



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

24 August 1999

**Tuesday, 24 August 1999**

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The Assembly met at 10.30 am.

*(Quorum formed)*

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

### **PETITIONS**

**The Clerk:** The following petitions have been lodged for presentation:

By **Mr Wood**, from 114 residents, requesting that the Assembly ensure that the proposed sale of the long-stay caravan park be abandoned and ensure the implementation of guarantees for renewable residential tenure for a 20-year period, rental fixed at the current rate for 12 months and any increments subject to the Residential Tenancies Act 1997 and the payment of compensation equal to the current insured policy value or insurable value to be made if the park closes down or in the event of enforced removal of any tenant.

By **Mr Berry**, from 2,279 residents, requesting that the Assembly note that school bursars have taken on more complex duties and an increased workload since the introduction of school-based management and have been requesting an upgrade for 2½ years and that duties are continually devolved from the Department of Education and Community Services to them without recompense.

The terms of these petitions will be recorded in *Hansard* and a copy referred to the appropriate Ministers.

### **Long-Stay Caravan Park**

*The petition read as follows:*

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

We the undersigned tenants of the Longstay Caravan Park, Narrabundah Lane, Symonston, call upon the Legislative Assembly to (1) ensure that the proposed sale of the Longstay Caravan Park be abandoned, and (2) irrespective of whether a sale takes place, ensure the implementation of guarantees of:

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- (a) long term residential renewable tenure of a 20 year period, to include a sublease clause;
- (b) reasonable rental fixed at the current rate for the first 12 month period with further increments subject to the same constraints as specified under the Residential Tenancies Act (1997); and
- (c) in the case of any closing down of the Longstay Caravan Park, or enforced removal of any individual tenant, the payment of compensation equal to the current insured policy value held by the tenant or the insurable value of the dwelling be made.

### School Bursars

*The petition read as follows:*

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

Your petitioners request the Assembly to:

- . Note that ACT School Bursars have taken on more complex duties and increased workload since the introduction of School Based Management in 1997.
- . Note that ACT School Bursars have been requesting an upgrade of their positions for 2½ years.
- . Note that extra (and more complex) duties are continually being devolved to schools from the ACT Department of Education and Community Services without any recompense to Bursars.

Petitions received.

**MR WOOD:** Mr Speaker, I seek leave to make a brief statement in respect of one of those petitions.

Leave granted.

**MR WOOD:** Mr Speaker, as the petition concerning the proposed sale of the caravan park is presented, I think it is important that the Government and the Assembly understand the circumstances. The park can easily be sold, but residents cannot easily

move. They are connected to mains, to sewerage and to water, and it is a very expensive operation to remove themselves. Even if they had somewhere to go, they would be presented with very great difficulties. However, there are no alternative sites within this Territory. Park residents cannot hitch up their caravan and go easily. They need security from a caring government and a caring Assembly.

**HEALTH AND COMMUNITY CARE - STANDING COMMITTEE  
Inquiry - Public Hospital Waiting Lists - Alteration to Reporting Date**

**MR WOOD** (10.35): I seek leave, Mr Speaker, to move a motion to alter the reporting date for the Standing Committee on Health and Community Care inquiry into public hospital waiting lists.

Leave granted.

**MR WOOD**: I move:

That the resolution of the Assembly of 19 November 1998, as amended on 30 June 1999, referring the inquiry on public hospital waiting lists to the Standing Committee on Health and Community Care be amended by omitting "24 August 1999" and substituting "24 November 1999".

Question resolved in the affirmative.

**APPROPRIATION BILL (NO. 2) 1999-2000**

**MR HUMPHRIES** (Treasurer, Attorney-General and Minister for Justice and Community Safety) (10.36): Mr Speaker, pursuant to standing order 200, I present Appropriation Bill (No. 2) 1999-2000, together with its explanatory memorandum.

Title read by Clerk.

**MR HUMPHRIES**: Mr Speaker, I move:

That this Bill be agreed to in principle.

This Bill provides for appropriations in 1999-2000 totalling \$7m to the Chief Minister's Department and \$3m to the Department of Health and Community Care. The appropriation to the Chief Minister's Department provides \$4.5m capital injection and \$2.5m as a government payment for the net cost of outputs. These amounts will be on-passed to the Canberra Tourism and Events Corporation to fund the staging of a Canberra event in the Australian Shell Supercar Championships.

The Canberra event will be an endurance-style street race held within the Parliamentary Triangle. The format of the event will see Ford and Holden manufacturers racing their cars against each other in a championship series. The event will be held once a year for

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five years, over the June long weekend. The event will attract extensive national and international television and print media coverage, providing a positive image of Australia's national capital.

The total cumulative benefits to the Territory are expected to be in the order of \$52m over the five years. The spectator attendance for year one is expected to be around 50,000 people, with over half being visitors to the Territory. Given the labour-intensive nature of staging the event and the high degree of interstate visitation, it is expected that new jobs, in the order of 150 full- and part-time equivalents, will be created by the event. The event will assist the Territory in filling a particular accommodation trough period during the June long weekend.

The \$4.5m capital injection will be used for capital works required to stage the event - works such as concrete barriers, road works, safety fencing and pit lane construction. Government payments for outputs of \$2.5m will be appropriated to purchase the ongoing management of the event from the Canberra Tourism and Events Corporation. Appropriation for this event was not provided for in the 1999-2000 budget, as the opportunity did not exist at the time the budget was formulated.

The appropriation to the Department of Health and Community Care provides \$3m capital injection to move the ACT Hospice from its current site on Acton Peninsula. This funding was not included in the 1999-2000 budget, as the ACT was awaiting the outcome of negotiations with the Commonwealth on the tenure of the hospice on Acton. The ACT has recently reached agreement with the Commonwealth that the hospice will be moved from its present site by 30 June 2000, with a six-month extension to 31 December 2000 being available, provided the ACT has substantially implemented plans to move the facility. This agreement follows protracted negotiation with the Commonwealth throughout which the ACT sought to obtain a longer tenure on Action Peninsula.

To meet the relocation timetable, it is necessary to commence planning and construction to provide a new hospice as soon as possible. The \$3m capital injection will provide the required capital works funding to commence construction, which is scheduled to be completed by December 2000. These appropriations have a combined effect of increasing the general government sector's operating loss by \$3.415m in 1999-2000. This takes the general government sector operating loss, after taking into consideration the effect of the revised superannuation expense, to \$9.081m.

Mr Speaker, the Assembly clearly indicated through the debate on the Bruce Stadium development that, where large financial commitments are required during financial years, issues such as these should be dealt with through a second appropriation Act. I am not entirely sure that this is consistent with the view of the Assembly when the second appropriation Bill for the Department of Health was debated in 1996. Nonetheless, the Government has introduced a second appropriation Bill to ensure full accountability and transparency to the Assembly and the ACT community. We believe that this is the most effective way to involve the Assembly in the decision-making process to provide appropriations to fund two largely capital projects.



Mr Speaker, as required under section 13 of the Financial Management Act 1996, I also table a supplementary budget paper which provides details of the variations proposed for the two affected departments - that is, the Department of Health and Community Care and the Chief Minister's Department. The supplementary paper also includes a full set of revised financial statements for each of the three agencies affected, including the Canberra Tourism and Events Corporation.

I commend the Bill to the Assembly and indicate that it would be the Government's desire to bring the Bill on for debate at the end of next week in order to be able to confirm the commitment to both of those projects in the space of the next few months.

**MR QUINLAN** (10.42): Mr Speaker, I would like to give notice that we will be moving to refer this Bill to a select committee on estimates, albeit a fast-track process. At that time we would expect the committee to receive a little bit more comprehensive business plan for the proposed V8 race than we have received to date. The haste in this decision is, of course, not the making of this Assembly. We would be prepared to make every effort to permit the Government to make its decisions. Quite obviously, that estimates committee would be seeking a little bit more information on the costing of the hospice change.

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

### **GAMING AND RACING CONTROL BILL 1998**

[COGNATE BILL:

GAMBLING AND RACING CONTROL (CONSEQUENTIAL PROVISIONS) BILL 1999]

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

That this Bill be agreed to in principle.

**MR SPEAKER**: Is it the wish of the Assembly to debate this order of the day concurrently with the Gambling and Racing Control (Consequential Provisions) Bill 1999? There being no objection, that course will be followed. I remind members that in debating order of the day No. 1 they may also address their remarks to order of the day No. 2.

**MS TUCKER** (10.44): This debate on the Government's Gaming and Racing Control Bill is essentially about how we regulate the gambling and racing industries in the ACT. The release last month of the Productivity Commission's draft report on Australia's gambling industry generated an enormous response from the Federal Government and from all sectors of the Australian community. It basically redefined the debate on gambling in this country.

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For the vast majority of Australians, the pervasive influence of gambling, and particularly gaming machines, that the commission revealed came as a rude shock. For many people, the fact that Australia has 21 per cent of the world's poker machines and that problem gambling is a significantly grave problem in Australia compared to other countries was a matter of grave concern. State and Territory governments' increasing dependence on taxes from gambling revenues came as another rude shock.

In 1997-98 more than 15 per cent of Victoria's state revenues came from taxes on gambling, with gaming taxes constituting 13.8 per cent of South Australia's state revenues, 12.5 per cent of Queensland's state revenues, 10.4 per cent of New South Wales' state revenues and 8.3 per cent of the ACT's territory revenues. The commission found that 75 per cent of Australians believe that gambling does more harm than good and 92 per cent do not want an increase in gambling machines.

