding water, I am concerned about the misleading statements in the budget that the new water abstraction charge “will fund environmental initiatives in year one and will contribute to the management of water resources and environmental management in subsequent years”. There is a clear implication there that this charge will fund initiatives, but we were told that the money received from the charge will be just going into Consolidated Revenue and that there will be no real change in the expenditure on water catchment management this year. I do hope that the Government will take up the committee’s recommendation that the Commissioner for the Environment undertake an inquiry into the adequacy of management of the Territory’s water catchment, rather than just agreeing to it in principle and quietly dropping the idea later.

We support in principle the pollutant loading fees proposed in the budget, but we want to see the detail. I am concerned that we are just applying the New South Wales pollutant loading scheme in full without looking at the specific circumstances of the ACT. It appears that the main organisations to be charged will be Totalcare and ACTEW. The Government will just end up taxing itself. I look forward to seeing the full details of this scheme.

On PALM, I am concerned with the Government’s response to the committee’s recommendation that the Minister for Urban Services table guidelines on when it is considered appropriate to use the call-in powers to assess development applications. The Government’s response was to agree in part to the recommendation, but I cannot see anything in the response that indicates that they are actually going to do something to implement this recommendation. Their main response was that the call-in process is open and accountable. It may be open in the sense that we get to hear that the Minister has used his call-in power, but it is certainly not accountable as there is no way that the decision to use the call-in power can be challenged. I foreshadow, therefore, that in the next sitting period I will bring forward a private members Bill that makes the call-in power much more accountable.

MR BERRY (7.32): I want to talk about an issue involving Urban Services which is brought to my attention more frequently than most other issues, that is, the state of our roads. Earlier, my colleague Mr Hargreaves raised the matter of the funding of roads, but what troubles me is the danger to road users from the lack of maintenance. You would have to have blinkers on not to notice that there has been a deterioration in the maintenance which is applied to road safety furniture, if I can call it that, and road surfaces - lines, signs and so on.

Two or three weeks ago I had the unfortunate experience of attending an accident quite near my house after a motorbike which I had heard go past my house crashed. As everybody who has ridden a motorbike knows, it is almost impossible to fall off a motorbike without getting hurt. Sure enough, when I trotted down to the scene I saw that this chap had been fairly badly hurt. He was ultimately carted off to hospital with a whole range of injuries which caused him to lose his job and so on.

He was a married chap with a run-of-the-mill family and had found a part-time job. Subsequently, he has found it difficult to get work. He has had to go through the workers compensation problems. First of all, there was resistance to giving him the workers compensation form and then there was all the paperwork that had to be

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followed up to sort out these issues. He had wrecked the motorbike, so he was several thousand dollars out of pocket, and had damaged his clothing and that sort of thing. With a little bit more care with our lines and signs, I am absolutely certain that this incident would not have happened because this rider fell into a trap because of the failure of the Government, us, the Assembly, to properly maintain the lines and signs on a median strip.

We are all familiar with the traffic calming devices in various suburbs. There happens to be one in my street; it was put there some years ago. This rider was riding down the centre line and the centre line led him to a median strip where all of the reflective paint had weathered away. Of course, he did not see it as it was late at night and the bike did a somersault, resulting in the injuries that I referred to. In this day and age we should not see those sorts of things happening on our roads. We should pay a little bit more attention to that. It is not as if that is just one issue. It is a quite serious issue which threatens the lives of some people but affects the lives of many. Of course, it ends up being a cost to the community generally.

I will read to you some parts of a letter I received today:

As a motor cyclist who commutes daily, I too am concerned at the poor standards of signage on local roads. As an example, I draw to your attention the roadworks at the corner of Casteau and Hodges Streets, Higgins. At this intersection the road was dug up over a week ago, but not as yet resurfaced, yet there is not one sign to warn motorists that repairs are underway.

It goes on to say:

I find this incredibly irresponsible - should an accident occur because of this, no doubt the ACT Government would be totally liable. With the very high costs of vehicle registration these days, we deserve better.

There is there - and, I believe, in the case of the motorcyclist I referred to - the question of the liability of the Government, which would have an impact on costs to the taxpayer. Mr Speaker, I have raised those issues because I expect a better performance from the Government; in particular, from the Minister. I have written to the Minister in relation to one of these matters and, if I need to, I will take up this matter with him. It concerns me that we are faced with a serious problem for motorists. As a former motorcyclist who has become a little too fearful of those machines to ride them any more, I can see that motorcyclists in particular would be concerned because they can be vulnerable if those sorts of forces are working against them.

The next issue that I would like to talk about is that of redundancies in the Department of Urban Services. I have said a little bit about that in relation to the Chief Minister's portfolio and I will try not to repeat myself too much. It is a serious matter in the Department of Urban Services and lots of people are going to lose their jobs. I dislike the way that the Minister described how the proposal was going to help workers. I think he said that it would provide them with some dignity. There is nothing dignified about losing your job and it is pretty hard to dream up a set of circumstances which would make somebody feel dignified when they lose their job, unless you were to try to

hypnotise them or drug them or do something like that. The fact of the matter is that these people are going to lose their jobs and many of them are going to find it hard to get work in the future.

I think that this whole process has been cruel and unrefined. These exit lounges, or whatever you like to call them, are a cruel imposition which are designed to force into redundancy people who otherwise might not want to go. I can assure you, Mr Speaker, and members of this Assembly that action will be taken in this place and elsewhere to ensure that the impact of the Government's intentions on these workers is minimised. I think that the approach that the Government has taken has been a most cruel approach and, as I said, it is very coarse and undignified. I think it is quite unacceptable.

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (7.40): Mr Speaker, I want to make a very brief contribution to the debate. I was just reminded about redundancies. It is worth reminding the Assembly that the redundancies which have been offered by the Government are all completely voluntary. I have little doubt, on the basis of the reactions so far, that there will be more than enough volunteers very willing to take up the offers made by the Government. In fact, Mr Speaker, based on experience, there will be many people who will be very disappointed if they are unable to take advantage of an offer; in fact, there is sure to be some jockeying for the right to be able to take up one of those offers.

I think it is worth noting for the benefit of the members who were not here during the days of the Labor Government that back in 1993, I think it was, the then Labor Government offered \$17m worth of redundancy packaging to people in the workforce at that stage. Apparently their redundancies were tender, caring, compassionate redundancies, whereas for some reason these ones are not.

MR SMYTH (Minister for Urban Services) (7.41): Mr Speaker, I rise to support the budget. I believe that what the Government has set out to achieve here is for the long-term good of the ACT and necessary. It is interesting that the response of the Opposition spokesperson on urban services started with simply puerile attacks on the Chief Minister. It seems to be Labor Party policy, given their obsession with the Chief Minister, that, if you have nothing better to say, you use any opportunity you have to attack her. The basis of Mr Hargreaves' attack on the Chief Minister seemed to be that she has too much money in her budget. He seems to be somewhat at odds with, say, Mr Quinlan, who said that there was not enough money for tourism. It seems that, if you have not got anything better to say, you just make silly comments.

For the benefit of the Opposition, I point out that the Chief Minister has responsibility for business, for employment, for tourism, for the arts and for Aboriginal and Torres Strait Islander affairs. I note the comments earlier from the Leader of the Opposition, who claims that he has a long and abiding interest in Aboriginal and Torres Strait Islander affairs. He might mention to Mr Hargreaves that it is important that we fund initiatives, having raised in his speech some issues concerning Aboriginal health. The Chief Minister is also responsible for multicultural affairs, asset management, government-owned enterprises and information technology. It is well and good for Mr Hargreaves to stand and pick out a few little bits that he thinks will amuse or titillate

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the public, but the reality is that the Chief Minister's office is responsible for some of the most important parts of our budget and some of the most important parts of managing the ACT and, as such, the budget that she has got is entirely appropriate.

Going on to the guts of Mr Hargreaves' attack on the budget - rubbish bins - again, like so much of this week, Mr Hargreaves misrepresents, as he has done since the issue of rubbish bins was first raised. In developing a strategy to manage waste properly for the ACT, we consulted far and wide and looked at what was going on, not just round Australia but round the world, to make sure that what we were doing was appropriate. It is quite clear that, in some instances, the provision of open-top rubbish bins is no longer suitable. But where they are needed and appropriate, they have been replaced with larger bins. It is something that Mr Hargreaves seems to have trouble coming to grips with and it is something that he fails to understand or chooses not to understand. When I look round Australia and see councils such as the North Sydney and Manly councils doing exactly the same thing and when I have somebody like Ian Kiernan telling me that it is most appropriate and he is approving of it, I have to ask myself whether I should take Mr Hargreaves' advice or whether I should take Mr Kiernan's advice, and in this case I think I will stick with Mr Kiernan.

Then we had the complaint about playgrounds. Mr Hargreaves said that Mr Corbell's son will have difficulty by the time he is 12 years old because the playgrounds will be substandard or something else. The curious thing is that Mr Corbell, I believe, lives in Gungahlin and all the playgrounds out there were built only recently and all would have been built to Australian standards. We do have playgrounds in the ACT that are somewhat aged, but they are safe. Any unsafe playground equipment has been removed. Mr Hargreaves in his attack says that the Government will use a specific defence, and he is quite right. Things that were built at a certain time in compliance with the standard of the day and are safe are still acceptable today. The classic case is the automobile. Many cars these days would have to be considered unsafe against modern standards, but they were built to the standard of the day and, if they are maintained properly, are still appropriate for use on our roads.

That gets me to roads. Mr Hargreaves claims that he asked during the estimates about the condition of our roads and whether they had they been built to a certain standard. One question he asked was: "Which arterial roads were at their design life of 20 years at self-government and how many have been upgraded since?". In raising this point, Mr Hargreaves says that we have roads that are old and nothing is happening to them. If Mr Hargreaves had managed to consult the answer that he was provided with he would have found, just quickly looking at it, that, apart from the national roads for which I cannot answer, they have all been resealed, had an asphalt overlay or been rebuilt since self-government.

It is quite interesting that all of these roads have been adequately dealt with, but we do not get that sort of acknowledgment from Mr Hargreaves. He tells half the story and then he walks away and forgets to tell or acknowledge the rest of the story. Clearly, some of those would have been repaired or looked at in Labor days, some would have been done in the time of Mr Kaine as the Alliance Chief Minister, and some would have been done under the Carnell Liberal Government. It is interesting, Mr Speaker, that he makes statements that he refuses to back up, ignores the answers given and simply waltzes away from the scene of the crime.

The same can be said for the simple comment he made about suburban shopping centres - again, pull the pin from the hand grenade, throw it in the crowd and walk away from the scene of the crime. Mr Hargreaves claims that money is being spent only on Civic, that we have an obsession with Civic because of the Olympics. Let us look at the work that is being done in Hughes, Narrabundah, O'Connor, Manuka, Kingston, Yarralumla, Weston Creek, Kippax, Curtin, Hall, Dickson, Charnwood, Hawker and Watson. What can you say, Mr Speaker? Either they have all been moved to Civic or Mr Hargreaves is just plain wrong. Some \$10m has been spent in the precinct management group's efforts to improve our ageing shopping centres.

And then Mr Hargreaves makes the amazing accusation that we have never done anything in Tuggeranong. The reason that we have not done much in Tuggeranong is simply that things there are not of an age that they need attention. Most of Tuggeranong has been built since 1975, much of it was not built until the 1980s. As those shopping centres are ageing and it becomes appropriate, we will do what we need to do. The suburbs of Manuka, Kingston, Yarralumla, Hughes, Narrabundah, O'Connor and Curtin were all built well before Tuggeranong and Tuggeranong will get the attention it deserves when its shopping centres need upgrading. Again, he makes silly comments and simply walks away from them.

Mr Speaker, I think the absolute example of Mr Hargreaves' ineffectiveness in this portfolio is when he talks about road safety and speed cameras. Until recently - until Mr Hargreaves claimed victory for the Labor Party, in fact - the Labor Party, according to their spokesman, was steadfastly against speed cameras because they were just about revenue raising. But I noticed last week, I think, that he claimed a victory for the Labor Party in that we had announced that the chief police officer would be controlling speed cameras.

Mr Stanhope: You did a backflip, Minister.

MR SMYTH: Guess what? It was always our intention that the chief police officer would control the speed cameras.

Mr Stanhope: You did a big backflip.

MR SMYTH: I hear the Leader of the Opposition interjecting about backflipping. That is the standard of interjection from the Leader of the Opposition. We get these little one-liners across the chamber, "Backflip, backflip". The point is that we have always said that the speed cameras would be part of a coordinated road safety strategy that involved the police, the NRMA, Urban Services and the community. And then we had the bleeding from the Urban Services spokesman for the Opposition that what the Government needed was a strategy. "Where is the road safety strategy? How could you announce the introduction of speed cameras without having a road safety strategy?"

Mr Kaine: Very easily. You can prove that.

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MR SMYTH: You can announce it, quite. Mr Hargreaves can call it very easily because he walks away from the scene of the crime. Mr Speaker, if the spokesman for Urban Services - - -

Mr Stanhope: Who walks away from the scene of accidents? Who is that walking away from the scene of accidents?

MR SMYTH: You should listen to this, Mr Stanhope, because you might learn something about the team that you lead so poorly. You should listen to this before you interject on something that you are so ignorant of that you have not even paid attention to it.

Mr Speaker, the ACT does have a road safety strategy, and we are updating it. How do we know that it is being updated? We know because more than 50 delegates went to the forum on 25 February this year that discussed the updating of the road safety strategy. Who was not there, Mr Speaker? Everybody was there bar the Labor Party. We had insurance companies, we had the NRMA, we had the police, we had safety experts, we had departmental officers, and we had people who had suffered from the trauma of road injury and death. They were there to help us develop a strategy that will take us into the next century. This forum endorsed the goals of a new strategy. The key points of the strategy were to reduce road trauma levels, despite the increasing population and travel, and to create community responsibility for and participation in road safety. Mr Hargreaves, you asked for it. In most cases, it is already there. It was just the same old bleating, Mr Speaker. He just bleats that things should be done without making any inquiries to find out whether anything is already in train.

Mr Hargreaves went on to talk about the speed cameras and he said that we are going to attempt to push their introduction through in this session. Mr Hargreaves' office was told over a week ago that it would not be brought on until the August session because we did not have time.

The whole point in having speed cameras and red light cameras is the safety issue. Mr Hargreaves made mention of the fact that Mr Humphries had said last week that we would make some money if we had speed cameras. That is true. We will make some money out of speed cameras; we do not deny that. I think the figure in the budget is \$2.5m. How would we make money out of speed cameras, Mr Speaker? It is because people speed. Hopefully, one day we will get a zero amount of money out of speed cameras, and that will be the day Canberrans stop speeding.

Mr Speaker, I have said many times since I started this job that we will have an integrated approach to road safety. We are the government that is introducing the new drivers - new attitudes education strategy to make sure that we train safer drivers. We are the government that, through my colleague Mr Humphries, has its own AFP traffic enforcement strategy in place. We have now come up with the red lights and speed cameras. We are updating the ACT road safety strategy. The NRMA road safety trust has been renewed and will be going on. We are the government that actually has road safety in mind.

And then we had the issue of adequate signage and line marking. Again, we are the government that this year put a total of \$2.3m into the streetsmart program, being \$1.3m for capital works and an additional \$1m for recurrent expenditure, because we understand that some of that infrastructure has been getting a bit old and we understand that some of that infrastructure has been damaged by accidents and by vandals. We will make sure that it is replaced as quickly as we can. We have hotlines in the phone book so that people can ring and tell us that signs or lines need replacing and we take notice of them. What we have had here, Mr Speaker, is just a litany of things that Mr Hargreaves thinks are wrong. He speaks a few glib lines and wanders away without any real acknowledgment that much of what he says is already going on. I guess it is easier in opposition simply to ignore.

Mr Speaker, time is getting on and I will be brief. In regard to some of Mr Berry's comments, road safety is a very serious issue. I certainly take it seriously. I think it is quite clear from what I have just said that the Government does take it seriously. We are making sure that we do, at all times, put up the best road system that we can. It is very different from the road system for the rest of Australia. We are very lucky to have the arterial system that we have linking the suburbs. Overall, we do have very low road tolls, but they could be lower still. Last year, 22 died on ACT roads and there have been 11 deaths so far this year - six months - which is very sad. But we have to understand at all times that road safety starts with each of us as individuals and at all times we must be paying attention and making sure that we do the right thing when we are out on the roads.

Mr Speaker, the Urban Services budget has many initiatives for the coming year. We will be getting on with the job of making Canberra a city that we are all proud of. Canberrans obviously like a high standard of city services and we will continue to deliver those. I will seek to get best value for the taxpayers' dollar wherever we spend it and make sure that we do as much as we can with that dollar to maintain the standards that Canberrans expect and deserve. With that, Mr Speaker, I commend the budget to the Assembly.

Proposed expenditure agreed to.

Part 10 - The InTACT Group

Proposed expenditure - The InTACT Group, \$17,640,000 (comprising capital injection, \$17,640,000)

Proposed expenditure agreed to.

Part 11 - ACT Housing

Proposed expenditure - Nil

MR WOOD (7.57): With a proposed expenditure of nil, I could claim that the Minister has done very badly indeed in defending the needs of his agency. I do want to make some criticisms, acknowledging that there are very significant problems with housing. I hear the Minister talk about having an aged housing stock and I have seen many homes that go back to the 1930s, I am sure, for some and the 1940s for others.

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I make the point strongly that I think that a lot of the houses we inherited from the Commonwealth were in very poor condition. There were comments at various times that the Federal Government gave us \$1 billion worth of assets. They are assets that are costing us a heck of a lot of money to bring up to scratch. I recognise that and I note the indications in various publications of the Minister of the extent of the shortfall in funds for maintenance.

Mr Speaker, I have been critical of some aspects of policy of the Minister in respect of housing. I have had something to say about the Narrabundah long-stay caravan park, Lachlan Court, Burnie Court and Uriarra. We have now a more satisfactory outcome at Uriarra. I have been concerned about the rapid move to transfer homes to the community housing sector. I have had some comments about the changed policies on permanency of tenure, rental bonds, the segmentation of waiting lists and the like. I read assiduously what the Minister puts out in media releases. I do not know whether I see them all. Given the nature of this place, I suppose we do not send each other our media releases, but we should.

Unless I have missed something, there seems to me no framework, no overall policy, that the Minister has set down on where he is going. I know that we have all the papers, all the annual reports and all the information on this subject, but it has been a period of quite noticeable change in housing, especially with the new statements about permanency of tenure and the like, and what I would invite the Minister to do when we come back into the Assembly after the break is to give us a ministerial statement in which he locks it all into 20 or 30 minutes or to put out a document in which he sets down where he took up housing a couple of years ago, say, and where he is taking it to. I read his annual report and I read the documentation, but I do not pick up there a clear thread as to where he wants to be.

Minister, you want to attend to maintenance and you certainly want to reduce the number of houses. You talk about the stock that you have and how you have to change your stock to meet the needs of people today. I know all about that. But then I see you wanting to move 1,000 homes across to community housing and continuing to sell housing. I have seen different figures on that in print. I would like a clearer picture of where the Government is going.

I have asked the Minister at various times what he wants to do with Burnie Court. When the Minister made an announcement about Lachlan Court he gave me a clearer indication, for the first time - perhaps I had been a bit cynical and suspicious before that - that Burnie Court was going to stay and was going to be refurbished in some form or other. Whether the Lachlan Court funds will be enough for that I doubt. However, I have not seen a clear statement about Burnie Court. I am told that there is a big complexes policy, and I have been asking questions about it in the consultation and so on and I am not clear in my mind that the answers have spelt out well what the Government is intending to do.

For the people in these places it is their home. Sometimes the home is not in the best condition in the world, but it is their home, it is a roof over their head, and there is really nothing more important than that. I will be going home at some stage tonight or early in the morning - though it is looking all right at the moment, is it not? - and I will be going

to a warm house with a roof. Most of us in Canberra have that, but there are some people in difficulty. We need to acknowledge that people have great concern about having that roof over their head. Minister, you might tell me in a few minutes that I just have not read all the material that you have put out, that it is all there - - -

Mr Smyth: I just do not think you have.

MR WOOD: I have been pretty assiduous in going through things - I really have - and I just cannot see the whole picture. It may be there in bits and pieces. Perhaps I have not done a cut and paste and put it all together in a good enough form. Therefore, I invite you to come back into the Assembly, or put it out in a printed document, and say very clearly where you want to go on a whole range of aspects. I think the Minister well understands that the community has a large body of people very involved in housing. I know that Mr Moore, Ms Tucker, Mr Kaine, Mr Rugendyke and others are often in contact with these groups and go to their seminars and meetings. There is out there a community very interested in representing people in public housing, as well as 12,000 householders who are particularly interested.

It may be, Minister, that Ms Tucker and the Assembly have given you the opportunity, to make this full statement, because as of yesterday we have a committee inquiring into housing costs. Perhaps your submission to that will be the vehicle by which you can put all this together for me. That would be a good time. I dare say we will have a meeting of that committee within a few days and start the machinery rolling. You will get a letter inviting you to make a submission, and that might be the best occasion. We might get that before we come back into this Assembly, so we might be moving faster by doing it in that way.

I have said a number of times in this place, and I do not think it is a cliché, that you should not regard public housing as houses; you have to understand them as homes. That is what they are for people. They are not bricks and mortar alone; they are the homes they live in. When a family is out at night and say, "Let's go home", that is what it is about and that is what it means to them. I hope that, together with Ms Tucker and Mr Hird, we will be able to advance our knowledge and, most importantly, settle some issues and hear what the community groups out there are saying. We will listen most assiduously to what you tell us, Minister. I am really looking forward to the Minister making life easier for me so that I do not have to do all this cutting and pasting and the information comes to me in a very clear and explicit document of 20, 30 or 40 pages, whatever it takes. I look forward to that, Minister.

MS TUCKER (8.05): The first comment I want to make about this housing appropriation is that it is obviously not a budget issue that we are discussing here. What we are discussing is the Liberal Government's proposals to change fundamentally the way the ACT looks at public housing. It is quite inappropriate for it to be linked to the budget in any way. There is no appropriation connected with it. It is interesting to me that we are having this discussion in this context. I do not even want to go into detail about the concerns that have been expressed to members of this place about those policy changes because, as Mr Wood has said, we will have an opportunity to do that through the select committee whose formation the Assembly supported. I want to say, however, that I assume that the Minister realises that he cannot just proceed with the changes as there is a disallowability to them and he will have to bring them back to the Assembly

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anyway before he can proceed. So we will have the opportunity to have reasonable consultation and input to anything this Government might want to do to public housing in the ACT before they do it.

It is totally unacceptable for the Minister to say that no consultation was necessary because it was a budget issue, which is the answer that he gave to the Estimates Committee. It is not a budget issue. It is an issue of social policy to which the community has not had an opportunity to have any input. The Assembly put that right yesterday and I hope to hear the Minister acknowledge now that he acted totally inappropriately, as has his Government, in the way he tried to link it to the budget, which it is clearly not about. We will now move into a process where we can have considered discussion and recommendations to the Government on this very important social issue. I remind members that the reason it was given to a select committee is that it is a broad social policy issue. It cannot be just put into housing under Urban Services which, as I said yesterday, is often described by the current Minister as just bricks and mortar responsibilities.

I will close by saying that we will have the opportunity now for further and detailed discussion with the ACT community. I would just say that I think Mr Wood, in addressing some of those issues, really did encapsulate why people in the ACT community are so incredibly offended by this Government's process in this matter. Having safe housing is a fundamental requirement of secure living in a society. The situation should not be changed with just one sweep of the brush, as has been done. Mr Wood expressed why so many people are outraged with his description of home as the place people go for security. I will not go into detail about why the people should be outraged because, as I said, we will have another opportunity to do that.

MR SMYTH (Minister for Urban Services) (8.08): Mr Speaker, I thank members for their comments. I would just like to correct something that Ms Tucker said. I am not sure that I have ever said that the houses are just bricks and mortar. I understand perfectly well that they are people's homes, that they provide a roof over their head, that they are the place that they go home to at night. I would have to say that I was disappointed to hear Ms Tucker say that. It is a very glib and easy line to accuse people of treating these houses only as an asset. I understand full well the implications and I have to say that I take my responsibilities as housing Minister very seriously.

It is interesting that Ms Tucker should continue to say that these issues are not budget related. In a full year, these reforms will yield some \$2m to ACT Housing, allowing that money to go back into ACT Housing stock. The big problem we have is that, for the youngest capital city in the country, we have the oldest standard of housing in the country. The average age of the housing stock in all the other jurisdictions is 20 years; ours is 25. We have the oldest stock. We have inadequate stock and we need to change that stock. I have said since starting in this part of my ministry that that is something that I would be very proud to achieve by the end of this term of government and we have started down the road to making sure that we have stock to meet the needs of our tenants where they want to be.

Mr Stefaniak, the previous housing Minister, started the big flat strategy. We have a number of complexes that are just totally inadequate to meet the need. I am very pleased that, in the course of this term, we will change the very nature of Macpherson Court and we will have sold Lachlan Court and used the proceeds thereof to renew Burnie Court. I think that will be an amazing achievement in meeting the needs of people where they live.

You have to understand that the fundamental problem we have is that what the Commonwealth gave us in 1989 was a stock of public service housing. It was housing that met the needs of public servants who were moved here. It was housing that was offered as inducements, as incentives to move in the 1960s and the 1970s when all the big departments were shifted to Canberra. I think the term "three-bedroom ex-guvvie" is something that only Canberrans really understand and know about because so many of us lived in them, had friends that lived in them, visited them or bought them. I suspect that just about everybody in this place is in one of those categories.

We are attempting to meet the needs of tenants where they are. The current stock is located heavily in the inner city - in old Canberra, in north Canberra and south Canberra. Some of our longest waiting lists are for places in Tuggeranong. Half the stock is three-bedroom houses and yet our overwhelming need is for one-bedroom accommodation and two-bedroom accommodation. We have to make sure that, over the quickest period of time that we can, we change the housing stock to meet the needs of the tenants, not only where they are but also where they want to be, and this Government will do that. It will not be easy and it will take some time, but we will have made a significant start to meeting the needs of tenants.

Let me dispel some of the furphies. Even though we have started moving people out of Macpherson Court and the majority of them have now found other suitable accommodation and, because of some fires at Lachlan Court, we have had to move people out of there, the number of people on the waiting list has not gone up. The list has declined by some 3 per cent in the last year because we are managing better and we are meeting the needs of tenants better. At the same time we have put in a new computer system. That new computer system will overcome some of the failings of the current system whereby it is very awkward or almost impossible on occasions to get the appropriate data that you need to manage your stock. The new system, hopefully, will overcome all of those problems.

Mr Speaker, the initiatives undertaken are budget related. To achieve the \$1m estimated for this year we have to start warning tenants now so that we can implement changes on 1 January. In a full year that will bring \$2m to the ACT housing budget. So, let us just dispel the little myth, let us get rid of the furphy, that it is not budget related. It is most certainly related to the budget that we will spend on providing the homes that those opposite want us to provide. That \$2m will go a long way towards providing each year more new homes, upgrading homes and providing better accommodation for those most in need in the ACT.

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Mr Speaker, much of what happens in housing is tied up in the Commonwealth-State housing agreement. We will have to finish the negotiations there. I look forward to giving a submission to the Assembly inquiry because I am very proud of the achievements of the Government in regard to housing and I will continue to be proud of the achievements as we carry them out. I commend the budget to the Assembly.

Proposed expenditure agreed to.

Part 14 - Department of Justice and Community Safety

Proposed expenditure - Department of Justice and Community Safety, \$151,649,000 (comprising net cost of outputs, \$81,690,000; capital injection, \$5,369,000; and payments on behalf of the Territory, \$64,590,000)

MR SPEAKER: The question is that the proposed expenditure be agreed to.

Mr Moore: Yes.

MR HARGREAVES (8.38): Thank you, Mr Moore, for the entertainment. It is nice to see a jester in the chamber at this time of night, and I appreciate it very much. For the period 1999-2000 Emergency Services will make a \$2.8m loss, as I understand it. For the same period the Government payment for outputs is being cut by \$2.5m. One wonders why that is. I am sure there is an explanation for this but I could not find it in the budget papers. I have searched and searched but I could not find it. Perhaps the Minister can tell us later on.

A further \$50,000 is being spent on the Gungahlin Joint Emergency Services Centre. We have spoken about the Gungahlin Joint Emergency Services Centre for a while and on a number of occasions. It is really needed out there in Gungahlin but I do not think it is being utilised to its full capacity. Also, they have part-time police there. I think Gungahlin had full-time police but they were removed. They came from Belconnen, over to Gungahlin and back again. Is this the police equivalent of a table tennis game? I do not know, Mr Speaker.

That leads me to the point that I am a bit disappointed that additional funding was not allocated for the recruitment of extra police. Therein lies a bit of a conundrum. Staffing levels have fallen back to those of the mid 1980s. Crime in key areas is on the increase, while clear-up rates have dropped off dramatically. Anybody who does not think that the clear-up rates are less than desirable ought to read the stats.

Mr Quinlan: No-one is listening.

MR HARGREAVES: I address my remarks to you, Mr Speaker, because nobody in the chamber apart from Mr Moore, to whom I will pay credit, is paying the slightest bit of notice. I want to stick all this in *Hansard*.

Mr Moore: Speak with more flamboyance.

MR HARGREAVES: I will speak with more flamboyance. The people who can read *Hansard* will be able to follow this. I am a bit concerned, Mr Speaker. I reckon we need about an extra 66 police, but I am open to persuasion on that from the Government. I wonder sometimes about the speed cameras. Perhaps we will get an Urban Services officer to do that. We will get rid of the slant radar and we will save the traffic police allocated to those duties and put them on other duties.

Mr Humphries: Like what?

MR HARGREAVES: Like home invasions, Mr Humphries. Have you ever had your home invaded? Have you?

Mr Humphries: I have had a few parties that were a bit out of control, but - - -

MR HARGREAVES: Yes. Well, invaded by idiots, perhaps, Mr Humphries, and that would not surprise me at all. Being invaded by drunks would not surprise me either. Being invaded by people with nowhere else to go would not surprise me either. But I ask you, Mr Humphries, as you sit there with your smug look on your face - - -

MR TEMPORARY DEPUTY SPEAKER (Mr Hird): Order! Mr Hargreaves, you know the procedure. You address the Chair. Thank you, sir.