Of most concern was the commission's key findings on the impact of problem gambling on gamblers, on their families and on the broader community. The commission found that around 330,000 Australians, or 2.3 per cent of the adult population, had significant gambling problems and that 140,000 were experiencing severe gambling problems. It found that at least five people were affected by the activities of every problem gambler; that one in four problem gamblers reported divorce or separation as a result of gambling; that one in 10 had contemplated suicide due to gambling; and that nearly half of those problem gamblers in counselling reported losing time from work or study due to gambling in the last year.

The commission found that problem gamblers account for over \$3 billion in losses annually, one-third of the total expenditure on gambling, and that each problem gambler loses on average nearly \$12,000 a year, compared to the \$625 that other gamblers lose a year. Perhaps another way of looking at these particular statistics is that problem gamblers directly fund more than one-third of the taxes earned from gambling and more than one-third of the gaming revenues that go to building club facilities and subsidising meals and alcohol in clubs. These tax revenues and club services come at a very great cost to the lives and wellbeing of individuals in our community.

Before I speak more specifically on regulation of gambling, I would like to lay to rest one of the chief arguments of the gambling industry and the supporters of gambling. Their argument is that, if we touch the sacred cow of gambling by regulating it in a way that balances harm minimisation with protecting the legitimate pleasure that many Australians find in moderate and controlled gambling, the economy will suffer, jobs will be lost and businesses will go broke.

On the issue of the economic contribution of gambling to the Australian economy, the Productivity Commission challenges the arguments of the gambling industry. The gambling industry argues that it contributes jobs, it expends money which flows on to other businesses and it contributes to the economy. The Productivity Commission convincingly argues that "these 'production side' benefits, in contrast to those from consumption, are largely illusory". The commission argues:

The resources available to Australia's economy - its people, capital, land - are not stamped *For use only by the gambling industries*. If these industries did not exist, most of the resources would be employed in other uses, creating similar levels of income and jobs to gambling itself.

It then goes on to argue:

Thus while there may be instances where additional jobs or income are generated say in depressed regions - most of the resources in gambling industries will have been diverted from other industries.

Quantitative and economic models developed by the commission found that "changes in the sizes of the industry would have little impact on Australia's GDP, consumption levels or labour market outcomes over the long term". So the world as we know it will not collapse if we regulate gambling so as to minimise the harm it causes.

I turn to regulation of gambling. The Productivity Commission has an interesting track record on deregulation of industries. It has been described as the holy shrine of economic rationalism. Economics editor for the *Sydney Morning Herald*, Ross Gittins, wrote recently that the Productivity Commission has "advocated the deregulation of more industries than you can name", but not the gambling industries.

The Productivity Commission, in its draft report, argues that gambling is a special industry that requires special regulations. It argues that this is because the gambling industry is able to "simultaneously provide entertainment that is harmless to many people while being a source of great distress - and even financial and personal ruin to a significant minority". The commission goes on to argue that "the benefits which many derive from gambling - to the extent that they include occasional winnings - are in part derived from the financial losses of others and the consequent suffering of some".

The commission recommends that the fundamental principles for regulating or taxing the gambling industries differently to any other industry should be based on promoting consumer protection, minimising the potential for criminal and unethical activity and reducing the risks and costs of problem gambling. Ross Gittins wrote in his column:

When the high priests of economic rationalism think we need all these extra rules and regulations, you know we've got a problem.

The Productivity Commission's harshest words were reserved for the current regulatory environment in which gambling industries operate in Australia. As I have already indicated, the commission believes the gambling industries are special-case industries requiring special regulations. The commission recommends that regulations and policy approaches strike a balance between harm minimisation which can effectively limit costs from problem gambling and protection of the legitimate pleasure of controlled recreational gambling.

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Having said that, the commission argued that the current regulatory environment falls short of that ideal. It said that policies for gambling industries lack coherence; that they are complex, fragmented and often inconsistent. For example, it noted that governments are participants in, and promoters of, gambling activity while attempting also to reduce the social harms from gambling and that governments monitor the probity of gambling activity to protect consumers but neglect other important aspects of consumer protection such as informed consent.

The regulation of gambling in the ACT has an opportunity to bring coherence to gambling policies, to end the fragmentation and to address the inconsistencies. As everyone here knows, the Assembly Select Committee on Gambling has handed down its final report and recommendations of the social and economic impacts of gambling in the ACT. As members are aware, I was a member of that committee, along with my Assembly colleagues Trevor Kaine, who chaired the committee, Bill Wood and Dave Rugendyke. The committee found that problem gambling was an issue of concern in the ACT, with approximately 2,300 to 7,000 people identified as problem gamblers and approximately 10 to 15 other people affected by the activities of every problem gambler. The committee also found that poker machines attract the highest level of expenditure on gambling and that most of the adverse social and economic impacts of gambling appear to be associated with poker machines.

The committee was unanimous in its 28 recommendations. Most of the recommendations were aimed at ameliorating the adverse impacts of problem gambling in the ACT. The Productivity Commission draft report key findings vindicated and reinforced the select committee's findings.

My proposed amendments to the Gaming and Racing Control Bill go some way towards embedding the recommendations of the select committee on the role of the proposed Gaming and Racing Control Commission. These amendments have been made necessary because neither the Government's Bill nor its proposed amendments to the Bill reflect the main recommendations of the select committee. The Government's Bill as it stands does not address them adequately. In fact, it continues to give the Gaming and Racing Control Commission a role in development of gambling in the ACT.

I will speak in detail on the amendments as the debate proceeds, but I will briefly foreshadow them now. They include removing the function of the commission to develop gaming and racing in the Territory, defining the guiding principles of the commission to include monitoring and researching the social and economic impacts of gaming and of problem gambling in the ACT and to include funding services for problem gamblers. I also propose amendments to the membership of the commission to increase the ordinary members from three to four.

I also more clearly define the responsibilities of the commission to conduct research into problem gambling and I require the commission to develop a code of practice which will require it to develop guidelines which address harm minimisation, problem gambling and consumer information. I also give the commission a role in education, in commissioning and funding research, in counselling and in monitoring the provision of services to problem gamblers.

**MR QUINLAN** (10.54): Mr Speaker, when we first received this Bill, we were reasonably satisfied with its structure. We were somewhat concerned about the minimal size of the board and therefore its capacity to incorporate representation both from the racing industry and from the gaming or club industry. Otherwise, we were generally comfortable with the Bill. Since that time we have received Ms Tucker's general discussion paper on amendments she wishes to make. Generally, we do not see any major problem with those amendments either. They recognise and take into account the recent revelations in relation to gambling and the impacts of gambling on society. However, we would make some minor changes to one or two of those amendments, but we will discuss those when the amendments have hit the table. Generally, we are in support of setting up a commission and in support of most of the terms and conditions of the legislation.

**MR WOOD** (10.56): Mr Speaker, I want to make some very general comments at this in-principle stage, and in particular to point out the sound basis of the report of the ACT Select Committee on Gambling. There was some criticism from various sources when the committee's report came down, but the fact is that the general thrust of that report is entirely consistent with the thrust of the report of the Productivity Commission. The commission report, of course, had enormous resources behind it - a vast array of people, very extensive research, all sorts of examinations - enabling a very close scrutiny of what was going on in gambling in Australia. Although we brought our report down with our extraordinarily poor resources - I think they were very good resources in terms of people, but we were very limited in what we could do - the general thrust was the same.

There is a problem with gambling in Australia, and I think that problem has generally been unrecognised. It has now been brought to the attention of the ACT by virtue of our committee's report and to the attention of the nation by the Productivity Commission report. I know, as I said when our report came down, that I had not appreciated the problem. I had paid little attention to poker machines over the years. They had been part of the fabric of our society, and I was not aware how insidious they could be and how incrementally they had expanded both in number and in the ability to take in money very quickly and therefore create problems.

The days when we knew that some people had a problem with betting on racehorses and other things are history. That is not the significant problem in this day and age. The significant problem that has emerged is the problem of people who use the very good resources provided by our clubs. A small proportion of those people have trouble coping with poker machines. They play the machines for a whole variety of reasons. It may be just out of boredom or loneliness. There are problems inherent in poker machines, and it is important that we focus on those problems. We will be doing part of that in this debate today. Ms Tucker, with her amendments, will be taking on the various other proposals that are coming through.

**Ms Carnell:** What amendments? We do not have any amendments.

**MR WOOD:** I believe there are some.

**Ms Carnell:** Do you have them? No.

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**MR WOOD:** I believe there are some. I think there is a timing problem here, as you may well hear from Ms Tucker. Let us focus on the problems not just through the legislation that is before us today but also through how, in the administration within Canberra, we deal with these things and how we look to matters in the future. These are problems that have not had a heavy focus. I repeat that there is a need for us, in a whole variety of ways, to take these problems on board and to deal properly with them.

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

**JUSTICE AND COMMUNITY SAFETY - STANDING COMMITTEE**  
**Scrutiny Report No. 8 of 1999 and Statement**

**MR OSBORNE:** Mr Speaker, I present Scrutiny Report No. 8 of 1999 of the Standing Committee on Justice and Community Safety performing the duties of a scrutiny of Bills and subordinate legislation committee, and I ask for leave to make a brief statement on the report.

Leave granted.

**MR OSBORNE:** Scrutiny Report No. 8 of 1999 was circulated when the Assembly was not sitting, on 19 August 1999, pursuant to the resolution of appointment of 28 April 1998. I commend the report to the Assembly.

**GAMBLING AND RACING CONTROL (CONSEQUENTIAL PROVISIONS) BILL 1999**

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

That this Bill be agreed to in principle.

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

**HEALTH AND COMMUNITY CARE - STANDING COMMITTEE**  
**Report on Men's Health Issues**

**MR WOOD** (11.03): I present Report No. 2 of the Standing Committee on Health and Community Care, entitled "Men's Health Services", together with a copy of the extracts of the minutes of proceedings. This report was provided to the Speaker for circulation on Monday, 19 July 1999, pursuant to the resolution of appointment. I move:

That the report be noted.

Mr Speaker, I believe we have presented here a practical report on which action can be based. We have presented a report with recommendations that are achievable, and I look forward shortly to a positive government response to those recommendations. The report, if supported by the Government, will bring a greater focus to the issue of men's health. The report contains no impossible demands on government. It is a sensible, practical report.

One of the decisions we made was that there should be no establishment of a number of stand-alone men's health services such as is the case with women's health services. We do not believe that that is necessary. We do not believe that it is affordable, either. We do believe that men ought to do more about their health, but we do not propose - we do not have the resources and the Government could not do it - to go into an extensive program to try to change significantly men's behaviours. Maybe in some circumstances they do need changing, but that is a very difficult and in fact a very long-term task.

We want men and women to pay more attention to men's health. One of our recommendations has called for the implementation in Canberra of a model of a men's health program that we saw in Victoria. We found that to be a very good program, something that is working on the ground, getting men and women to focus on their behaviour. We want that model to be tried in the ACT and to be worked through with the ACT Division of General Practitioners.

In the course of our inquiry, the Minister for Health, Mr Moore, indicated that he had provided some funds in the current ACT budget to get that program up and running, dependent of course on the support of the Division of GPs and of the Victorian people. I understand that that support has been given in principle by both bodies and we now await the outcome. I think there needs to be a little coordination between ACT Health and the Division of General Practitioners to get the end result up and moving. I do not think that is far away.

We made one other very significant recommendation. That was in respect of the problem that some men find with prostate cancer. We looked at that quite deeply, and we made a recommendation beyond the power of the ACT Government to implement, but we do look for the Federal health authorities and the Federal Government to take steps to introduce a national screening program that might help identify men who are prone to prostate cancer. It is worth pointing out that almost as many men die of prostate cancer as women die of breast cancer. It is to be acknowledged that there is a significant difference in that women with breast cancer die younger than do men with prostate cancer, so many more years of potential life are lost.

Prostate cancer remains a very significant problem with men. There are screening programs that can be implemented to identify a possible problem. It is not for the ACT Government to do that. It requires a national approach. At present the Commonwealth Government, on advice from the National Health and Medical Research Council, does not support such a screening program. From information I have received, I am optimistic that in time, with the review now being conducted by another committee, the Commonwealth may change its view. I would hope that happens and I would hope the ACT Government is in a position to lend some weight to a change in that policy.

In the meantime, I would look for some more extensive publicity from the ACT Government to encourage men to undertake some screening to check this problem out. That is already happening. We saw research reports that suggested there was almost a de facto screening program, so much more common is screening for this problem. But it is not universal; it is not widespread. More needs to be done. The committee met men in Canberra with prostate cancer who believe that if they had been advised to seek a screening program earlier they may have been identified as having the problem before the cancer spread more widely through their bodies. Having met those men, I do not find it easy to say that we should not do these things. We hope the Government in the ACT will undertake much more publicity to draw men's attention to what is available at present, and we hope the ACT Government will urge the Federal Government to undertake a national screening program.

There are a number of other recommendations in the report that I think will help improve men's health. They are modest. I think they are important, nevertheless, and most significantly I think they are achievable. If the Government accepts our recommendations, I think there will be progress towards improving the condition of men's health in the ACT.

**MR HIRD** (11.10): Mr Speaker, I join with the chairman of the committee and our colleague Mr Rugendyke in thanking those who supported us in our endeavours in the inquiry into men's health. The committee started this inquiry over a year ago to analyse many of the important issues surrounding men's health, as indicated by Mr Wood. The committee visited other jurisdictions to assess the merits of various men's health programs in other parts of Australia. When we visited north-east Victoria, we were pleasantly surprised at the way people there tackled this issue.

One of the main issues that emerged in the course of the inquiry was that men often wait until a health problem becomes a crisis, not only for them but for their families as well, before consulting a doctor. Usually they go to their GP for another ailment or an elbow or a knee problem, and on the way out they say, "By the way, I am suffering chest pains". On the evidence, this happens regularly, and it is concerning.

The committee found that there are many excellent services operating within the Territory. Not only the current Health Minister, who assisted our committee, but previous Health Ministers since self-government should be commended for their effective delivery of services to men.

It is important that any policy directed towards improving men's health not place men's health in competition with women's health. They should run parallel, Mr Speaker. Following on from this, the committee does not support the development of specific health services for men. Rather, it is important that men be encouraged to utilise existing services in a timely manner - that is, at the first sign of a potential health problem.



The committee was moved by evidence presented by the Prostate Cancer Support Group, and the committee sees it as important to educate both men and women in the family unit about the need for early prostate cancer screening for men, particularly those with a family history of the disease. That can be done by way of request by the patient or his partner to the local GP. The committee was of the strong view, which I endorse, that the ACT Government, through the Minister for Health, should take the matter of screening up at a national level with other Ministers for Health.

On behalf of my colleagues, I would particularly like to thank Dr Peter Hughes, an eminent urologist practising in Canberra and the region. He gave valuable evidence to the committee. I would also like to thank secretaries Beth Irvin and David Skinner for their support. I also thank those who gave evidence and assisted the committee in its deliberations.

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

### **ELECTRICITY (AMENDMENT) BILL 1999**

Debate resumed from 22 April 1999, on motion by **Mr Smyth**:

That this Bill be agreed to in principle.

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

### **URBAN SERVICES - STANDING COMMITTEE Report on Restricted Taxi (Multicab) Plates**

**MR HIRD** (11.15): Mr Speaker, I present Report No. 28 of the Standing Committee on Urban Services, entitled "The Need to Increase the Number of Restricted Taxi (Multicab) Plates", together with a copy of the extracts of the minutes of proceedings. This report was provided to the Deputy Speaker for circulation on 12 August this year pursuant to the resolution of 1 July this year. I move:

That the report be noted.

Mr Speaker, it is with much pleasure that I table the Standing Committee on Urban Services report on the need to increase the number of restricted taxi (multicab) plates in the Territory. It is doubly pleasing not only because this is a unanimous report but also because adopting the report will demonstrate that this parliament has the capacity to bring down legislation which can set standards for other Australian jurisdictions to follow. Many of the 26 recommendations in this report present groundbreaking measures which the members of my committee believe are paramount to meeting the needs of a large number of disabled in our community.

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This inquiry by the Standing Committee on Urban Services began on 24 September 1998 following a direction from this parliament. My committee invited public comment on the terms of reference in October of that year and subsequently received submissions from a large number of individuals and organisations, many of whom appeared at public hearings in February and March of this year. Members of the committee also visited Sydney to obtain further information from individuals and organisations involved in the supply of transport services for the disabled.

During the lengthy inquiry the committee reviewed existing transport services available to the disabled and how those services affected their regular lifestyle. The committee was surprised to hear that there had been no independent analysis of the need for wheelchair-accessible transport in the Territory. Aerial Taxis suggested there was no substantial demand, with able-bodied hirers representing, in their words, 75 per cent of passengers using the six cars presently providing facilities for the disabled. There was also evidence, however, that an estimate of 100 wheelchair-bound residents was conservative and that many people were housebound because they were not able to use existing transport facilities.

The committee's view was that there was an urgent need for taxis capable of carrying two wheelchairs and that the Government should immediately move to release 10 wheelchair-accessible taxi licences, with the objective of eventually moving to 10 per cent of the taxi fleet in the Territory being wheelchair accessible. The committee was also of the view that, because existing taxi licensees have an asset that they are able to capitalise on, special conditions should apply to wheelchair-accessible taxis to encourage operators to apply for the 10 licences.

Several of the committee's 26 recommendations call for the Government to embark on an innovative campaign to set national standards in the provision of wheelchair-accessible taxis for the disabled. We have, for instance, recommended that the Government immediately release 10 wheelchair-accessible taxi licences, with the objective of moving, as I indicated earlier, to 10 per cent of the taxi fleet being wheelchair accessible.

My committee further recommended that for the foreseeable future the Government should release taxi licences only by way of non-transferable short-term licences to apply for a period of six years and that these licences be issued by ballot to individuals who satisfy appropriate criteria. This would in effect temporarily abolish the existing taxi plate auction system until 10 per cent of the ACT taxi fleet is wheelchair accessible. The committee recognises that this is a very big change. We have tried not to hurt existing operators, but the committee believes that the needs of the disabled, under the terms of reference given to the committee, are paramount.

The committee commends the operator and drivers of the current multicab fleet of six cars licensed through Aerial Taxi Services on providing the best service they can with the equipment at their disposal. We acknowledge that they are working with vehicles and equipment that are inadequate to meet the needs of the disabled. The committee also recognises that if we impose more stringent requirements upon those six plates then

those six plates may well not be available for access by patrons who now use this service. There was no intention by the committee to interfere with the current licensing arrangements for the current six taxis for the disabled.

In concluding, Mr Speaker, I would like to thank the other members of the Urban Services Committee - Mr Corbell and Mr Rugendyke. I also thank our clerk, Mr Rod Power, for his exhaustive efforts to ensure the smooth conduct of the inquiry. My thanks also go to all those individuals and organisations who took the time to prepare submissions and to attend public hearings. Without their advice, the inquiry and this report could not have been so comprehensive.

This was a unanimous report by the committee and it was one that we did not take lightly. It should be of interest to other jurisdictions around Australia and New Zealand. I commend the report to the Assembly.

Question resolved in the affirmative.