MR HARGREAVES: Through you, Mr Temporary Deputy Speaker, I ask the Minister for Justice and Community Safety whether he has ever had his home burgled or broken into. The answer is probably not. I take it that that is so because of the embarrassed look on the Minister's face. Well, Minister, I have, and in very recent times. Quite frankly, Minister, through you, Mr Chair, I would rather have those policemen trying to address that than having them sitting on the side of the road pinging people for doing five Ks over the speed limit. When I got home only last week to find my door busted in, splintered, and that people had wandered through my house only - - -

Mr Humphries: Ah, this explains a lot.

MR HARGREAVES: It certainly does, Mr Temporary Deputy Speaker. It does explain a lot. If the Minister cares to go back through *Hansard* he will see similar comments from me in the past about being worried about what other people might feel when this happens. Well, it is not an academic exercise any more, Mr Temporary Deputy Speaker. It is real. I think our police are doing a magnificent job. The police attended very quickly and did a great job. Constable Mullins was the guy in charge if you want to ring him up and say well done. I am happy to say that for the record. He had an offsider whose name I have forgotten, and I deeply regret that. It is my fear that later on we might take more police out of the system. It is a worry.

I must say, Mr Temporary Deputy Speaker, that hitherto a lot of things that pertain to the police were academic as far as I was concerned. They are not any more, not only to me but also to people who are dear to me and people who have spoken to me who have had similar experiences. Such experiences are not nice. If the Minister comes in here and glibly says X, Y and Z and talks to me about an academic thing, Mr Temporary Deputy Speaker, I will merely smile, look him in the eye and look for the nearest spittoon.

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Mr Temporary Deputy Speaker, I would like to know whether the police are prepared for the Olympics and CHOGM. I do not think they are. There are rumours that police have had their leave cancelled for the next year due to the Olympics. How are we going to pay for that? How are we going to pay for the leave of the police at the end of the day? The Federal Government is their employer, after all. Our police are only contracted. This is a body hire company, for God's sake. The police are being told, "Well, we will pay you out for your outstanding leave at 50c in the dollar". It is not 50c in a dollar. That is the amount they get. It is 25c in the dollar because you have to take the tax off. It is criminal.

What has this Minister, our Minister for Justice and Community Safety, done to use his influence with the Federal Minister? What has he done to make sure that this town does not suffer when the inevitable happens and the AFP start agitating for some justice with their pay rates; when the AFP find that they have to give up their leave for CHOGM and the Olympics, which is a reasonable thing to ask them to do? What is unreasonable is to pay them out at 50c in the dollar. What are we doing here in this town to make sure that we do not suffer? The AFP is a contractor, even at its basest. We have a contract. It is incumbent upon our representative to say to the contractor, "What contingency plans do you have to make sure that my citizens are protected?" I want to know what he has done.

To be quite honest, Mr Temporary Deputy Speaker, in the majority of dealings that I have had with the Minister over law and order issues, I have to say he has done a great job. Occasionally we disagree. Occasionally we disagree violently. I might even say that if I had had a sword in my hand that would have been the end of him. However, most of the time I think he does a great job, and I know that he attacks it from a compassionate position. However, I want to know what it is that he is doing about this.

Mr Temporary Deputy Speaker, I do not accept the view given to us that we cannot distinguish between the budgets for the Fire Service and the other elements of Emergency Services. We got that in estimates. We were told, "Well, we are putting them all in the same bucket so that we've got a great service, but we don't tell you." The converse of the coin is that we are not going to get rid of the uniqueness of the different services. How would we like it if we could not tell the difference between an ambulance officer, a policeman, a fireman, a butcher or a newspaper boy? What we are saying here is that this department cannot provide us with details of the discretion between these things in the budget.

Mr Temporary Deputy Speaker, the Oracle financial system on which they have their finances is a series of interlocking three dimensional matrix codes and it can take a trained monkey to get them out. I ask the Minister to go and employ a trained monkey so that he can pull them out and tell me. I knew these things when I was working in the Public Service before I came here. I knew how to manipulate it and it is possible.

MR TEMPORARY DEPUTY SPEAKER: I apologise for interrupting you, Mr Hargreaves. You gentlemen on my left, if you wish to have a discussion, please use the mute button because it makes it very difficult for the staff recording *Hansard*.

MR HARGREAVES: Thank you, Mr Temporary Deputy Speaker. I still want to know, and I am going to pursue this until the cows come home, what the Fire Service budget is, because I do not believe that there is any other agenda but to destroy the uniqueness of that service. Mr Temporary Deputy Speaker, I seek leave to speak for a second 10 minutes.

Leave granted.

MR HARGREAVES: Thank you, Mr Temporary Deputy Speaker. I want an answer to the question I asked, and I have asked it in public. I know the Minister has ducked and weaved. You know, he has moved like a butterfly and stung like a bee, very well indeed, so far, but, unfortunately, Joe Frazier is still coming after Muhammad. What has happened to the million dollars that was in the Emergency Services budget for the 19 firefighter positions that have remained unfilled for the last two years? What happened to it? It was in the base budget two years ago. I suspect that it has gone into the Emergency Services bucket to be distributed because they have had a contraction in their funding. If that is so, let the truth out. Let us have the truth out. Say to us, "We haven't got any money". Well, where did it go?

As far as I can see, if they are 19 positions down and are providing the same service they always have, that is a productivity increase in anybody's money. This Government can find an extra \$27m for a football field which, incidentally, does not have AFL on it, so it has not got any sympathy from me. Mind you, so long as it keeps St Kilda off it, that will be fine by me. All that the guys want out of that \$27m is \$1m. This Government could say, "We recognise the fact that you firefighters have done an exemplary job over the last two years. Here is a five per cent pay rise. Here is your million bucks back", because it is in the base budget. I do not believe for a second that it is not in that base budget unless somebody can show me where it has disappeared to.

I would like to address the issue of the prison for a second or so. I will not be too long on this because I suspect that the Minister and I agree on far more things than we disagree on. Sometimes that gets me in a bit of trouble with some of the people I am fond of, but nonetheless I suspect that we agree on more things than we disagree on. What I guess we also disagree on often is the timing, and I think that is a fair enough thing for us to disagree on. That is the political divide.

It was a bit difficult for me to find it in this set of papers but I understand that last year we had \$400,000 to go to the first step of the prison. I understand that it was for program management, project direction and stuff like that, and we did not spend it. We only spent about \$100,000 of it or less. Sorry, it was \$500,000. Now we have \$400,000 or something like that left in rollover funds for that. What I would like to know is this: Is that the amount of money that we will be paying the project direction team when the Government decides that now is the time to go? Is it the case that all we need to argue about is the timing of that?. The Minister would have us believe that he wants us, the Standing Committee on Justice and Community Safety, to do X. We are saying, "Please, Minister, do Y". When that comes off, bingo, we are all in sync and off we go.

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But will that \$400,000 be enough? As I understand it, generally speaking, this sort of program has to go not just from the time of kick-off of the contract to a certain defined time, as you would know, Mr Temporary Deputy Speaker. You have been a constant traveller with me into all of these prisons. You have looked deeply into the minds of those experts and extracted from their souls the very essence of success when we come to prisons. That essence of success is to take it from conception right through to the time when the prisoners have been placed in their new digs and they are happy about the exercise. You would know that the Port Phillip experience blew up because they did not pay enough attention to the second phase, and we would need to have this program and project direction see that right through that continuum.

What I would like to know is where are you going to get some tin-pot show that is going to do it for \$400,000, because they sure as hell aren't going to. If you think you are going to get it for \$400,000 I might be a bidder myself, because I might be kicked out of here at the next election. However, it is my understanding that it is usually a percentage of the contract. Now, let me suggest to you that it is 10 per cent. If it is 10 per cent, at the moment it is \$3.5m. By my numbers we are \$3.1m short. So what are we going to do about that? I want an answer to that. Will we have another Bruce fiasco? Will we have to borrow \$3m on 30 June, cough up and pay it back on 1 July? I would hope not.

Of course, the Government's position is predicated on the private sector wanting to do it. What chance do you think there is that the private sector is going to abandon this Government because of sloppy business practice, because as sure as hell that is what has happened so far? If in fact we only allow \$400,000 for this particular project direction contract, I predict now that it will be insufficient in the first year.

I think we have the opportunity, Mr Temporary Deputy Speaker, in the life of this Government, to make an impact on the Australian justice system with this, and possibly even the world stage, because I do not know of any jurisdiction that has so few people with so many different classifications that it has to house. I have seen a couple in the Pacific islands, but they do not have quite the variety that we do. This is our opportunity, if we do it properly, to lead the world in small-scale multi-faceted prison services. This is a huge responsibility. I know that the Minister takes it very, very seriously and I applaud him for that. But, to use Mr Rugendyke's theme, there is a difference between a cock-up and a conspiracy. I would never accuse the Minister of a conspiracy in this case, I would not even dream of it, but I have to say that we run the very real risk of a cock-up if we do not do the consultant bit first and we do not allow enough money for the continuum of that contract over X number of years. It has to be divorced from the political arena. It has to be put in the hands of people who know what they are doing so that we do not end up fighting over the particulars and the minutia of it all and we get on and go.

That, Mr Temporary Deputy Speaker, as you well know, as a member of the Standing Committee on Justice and Community Safety, was the intention of recommendation No. 3 in our report. It was not a political statement. It was a statement saying, "Let us agree now that we must do it now and start the program". It is such a difficult exercise. We need to do it quickly for the Belconnen Remand Centre's sake, but we have to do it right. What we are saying in that recommendation is: "Get out there and get the project direction going". I have to underscore that point particularly heavily.

So, Mr Temporary Deputy Speaker, with respect to the prison, I guess I ask essentially two questions: Will the \$300,000 or \$400,000 be enough, and will the Government accept the committee's recommendation on the immediacy of acceptance of an expression of interest in project direction in the spirit in which it was intended and proceed to advertise and evaluate?

MS TUCKER (8.57): I would like to comment firstly on the issue of legal aid. I did raise some concerns with the Minister about how the increased pressures on legal aid have impacted on women in their ability to get access for support, particularly for property matters, because there was a national report recently released which expressed concern about this matter. I am interested in seeing some kind of evaluation done actually, if there is a relationship. I am happy to give that report to Mr Humphries - I think it would be useful - so that he is aware of the concerns that have been raised nationally.

What it leads to is that there needs to be an evaluation or an interest taken if the pressures on legal aid have led to one particular client group, one particular type of issue, being disadvantaged. The Minister did answer my question, saying that he believed it was not a result of reduced funding, that there were fewer women accessing assistance for property settlements particularly, but that it could be due to community apprehension over new Commonwealth funding approvals. I would like to suggest, if that indeed is the case, that there obviously is an easy remedy to that. The remedy is that you do some kind of public education work to encourage women to continue to access support, if that indeed is the reason for the decrease.

The other comment I want to make is that I do have some concerns about the increase in court costs. I have covered already the issue of equity implications for revenue initiatives in this budget, but I want to express concern that the increase in court costs could affect people who can least afford court action and for whom legal representation and court appearances become more of a burden.

I am supporting the increase in funding to the DPP. I think that is a useful thing, so I am not being entirely negative, Mr Humphries. Once again, I am measuring and considering the issues, hopefully. I also do not have a problem with the capsicum spray. It seems like a good alternative to lethal force. On the other hand, I am concerned to see that the AFP officers are going to be issued with semiautomatic weaponry, which does not seem to sit with the desire to reduce accidents or fatalities, which I thought the capsicum spray was to avoid.

MR STANHOPE (Leader of the Opposition) (9.00): I will be quite short. There are a number of issues that I would like to raise. There were a number of issues in the Estimates Committee report relating to Justice and Community Safety that we should comment on. Recommendation No. 38 suggested to the Government that it consult with the local land council, with Aboriginal specific services, with local Aboriginal elders and in the Aboriginal media in relation to the Aboriginal Justice Advisory Committee. It is pleasing to see that the Government has been consulting with the Aboriginal community in relation to the AJAC. I must say that the Government's

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decision to establish the AJAC is an initiative that I applaud. Its genesis has been significantly delayed or strung out. I understand that the thing is moving now and I do hope that is something that the Minister and his department continue to progress.

It is obvious that there is a significant role for an Aboriginal Justice Advisory Committee to play in the ACT. I think it is a very good initiative, and I would hope that the Minister, as indicated in the Estimates Committee and in the Government's response, will continue to give that initiative his attention and the support that it deserves.

There is a significant issue in Canberra, as there is elsewhere in Australia, in relation to the interaction of indigenous people with the criminal justice system. I think this is a very significant question for all communities. I have raised it before, and I raise it again. I think it is something that we should not underestimate in the ACT. There are significant issues in this community in relation to the rate at which indigenous youth, indigenous women and indigenous men interface with the criminal justice system. I understand that we now have one Aboriginal liaison officer with the Australian Federal Police. I think that is a wonderful initiative. I do wonder whether we might benefit even more by focusing even more on that area.

I have constituents, as I am sure we all do, who contact me from time to time about issues that arise at both ends of the relationship of indigenous people with the criminal justice system. There are high rates of criminality and high arrest rates. There are difficulties within the community for people affected by lawlessness perceived to be lawlessness involving indigenous people. It is a very difficult issue and it is one that we, as a community, tend to run from at times. I am sure we have all had representations from some non-indigenous residents of Burnie Court, for instance, about perceptions that much of the lawlessness there is related to the high percentage of indigenous people currently living there. I do not know the answers to that. It is a very significant issue, and it is one that I hope the Government continues to wrestle with and address.

Recommendation No. 39 in the Estimates Committee report related to the need or the desirability of an annual report by the Official Visitor to the BRC. I understand that the Government is prepared to accept that recommendation. I think that is a very useful thing.

Recommendation No. 42 relates to the need for a formal memorandum of understanding with the Privacy Commissioner. This is another recommendation of the Estimates Committee which the Government has been willing to accept. I think these are all extremely useful recommendations. They do highlight the usefulness and the value of the estimates process and the work of this particular Estimates Committee. This report has received some criticism but there are some particularly good recommendations in it. I think the fact that the Government has willingly accepted some of those recommendations speaks volumes for the value of the process.

An issue discussed by the Estimates Committee was the extent to which the ACT Supreme Court allows access by people who require wheelchairs for their mobility. There has been some public discussion of this. I think it came as a surprise to many of us, and a disappointment, to learn that there are still government controlled or utilised

buildings that are not accessible by wheelchair and that there are citizens who are denied their full rights as citizens as a result of their inability to access certain rooms. Of course, there are particular difficulties in relation to, say, a jury room or a court, but one would have hoped that by now we had managed to overcome all of those problems in government controlled buildings. It is a wake-up call, I think, to the Government to have had to suffer the embarrassment of having to concede that the Supreme Court does not allow access by people who require wheelchairs for their mobility.

Some other issues that I wish to touch on in the context of a discussion about this appropriation for Justice and Community Safety relate to the victims of crime legislation. This is an issue that I know Mr Osborne has raised and I understand the point that he makes: That, in advance of the standing committee's report on the criminal injuries compensation scheme, the Government to some extent staked its position on an appropriate criminal injuries compensation scheme regime. I think the report was tabled yesterday. It recommends that the Government's preferred scheme be adjusted. There are a number of recommendations in that report that I think the Government must take note of. I think there is a significant range of issues in relation to the Government's preferred criminal injuries compensation scheme that it will now need to adjust in order to meet the recommendations of that committee. I think some of those recommendations deserve the support of the Government and we, of course, look forward to the Minister's response to that report from the standing committee.

Some other issues that were discussed in the estimates process are ongoing issues. There are some very difficult issues in relation to the management of our court systems. Significant delays affect listings in the Magistrates Court and the work of that court, and also, to some extent, the work of the Supreme Court.

I have a continuing interest, as does the Assembly, I think, in relation to the need to ensure that the new arrangements in relation to the Children's Court magistracy are fully supported by the Government. It is important that we ensure that the Assembly's desire to see a specialist Children's Court magistrate is supported by the Government. The Assembly, on behalf of the community, has expressed a desire for a specialist Children's Court magistrate. I am not sure that that initiative has received the support of the Government that it deserves. It has been resisted every step of the way.

I think the extent to which the Government resisted the introduction of that initiative and that legislation does raise some questions about the extent to which the Minister was appropriately briefed by his department in the lead-up to the debate on the legislation in the Assembly. The initial proposal was around for some considerable time. I recall that at the time of the debate the Minister insisted that, as a result of some of his concerns at the last minute, the matter should not proceed. I still do not quite understand what role his department played in advising him on some of the implications of that legislation. I cannot help but think that it was a result of a philosophical opposition to the idea. The resistance that we saw then to the legislation has persisted and continues, I think, to exist, perhaps not only in the Government but also, I fear, in the court as well, which does raise another interesting question, having regard to the fact that the Chief Magistrate has found it necessary to take on that particular role.

MR TEMPORARY DEPUTY SPEAKER: Are you taking the extra 10 minutes?

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MR STANHOPE: I only need two minutes.

MR TEMPORARY DEPUTY SPEAKER: We will give you 10 minutes. If you only take two minutes I am sure the Assembly will appreciate it.

MR STANHOPE: I will not take 10 minutes. I will be brief. There is one issue that I want to raise that I had intended to raise at estimates. I will take this opportunity now. It arises to some extent out of the fact that the Chief Magistrate found it necessary to take unto himself that role of Children's Court magistrate. I want to air this issue just to see whether the Attorney has a response, or perhaps to begin some thinking on it. It has intrigued me that the Chief Magistrate, as I understand it, takes unto himself the role of president of all the tribunals that have been established to deal with a range of issues at the court, such as the Mental Health Tribunal, the Discrimination Tribunal and a range of others. I do wonder whether it is in the interests of the efficiency of the tribunals and the court for the Chief Magistrate to so involve himself.

Ms Carnell: You tell him.

MR STANHOPE: I am doing it now through this process.

Mr Humphries: She means the Chief Magistrate.

MR STANHOPE: I am raising this as an issue. I think there is a significant policy issue here. I am not wishing to interfere with the separation of powers, but we have structured the court and this is relevant. The Chief Magistrate is now the Children's Court magistrate, the manager of the magistrates courts, and president of every single tribunal I think that we have ever established. I am raising this as something that I have noticed and that I wonder about. I guess I am foreshadowing a need for us to look at the efficiency of our courts. I am suggesting nothing about anybody here, but something that has occurred to me is whether or not that is the best structure.

I initiate this for the purposes of debate. It is a bit of lateral thinking. I believe there is an issue here in terms of the specialisation that we might wish to engender in the court system. I wonder whether or not the court and tribunal system might be structured in some other way so as to allow a spread of responsibilities throughout the tribunals. If we could allow other magistrates the opportunity to chair tribunals we might be doing a favour to the system as a whole.

There is one other thing that I will raise now because it continues to cause me some concern. I refer to the Government's decision to insist that people who have been detained against their own wishes because of a perceived mental illness be required to appear only before a tribunal by video. I wonder whether or not any measure has been taken through the budget to allow for video conferencing equipment to be installed at the Canberra Hospital. Have you made some budget allocation for the installation of video equipment? How is the video conferencing equipment going? I continue to register my protest at the fact that people with a mental disability do not have a discretion as to whether or not they can appear in person before a mental health tribunal. I think this is a very significant civil rights and human rights issue, and I raise it again.

MR OSBORNE (9.15): Overall, I do not have a lot to say in relation to the justice budget. I have some concerns over one area in particular and that is the Magistrates Court. A number of issues have come up in the last 12 months which have caused me great concern. We are the only jurisdiction in the country which has all our magistrates in the same building, yet it appears from reports that we are probably not as efficient as we could be. It is an area that I intend to focus my attention on over the next 12 months. I can only reiterate, once again, my disappointment at the way the Chief Magistrate, in particular, handled the issue of the Children's Court magistrate and the deplorable situation we are in at the moment. I lay the blame solely at his feet. I will, as I said, focus my attention on ways of making the place operate better. We have some good magistrates over there, but that is a point that I wanted to make in relation to this area.

Mr Humphries: Whose feet do you lay the blame at?

MR OSBORNE: Just to clarify that, I said in relation to the Children's Court magistrate and the debacle of the situation at the moment that I lay the blame solely at the feet - - -

Mr Berry: Mr Temporary Deputy Speaker, I take a point of order. Is it appropriate to be slagging off at the magistracy in this place? It seems to me - - -

Mr Humphries: Your leader was just doing it, so you can hardly complain.

MR TEMPORARY DEPUTY SPEAKER: I cannot say that I can come down one way or the other at this time of night.

Mr Berry: Okay. I give up.

MR TEMPORARY DEPUTY SPEAKER: But I do take exception at our colleague Mr Osborne receiving interjections from the gallery from other people, so-called travelling friends.

MR OSBORNE: Thank you, but I would use that word "friends" very loosely when talking about these three.

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (9.18): Mr Temporary Deputy Speaker, there is a provision somewhere in the standing orders which requires us not to get stuck into members of the judiciary. I am not sure which section it is, but I will hastily pass over from that point. I will attempt to not be too critical of those on the courts. I am sure the Chief Magistrate will be quite relieved to only have the comments made by Mr Osborne laid at his feet tonight. Earlier today there was some suggestion around that he might get a motion of no confidence or a motion of censure because of breaches of the law. Simply having some criticism from Mr Osborne is relatively easier to cope with.

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Traditionally, the Attorney-General has played the role in the past of defender of the courts. Mr Osborne, I think, has asked me in the past about whether I see myself continuing in that role. I think I suggested at the time, in answer to his question, that I believed there needed to be some change in the nature of that relationship and more preparedness by the court to get out there and defend itself in these situations.

I think the most I could say in the context of the criticisms made tonight by both Mr Osborne and Mr Stanhope is that I am in the difficult position of being unable to influence and control the Magistrates Court and, indeed, the Supreme Court as much as I would like because of the doctrine of separation of powers. Yet, in a sense, I am also responsible for the budget of those agencies and I have to somehow make sure that the matters in those courts stay on budget. I have to contribute to the cost and the process of making the courts work in a more effective and efficient way. The relationship is not, in a contemporary sense, a very easy one. I simply note the comments that have been made and undertake to raise them with the judicial officer concerned.

Questions have been asked by various members in the course of this debate. None of those members are still present on the floor of the Assembly so, to be quite frank, I do not intend to answer those questions if they, with respect, do not want to hang around for the answer. I will wait until they can ask me later on and I will answer the questions then. I do appreciate the compliment made by Mr Hargreaves to me. It is most appreciated. *In vino veritas* perhaps, but I am quite pleased about the things that he said and I hope I can return the compliment at some stage.

Mr Temporary Deputy Speaker, the legal aid funding issue remains a concern of mine. I hope to continue a vigorous dialogue with the Commonwealth about ensuring that there is sufficient legal aid funding in the ACT to make sure that we have a full range of responses when either so-called Commonwealth or so-called ACT matters are raised in the courts and citizens need to have proper funding of their actions in those matters.

For the information of Mr Stanhope - Mr Berry can pass it back to him - it is not the case that the Chief Magistrate is in all cases the president of a tribunal. For example, the Chief Magistrate is not the president, as I recall, of the Commercial and Retail Tenancy Tribunal. but he is generally the president of other tribunals and it does entail some burden on him. To be frank, I think there is some merit in the suggestion that there should be some reorganisation there, but that is a matter I will take up with the Chief Magistrate.

Mr Stanhope said that he did not feel that the Children's Court proposal had received enthusiastic support from the Government. I think Mr Stanhope should go back and read our submission to the Standing Committee on Justice and Community Safety to see what we think about the proposal. He will see that in fact it is supported philosophically by the Government. I think, however, that the problem is not so much the question of the Government's support as the support of some of the magistrates. I am hopeful that we can reach a position in the next little while where we can resolve what is a serious impasse, in effect, between the judiciary and the legislature over that issue. I see the Government as being in the middle of that impasse rather than on one side or another.

It is in my interests and the interests of the Government to ensure that the court operates effectively and does its job. The present state of play with respect to the Children's Court is that it is not effectively able to do that job because of the problem that has developed there with magistrates declining to be appointed as Children's Court magistrates. That must be resolved, and resolved soon, because it is a serious problem. I hope to be able to do so with the support of members in the near future.

Proposed expenditure agreed to.

Part 15- Education and Community Services

Proposed expenditure - \$523,570,000 (comprising net cost of outputs, \$392,595,000; capital injection, \$27,254,000; and payments on behalf of the Territory, \$103,721,000)

MR BERRY (9.24): If there were no other reason for disagreeing with this budget and opposing it, this line would be enough. The education budget in the ACT has been the most dishonest budget of all. It was dishonest in the first budget of the Carnell Government in its second term and it is dishonest this time. It builds in \$1.5m of cuts to the budget, which the Government promised it would not do. Members of the Government will climb to their feet here and say that they have provided certain amounts of money - effectively, only CPI increases in real terms - but they will not accept that the \$1.5m that was cut from the bottom line last time was a cut to education funding.

They are misleading the community, they are misleading teachers and they are misleading the parents of children who go to our schools if they continue with that line. This budget is inherently dishonest. The sum of \$1.5m was taken off the bottom line last time and that attack on the last budget has been structured into this budget, which has meant that there has been a cut in the provision of education services in the ACT. No denial can avoid that. No denial, no fancy language, no fancy dancing can avoid that issue.

I am surprised that this budget found its way through Cabinet with Mr Moore still in it, given his promises over the years to oppose cuts to education funding. Mr Moore has said in the past that he would even move a motion of no confidence in a government that tried to pass such a budget. Mr Moore argues now that there has not been a cut. But Mr Moore is the sort of person who would stand out in the bright sunlight, declare that it was midnight and shut his eyes to prove his case. The only person who would be convinced by that sort of approach is Mr Moore. He is satisfied with his support for this dishonest budget. That will be at his peril.

Not only has that cut of \$1.5m been built into the education budget this year, but also \$600,000 is going to be taken out of the college system to fund what the Government calls the teacher renewal program. That, too, according to the Estimates Committee, is a cut to the Government's education commitments in relation to secondary colleges. It is a cut to education. It is a cut that should not have been supported by Cabinet. It is a cut that should not have been supported by Mr Moore.

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If you look at the figures, Mr Temporary Deputy Speaker, you will discover that, as a result of this cut, which equates to 270 teaching points, there will be a cut of 13½ teachers from the beginning of the 2000 school year. How can anyone sit in this place and say that it is not a cut? It is a cut. It is a serious cut to the college system. There have been 32 positions lost in colleges since 1995 and this equates to another 13½ positions. To pretend that that is not a cut of some form to education is quite reprehensible.

The Chief Minister was reprehended for her performance in budget management, particularly in relation to the Bruce Stadium project, and for good reason. The same style has found its way into the management of the education budget. This budget has been cut twice. I believe that the Government is going to ignore the recommendation of the Estimates Committee that the teachers taking voluntary redundancy under the teacher renewal program be granted a payout consistent with what they would receive under the normal voluntary redundancy program. My understanding is that the Government has said no to that. The committee has recommended that the teacher renewal program not be funded at the expense of teaching resources for secondary colleges. The Government has ignored that.

The committee has recommended that, in consultation with the ACT Chamber of Commerce and Industry and the Liquor Hospitality and Miscellaneous Workers Union, the Department of Education and Community Services develop a strategy to ensure that all school cleaning contracts comply with award occupational health and safety and insurance requirements. Is it not amusing that the Government is not interested in those sorts of things? It seems that child labour has been returned to our schools. We received evidence that young children were working as cleaners within the education system, yet the Government is going to do nothing about that. It does not consider that that is an issue. This is back to the coalmine stuff and the Government does not seem to have expressed one point of concern about it. The Government's response is that school principals are responsible for the management of contracts, and on it goes. No, the Government is responsible for what is happening in its schools and it cannot flick the responsibility because of school-based management, as it seems to be attempting to do.

Mr Temporary Deputy Speaker, the Government has a responsibility to ensure that decent labour practices exist within the education system, particularly in our schools. It is clear from the evidence presented to the Estimates Committee that things like public risk insurance are not always paid by employers. Perhaps workers compensation payments are not being paid as well. Occupational health and safety standards are not being observed. The Government's response is: "Go and fix it up with them as it is their problem, not ours". Yes, it is your problem. If you think that sort of competition is fair, competition which results in unfair labour practices in our schools, you have got another think coming. I am not going to leave this issue alone. I am not finished with it.

Ms Carnell: You are just making a fool of yourself.

MR BERRY: Mrs Carnell says that I am making a fool of myself. She is now going to walk out of the place, showing her arrogance and indifference to the Third World working conditions which are being encouraged in our education system. If, for no other reason, this budget were rejected, that would be enough. For a government to encourage those sorts of labour practices in our education system is nothing short of an absolute disgrace.

Another matter of concern in education is the CIT cuts. Let me give an example of a problem that they have created. I had a call from a constituent whose son cannot continue to receive woodwork tuition in the CIT because the position has been cut. Cabinet-makers, as you would know, Mr Temporary Deputy Speaker, are in high demand: Try to hire one. There is a compelling need for apprentices in the area, but the excellent teacher in that area in the CIT has had his job taken from under him as a result of the cuts to the CIT. This Government is committed to outsourcing as much of the CIT as it can. It is not committed to training. Look at how it had to be wrestled to the ground with the construction industry training levy legislation which I introduced earlier this year. This Government has an appalling record on training, as it has in relation to education.

This budget is dishonest. It is dishonest because it continues with the broken promise and it cuts more from education. The Government is deserving of being reprehended, as was the Chief Minister the day before yesterday in relation to the Bruce Stadium matter, because this behaviour is also reprehensible. Mr Temporary Deputy Speaker, I want to see an education system which produces a quality product for our community. You cannot produce a quality product for the community if you are underfunded and you have funding withdrawn. The cuts to our college system will impact on students. There will be fewer classes.

MR TEMPORARY DEPUTY SPEAKER: Mr Berry, you are now into your second 10 minutes.

MR BERRY: Thank you. There are going to be 13½ teachers cut from our colleges.

Mr Stefaniak: Positions, not teachers.