**Sitting suspended from 11.23 am to 2.30 pm**

## **QUESTIONS WITHOUT NOTICE**

### **Public Service - Merit Selection Process**

**MR STANHOPE:** Mr Speaker, my question is to the Chief Minister. The Chief Minister will be aware of the Auditor-General's concerns expressed at the Estimates Committee hearings about the lack of understanding of the Financial Management Act shown by officials of the Office of Financial Management. Given the Auditor's concern, can the Chief Minister say whether a merit selection process was undertaken to fill the Chief Executive's position in the new Department of Treasury and Infrastructure, and will one be used for all other positions in the department?

**MS CARNELL:** Mr Speaker, the person who is heading up the new department headed up the old area of OFM. It is the same job.

**MR STANHOPE:** I thank the Chief Minister for that answer. Can the Chief Minister say why the Government adopted a different rule with respect to the position of ACT Electoral Commissioner currently advertised, and which will apparently be filled on merit?

**MS CARNELL:** Mr Speaker, I cannot make a comment with regard to the Electoral Commissioner. That would be Mr Humphries' responsibility. But I can make a comment with regard to the person who was heading up OFM and is now heading up the new Department of Treasury and Infrastructure. The Government has total faith in the person involved. He has performed extraordinarily well over the last few years since he took up the job.

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Mr Speaker, I do not know about you, but I am heartily sick of those opposite getting stuck into public servants. It is ongoing. Every single sitting in this place we have another go at public servants, and it simply is unacceptable. Have a look at the financial performance of the ACT over the last 4 ½ years since we came to government, particularly over the last three years or so, Mr Speaker. We have implemented full accrual accounting, full outputs-based budgeting, and been ahead of the rest of Australia in financial reform. We are now down to a situation where our operating loss is under \$10m and will go into the black next year. I think that says a lot about the performance of that area of government.

### **Employment**

**MR HIRD:** Following on from our learned colleague, the Leader of the Opposition, who sometimes has his head in the sand - - -

**Mr Stanhope:** You keep following, Mr Hird.

**MR HIRD:** I know it is difficult to know which hand the marble is in, Leader of the Opposition.

**Mr Stanhope:** Is this an exhaustive question?

**MR SPEAKER:** Is this leading to a question?

**MR HIRD:** My question is to the Chief Minister. Can the Chief Minister inform the parliament as to how many jobs have been created in Canberra since our government came to office?

**Mr Stanhope:** Full-time or part-time?

**MR HIRD:** Listen, sonny, you will learn something. How does the ACT job situation currently compare to the rest of Australia?

**MS CARNELL:** Thank you very much, Mr Hird, for the question. Mr Speaker, when this Government came to office in March 1995 the ACT's unemployment rate was 7.1 per cent. Today it is 5.7 per cent. This is the lowest that our unemployment rate has been since October 1990, nearly nine years ago. It may interest the Assembly to learn that the unemployment rate never fell as low as 5.7 per cent during the entire time that the Labor Party was in office between 1991 and 1995. Never once, Mr Speaker.

When this Government came to office nearly 4 ½ years ago there were 11,800 unemployed Canberrans, according to the ABS. Today there are 9,700, a reduction of 18 per cent. This is the lowest number of unemployed since the middle of 1991. When this Government came to office in March 1995 there were 152,800 jobs in this city. Today there are 159,300 people in employment. That is an increase of 6,500 jobs, or more than 4 per cent. This is the highest number of jobs ever recorded in Canberra. Mr Speaker, I think it is important to say that again. This is the highest number of jobs ever recorded in this city.

Mr Speaker, we have already heard Mr Stanhope and Mr Berry waxing lyrical. Before they get carried away on part time versus full time, I will point out that 2,200 of these new jobs were full time. Yes, Mr Berry, you got your media release wrong, again. Well, we should not be surprised.

Mr Speaker, what I have outlined constitutes a remarkable turnaround in the ACT's employment market that has occurred under this Government. The ACT has the second lowest unemployment rate in Australia, with only the Northern Territory recording a better result. Our unemployment rate is a full 1.4 percentage points below the national average, and our participation rate is more than 8 percentage points above the national average. Our rate of job growth over the last 12 months, at 2 per cent, is above the national average of 1.8 per cent.

Mr Hird's question is an important one because it enables me to deal with claims made by those opposite that this Government has somehow failed on the jobs front. In recent months we have heard Mr Berry saying things like: "We need more action on jobs from the Carnell Government". He made that statement on 30 May. Then, on 10 June, he said, "It's clear that the policies of the Chief Minister Kate Carnell have started the rise in unemployment all over again. We need a new commitment from the Carnell Government to jobs, jobs, jobs". That is what Mr Berry said. Well, Mr Speaker, if I am responsible for a rise in the unemployment rate, then equally I must be responsible for helping to create the highest number of jobs ever in Canberra and the lowest jobless rate for nearly 9 years. Do not take my word for it, Mr Berry - - -

**Mr Stanhope:** We will not.

**MS CARNELL:** I do not expect you to. Let us have a look at the Centrelink data. Do not take my word for it, take Centrelink's word for it. The number of people registered on unemployment benefits in Canberra fell by 16 per cent over the past 12 months to just 7,000. Our employment market is currently in the best shape it has been for almost a decade. With job advertisements also at a nine-year high and strong demand forecast by a range of organisations, including Morgan and Banks, Drake Personnel and the ACT and Region Chamber of Commerce and Industry, in fact everybody who does any work in this area at all, this indicates a very positive outlook for jobs in the ACT. If you put all this together with the other economic indicators, such as retail trade, state final demand and housing finance activity, you have a picture of an economy which has emerged from the downturn in 1997 much stronger than when we went into the recession.

This Government took on two major challenges when we came into government in 1995. The first big challenge was to fix up the appalling financial position that the Labor Party had left. We have achieved that outcome. We have turned around a \$344m operating loss to a situation where we will go into the black next year. The second challenge was to encourage the diversification of our business space and help position the ACT for the future as a centre of smart industries - that is, Mr Speaker, to create jobs in this city. Mr Speaker, we have created jobs. There is now a record number of jobs in Canberra and a budget that will go into the black next year.

Mr Speaker, if I was one of those opposite I would be very quiet and would hang my head in shame. They should be very pleased that we have more jobs than ever before, that we have fewer people receiving unemployment benefits, that we have fewer people who are unemployed, and that our budget is on track. Today, less than five years later, we are well on course, as we know, to achieve both of the major commitments that this Government made in 1995. In fact, Mr Speaker, you would have to say we are over the line.

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**MR HIRD:** I have a supplementary question. I have been forced to my feet because I think I heard the Chief Minister mention a press release. Is that the press release in which Mr Berry claimed that trends towards part-time work in the Territory were, to quote him, "insecure employment and disturbing"? Can you advise the parliament of exactly how many people are working part-time in the Territory and whether this trend is happening only in the ACT?

**MS CARNELL:** Mr Berry - I just heard Mr Stanhope as well - has been out on this issue for several months now and it is important that in this place we deal with his claims comprehensively. To do that I would like to quote some figures from the Bureau of Statistics. In 1990-91 the proportion of part-time workers in the ACT labour force was 19.3 per cent. That was roughly the time that Mr Berry came to government. But guess what, Mr Speaker? When those opposite left office in March 1995 the proportion of part-time workers in the ACT labour force was 24.9 per cent. So it went up from 19.3 per cent to 24.9 per cent while Mr Berry was in the job of industrial relations.

Now, nearly 4 ½ years later, the proportion of part-time people in our work force is 26.6 per cent, which represents only a fairly slight increase since we came to government. For Mr Berry, it went up from 19.3 per cent to 24.9 per cent; for us, it went up to 26.6 per cent over 4 ½ years. To put it simply, Mr Speaker, this trend has not only been happening when we are in office, but it also happened to a much greater and faster extent when the Labor Party were in office. So there goes that argument.

Let us look at what is happening nationally as well. In March 1995 the proportion of part-time workers in Australia was 24.6 per cent. Today it is 26.1 per cent. Funnily enough, Mr Speaker, that is almost identical with the figure for the ACT. In other words, we are no different from what is happening in the rest of the country.

Mr Berry seems to be the only person on earth who has not realised that the work force has changed; that we have moved, not just in Australia but right around the world, to more flexible employment arrangements which do include part-time work. It is true that the nature of work is changing, and so are the requirements of many of our work force. Many people want to work part-time, and more and more businesses are offering arrangements that not only suit their work force and their operations but also suit those people in their work force, their workers, particularly those that operate outside the normal nine-to-five constraints. This point was made, I think very effectively, last week in an interview on ABC radio by Graham Matthews from Access Economics, and I would be happy to provide those opposite with a transcript of the interview if they would be at all interested. But, Mr Speaker, I am sure they are not because they are never interested in facts.

In conclusion, the only reason why Mr Berry raised this issue, or for that matter Mr Stanhope, is that they could not find anything wrong with the unemployment figures, and Mr Berry could not come at saying, "Congratulations, Kate; congratulations, Liberal Government, because you have done something that I could not do".

### **Proposed Independent Commission Against Corruption**

**MR KAINE:** Mr Speaker, through you, I address a question to the Attorney-General and defacto Chief Minister, Mr Humphries. I draw attention to the fact that about two weeks ago I indicated that I was going to bring on legislation to establish an independent commission against corruption. The immediate knee-jerk reaction to that from both the Attorney-General and the Chief Minister was to be expected. The Chief Minister said, "We don't have any corruption that I know about". There was the qualification "that I know about". That was reported in the *Canberra Times* on 12 August. Mr Humphries, on Capital 10 on 11 August, asked the rhetorical question, "Where in the last 10 years has there been any corruption?", and he challenged me to produce evidence of it. Well, Mr Speaker, in the last few days we have seen comments from both the Auditors-General of New South Wales and Victoria about the possibility of a royal commission in Victoria on the basis of the nature of the government that they have, which, incidentally, is very similar to the nature of the government that we have. Also, the independent commissioner in New South Wales was reported in the Sydney media in the last couple of days as having said that he has had inquiries from people in the ACT asking him to look into allegations of corruption in the ACT, which, of course, he does not have the power to do. In light of those facts, Mr Humphries, instead of having you challenge me to produce evidence, I would like to ask you, as Attorney-General, given your certainty in this matter and the certainty of the Chief Minister, whether you will give an unconditional guarantee in writing that there is no corruption in the ACT.