MR BERRY: “Positions”, Mr Stefaniak says. Somebody has to fill them, Bill. If you have a position and nobody is in it, that is one less, and it is usually one teacher. I cannot imagine that the teachers would be working overtime. They might be called in as temporaries and that sort of thing, but it is still a job whichever way you go. Those jobs and the services that they provide to students in our colleges are the victims of this additional cut to the college budget. Incidentally, this Government never said before the last election that it was going to implement such a cut. The Government made clear to the community that it would not.

There will be fits of denial from the Government about their approach in relation to this matter, but the facts are clear. The Government has cut education twice. Mr Moore has tolerated it twice and endorsed it twice. The Minister went to the last election with lots of golden promises and has not delivered on them. This education budget has not delivered on them and it will not be supported.

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MS TUCKER (9.36): I would like to echo some of the concerns raised by Mr Berry. As members are aware, I have taken a keen interest over the last few years in issues around children at risk in the education system. There is clearly a need for such children to be identified and for services to be slotted in to assist them so that they do not become further at risk or drop out of the system. Once they have dropped out of the system it is, obviously, harder to keep track of what is happening to them. That came up in a number of committees that I worked on in the last Assembly. Therefore, I was very concerned to see the reduction in the number of positions in colleges.

I think it is particularly ironic that that happened at the same time as the Government was asking the Federal Government for money to supplement what they had put into the colleges to deal with possible impacts of the common youth allowance because of the possibility that a larger number of students will feel that they have to stay at college even if they do not want to be there, otherwise they will not get any income support at all. Therefore, it is very disappointing that this Government, whilst getting funding for five positions from the Federal Government, has reduced significantly other positions in the college system.

I am also concerned with the way the Government has treated the teachers, as Mr Berry has already outlined. The process applied seems rather unfair, particularly in relation to the payments that will go to those teachers who choose to leave. As I mentioned in relation to the appropriation for the Health portfolio, I am concerned that this Government has not managed successfully to integrate the various departments which have an involvement with our children. As I have raised it previously, I will not go into detail, but I want to raise it in relation to education. There is talk about having full service schools. I think that the Education Department would have a key role to play in facilitating to a much greater extent the concept of intersectoral or interdisciplinary approaches to dealing with these young people in our community.

I would like to express concern about what came out of the Estimates Committee in relation to using pesticides and chemicals in our schools and what is happening with the cleaning of our schools. The committee was very disturbed to get submissions from the unions on both issues, particularly the cleaning issue. It is clear that school-based management has turned principals into asset managers and that, as asset managers, some principals are so keen to make their budget look good that they are sacrificing some fairly important and basic standards. It is just not good enough that we are told that children are cleaning our schools with their parents because that is the only way their parents can successfully complete the work for the price that they charge. It is just not good enough for this Government to say that it is nothing to do with the Government. It is quite shocking, in fact, that the Government thinks that it can stand at arm's length from what public school principals are doing.

I have raised concerns about the coordination and monitoring of the use of chemicals in schools since the subject was highlighted by the Commissioner for the Environment some time ago. He was very concerned that the purchaser-provider model had led to fragmentation of these sorts of activities in schools and that central control monitoring and assurance of standards by the relevant government department - in this case Environment ACT - was lacking. We are still seeing that the Government does not have any clear view of whether principals are meeting the guidelines that are in place and whether they have the expertise.

In fact, in estimates I asked one of the officials whether he could guarantee that the use of chemicals was being minimised or, as the Commissioner for the Environment said should happen, whether chemicals were being used in a socially responsible way. The official said, "Of course not. We do not have the expertise". So, there it was in black and white in the estimates transcript. Of course they do not have the expertise. Why should the Department of Education have the expertise?

If this Government is serious about claiming to have good environment credentials, it should be taking an interest in ensuring that chemicals are being used in a socially responsible way. It should be taking a very keen interest in how they are being used in schools and ensuring that there is minimal use. It is particularly important in schools because, as we know, children are more likely to be affected by chemicals because of their smaller body mass. There is also an issue with cleaning because, obviously, chemicals are being used by the cleaners as well. There are some quite serious occupational health and safety issues around cleaning these days. Some very harsh chemicals are being used by cleaners and I think that the schools and the department or the Government should be ensuring that they are being used correctly in our schools not only for the sake of the workers but also for the sake of the children who are in those environments during the day.

I believe that the Government should be looking closely at school-based management, particularly the impact of school-based management on these sorts of areas of activity. Also, I think that the Government should be doing an evaluation of the educational outcomes of school-based management. The concerns that are being expressed to me now are much broader. In fact, it might be a job that the Education Committee will take on in the future, because I think that we need to look at what school-based management has actually meant for schools.

In conclusion, I am strongly of the belief that the type of education system we have is absolutely critical to making the ground as level as possible for the people growing up in our community. We are seeing an increasing polarity or gap developing between the haves and the have-nots in our community. It is incredibly important to have a high standard public school system if we want to even up in some way the inequalities that exist in our society and are increasing. I am concerned that the user-pays elements of our public school system are not decreasing; in fact, they can be seen to be increasing in some areas.

I am concerned that we are still not seeing a serious commitment from this Government to keeping an eye on those students who are disadvantaged and those schools or communities which are disadvantaged to ensure that they have exactly the same opportunities in our public education system as others. I believe that it is clear that they do not. I am sure that other members have been alerted to examples of students not being able to take on particular electives because of the costs of those electives. I think that is something that we should be very concerned and ashamed about as we should have in Australia a public education system which is of a high standard and which is accessible to all children, regardless of their parents' income.

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MR QUINLAN (9.45): Mr Speaker, I rise to address the area of sport and to express disappointment that there appears to be a \$1m drop in the expenditure on sport, although some of it is explained by a transfer of funds. The sum of \$440,000 has been subsumed into one of the few growth areas in the public sector in the ACT - policy advice to Ministers. While the public sector is shrinking, it is somewhat reassuring to know that there is at least one growth area, that is, the area that provides service to Ministers. Given the events of the last 12 months, you would have to say to yourself that there is an increasing need for that form of assistance. Nevertheless, there is in a relatively small budget a reduction of over \$0.5m.

There is within the budget for the ACT Academy of Sport a reduction of 50 athletes on scholarships, a drop from 340 to 290, which is a very significant number. This is happening in the year leading up to the Olympic Games. This is happening in a year when we are happy to spend megabucks on the hoopla side of the Year 2000, on the actual event that we are having here. I have to hark back to estimates at this point. Previous to estimates we were told via the media that Olympic football within the ACT was going to be worth \$200m of exposure. One would naturally ask how that \$200m is made up. In fact, we did not get a straight answer at all; the Government backed away from that claim that had been made for the general public, backing away in the relative obscurity of an estimates hearing.

In the estimates hearing, given that we are ploughing this sort of money into Year 2000 events in soccer, I asked what basis we used for that. I asked whether the Government had any facts as to the increased tourism for Atlanta. They had the Olympics. Not only did Atlanta have Olympics; they had out-cities that hosted football. To the first question, "Do we have any figures from Atlanta as to the increased tourism activities as a function of the Olympics in Atlanta?", there were blank looks, people were looking over their shoulders and shoulders were being shrugged, but I received nothing. Then I asked, "Could anybody in the room advise us of one of the cities out of Atlanta that hosted football?", seeing as at the Atlanta Olympics there were out-cities like Canberra is going to be. I said, "Could you just name one of the cities?". The answer was no.

I am rather disappointed that we have focused so much on Olympic football, at the same time reducing our effort in sport, particularly for the ACT academy as there is a distinct possibility that the AIS will shrink, given all the facilities at Homebush. We have not tried to reinforce sport in the ACT, as opposed to having a good time and going to all the good events that will be associated with the Olympics in 2000.

I cannot leave sport, while I have Minister Bill here, without making reference to Bruce Stadium. Bill, as you are a member of Cabinet, one has to ask: How could you get so deeply into the financial mire with Bruce Stadium when you had not actually made arrangements for ownership or long-term leasing of the stadium? As we have done to some extent at Acton, we have laid ourselves at the mercy of the Federal Government in terms of what they can hit us for in relation to commercial rent that we will have to pay or a valuation on the stadium. We are doing it up. We have done the whole thing up. Now we are going to the Commonwealth and saying, "We would like to keep it for a long while because we need to run it for 30 years". I think that is the timeframe. I would reckon that it would have to be about 50, 60 or 70 years before we could actually make a return on it, because we have just spent so much money.

It is a basic question. How did you, Minister, as part of Cabinet allow this Government to dig ourselves so much into the financial mire when we do not even have an idea as to our hold over the property itself, knowing that the more we spend the more leverage the actual owners have over us? It has to be one of the dumbest things done in government in Australia in this century. To compound that, how did you get yourself into a situation where you spent \$1.7m on marketing - I understand, and I stand to be corrected and would love to hear it, that we spent about \$0.7m on advertising and promotion and \$1m on the people who were doing it, a cool "mill" going straight out of town - when, in fact, it turns out that we gave them nothing to sell? Everything that was worth marketing at Bruce Stadium was ceded to the codes that are going to play there, but we still spent \$1.7m on marketing.

It has to be the craziest process - first to do it up without owning it and then to hire some of the biggest names in Australia to market what? Nothing. Of course, they threw up their hands months ago. It did not become public. We are just getting to the detail as we trawl through the myriad of papers that are being delivered at a very slow rate. In conclusion, I have to say that I am disappointed that we are not focusing on our own economy and we are not focusing on our own academy, the ACT Academy of Sport, and I do ask the Minister, if he could, to explain his role as Minister for sport in getting us exactly where we are today with Bruce Stadium.

MR KAINE (9.54): Mr Speaker, I will direct most of my remarks to the Department of Education and Community Services. I will make some remarks, however, about the entire budget. This budget is a rather interesting budget, for many reasons. We have three departments with budgets in excess of \$300m, but we have one department, one agency, that has a budget of over half a billion dollars, that is, the one that we are currently debating, and that agency has responsibility for sport. I think that in that connection the one thing that will characterise this budget compared with any of the other budgets that we have dealt with in the last 10 years is the fact that we have appropriated somewhere between \$40m and \$50m - I am not sure how much - for a stadium which will be used by rugby league players, rugby union players and soccer players, and in the entire debate to this point we have not heard a word from the Minister for sport.

It is a very strange system of government that we have when we are being asked to spend that much money on a sporting facility and it is quite clear that the Minister for sport has no responsibility for or interest in the matter whatsoever. I think that says something about the nature of government. I have to reiterate that I believe that that is what is going to mark this budget as being different from any other budget that we have dealt with in the last 10 years.

I am interested in whether the Minister for sport, when he gets to his feet shortly to address this element of expenditure - in excess of \$0.5 billion, which is getting close to one-third of the total on-budget expenditure of the Government - will have anything at all to say about not only the expenditure on Bruce Stadium but also the consequential expenditure that will flow from that redevelopment project, that is, the other \$9m, I think it is, that has been appropriated for or committed to be expended on the changing of the purpose of Manuka Oval as well.

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That is very significant expenditure. That is about one-tenth of the agency's budget of about \$0.5 billion. The expenditure on those projects is a very significant amount and I will be interested to hear what the Minister for sport has to say about them, other than to repeat what has been put forward on many occasions before about what a wonderful stadium we have got. If that was the only criterion, perhaps we should have spent \$100m on it. We would have had an even better one and we could have crowed not only for the rest of this century but half way into the next one about the fact that we have the best stadium in the world - certainly the most expensive one. Surely that is not the criterion that determines whether the money is well spent.

Mr Speaker, I expressed my concerns about the budget when I voted against Part 3, which is the Chief Minister's departmental budget. Again, it is an incongruity that the Chief Minister's Department's budget contains the \$50m, \$58m, \$60m or whatever it is in connection with Bruce Stadium which, surely, must be a part of the sport Minister's responsibility. I expressed my view then and it is on the record. Having done that, regardless of how I feel about the totality of the budget and the priorities expressed in it, I have little alternative but to support the budget because to fail to do so would be, perhaps, to deny the Government supply, and that has not been something that I have threatened or attempted to do in the past. But I am interested in hearing what the Minister for sport has to say about the massive expenditure, one-tenth of his budget, on that one project.

MR RUGENDYKE (10.00): Mr Speaker, I rise to put on the record my overall support for this budget. This budget has been scrutinised heavily during the Estimates Committee process and I have already acknowledged my commendation for the manner in which Mr Corbell conducted those hearings. I do not wish to dwell on issues already raised through estimates and repeated in the Assembly today, but I would like to reiterate briefly some pertinent points. For example, the reduction of the operating loss and financial stability are crucial to my support for this budget and of any future government in the Assembly. This applies to whichever party is in power.

We had a situation in the Assembly this week where there could have been a change of government. I have already told Mr Stanhope that, if or when the time comes for the Labor Party to assume the reins, I will not tolerate irresponsible spending. We cannot have the ACT in the situation of having a \$350m operating deficit again. But I must also put on the record that I believe Mr Stanhope has rekindled the Labor Party as a credible opposition, particularly during Wednesday's debate, and asserted himself as a constructive leader.

In mentioning the operating loss, I stress again that we must be mindful of turning this quest for reaching the black into an obsession. There does have to be a balance, and I must pay tribute to the way in which the ACT Council of Social Service demonstrated this point to the Estimates Committee. The minority government system is in place to enhance balanced thinking and balanced decisions. ACTCOSS made the comment in estimates hearings, "Our enduring concern is that there is no link being drawn between the financial management strategy and social conditions". In this area, Mr Speaker, I encourage the Government to explore further. Social conditions relate to the ACT Government's new housing policy, which, I am pleased to say, has been referred to a committee this week for further consideration.

The introduction of speed cameras also stands to impact on Canberrans. I again make the point that these have to be controlled by police. I believe that it is important that a committee involving Urban Services, the AFP and the NRMA cooperate to formalise an appropriate phase-in and implementation strategy.

Mr Speaker, in relation to the Bruce Stadium issue, there is no question that the Government should have instigated a capital injection from the Central Financing Unit and appropriated it in the budget when extra funds were required for the redevelopment. I have made this point strongly and I hope that the Government has taken these criticisms on board. I expect prudent financial management from this Government and prudent financial decisions. It would be unwise of the Government not to take my censure of the Chief Minister seriously.

Finally, I urge the Government to pay close attention to my electorate of Belconnen in the year ahead. The city centre is benefiting enormously from projects implemented by this Government. I would just like to give a gentle reminder that Belconnen is not a brand spanking new area any more and revitalisation work there should be closely assessed. I questioned the Chief Minister today on a possible theme park for Canberra. If it were to go ahead, I believe that it would have the potential to provide excellent benefits for the community and businesses in Belconnen. Should this transpire, I urge the Government to put Belconnen at the top of the location list.

Mr Speaker, just in passing, I think it is important to mention that today is the last day of the employment of Kirsten Lawson in the Assembly. She is heading up the hill as a promotion and, on behalf of the Assembly, I take this opportunity to congratulate her on her time here and wish her well in the future.

MR STEFANIAK (Minister for Education) (10.05): Mr Speaker, I thank all members for their comments. Whilst the Government does not agree by any means with all the recommendations of the Estimates Committee - we disagree with a number in relation to education and the budget in general - might I just say in terms of the running of the Estimates Committee hearings for Education and Community Services that I was quite impressed with the way Mr Corbell chaired that segment. I cannot comment on the rest, but I congratulate him on that at his first Estimates Committee hearing as chair. I thought he did a very good job, and we finished absolutely dead on time for that segment. So I would echo what Mr Rugendyke had to say there.