**MR HUMPHRIES:** Mr Speaker, let me answer the last part of that question first. Of course I cannot give such a guarantee because, to the best of my knowledge and the best knowledge of others who have spoken about this, there is no corruption, but one would be a fool to rule out that possibility. However, it is a very far cry from saying that we cannot rule it out to saying that because we cannot rule it out there must be a case for a commission to investigate such corruption in the ACT.

I want to correct Mr Kaine on one matter. He said there was a knee-jerk reaction when his proposal came out. The Government did not rule out his legislation. It said it would consider what he had to say, but pointed out the problems as we saw them at this time. In fact, we remain open-minded about this proposal. No government should be complacent about the question of corruption. No government should send a signal that it is prepared to let these things slide because corruption is not a high priority on its agenda. As far as I am concerned, any suggestion of corruption is a matter of the utmost seriousness and should be dealt with at the highest possible level of response.

The questions that are given rise to by Mr Kaine's legislation are, first of all: What is the inadequacy of present procedures to deal with corruption in the ACT? I have to disagree with many things he said about the inability of present organisations to deal with corruption. There are, in fact, extensive provisions to deal with corruption in the

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ACT at the present time, and I think they are more than adequate to cope with the problems, whatever those problems might be, that are given rise to by issues of corruption.

The second point is the question of the cost-benefit of having a commission established to deal with the issue when the level of problem that you are addressing has not been clearly demonstrated. There is no doubt, Mr Speaker, that if we establish a commission against corruption in the ACT it will find work to do. Mr Kaine mentioned the fact that there were some references from the ACT to the New South Wales ICAC. I understand that there are a very large number of references all the time to the New South Wales ICAC and to the equivalent body in Queensland, a very large number of references. They are from individuals who are discontented. Because they have had some rejection or some loss or something has been a bit suspicious, they are prepared to point the finger and say there is corruption.

It is also, regrettably, the habit of many politicians, particularly opposition politicians in those two States, to say, "There's something funny here. I sense that there is something going wrong. I am referring this to ICAC", and off goes a letter. The vast majority of those matters are not investigated in any serious way because they disclose no evidence of any corruption.

Mr Speaker, the point I make about this is a very simple one. We need to be clear that there would be a reasonable workload of cases of corruption in the ACT before there is any point in establishing an ICAC in the ACT. No Minister anywhere in the world could say that there is no corruption in their jurisdictions. There will be instances of corruption, certainly at a minor level. There is no doubt about that whatsoever. That is the case in the ACT as well, undoubtedly. But an ICAC should not be about a person who goes around collecting money from the parking meters and keeps a few dollars in his pocket. That is not what an ICAC should be about. It should be about major institutional corruption or corruption of a serious or official nature. I do not believe we have seen any evidence of that in the 10 years of self-government. I do not believe that Mr Kaine has seen any evidence of that either because he has not put any on the table. He did make a suggestion about some sort of police corruption, but I understand he has withdrawn that suggestion. So we are left without any material on which to base a claim of this kind. I emphasise to Mr Kaine that I have not got a closed mind to his suggestion, but I would like to see more tangible evidence that there would be real work for that body to do before this side of the chamber would support its creation.

### **Department of Treasury and Infrastructure**

**MR WOOD:** Mr Speaker, my question is to the Chief Minister and it refers to the re-birth of the Department of Treasury with Infrastructure tagged onto it. Chief Minister, is this an acknowledgment that your incorporation some years ago of Treasury into the Chief Minister's Department was a mistake? Why change back now? Is it the case that the new department is merely a public relations exercise to try to distract attention from the financial mismanagement of Bruce Stadium?



**MS CARNELL:** No, it was not a mistake to do what we did when we came to government and that was to move Treasury into the Chief Minister's Department. That has been proven categorically. We moved Treasury in because significant reform was needed right across government, and that reform needed to be driven centrally. We moved to full accrual accounting in a 12-month period. Those opposite had spent the previous three years spending enormous amounts of money on consultants to try to implement accrual accounting but had not got to the starting line. They had not even got to the starting line after hundreds of thousands of dollars had been spent on consultants to implement accrual accounting. We decided that we needed to drive that reform quickly, efficiently and centrally. So we moved Treasury into the Chief Minister's Department to achieve accrual accounting in an implementation period that no other State has even come close to in terms of time frames. We got accrual accounting up in just over - - -

**Mr Berry:** You were just mimicking a Labor initiative. That is all you were doing. You cannot get out of it.

**MR SPEAKER:** Quiet, please.

**MS CARNELL:** We got accrual accounting up in just over a 12-month period. We went to outputs-based budgeting.

**Mr Stanhope:** All the work had been done.

**MS CARNELL:** Mr Stanhope says that all the work had been done. Mr Speaker, the problem was that no work had been done, absolutely nothing. The only thing that had been done was that there had been lots of cheques sent to consultants. Absolutely nothing had happened. That was the problem.

**Mr Corbell:** Your record on consultants is not that flash.

**MR SPEAKER:** Order! Order, please!

**Mr Humphries:** Mr Speaker, I rise on a point of order. There has been a continuous barrage of comments and interjections from those opposite.

**MR SPEAKER:** I know. There has been, and if I cannot hear I shall have to ask the Chief Minister to repeat the answer in full.

**MS CARNELL:** I would be very happy to do so. Mr Speaker, I know we should never respond to interjections, but Mr Hargreaves made a comment about our performance on consultants.

**MR SPEAKER:** I do not think so. I think it was somebody else, Chief Minister.

**MS CARNELL:** Mr Speaker, we have reduced consultancy expenditure quite significantly - I think by about 20 per cent - since we came to government, so let us be fair on these things.

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**MR SPEAKER:** Chief Minister, I think Mr Hargreaves has been incorrectly identified. I think it was somebody else.

**MS CARNELL:** Okay. Well, it was Mr Corbell. Mr Corbell was wrong with regard to consultancies. We have reduced consultancy expenditure quite significantly since we came to government. Mr Speaker, it was not - - -

**Mr Corbell:** So we had better not talk about J. Walter Thompson and two \$50,000 amounts, or maybe ABN AMRO.

**MR SPEAKER:** Order! Mr Corbell, you have not asked your question, but if you keep this up you will not have an opportunity to do so.

**MS CARNELL:** So it was not a mistake. We achieved the exact purpose by moving Treasury into Chief Minister's. The outcomes that we attempted to achieve were achieved. As I said in reply to the last question, the other reason for pulling Treasury into Chief Minister's was to address the absolute financial debacle that the Labor Party had left for us. They had used up all of the consolidated fund, there was no money in the bank, and we had a \$344m operating loss.

Mr Speaker, I would be very happy to speak for a very long time on the mess that those opposite left. Over the period since then we have moved the budget back into the black as of next year. This year the operating loss will be under \$10m. We have brought it down from \$344m to \$10m in 4½ years, and have brought about financial reform, accrual accounting and outputs-based budgeting. That strikes me as calling for a pretty big tick.

Mr Speaker, I remember when we first started the reform process. When we moved Treasury over to Chief Minister's I think I commented on a few occasions that with the sorts of reforms we had in mind we would end up being a model for other States; that in fact States would come here to see how financial reform was done. In fact, that has happened. Regularly we have people from treasuries in other States come to the ACT to look at how our Treasury has operated. Mr Speaker, that has been done. What we need to do now is bed down the system and make it achieve all of the benefits that I and Mr Humphries know the new system can achieve for the ACT over the medium to long term, and make sure that our forward estimates - move the ACT into the black - are never undermined again by those opposite. We must never get back to an operating loss in the city. That is what the move is about.

The reason we are now moving Treasury out of Chief Minister's is to allow the bedding down of that process; to get on with the job of making sure that the benefits that we put in place over the last few years are maximised in the future in the interests of the people of Canberra.

**MR WOOD:** I have a supplementary question. Chief Minister, will any new or upgraded executive positions be created for the new department; and, if so, at what cost? Further, from what part of the current budget will the allocation for the new department be sourced?

**MS CARNELL:** Mr Speaker, the allocations for the new department will be the ones that used to be in Chief Minister's. They are simply being moved across. Yes, in the new structure of the Chief Minister's Department and Treasury and Infrastructure there are new positions and there are positions that will go, but overall the job numbers are approximately the same. There are some positions that are not in the new structure and there are some new ones. There are some that are at a higher level and some that are at a lower level, but overall we will manage within the budget that this Assembly passed for both departments, as you would hope we would, Mr Speaker, I am sure.

### **Secondment of Public Servant to SOCOG**

**MR QUINLAN:** My question relates to public administration. It necessarily involves an individual, but we are not asking about the individual.

**Mr Humphries:** Who is it to?

**MR QUINLAN:** It is to the Chief Minister. I want to make it quite clear that it is about the decision-making process. The question relates to the former Director of the Office of Business Development and Tourism. In the *Canberra Times* of 29 July there was a confusing article which virtually said that this particular officer had both resigned and been seconded to SOCOG. I wonder whether the Chief Minister can enlighten us as to whether this is, in fact, a secondment, or did that officer resign? If it is a secondment, can the Chief Minister please identify the precise legislative provisions that allow for this particular secondment to take place?