Mr Berry: You did not take any notice of his recommendations. Why did you not adopt his recommendations?

MR STEFANIAK: While I did not agree with some recommendations, Mr Berry, I was complimenting him on his chairmanship of the education section, not his support for those recommendations which we do not agree with. I will go through a number of the areas that each member raised in relation to the education budget, Mr Speaker, and perhaps make some more general comments as I do so. I will deal specifically with the education issues first and then the sport issues, because a few members mentioned those.

Mr Stanhope: I mentioned Belconnen Pool, too, a little earlier.

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MR STEFANIAK: Did you really, Jon. I am very glad to hear that. I certainly hope that it is progressing along nicely now and we will see something soon, Jon. Hopefully, you and I will go for a swim in it at some stage.

I turn, firstly, to some of the comments made by Mr Berry. Mr Berry keeps harping about there being cuts in education, as does Ms Tucker. I think that, quite obviously, he is patently wrong. He might not be able to understand what a CPI increase is, but, to put it in incredibly simple lay terms, basic numeracy, this year the education budget for government schools rose by \$6.5m. That is not a cut.

Mr Berry: What about last year, and did you replace the money?

MR STEFANIAK: Last year it rose by \$5.2m, Mr Berry, for government schools. You can say what you like about the central office, Mr Berry: Our commitment was to maintain funding for government schools. Let us go back five years. As I recall, in the first budget there was about \$203m or \$204m for government schools. There is now about \$265m for government schools. You do not have to be a mathematics genius to realise that that is a very substantial increase.

We had OFM do figures and they showed, disregarding this budget, that in real terms, over and above the CPI increase, over four years the education budget rose by some \$26m. Just putting it really simply, during the second Carnell Government, last year, there was an extra \$5.2m spent on government schooling. This year, there is to be another \$6.5m. That is significant. That is not a cut. That enables us to do things such as provide new computer systems and fund very sensible and important initiatives, such as affirming the high school years. It is one of the few areas of government where there have been real increases each year.

For someone like Mr Berry, it might have been simpler if we had said, "All right, it is all too hard. We will maintain spending. If we spend \$265m this year, we will do exactly the same next year". But we are not going to do that, Mr Berry, because that would be breaching a promise. We have promised to maintain expenditure in real terms during the term of this Government, and that is exactly what we have done. We spend more on education per head of population than every State in Australia. The Northern Territory spends a little bit more because of its geographic situation, the sparsity of its population and some of the problems unique to there; but, compared with every State in Australia, we spend more. For example, we spend much more than the State that completely surrounds us, New South Wales, and I have given figures in previous years in relation to that. That is why Mr Moore, who has a passionate interest in education as an ex-teacher, consistently supports this Government on that. He can see that we are indeed maintaining our promise, as can blind Freddy when it is put in terms of increased expenditure. The P&C organisations can see that, Mr Berry.

I would like a little bit of intellectual honesty in this debate, Mr Speaker, because, after five years, I am getting sick and tired of hearing a few members opposite saying that we are decreasing education spending. That is absolute garbage. I can recall a very honest interview on the ABC recently with Grant Battersby, the P&C president, who was wanting more spending. It was put to him that the Government would say that it had spent an extra \$6.5m this year and he said, "Yes, they have. They have maintained CPI".

And then he said, "But we would like them to spend a bit more". That is fair enough. I can totally understand that. I might not necessarily say that we could; maybe in an ideal world we could. But he at least agreed that this Government had increased education expenditure. I really do get sick of the convoluted twisting of the facts by those opposite in terms of there being a cut in education spending. That is absolute garbage.

Mr Berry, you are right; we have in one area. But we have put it right up front. The budget is very much a full monty budget. In terms of the CIT, we have said that we are seeking to make savings there. We have put that up front. There are cuts there. I said at the Estimates Committee that we have looked at those very carefully. We have looked at those so that they do not affect the operational efficiency of the CIT. In fact, we are looking to enhance that. We are looking at ways in which we can do things better. But there are cuts there; we are not disputing that. I am being quite honest about that; there are. I think that the CIT, contrary to what Mr Berry might think, can handle them very well. That is something that this Government will continue to monitor.

Mr Berry, when you say that we are not committed to training, I must really put toll to that. In 1995, we had about 2,000 people in apprenticeships and traineeships. We have about 4,300 and I saw some figures recently indicating 13 and 15 per cent increases this year in apprenticeships and traineeships; they continue to go up. In fact, I recall putting out a press release countering a rather strange article in the *Canberra Times* which suggested that some figures had gone down. We are seeing a continuing increase there. We do have a real commitment to training. We have a commitment to doing it efficiently, but we do have a real commitment to training.

We do not want to take everything from the CIT willy-nilly. The CIT is an excellent institution. It is the primary provider of training in the ACT. It will, for obvious reasons, remain so. Yes, we have got money out there for contestable training. I am pleased to see that the CIT wins 90 per cent of that for apprenticeships and about 50 per cent for other contestable training. There is nothing to indicate that that is going to change. That is something that is happening right across Australia. We have indicated that we are looking at, say, 15 to 20 per cent of our training dollar being used in a contestable way. I have already indicated what the CIT is winning at present and there is a fair consistency there, but that is all. Obviously, the CIT remains the primary provider of training. Indeed, Mr Berry, one of the central planks of this Government in terms of education was to increase the emphasis on vocational education and training.

I am very proud of that increase from 2,000 to about 4,300 over a four-year period, because it is a fact that about 70 per cent of students Australia-wide - in the ACT it is a bit less; it is about 62 per cent - do not go to university and they need to do courses that are relevant to assisting them to get into the workforce. That is where institutions such as the CIT are so important. That is also where the emphasis we have put on vocational education and training in Years 11 and 12, and even in the high schools area now, is so important. I am delighted to see that 50 per cent of our Years 11 and 12 students are now doing at least one vocational education and training course. I am also proud to say that we put emphasis on it well before Dr Kemp, who also places emphasis on it, became the relevant Federal Minister. I must stress again that it is painfully obvious - blind Freddy could see it and a Year 3 student doing maths could see it - that,

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certainly in terms of government schooling, the Government has maintained its promise at \$6.5m, and an increase on that is an increase in funding in anyone's language, not a decrease. I am not going to go over what is said in the Government's response to the estimates report, but there are a few comments there.

Ms Tucker mentioned a few things which I will now come to. She talked about outcomes in relation to school-based management. That is certainly something that we will be looking at carefully and assessing over the next few years. At this early stage, school-based management has been a very big success. In fact, schools have been perhaps a little bit cautious in spending money because the savings in school bank accounts have gone from about \$9m to about \$15m. I am pleased to see that some schools are starting to realise that and are spending the money they have made on things that they need for the benefit of their students. Others have very significant bank accounts and are still not doing so, but I expect that to be something that will evolve. Overall, enhanced school-based management has gone very well indeed and I look forward to further benefits flowing from it as the system continues and we continue to evaluate it.

Ms Tucker also talked about the gaps between the haves and the have-nots. In Canberra we are very lucky in terms of having generally a homogeneous population. We have pockets of wealth and pockets of disadvantage in virtually all suburbs. We have a situation where we have, for example, public housing in most suburbs. There are only a few suburbs that do not. From the literacy testing we have been doing there is no one school that beats every other school in any one strand. That indicates that we have a homogeneous type of population. We have done a number of things to plug possible gaps, such as affirming the high school years, the school equity fund, the program we have at Dickson and the Weston campus of Canberra College in terms of students in need, and the teachers and youth workers who operate now out of the Belconnen and Tuggeranong youth centres for kids who may be dropping out and go there for additional assistance.

We are putting in a big effort in terms of ensuring that students who do need help, who are in difficulty and at risk of becoming have-nots, are not disadvantaged. The fact that we have such a significant commitment to government education in this town and to maintaining and, hopefully, enhancing and improving the quality education system we have ensures that education is very much available to all in this town. So, I was a bit surprised by some of Ms Tucker's comments there. I think that one of the beauties of our education system is that there is no discernible gap as such in terms of what is provided for all students, the haves and the have-nots. Education is equally available to all, regardless of the income of parents.

I turn now to some comments made by other members. That is a good idea, Dave, about tarding up the Belconnen centre. I think that we are doing a fair bit there, mate, but I am sure the Government will be most interested in any other ideas you have got. As a Belconnen member as well, I would certainly be very interested.

Mr Quinlan and Mr Kaine made a number of comments in relation to Bruce Stadium. I note in relation to Bruce Stadium that when the Labor Government got it in the First Assembly they actually paid a lot of money for a stadium they did not own; in fact, on which they had a lease until 2009. They spent something like \$7m there. We have

really enhanced the stadium. We have also attempted to buy it from the Federal Government, which has reneged there, but I cannot for the life of me see what the Federal Government would do with that stadium if they ever wanted to retake ownership. Labor's criticism of that reminds me very much of the interesting financial situation that they got themselves into with the hotel school, which, fine institution though it is, has cost the community millions and millions of dollars more than it needed to because of the rather amazing arrangements, including contractual arrangements, that were entered into back in 1994, something that we are still sorting out.

I have worked out that the stadium, compared with other stadiums, costs about \$1,750 a seat, which is a lot cheaper than some of the contemporary stadiums - Stadium Australia, Docklands and similar stadiums - which are around \$2,500 a seat. It is something we will have, without much need for further work, for probably 40 or 50 years. It is a real showpiece. It ensures that we have one of the best stadiums in the world.

Mr Berry: But they own them, Bill.

MR STEFANIAK: It is a bit like having 99-year leases, Wayne. None of us in the Territory actually own our houses, but you are not going to suggest that they will be taken from under us at the end of the lease. I think you have to look at the practicalities. Your people did not worry about that when they moved the Raiders from Seiffert Oval to the stadium back in 1989. I think you really need to look at those things very carefully and not put into play here the politics we have had and the distortion we have had over the last three months. We do have an excellent asset for Canberra.

As to the talk about Manuka and Phillip, Manuka was picked at the end of a very long and exhaustive process by the cricket and AFL bodies. I think that is the first time that those two bodies have got together and done something like that for development. We have a bit of Federal money and, of course, we have the \$8m or so which the ACT Government put in. I think they have picked well. Obviously, we can now go ahead with developing further that wonderful oval, which is one of the nicest ovals in Australia, if not the Southern Hemisphere, for playing cricket. It is also an oval where some wonderful Aussie Rules games have been played in the past, dating back many years indeed. I commend those two groups on what they have done there. We already have a wonderful asset, but now we will have an enhanced asset which will see a lot of AFL games played here.

By the way, whilst Bruce Stadium in its old oval shape was just big enough for Australian Rules and perhaps just big enough for night cricket, I think most people, certainly those people I have talked to, are really quite happy with the way it has been made into a rectangular ground. At some of the new stadiums, such as Stadium Australia, you cannot actually see the play, but you certainly can at Bruce. That is a big plus which a lot of people have mentioned. With the improvements to Manuka, Australian football and cricket will have a much more enhanced facility.

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I turn to some of some of the comments that Mr Quinlan made in relation to sport. He was rattling on about sums of \$500,000 and \$490,000. I merely refer him to the Government's response to the Estimates Committee report in relation to that, which quite clearly explains the situation. We do agree, I think, that some of the figures appearing in the budget were a bit confusing. That is something that can be sorted out, but the explanation is given there. The bottom line in terms of any general cut to sport is that \$100,000 was taken from the academy. In terms of the reduction from 340 positions to 290 positions, I think that about three programs were affected there. They were programs that, I understand, would have been axed by the academy anyway because they simply were not performing. The academy services much more than just 340 athletes. It has 290, I think, on specific programs and it services quite a number of others on specific things. But there were a number of programs which were not performing - programs which national programs had superseded or ones which the academy simply was not getting what it wanted out of them. Accordingly, it was quite easy to do that. That is something that would have occurred anyway. Yes, that \$100,000 is a cut, but that is the only cut and it is something that I think the academy can manage.

I must say in relation to the sport budget that, certainly over the last four years, the Bureau of Sport and Recreation has achieved some very significant efficiencies in how it runs its operation. It is now a very efficient organisation and operation. I think it is important for us to continue to monitor what we do spend in terms of mass participation sport. New areas are developing. Eventually, we will have some new ovals coming on board and they are expensive items. That is certainly something of which I think we need to be mindful. In years to come there may well be a need to increase some part of that budget there.

I might say, however, in answer to the points that Mr Quinlan made in relation to neglecting mass participation sport that the most recent ABS figures show, again, that we have the greatest participation rate in the country for adults, some 71 per cent, I think, of adult males - I think adult males are those 15 years of age and over - and 56 per cent of females. That is well over 10 per cent in each category more than the next closest State or Territory. That is a very significant achievement. Indeed, we still seem to go up consistently and outpace our nearest rivals. I think that is something that is so terribly important, especially for the health and wellbeing of our community. It certainly does represent a very vibrant mass participation sporting sector.

Yes, Mr Kaine, it is a lot of money that we spend on education; you are quite right. It is close to a third of the total budget. Some of that is on sport. Mr Kaine mentioned that about 10 per cent of it was on Bruce Stadium. That is actually in the Chief Minister's Department. As you can see from the supplementary Appropriation Bill, the increases for Bruce Stadium come under the Chief Minister's Department. They come under the business section, if I am not mistaken, of that area. They are not actually in Education and Community Services, which includes the sport budget. I do not think you will find them there.

In relation to Mr Kaine's final point, yes, a lot is spent on Education and Community Services. That is because the Government realises how important it is, especially the education component. It is absolutely vital to the future of this Territory if we are to continue to be the clever capital. That is why we spend more on education than any other State. The exception is the Northern Territory, which has the unique circumstances I mentioned earlier.

Proposed expenditure agreed to.

Proposed expenditure - Total appropriated to departments, \$1,818,166,000 (comprising net cost of outputs, \$1,088,158,000; capital injection, \$487,126,000; and payments on behalf of the Territory, \$242,882,000)

MS CARNELL (Chief Minister and Treasurer) (10.27): Mr Speaker, I seek leave to move amendments 3 and 4 circulated in my name together.

Leave granted.

MS CARNELL: I move:

Column 4, omit "487,126,000", substitute "514,509,241".

Column 6, omit "1,818,166,000", substitute "1,845,549,241".

Mr Speaker, we spoke about these earlier. They are just the next phase of the ones that we have already spoken about tonight.

Amendments agreed to.

Proposed expenditure agreed to.

Part 16 - Treasurer's Advance

Proposed expenditure - \$18,100,000 - agreed to.

Proposed expenditure - Total appropriations, \$1,836,266,000 (comprising net cost of outputs, \$1,088,158,000; capital injection, as amended, \$514,509,241; and payments on behalf of the Territory, \$242,882,000)

Amendment (by **Ms Carnell**) agreed to:

Page 5 – Total appropriations – Column 6, omit "1,836,266,000", substitute "1,863,649,241".

Proposed expenditure, as amended, agreed to.

Remainder of Bill, by leave, taken as a whole and agreed to.

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Question put:

That this Bill, as amended, be agreed to

The Assembly voted –

AYES, 9

NOES, 6

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

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

Question so resolved in the affirmative.

**ESTIMATES 1999-2000- SELECT COMMITTEE
Report on the Appropriation Bill 1999-2000 - Government Response**

Debate resumed from 1 July 1999, on motion by **Ms Carnell**:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

**ESTIMATES 1999-2000 - SELECT COMMITTEE
Report on the Appropriation Bill 1999-2000**

Debate resumed from 22 June 1999, on motion by **Mr Corbell**:

That the report be noted

Question resolved in the affirmative.

**APPROPRIATION (BRUCE STADIUM AND CANDELIVER LIMITED) BILL
1999**

Debate resumed from 1 July 1999, on motion by **Ms Carnell**:

That this Bill be agreed to in principle.

MR QUINLAN (10.37): Mr Speaker, this Bill, I guess, is the “get out of gaol” card for the Government in relation to illegal expenditures made on the Bruce Stadium development. It is the bookend of the amendment to the Appropriation Bill. The Appropriation Bill should have mirrored this Bill initially but we have slipped in an extra \$6m through an amendment. These things have to be said.

I will not take a lot of the Assembly’s time, other than to say that this is the result of one of the monumental fiascos in the ACT’s government and parliamentary history. You cannot help wonder how we came to today. I do not think today is the end game in relation to Bruce Stadium, but it has to be close. You cannot help wonder how we came to today and how parliament came to receive a Bill of this nature.

We have spent \$39m, \$44m, \$45m or \$49m on a stadium, and we find in recent times that the Federal Government is about to use its leverage to demand commercial rents for the thing and to seek an evaluation on it. We have allowed ourselves to commit the people of Canberra to this huge amount of expenditure on a stadium we do not own and do not have a long-term hold over. Aside from the maladministration, aside from the misinformation that we have received, aside from the problems that we may yet find in the letting of contracts, even for the catering in the place that is yet to be teased out, we did all of this without having a long-term hold over the property. We have allowed ourselves to spend money that I am sure is beyond the money that might have been spent to produce an excellent stadium, and we have allowed ourselves to be in a position where we have absolutely no bargaining power at the table when we want to take over this stadium.

From this money that we are appropriating, we spent the best part of \$2m on marketing nothing. We hired some great names because that is what we do. We associate with the big time. We spent something like \$1.7m or \$1.8m on marketing and we had virtually nothing to market. It had already been bargained away. We sent to the bargaining table people who I think did not represent the ACT well. The Government must take responsibility for the downfall of that bargaining. On this side of the house we feel that we must support this Bill.

Mr Berry: Do we? I thought we were bitching about it because we did not get to see it in the Estimates Committee.

MR QUINLAN: We certainly did. We have all the bitches in the world. I am happy to defer it, to adjourn it. I have just had a quick caucus, and we feel that we cannot support this Bill. This Bill says, “Please legitimise all the illegal actions that have taken place in relation to Bruce Stadium”. The great fear of those on this side of the house is that, come September or October, when we get an Auditor-General’s report and the Auditor-General says, “It was all crooked but it has been fixed”, those over there will be saying, “It is all legal. It has all been cleaned up. It is yesterday’s news”. We might

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even have a Chief Minister saying, "Boring, boring". We might even have a Chief Minister on ABC radio laughing to the public of Canberra about this particular issue.

Ms Carnell: By the way, I did not laugh.

MR QUINLAN: It did not go down well, mate. At the bottom line, I guess we cannot support this Bill. It is part of a retrospective legitimisation of illegal behaviour. I do not care about the technicalities at this stage but, morally, what was happening at Bruce Stadium should have been brought to this place a long time before it was, but a great ego could not allow that to happen. We had to find a way to get around admitting not that we had messed up a little but that we had totally messed up. I am fairly certain that we have not heard the bottom line of just how bad this particular exercise has been. I cannot emphasise it enough. This has been the most appalling ineptitude - - -

Ms Carnell: It is boring, Ted. You have said the same thing 4,000 times and it is wrong.

MR QUINLAN: But if you speak the truth 4,000 times and it falls on deaf ears, selectively deaf ears, and you speak it again, it still is the truth. This has been the most appalling ineptitude on behalf of a government that told the people of Canberra, "Your commitment is \$12.3m. We are going to borrow another \$7m but we are going to pay that back". That was a total of \$19m. We are now in the realm of \$50m. This is our Opera House.

I challenge the Chief Minister, when she rises to close this debate, to tell us the absolute bottom line for the Bruce Stadium development. I challenge her to tell us how much it has cost and how much Bruce Operations Pty Ltd might borrow to cover the accoutrements of the Bruce Stadium, which I believe are part of the assets.

Mr Osborne: What does that mean?

Mr Stanhope: Seats.

MR QUINLAN: Ask the guy who knows everything.

Mr Osborne: You try to big-note yourself and use big words all the time.

MR QUINLAN: I only know three, so I just have to whip them in. Most of us have in front of us a government distribution paper, spawned of a certain acrimony on the second floor, that says, "This thing cost \$44m. We have just put in another \$5m worth of working capital". Convince us that you need \$5m working capital for a cash business. You have to be kidding.

Ms Carnell: Convincing you is a task I would not even attempt.

MR QUINLAN: Then convince an independent umpire that a cash business like a stadium needs \$5m worth of working capital. You have to cover some of the other commitments. The deceptions that we talked about on Wednesday still continue. When you get up, please tell us what you are going to do and why this particular operation, a cash business - tickets through the turnstile - requires \$5m of working capital. We would love to know. It is necessary to know that - - -

Ms Carnell: But it is not in this Bill.

MR QUINLAN: But it is consequential. This Bill goes hand in glove with an amendment to the appropriations - - -

Ms Carnell: Mr Speaker, I think Mr Quinlan is reflecting on a vote of the house. I think he might like to - - -

MR SPEAKER: Be careful, Mr Quinlan. Do not reflect on a vote of the house.

MR QUINLAN: As we are now required to appropriate retrospectively something like \$24m, all I ask the Government to tell us is how we got in this hole in the first place. How do you spend a couple of million dollars on marketing when there is nothing to market? What is the bottom line and why do you need \$5m worth of working capital for a high cash flow business?

MR STANHOPE (Leader of the Opposition) (10.51): I simply want to reiterate what has been so well and sensibly put by my colleague.

Mr Humphries: Obviously not well enough; otherwise, you would not need to say it, would you?

MR STANHOPE: There is more to add. It is a pity that the Labor Party is not in a position to support this Bill, but we made our position quite clear on it. We said that if the Government was not prepared to provide to us all the information that it has available to it in relation to Bruce Stadium then it could not expect us to support a piece of legislation to retrospectively approve moneys that were expended unlawfully. It is simply not acceptable to us that the Government should come in here with a Bill in effect begging the Assembly to retrospectively appropriate funds that were expended without the authority of the Assembly. In other words, the funds were expended unlawfully - not in some trifling way but in a fundamental way. It is a very significant matter.

For us to rectify that particular deficiency which occurred as a result of this Government's failings, it requires them to come to us with a clean slate. They have not. We did not receive all the documents. A whole swag of documents were not provided to us, on the basis that they were commercial-in-confidence. They are relevant to the deal that has been done in relation to Bruce. They are relevant to the factors that led to the unlawful behaviour. Everything is connected to everything else in a deal like this. It is relevant for us to know why the business plan failed so abysmally and why, as the consequence of the failure of the business plan, this whole chain of events which led to the unlawful behaviour and to the unlawful expenditure of taxpayers' moneys was created.

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We said we would be prepared to consider supporting this Bill if we were provided with all the information. But the resistance has been extreme. Even today, I believe I heard the Minister for sport, in talking about Bruce Stadium, say that the cost per seat was \$1,750, which of course it is now. That comes out at \$44m. That is what we are up to. I remember in the Estimates Committee the Chief Minister and officials convincing us that in fact the cost per seat was \$1,300. These are the sorts of issues that we are now dealing with.

During estimates members will recall that we were advised, apropos of nothing, that it was \$1,600 a seat. Mr Quinlan did some multiplication on that and it came out at a cost much greater than was then being presented to us by the Government. At that stage we were still down at \$29m to \$31m. Of course, the figure was then quickly adjusted down to \$1,300 to make the sums add up. The Minister for sport came in tonight - I was not in the chamber but I believe I have heard him correctly - and said that for a stadium with a per seat cost of \$1,750 we are doing rather well. At estimates the Chief Minister delivered the same speech about how well we were doing with a stadium that had been delivered at \$1,300 a seat. All of a sudden, we have jumped 450 bucks a seat and we have - - -

Mr Berry: Climbing at that rate, what are they going to be like in six months' time?

MR STANHOPE: That is right. From \$1,300 a seat, presented to us as a really great bargain - I think everybody remembers the comparisons that the Chief Minister drew between Bruce Stadium and a number of other stadiums at \$1,300 a seat - here we are a month later acknowledging that in fact it is \$1,750 a seat. It is all these factors that are so important to the consideration by this Assembly of a Bill to retrospectively approve this enormous amount of money that was unlawfully expended.

Our need for this sort of information could have been overcome if the matter had gone to the Estimates Committee. It having not gone to the Estimates Committee, it behoved the Government to bribe us with all the information we needed. I did mention earlier, in discussing aspects of the budget, that the questions that we would truly like answered were about the sorts of things that Mr Quinlan was speaking about. Why do you need \$5m of working capital? Why are we appropriating that? How are you going to use it? What are the business assumptions that underlie the need for \$5m of working capital that we are approving tonight?

How did you pay the \$1m of legal fees? How did you pay the \$1.7m of up-front marketing? How did you or are you going to pay the \$6.6m for furniture and fitout? We are now up to \$49m - admitted - for this project.

Mr Humphries: That is just sheer and utter nonsense.

MR STANHOPE: Give us your response then. Tell me why it is not \$49m. Tell me how you get it at \$44m and keep it there.

Ms Carnell: It is not \$44m; it is \$39m.

MR STANHOPE: Oh, it is \$39m? I am sure Mr Stefaniak told us tonight it was \$1,750 a seat. I am sure that is what he said. I thought that is what I heard him say. I guess that is the point. There is just no openness or transparency in relation to the matter. Here we are now asking you to justify the bottom-line costs and you cannot or will not. You are just asking us, in relation to this project, which was just an appalling mess, to take what you say as a matter of faith, without producing to us any evidence of what you are going to do. You must have some idea of why you need \$5m of working capital. Surely you could tell us.

Ms Carnell: I raise a point of order, Mr Speaker. I have taken this point of order before. The \$5m is not in the Bill in front of us. It is simply irrelevant to the debate on this Bill.

MR SPEAKER: Order! Mr Stanhope, I am going to interrupt you.

Debate interrupted.

SUSPENSION OF STANDING ORDER 76

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

That standing order 76 be suspended for the remainder of the sitting.

APPROPRIATION (BRUCE STADIUM AND CANDELIVER LIMITED) BILL 1999

Debate resumed.

MR STANHOPE: I will conclude my comments there. I regret that we cannot support this Bill. We will not support it. The Government simply has not made any serious effort at providing us with the information that would have allowed members of this place to make the detailed assessment of the issues that they are entitled to make in order to rectify this terrible mistake, including a range of unlawful behaviours that this Government has committed over the last 18 months or so.

MS TUCKER (10.59): I think these questions that have been raised - and they have been raised in my office as well - are very serious questions. The fact that the Government would not even allow us to look at this Bill through convening a very quick Estimates Committee is just appalling. The Greens do not want to have any involvement with this. Mr Osborne and Mr Rugendyke are coopted. They can do all this work. That is fine. We do not have the answers we want to any questions.

I do not want to be associated with any of this. I supported a no-confidence motion on Wednesday. The way this Government has handled this whole issue is absolutely unacceptable, and I am absolutely stunned that we see the Government talking about an ethics commissioner. That is the final irony for me. So just go for it, guys.

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MS CARNELL (Chief Minister and Treasurer) (11.00), in reply: Rather than debate this issue at length, I table for the information of members the sign-off on this Bill by the Auditor-General. Those opposite actually have it.

Mr Humphries: We have sucked him in, too!

MS CARNELL: We must have. This information runs through the figures that are part of this legislation. The Bill we are talking about here does have a sign-off on the figures by the Auditor-General, an independent arbiter. Those opposite had those figures, so any indication that they do not understand the figures or that the figures do not make sense means that they are too stupid to understand them or that they are just playing politics. They are obviously just playing politics. I do not think anything else needs to be said.

MR OSBORNE: Mr Speaker, I seek leave to speak to the Bill. I missed the jump.

Leave granted.

MR SPEAKER: Be a bit faster on your feet, please, Mr Osborne.

MR OSBORNE: That is exactly what coach Tim Sheens said to me, and that is why I am in politics, Mr Speaker. I am too slow on my feet. This Bill is probably the most important aspect of the whole Bruce Stadium debate. It makes sure that we appropriate the money that was spent. The most important principle of the whole saga was ensuring that the Government came back to the Assembly and retrospectively sought approval from the Assembly for the spending of the money in two financial years.

This Bill is in keeping with the legal advice that I received and the Labor Party spoke so highly of the other day, so I will be supporting the Bill. I think the principle is important. The Government has come back before the Assembly and sought approval from the Assembly.

Mr Quinlan: Does it represent any forgiveness?

MR OSBORNE: It represents the figures that have been spent. That is what this Bill is. That is what we are debating. You are the accountant of the year, and you do not understand what this Bill is.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Question put:

That this Bill be agreed to.

The Assembly voted -

AYES, 9

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

NOES, 6

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

Question so resolved in the affirmative.

FAIR TRADING (FUEL PRICES) (AMENDMENT) BILL 1999

MR OSBORNE (11.06): I ask for leave to present the Fair Trading (Fuel Prices) (Amendment) Bill 1999.

Leave granted.

MR OSBORNE: I present the Fair Trading (Fuel Prices) (Amendment) Bill 1999, together with its explanatory memorandum.

Title read by Clerk.

MR OSBORNE: I move:

That this Bill be agreed to in principle.

MR OSBORNE: I ask for leave to incorporate my presentation speech in *Hansard*.

Leave granted.

The speech read as follows:

Petrol

At present petroleum products in Australia are sold at both wholesale and retail level on the basis of volume with no adjustment for the varying temperature of the product at the time of sale.

As Members will be aware, the volume of a liquid will vary according to changes in temperature.

In the case of petrol, the volume will expand by 0.125 per cent per Celsius degree - or approx 1 per cent per 8 degrees.

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While this change may appear reasonably small, it has a large impact on the service stations of Canberra.

The ACT is the only State or Territory in Australia where the average temperature of petrol sold at a retail level is less than the average delivery temperature.

The effect of this temperature differential means that over the course of a average year all service stations in Canberra will have paid the oil companies for approx 1-1.5 per cent more petrol than they would have had available to sell.

For those Canberra servos of slightly above average throughput this would equate to just over 70,000 litres or a \$50,000 loss for the year.

How does this happen?

The answer is simple, Mr Speaker, the climate in Sydney where our petrol comes from is warmer than Canberra.

Consequently, the temperature of petrol when it leaves Sydney will always be warmer than when it is later transferred into an underground tank in a service station in Canberra.

And as it cools it reduces in volume.

Obviously, Mr Speaker, this difference in temperature is more of a problem in winter time than in summer.

During the winter months our service stations will lose nearly 2 per cent of all of the fuel which they receive.

Take today as a typical winter example.