**MS CARNELL:** Mr Speaker, the officer involved is going to work for SOCOG, and I am extremely pleased about that. The reason I am very pleased is that the opportunity to have one of our people, who is very loyal to the ACT and to the future direction of this city, working in a senior job in SOCOG at this stage is extremely beneficial to our whole Olympic approach. That is something that I hope all of those opposite would agree with. Mr Speaker, when any public servant in the ACT gets an opportunity to broaden their career, to broaden their skill base, and at the same time bring a real benefit to the ACT, I will be supportive. If you want the exact part of the Act, I am happy to take that on notice.

**MR QUINLAN:** I have a supplementary question. I am not sure that she is being seconded or whether she resigned and has been appointed. Okay. From the point of change in role for this particular officer, is it costing the Territory any money at all in terms of continued salary, travel allowance, vehicle usage, living away allowances, rent assistance or any other cost?

**MS CARNELL:** Mr Speaker, there are obviously costs to the Territory in any secondment. I am happy to make those available to those opposite.

**Mr Moore:** Look at the benefit.

**MS CARNELL:** And huge benefit.

### **Nurses - Industrial Dispute**

**MR OSBORNE:** Mr Speaker, my question is to the Minister for Health. Minister, can you, as the person responsible for this portfolio, put an end to the dispute at the hospital and give me and this Assembly an undertaking to start serious negotiations with the nurses, or does this Assembly need to move a motion to force you to do so?

**MR MOORE:** Thank you, Mr Osborne, for that question. Of course, the Assembly, at any stage, has the prerogative to pass whatever motion it likes to get me to act in any particular way within my portfolio, but let me say that to resolve a dispute requires the cooperation of two sides, and I cannot fault the efforts made by the hospital to negotiate with the nurses union. It started from the time the industrial relations commissioner recommended that negotiations continue, and the hospital said, "Yes, we will negotiate". The nurses union said, "No, we are going to ignore the recommendation of the Industrial Relations Commission".

Remember that it was not an order of the Industrial Relations Commission. The Industrial Relations Commission said it was possible that there was room to negotiate. The union said, "No, instead, we are going to start industrial action", and that is what they did. They nominated a couple of areas in which the hospital was not prepared to negotiate. The hospital said, "Yes, we are", and wrote to the union. In fact, at 11.30 am on the day of the meeting which the union was holding at 2.30 pm to decide whether they were going to escalate industrial action, a phone call was made and two faxes were sent over with a letter in which Mr Rayment said, "We will include the areas that are in dispute, that is, salary and general nursing conditions and staffing levels. We will include those in the negotiations". Unfortunately, that information was not presented to the meeting at 2.30 pm that decided to escalate the action. The industrial action went ahead, with the Canberra Hospital constantly saying, "Yes, we will negotiate. We are happy to sit down and we are happy to negotiate".

**Mr Stanhope:** You have nothing to put on the table though.

**MR MOORE:** Mr Stanhope is incorrect. He is wrong again. He is so many times. He interjects, "You had nothing to put on the table". In fact, the Canberra Hospital had put an offer on the table to the nurses quite some time ago, and that offer remains on the table.

**Mr Stanhope:** Which they rejected.

**MR MOORE:** Now Mr Stanhope says, "But now it has been rejected". Well, either it was put on the table or it was not put on the table. It was put on the table and it includes a whole range of issues.

**Mr Stanhope:** You offered nothing last year.

**MR MOORE:** Mr Stanhope, on those areas you are simply incorrect. Mr Osborne, the hospital is ready to negotiate and it has been ready to negotiate. In fact, the hospital also has been prepared to set aside normal industrial process and say, "Even though industrial action is taking place at the moment, we are prepared still to sit down with a mediator". It offered a mediating process. It seems to me, Mr Osborne, that that was a very reasonable thing for the hospital to do.

**Mr Berry:** That was a tactic.

**MR MOORE:** Mr Berry interjects across the Assembly that that was a tactic. That was not, Mr Berry. Let me tell you how we came to the position that mediation would be a good idea. It included a subcommittee of the Health and Community Care Board to deal with this issue and to come up with the idea of mediation. The subcommittee of that board is chaired by Ms Prue Power. Mr Berry no doubt will remember that Ms Prue Power headed the Nurses Federation for many years through quite a range of industrial disputes in this Territory. Ms Power is now on the board. In fact, because the board was so concerned about the industrial action that was proposed by the federation, it asked her to chair a subcommittee of the board to work with the hospital management in order to try to get a solution. It was a meeting of the committee with Ms Power and others that came up with the idea that we should offer mediation. It was not, as Mr Berry suggests, a stunt. Mr Berry knows, and I know, that Ms Power would not be involved in something that was simply a stunt like that. She would be interested, as indeed is the management of the hospital, in getting to a negotiated solution, if at all possible.

Mr Osborne, please put it in the context of the Industrial Relations Commission saying some weeks ago, "There is room to negotiate. We recommend that you do not take industrial action". From then on the hospital bent over backwards to try to facilitate any form of negotiation, even mediation. The hospital, even at lunchtime today, asked for a meeting with the federation, and Professor Ellwood met with members of the federation to explain exactly what was on the table in terms of mediation and what was meant by mediation. Every single step of the way, the hospital has been bending over backwards to go to the negotiation table, in spite of the fact that industrial action has continued. The pleasing part was that the industrial action did not occur today.

**MR OSBORNE:** I will have to remember my question after that answer, Mr Speaker. I am always wary of asking Mr Moore questions because it is often just an opportunity for him to throw some punches.

**Mr Humphries:** Do not ask them then.

**MR OSBORNE:** I do tend to avoid him as much as possible, Mr Speaker, out of respect, I suppose, more than anything. I take it from that answer, Minister, that this Assembly will need to move that motion, which is on the table for tomorrow, to force you and the hospital to negotiate with the nurses in the current environment. Is that the interpretation of your answer?

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**MR MOORE:** By all means put a motion that causes us to negotiate with the nurses. That is what we are trying to do. We are doing everything we possibly can to negotiate with the nurses and the Nurses Federation. They have asked us to put issues on the table. They asked whether we would negotiate with the federation. We have said, "Yes", and still they will not sit down with us to undertake those negotiations. There is a range of possibilities that we can manage within the negotiation because we have a hospital, Mr Osborne, that is significantly over-funded. It does have some financial issues to deal with, and we do want to see that done. There are some issues to deal with, but the hospital has the wherewithal to negotiate some salary rises. It does have the wherewithal to look at staffing matters, so we will be trying to manage those things.

One of the things that I believe the federation was seeking was to have the Government put more money into the hospital. The difficulty with that is that if we were to add more money now to the hospital, let us say, for example, \$2m, it would be \$2m I do not have to put into disability, or age care, or a range of other areas where we would get better health outcomes. That is the issue.

What we do have available to us is salary packaging, the impact of which would be very significant in terms of individual nurses. They voted against salary packaging on its own last December, but maybe within a different context. The federation made it very clear that they were not opposed to salary packaging per se, so when we seek to negotiate that it may well be one of the things that can help. The federation's demands included a 12 per cent increase in rates of pay, a 20 per cent increase in senior nursing positions, a 30 per cent increase in casual loadings and a 230 per cent increase in certain allowances. I have to say that this was the first cut at it. We have costed that at a minimum of around \$11m over the life of a two-year agreement, with a recurrent end cost at a minimum of \$8m thereafter. So, there are large sums involved with their ambit claims. But I accept that that is an ambit claim and is part of a negotiating process.

We will do everything we can, Mr Osborne, to negotiate with the federation, and I have asked the hospital to do everything it can to avoid industrial strife. Unfortunately, it does take two to tango.

### **Secondment of Public Servant to SOCOG**

**MR BERRY:** My question is to the Chief Minister. As of the last week the directors of Bruce Operations Pty Ltd were Mr Lilley and Ms Moiya Ford. Given the secondment of Ms Ford to SOCOG, how does the Chief Minister explain her continued involvement as a director of Bruce Operations? How much time will Ms Ford spend in each position, and is she being remunerated for both?

**MS CARNELL:** The Government is in the process right now of reconstituting the board. I think I indicated that to members of this Assembly when we had the last debate. It will include people with knowledge of rather than representing codes of football, business in the ACT, and so on; people who have real capacity in the area of stadiums, football and other issues surrounding the running of BOPL. Announcements with regard to those appointments should be able to be made in the near future. We have had discussions with all of the stakeholders in the area over the last little while. Mr Speaker, it is important to remember that Ms Ford is a director, not the manager, of  
BOPL.

Ms Ford and Mr Lilley receive no remuneration for Bruce directorship, as with all public servants who are directors of our companies.

**MR BERRY:** What will she get for a secondment? The Chief Minister appeared not to want to hear my question about what payment she was going to receive as a result of her secondment. Normal pay?

**Mr Humphries:** She is not going to be on the board.

**MR SPEAKER:** Is this a supplementary question?

**MR BERRY:** How much are you paying for her to go to SOCOG? Normal pay?

**MR SPEAKER:** Is this a supplementary question?

**Mr Humphries:** She is coming off the board.

**MR BERRY:** Normal pay?

**Ms Carnell:** Sorry. I don't know what you are talking about. Is this a supplementary question?

**MR BERRY:** Is it not the case, Chief Minister, that Ms Ford, along with other public servants, is being scapegoated in order to create a smokescreen and to divert criticism from some reports that are hanging over your head? Is it not the case that they are just being made scapegoats? It is pretty clear to the rest of the community that it is. When will you admit it?