The expected temperature today in Sydney is 20 degrees, in Canberra it is 12 degrees.

The ground temperature today in Canberra at a depth of 10 feet (where the servo underground petrol tanks are located) would be near zero degrees.

While the fuel in these tanks is not that cold, it would be at least 12-15 or so degrees cooler than when it left Sydney.

Heat is generated during the petrol refining process which can have newly refined petrol reach around 40 degrees.

This petrol is then pumped into a large aboveground storage tank at the refinery where it will cool, but it will not cool below Sydney air temperature.

If a delivery tanker leaves Sydney with petrol loaded at 20 degrees it will cool by a couple of degrees during the journey.

This cooling will marginally reduce the volume of fuel, but a large reduction will occur when it is transferred into the service station storage tanks in Canberra.

I have documents from one Canberra service station from the middle of June last year where a load of fuel left Sydney at 21.5 degrees and by the time it reached Canberra and was mixed with fuel underground it had lost 1.6 per cent of its volume.

This example is typical and cost the service station concerned around \$500 for that particular load, or about 2 cents per litre.

Unfortunately Mr Speaker, that loss was then passed on to the motorist.

It has been estimated that across the course of a year the cost of this problem averages around 1 cent per litre.

Mr Speaker, as Members will also be aware Federal excise is paid on petroleum products by the oil companies.

The excise is paid on the volume of product sold and is calculated at the time a road delivery tanker is loaded in Sydney.

In order to compensate for the effect that temperature has on the volume of petrol for the purpose of calculating the excise, the oil companies are allowed to adjust the volume of the fuel to the volume the fuel would be if it was 15 degrees Celsius.

This is done quite simply.

As a tanker is being loaded the fuel travels through a device which measures its temperature and adjusts the volume of the load according to a scientific formula.

This process is referred to within the industry as 'temperature correction' or more accurately "temperature conversion".

While the volume of the load is adjusted to suit the oil companies when paying excise, Mr Speaker, it is not used when the same fuel is sold at either a wholesale or retail level.

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In the late 1940s, there was an agreement made amongst oil companies that all transfers of petroleum products would be made with respect to the volume of 15 degrees.

Historically, oil companies use the converted volume for all international transfers; for all inter-company transfers; for all internal accounting; and for calculating excise payments.

The only time that temperature conversion is not used is when fuel is sold to service stations and, subsequently, to customers.

The issue of temperature conversion being used at a wholesale level was first discussed in August 1991 by the Standing Committee of Consumer Affairs Ministers who recommended that consultation occur on this topic by interested parties.

The National Standards Commission, a Federal Government Statutory Authority, investigated this matter at length and recommended that, at a national level, temperature conversion be used for the sale of petroleum products at least at a wholesale level.

It found:

"fuel sales to service stations should be temperature converted because the temperature converted measurements were readily available. At present, wholesale fuel suppliers provide temperature compensated volume measurements on a product transfer document for the purposes of paying excise which also includes the uncompensated volume measurement. It would only be a matter of transferring the compensated value to the invoice to the service station rather than the uncompensated value as at present. "

While the Commission also found that temperature conversion at a retail level was also justified, the cost of specialised equipment for each petrol pump would cost more than the benefit to the consumer.

Mr Speaker, this legislation would require all transfers of fuel over 2,000 litres in the ACT to be done on a temperature converted basis.

This will level the playing field between the oil companies and service stations in the ACT by removing the inequity where our service stations are continually paying for "phantom" litres.

The temperature conversion process comes at no cost, and will benefit the service stations and, ultimately, the Canberra consumer.

In practice, if the fuel at the time of loading is 23 degrees, for example, the volume is adjusted by the oil company to as if it were 15 degrees.

The temperature difference is 8 degrees - which equals 1 % of the volume.

This would reduce the volume of a full tanker load from 40,000 litres to 39,600.

After travelling to Canberra this legislation would require the tanker and use the same calculation on delivery.

In other words, the volume would be adjusted to deliver 39,600 litres and not 40,000.

Mr Speaker, at a national level most States would not benefit greatly from legislation such as this.

The ACT, however, due to a continual temperature differential between Canberra and Sydney (especially in winter) would benefit all year around.

Similar legislation has been enacted in the American States of Hawaii in 1974 and California in 1976.

Canada has a similar system, but given the breadth of the continent has made its implementation voluntary.

The producers of petroleum products in Australia have continued to reject temperature conversion at both wholesale and retail level since it first became an issue in Australia 1991, however, their argument is based on a 1996 study of temperature trends during delivery on a national basis and is, therefore, irrelevant to conditions here in the ACT.

Mr Speaker, a secondary factor in support of this legislation is the environmental benefit.

For a number of years now it has been of great concern that our service stations have been losing 1-2 per cent of their fuel.

There is no way to determine whether or not the missing fuel is leaking underground without taking the effect of temperature change out of the equation.

Mr Speaker, this legislation has the full support of the ACT Service Stations Association, the ACT Branch of the Motor Trades Association and the National Standards Commission; and I commend it to the Assembly.

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

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**WORKERS' COMPENSATION SYSTEM – SELECT COMMITTEE
Membership**

MR SPEAKER: Pursuant to the resolution of the Assembly of Thursday, 1 July 1999, as amended today, 2 July 1999, I inform the Assembly that I have been notified in writing of the nominations of Mr Berry and Mr Cornwell to the Select Committee on the Workers' Compensation System.

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

That the Members so nominated be appointed as members of the Select Committee on the Workers' Compensation System.

ABSENCE OF MR SPEAKER

The Clerk: Pursuant to standing order 6, I wish to inform the Assembly that the Speaker will be absent for the period 15 July to 14 August 1999 and in that period the Deputy Speaker, Mr Wood, will, as Acting Speaker, perform the duties of the Speaker.

ADJOURNMENT

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

That the Assembly do now adjourn.

Minister for Health and Community Care

MR MOORE (Minister for Health and Community Care) (11.09): Mr Speaker, I take this opportunity once again to invite Mr Berry to apologise for his efforts yesterday in accusing me of being a racist and vilifying. It was an entirely inappropriate imputation. This is the third time I have invited him to apologise to clear the air of any imputation about racism. I think it is a reasonable thing to request, Mr Berry. I think it would be entirely appropriate for you to remove any imputation.

Minister for Health and Community Care

MR BERRY (11.09): No, I will not be apologising, Mr Speaker, because it was a glib vilification. I do acknowledge that the Minister, within a couple of days, apologised for his remarks because he had worked out that they were wrong. But that was not until it was brought to his attention. It was sloppy for a Minister of a government to make those - - -

Mr Moore: I raise a point of order, Mr Speaker. Mr Berry has now reiterated the imputation, and I ask you to order him to withdraw the imputation. It is a clear imputation of racism. If he does not withdraw, Mr Speaker, I require that you use standing order 202(c). There is a clear imputation of racism.

MR SPEAKER: If you have made an imputation just now, Mr Berry, withdraw it.

MR BERRY: I will finish my five minutes.

Mr Moore: I have taken a point of order on an imputation, Mr Speaker, and I have requested that you consider standing order 202(c)

MR BERRY: I am happy to be ordered to withdraw it.

MR SPEAKER: If you would not mind.

MR BERRY: I am happy to be ordered to withdraw it.

MR SPEAKER: I am asking you to withdraw it.

MR BERRY: I accept your instructions.

MR SPEAKER: Thank you.

Mr Moore: Now you need to withdraw it. "I withdraw any imputation", you need to say.

MR BERRY: I withdraw it, Mr Moore.

Mr Moore: Thank you.

MR BERRY: Mr Moore made some comments which did agitate indigenous people, and they were then drawn to criticise Mr Moore for that behaviour. I do not know whether Mr Moore is a racist or not. I cannot make comments about that, but I can be critical of your public comments, Mr Moore. I say to you that what you said was quite inappropriate. You deserve to be criticised for it and you deserve to feel guilty about it.

Minister for Health and Community Care

MR SMYTH (Minister for Urban Services) (11.12): Mr Moore's comments were not racist comments. In context, they were in absolutely no way racist. Mr Berry should withdraw all the imputations that he has made and continues to make through his snide remarks.

MR SPEAKER: He withdrew them.

Question resolved in the affirmative.

Assembly adjourned at 11.12 pm until Tuesday, 24 August 1999, at 10.30 am.

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ANSWERS TO QUESTIONS

**Narrabundah Long-stay Caravan Park
(Question No. 127)**

Mr Quinlan asked the Minister for Urban Services, upon notice:

In relation to the Longstay Caravan Park, Narrabundah -

- (1) What is the total population of residents living in the Park by the following categories
 - (a) total population;
 - (b) families;
 - (c) gender;
 - (d) age groupings; and
 - (e) average length of resident in the park.
- (2) Are these residents currently defined as ACT Housing tenants.
- (3) How many tenants satisfy the criteria that would qualify them for access to ACT Housing.
- (4) How many residents are on the ACT Housing waiting list.
- (5) How many residents have been on the ACT Public Housing waiting list, but have dropped off.
- (6) How much money, capital and operating expenditure, does the Government save by not having to provide public housing to those in the park that qualify ie what would be the cost to provide public housing for the number of people identified.
- (7) What is:
 - (a) the average rental for a caravan or relocatable home at the Longstay park under the current arrangements, and
 - (b) the range of rental fees.
- (8) What is the:
 - (a) average value, and
 - (b) range of values of a lease site at the Park.
- (9) Has the Government assessed the value of improvements made by the current residents.

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- (10) Will residents be given priority housing if a new owner were to put rent beyond the residents financial capacity.
- (11) Will any financial assistance be provided to current residents if they have to move as a result of the transfer to private ownership.
- (12) Can you provide a copy of the profit and loss, balance sheet, cash flow statements and notes to the accounts for the park for the last three years. If not,
- (a) what is the annual operating profit (loss) of the park;
 - (b) what is the net asset value of the Park;
 - (c) what are the administrative expenses of the Park;
 - (d) what is the gross annual revenue of the Park; and
 - (e) what is the annual depreciation charge for the Park.
- (13) Has an assessment been undertaken of the potential sale value of the Park, ahead of the tender being sought.
- (a) if so, what was that value.
 - (b) if not, what is the minimum value that the government will accept.
- (14) What is the minimum value as dictated by the Park's earning capacity under the current arrangements.
- (15) Has the Government assessed the option of sub-leases and/or strata titles under the Land (Planning and Environment) Act, as amended on 22 August 1995.
- (16) Has any party expressed interest in purchasing the property. If yes, when was that interest first communicated to any member of the Government or the Administration.

Mr Smyth: The answer to the Member's questions as at 21 June 1999 is as follows:

- (1) (a) 153.
(b) Unknown. There are 140 adults and 13 children.
(c) Unknown.
(d) Unknown.
(e) Approximately 7 years.
- (2) No.
- (3) Eight applicants who applied for housing assistance satisfied ACT Housing's eligibility criteria. One applicant did not satisfy the criteria. It is unknown how many of the remaining residents would satisfy the criteria until they apply for housing assistance.

- (4) Eight residents are on ACT Housing's waiting list and one resident's application has yet to be fully assessed. Seven of these applied after the sale was announced on 16 March 1999.
- (5) Since 1992, the names of eight residents who were formerly registered for housing assistance have been removed from the applicants list. In one case, the resident did not accept an offer of accommodation. The others were removed because they did not respond to offers of accommodation.
- (6) It is not possible to provide an aggregate amount as the number of residents who would choose to apply and be eligible for public housing is unknown.
- (7) (a) ACT Housing provides permits, not caravans or relocatable homes. Site permits are \$46.20 per week for one person, \$3.45 for each additional adult and \$1.70 per week extra for each child under 18 years.
- (b) See response to (7a).
- (8) (a) See response to (7) above
- (b) See response to (7) above
- (9) No.
- (10) If residents are eligible for public housing and their level of need is assessed as sufficient to warrant priority allocation the application would be approved.
- (11) No. The Park will be offered for sale as a going concern. The issue of possible legislation to provide some protection to residents of caravan parks is under consideration by the Law Reform Commission.
- (12) (a-e) Attached is a copy of the financial costs and benefits
- (13) (a-b) Yes. ACT Housing has obtained a valuation for the site and this is considered to be commercial in confidence as part of the tender process. Valuation or actual sale price achieved could be provided after the sale has been completed.
- (14) No valuation on this aspect has been sought and such information would be subject to the same condition as at 13 above.
- (15) Yes. However, until a crown lease has been finalised it is not possible to offer sub-leases. As the proposed sale is intended to follow the finalisation of the lease it will depend on arrangements between the residents and the new owner.

(16) Yes, three. My department or its consultant received them after 16 March 1999. The parties were advised to await notification of commencement of marketing. General enquiries of the local real estate market are not included in these figures.

ATTACHMENT A

12 (a-e)

Costs and Benefits

Financial costs and benefits

REVENUE	96/97	97/98	98/99 Projected
Gross rental income	\$253,353	\$245,538	\$248,800
EXPENSES			
ACT Housing's Operating Costs:			
Management Fee (incl. disbursements)	\$40,000	\$35,000	\$40,684
ACT Housing Manager	\$21,000	\$21,000	\$22,500
ACT Housing overheads	\$23,000	\$23,000	\$23,500
Debt Servicing	\$11,000	\$11,000	\$9,500*
Accounts management	\$8,000	\$8,000	\$5,000
Property Outgoings- W&S	\$22,999	\$24,676	\$24,356
- Electricity	\$11,800	\$13,659	\$10,133**
General Rates	\$2,592	\$2,628	\$2,268
Land Tax	\$647	\$1,046	\$1,077
Insurance			\$1,428***
R&M (note: 5 year average + abnormals)	\$16,800	\$16,800	\$16,800****
			\$29,968*****
TOTAL EXPENDITURE	\$157,838	\$156,809	\$187,214

Explanatory Notes

* Based on past performance it is anticipated that the debt level will increase by \$20,000 in 98/99

** Electricity payable for group lighting and power to ablutions blocks

*** Insurance premiums first paid 1998/99 - management fee includes liability insurance

**** R & M given as average over 5 years expenditure (for urgent and minor) other than ***** significant work to ablutions blocks in late 1998.

Note: The above figures exclude the impact of the debt owed to the Commonwealth which if attributed to the caravan park would amount to approximately \$85,000.

**Canberra Hospital – Surgery Cancellations
(Question No. 163)**

Mr Stanhope asked the Minister for Health and Community Care, upon notice, on 4 May 1999:

In relation to The Canberra Hospital Surgery Timetable:

- (1) How many times has surgery been cancelled since 1 January 1999.
- (2) What was the reason for each cancellation
- (3) How many patients were affected by these cancellations.
- (4) Were the patients affected provided with notice of the cancellations and if so how close to the operation were they notified.

Mr Moore: The answer to Mr Stanhope's question is:

- (1) 21 cases were cancelled by the patient, six cases were cancelled because the patient was deceased, was medically unfit or equipment was unavailable, five patients were cancelled for unknown reasons and 29 patients were cancelled on eight separate occasions when Visiting Medical Officers gave the hospital less than 28 days' notification that they would not be attending.
- (2) See (1)
- (3) See (1)
- (4) Patients are notified 2-3 weeks prior to surgery and cancellation can occur at any stage between that time and entering the operating theatre. Patients are always provided with as much notice of cancellation as possible.