**MR SPEAKER:** Imputations are out of order.

**MS CARNELL:** Certainly, the supplementary question is out of order. Obviously it is ridiculous, Mr Speaker.

### **Eco-Land Developments - McKellar and Fisher**

**MS TUCKER:** I am not quite sure whom to direct this question to as there have been three Ministers involved, but I will try the current Minister for Urban Services. My question is about the so-called Eco-Land townhouse development at McKellar shops. Last year, as part of its schedule of leases granted by government, you tabled details of the direct grant of land at McKellar and Fisher shops to Tokich Homes Pty Ltd. In reply to three questions on notice asked about these direct grants, you stated that this land was granted to Tokich Homes trading as Eco-Land and related to a proposal first announced in 1996 by a group of five people calling themselves Eco-Land who wanted to build innovative, ecologically sustainable housing around local centres. However, it has recently been revealed that the Eco-Land group broke up in 1997 and that Tokich Homes do not hold the registration for the business name Eco-Land. Could you therefore explain why you stated that this land was granted to Tokich Homes trading as Eco-Land?

**MR HUMPHRIES:** Mr Speaker, as the Minister responsible for infrastructure and asset management, I will take that question. I was also involved much earlier in this process in tabling the disallowable instrument as Minister for Planning in 1997 that gave rise to such applications. Mr Speaker, members will recall that the Government's policy has been to facilitate development around local shops, particularly local shops that are under some threat of closure or reduction in services, in order to be able to generate a level of community sustainability; in other words, to allow them to continue. The proposal that came forward in this particular respect for McKellar shops was one that was designed to produce the kind of housing that would support McKellar shops that we saw as having benefit to the community.

Originally the Government was approached by people indicating that they were associated with an organisation called Eco-Land or Eco-Land Developments. A number of individuals were also associated with that application. The processing of the application for land to be developed around McKellar shops took place over a number of months in 1997 and 1998, and at one point it became clear that the exact nature of the organisation or persons to whom the land was to be sold was not clear. The Territory initially relied on the information in the application. As part of the application, three people, John Tokich, Ante Tokich and Jason Krizaic signed statutory declarations verifying that the statements made in the application were true.

At the time the application was made and in the processing of the application the Territory assumed, on the basis of the application itself, John and Anthony Tokich's involvement in the Eco-Land group and Mr Gulan's letter of 30 July 1998, that it was dealing with appropriately authorised representatives of the Eco-Land group. The Government Solicitor's Office was asked for advice and that office advised that it was appropriate for the Territory to rely on the information contained in the application, including the statutory declaration, when processing the application. The Government Solicitor further advised that, based on the application, the only legal entity to whom the lease could have been granted was Tokich Homes Pty Ltd. If the lease had been granted to any person other than the applicant, the Territory would have been liable to a claim from Tokich Homes Pty Ltd.

Eco-Land, I understand, was registered as a business name on 13 September 1996. The register shows, only this month, that the person who registered that name, Ms Kylie Lenihan, cancelled the registration of the name Eco-Land, and on the same day, that is, 20 August 1999, the name Eco-Land was registered with the proprietors of Tokich Homes, being Anthony and John Tokich and Tokich Homes Pty Ltd. So, Mr Speaker, there has been confusion about the nature of the applicant that came forward originally under the banner of Eco-Land, but I am satisfied that the people involved in that application supported the application, that it is fair on the basis of legal advice to deal with Tokich Homes Pty Ltd on the basis of what went before, and that it therefore was reasonable for the Government to provide a lease to that organisation to construct the homes around McKellar shops that meet the objectives the Government has set down for local centre redevelopment.



**MS TUCKER:** I have a supplementary question. There are so many I could ask. I guess the point I will focus on is this: I would be interested to know what action you will be taking, if any, against Tokich basically for what appears to be gaining this land under false pretences. If you are claiming that they did not, then I would ask, as a supplementary question, how you think this is an innovative and especially interesting proposal which justifies a direct grant of land. We are talking about a very ordinary development around shopping centres. Are you just saying that any development around a shopping centre will allow a direct grant of land because you have this concept of community sustainability which I just heard you talk about? Is that justification for any direct grant of land from now on?

**MR HUMPHRIES:** Mr Speaker, I think there is a separate issue raised in the supplementary question but I am quite happy to address it. Ms Tucker raised first of all the question of false pretences. I have no evidence that there are any false pretences involved, but there certainly were some changes in the personnel involved in bringing the application forward to government. It is possible that we could have said at some stage to the applicants, "No, sorry; your legal composition has changed. We are not going to deal with you any longer"; but our legal advice did not support that. Mr Stanhope would be very clear, I am sure, that we should accept legal advice on these matters, and the legal advice said, "You are entitled to deal with Tokich Homes. They were involved in the original application. They are obviously the party at the centre of the application that has come forward to you now".

It appears at this stage, to the best of my observation, that all the people involved in the original application supported, at least at the end of the process, Tokich Homes taking the lease as the developer of this site. So, in the circumstances, it seemed reasonable, indeed legally advisable, to deal with Tokich Homes on the basis of the legal advice we obtained. Ms Tucker also raised a different issue, with respect - - -

**Mr Stanhope:** You had the legal advice at the time, did you?

**MR HUMPHRIES:** No, the legal advice at the relevant time indicated that we should deal with Tokich Homes. That is what it said. I have looked at the legal advice, Mr Stanhope, if you wish to see it.

Mr Speaker, the other issue raised by Ms Tucker was the question of the special circumstances that gave rise to the direct dealing with this particular organisation. That was not raised in the first question, but it has come up in the supplementary question. Originally Tokich, the applicants - I will call them the applicants - came forward with a proposal which was environmentally innovative. It had a number of features which I think were significant from an environmental point of view and deserved to be supported on that basis. However, as the proposal developed, those provisions were withdrawn from their application because it was a relatively small project that they were working on. We accepted at the end of the day that it was not reasonable to insist on those sorts of provisions.

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Moreover, Mr Speaker, I made it clear to the Legislative Assembly in 1997 in tabling the disallowable instrument which would facilitate these sorts of grants, particularly in respect of McKellar, that it was no longer a development which had particular environmental initiatives associated with it. I quote from my statement to the Assembly on that particular day. I have not got the date but it was in 1997. I said:

When Eco-Land came to the Government initially they had hoped to include innovative environmental initiatives as part of their development. However, because of the small nature of these pilot projects, this is not possible.

So we made it clear two years ago that there was not going to be any environmental - - -

**Ms Tucker:** We are asking the questions now. They still deserve answers.

**MR HUMPHRIES:** Yes, but you asked the question, "How come they got this direct dealing with the land?", and I am telling you it was not because, as you have suggested in your press release, they originally had some environmentally innovative aspect of their development. It was because they were undertaking to put an investment into the development of local shops at McKellar.

**Ms Tucker:** Well, lots of developers would like to do that. Why is it a direct grant?

**MR HUMPHRIES:** It as an investment of something like \$100,000 in the sustainability of the McKellar local shops. That kind of investment is what many local shops in the ACT need at the moment. If a developer is prepared to come along and pay the market value for the land that they are going to get to develop, plus put in \$100,000 for local centre development, this Government will be in that kind of arrangement.

**Ms Carnell:** Every day.

**MR HUMPHRIES:** Any day and every day.

**Ms Tucker:** So you get a direct grant if you give some money? Okay.

**Mr Quinlan:** Why not go for 150 grand?

**Ms Tucker:** That is a great planning process.

**MR HUMPHRIES:** Well, maybe it would. But they were coming forward in respect of McKellar. But they were offering that money in respect of that. We could have gone to an open process of competing with the market, but the fact is that when you go to the market in that way you tend to get people bidding the highest price for the land they are going to build on, and that minimises the amount that they put to one side for projects outside the land they are bidding for.

**Mr Quinlan:** It is not beyond the wit of mankind to evaluate those, surely.

**MR HUMPHRIES:** Maybe not, Mr Quinlan, but the fact is that we have articulated our policy. We have put it on the table. Only in the last few days we tabled a report by the Property Advisory Council to the ACT indicating the basis on which the Government directly deals with particular applicants for land. We have put it on the table in respect of those sorts of things.

**Mr Corbell:** Major national projects.

**MR HUMPHRIES:** Mr Speaker, I know Mr Corbell is itching to get his question up, but if he will be patient enough I will first finish the answer to Ms Tucker's question. The criteria for that to happen had been laid out. We are working within those criteria. We have said that if there is a significant community benefit associated with a development, we will support it. That is what we have done in this case. Ms Tucker might say we should be seeking more from such developers and so on. She might be critical of it, but I look simply at the fact we have got \$100,000 in additional benefit to the community from this process above and beyond what the valuers say is the market value of that land. I think that is worth taking. The Government is now going to see, as a result of this policy, development of the McKellar shops.

### **Fireworks Display**

**MR HARGREAVES:** I direct my question to the Minister for Urban Services. The Minister would be aware of recent reports regarding the New Year's Eve fireworks display and the questions which have arisen regarding the contracting out of the service. The use of pontoons and barges on the lake is considered technical by the Dangerous Goods Branch and requires substantial documentation, experience and qualifications. Normally, to prove this sufficiently can take up to nine months. My question is this: How long did it take for Syd Howard Fireworks International to prove that it has the expertise to use pontoons and barges?

**MR SMYTH:** That is a good question. The tender process that was done was clear, clean and very thorough. Syd Howard Fireworks is one of the most reputable fireworks firms in the country. They have run some of the largest fireworks displays in the country and will continue to do so. We are very pleased that they will be running the one here on New Year's Eve. The tender process would have addressed all those issues, and I am very pleased with the way the tender was conducted.

**MR HARGREAVES:** I have a supplementary question. I thank the Minister for the brevity of his answer. Considering this Government's past record on tendering out and with similar events to do with crowds and explosives, you would expect everything to be 110 per cent squeaky clean. So, can the Minister say whether the successful tenderer has a licence for the intended display?

**MR SMYTH:** Mr Speaker, the successful tenderer will have to fulfil all the conditions to conduct that display. That will be part of the process.

### **Kennelling Costs**

**MR CORBELL:** My question is to the Chief Minister. Can the Chief Minister say whether it is normal ACT government practice to pay the costs for kennelling the dog of a former government employee?

**MS CARNELL:** I am taking into account that Mr Corbell has chosen to raise this question in the media prior to doing so in this place, Mr Speaker. I am advised that the amount that was paid to the senior executive in question was paid as part of the normal separation arrangements for positions such as his. I am also advised that the executive's entitlements are consistent with the Public Sector Management Standards which applied to executive contract arrangements at that time. The circumstances were, as I understand it, that the executive took up a contract and was entitled to the prescribed relocation expenses at the end of his contract. For family reasons, the family returned to Sydney in the course of the contract.

Mr Speaker, when those opposite get stuck into public servants, sometimes they should understand that there are often very definite personal reasons involved in these things. Those opposite should be a tiny bit sensitive to these things. Obviously they were not in this case. I understand that the executive agreed to stay on and to meet his obligations and responsibilities associated with the preparation of the budget at that time. At a time convenient to and agreed with the employer, the executive concluded the contract and returned to Sydney. The completion of a fixed term contract occurs at whatever date the contract terminates, whether the contract expires or an earlier date is negotiated. It is incorrect to suggest that the entitlement only accrues at the expiry of the term originally negotiated. The department has confirmed this in discussion with legal advisers this morning. At this time, and in accordance with the relevant public sector management standard, he was reimbursed relocation expenses consistent with his normal entitlements.

Mr Speaker, members may be interested to know that the Remuneration Tribunal, after this particular relocation was finished, did change those provisions, and I understand that executives no longer will be entitled to relocation expenses at the end of a contract.

**MR CORBELL:** Can the Chief Minister indicate exactly which standards this payment complies with, or which standard it complied with at the time? Can she further explain to the Assembly why the Territory paid the relocation costs in contravention of standard 14, rule 10.8 of Public Sector Management Standards that were in force at the time after the officer had resigned from the ACT Public Service? I seek leave to table the relevant documents associated with this.

Leave granted.

**MS CARNELL:** Are they still the 1994 ones you gave to the media last night? Mr Speaker, it is hard without seeing them, just as it was hard to make comments when Mr Corbell did not make the documents available to the Government last night when he released them.

**Mr Corbell:** Oh dear.

**MS CARNELL:** Mr Corbell may not think that that is a problem, and I have to say - - -

**Mr Corbell:** I made them public. They are public documents.

**MR SPEAKER:** Order! You have asked your question, Mr Corbell.

**MS CARNELL:** Mr Speaker, it would not be a problem if Mr Corbell was getting stuck into me. He is not getting stuck into me; he is getting stuck into a public servant.

**Mr Quinlan:** Rubbish. That is rubbish.

**Mr Corbell:** I am getting stuck into the Government.

**MR SPEAKER:** Order! Settle down, everybody.

**Mr Corbell:** Absolute nonsense. You should be ashamed of yourself.

**Mr Quinlan:** You cannot hide behind them all the time.

**MS CARNELL:** Mr Speaker - - -

**Mr Corbell:** What a pathetic excuse.

**MR SPEAKER:** Order!

**Mr Corbell:** Are you the responsible Minister or aren't you?

**Mr Quinlan:** Don't shift ground like that. That is a blatant untruth.

**MR SPEAKER:** Gentlemen, order, please!

**MS CARNELL:** Mr Speaker, there is nobody else but public servants that Mr Corbell could be getting stuck into here. It is either - - -

**Mr Corbell:** I take a point of order, Mr Speaker. My point is that the Minister is responsible for public administration in this city. I want to know why actions under her name, by delegated authority, took place.

**MS CARNELL:** Mr Speaker, this is not a point of order.

**Mr Corbell:** It is not an attack on a public servant. It is an attack on the process and the administration of this Chief Minister.

**Mr Quinlan:** Answer the question.

**Mr Moore:** You named him in this morning's paper.

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**MR SPEAKER:** I understand that the person concerned has been named. Is that correct?

**Mr Corbell:** I did not name this individual.

**Mr Moore:** You did.

**Mr Corbell:** I have never named the individual.

**Mr Moore:** It was in the paper.

**MS CARNELL:** Mr Speaker, it is absolutely atrocious behaviour. The reason it is atrocious behaviour is that Mr Corbell was wrong. He was wrong. All he needed to have done was get in touch with the Commissioner for Public Administration or me or the - - -

**Mr Stanhope:** She has gone.

**Mr Corbell:** Does she still exist?

**MS CARNELL:** We do have one, Mr Speaker.

**Mr Stanhope:** You made her redundant.

**Mr Quinlan:** Has she got a dog?

**MR SPEAKER:** Just a moment, please. Interjections will cease, thank you. This is an important point.

**MS CARNELL:** It is. Mr Speaker, first, I am advised that Mr Corbell is relying on a set of 1994 conditions that applied to SES officers before the introduction of executive contract arrangements in early 1996.

**Mr Corbell:** They were the relevant standard at the time.

**MS CARNELL:** Mr Corbell has been interjecting constantly, Mr Speaker.

**MR SPEAKER:** Yes, indeed he has, and I am getting very tired of it. I am sure you are.

**MS CARNELL:** Secondly, Mr Speaker, it appears that Mr Corbell has conveniently placed his own interpretations on those provisions by suggesting that the completion of a fixed term arrangement or term transfer can only be linked to the original period of the arrangement. I am advised, and I say it again, that even under the out-of-date provisions he quotes it was common personnel practice to provide those benefits when an arrangement was reached for termination for any reason, which was a common occurrence in these circumstances, particularly with the Commonwealth under the old Commonwealth government provisions.

**Mr Quinlan:** So who else got these sorts of provisions?

**MS CARNELL:** Mr Speaker, the standard - - -

**Mr Stanhope:** What other payments have you made?

**MR SPEAKER:** Order! We are answering this one.

**MS CARNELL:** Mr Speaker, the standard quoted by Mr Corbell was varied by determination of the Commissioner for Public Administration in August 1996 to provide for, among other things, relocation assistance at the end of the contract. It is obvious that the contract may end on other than its original expiry date. You would have thought that Mr Stanhope, as a lawyer, would have known that; but, Mr Speaker, this is not about reality, this is simply about having a go at public servants. Therefore, under the provisions of contract executive employment, the conditions applying at the time to the executive in question supported the payment of relocation expenses.

Mr Speaker, if Mr Corbell had cared about what the facts were in this case, all he had to do was ask. He could have just gone to the Commissioner for Public Administration - - -

**Mr Stanhope:** She has gone.

**MS CARNELL:** We do have one.

**Mr Stanhope:** Oh, you have appointed another one, have you?

**Mr Moore:** You are picking on public servants again.

**MS CARNELL:** Having another go at public servants?

**MR SPEAKER:** Order!

**MS CARNELL:** He could have gone to the Commissioner for Public Administration and asked the question. But, no, Mr Corbell did not do that. He gave documents that were incorrect to the media last night, after close of business as I understand it, on strict instructions that those documents could not come to the Government, so that they could run this in the media prior to the proper facts being put on the table.

**Mr Stanhope:** Proper facts?

**Mr Corbell:** Aren't we precious.

**MR SPEAKER:** Order, please! The Chief Minister is explaining an important point in this matter.

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**MS CARNELL:** Mr Speaker, it is an important fact. If Mr Corbell had actually been interested in the facts he could have asked. If he did not want to ask the Government, he could have asked the Commissioner for Public Administration, an independent entity, Mr Speaker, but he did not. He could have approached any number of people for an interpretation of the particular standard, even though he was using the wrong one, but he did not. Instead, he wanted an article in the newspaper containing wrong information, wrong public sector standards, and to place the Government in a position where we were not able to respond.

**Mr Corbell:** Oh!

**MS CARNELL:** Mr Corbell does not think that matters. Mr Speaker, it would not matter if the person that he was attacking was me or anyone on this side, but it was not. It was a public servant.

**Mr Moore:** And through his action that person was named in the paper.

**MS CARNELL:** And somebody who is named in the paper, Mr Speaker, a former public servant who, I have to say, is one of the most professional executives I have ever come across. If it was not him that Mr Corbell was getting stuck into, it was obviously the public servant who gave him the advice. My advice is that the advice that was given to the particular person was correct under the Public Service standards. Mr Corbell could have found that out if he had cared about the people he was slurring. He could not care less, Mr Speaker. It is about time that those opposite lifted their game.

In question time today, Mr Speaker, we have had a question about the current head of the Department of Treasury and Infrastructure. We have had a question about the person who was heading up business before the restructure. Now, Mr Speaker, they are casting innuendos, at least, against a former public servant or, alternatively, against public administration areas of government that gave the advice. This is simply unacceptable behaviour, Mr Speaker.

**Mr Corbell:** Mr Speaker, under the relevant standing orders, I would invite the Chief Minister to table the documents she was quoting from in relation to the legal advice she obtained.

**MS CARNELL:** Mr Speaker, you know that is not - - -

**Mr Berry:** Mr Speaker, this is merely a request of the Chief Minister. She can either deny it or agree with it.

**MR SPEAKER:** She does not have to table.

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



**Mr Corbell:** Mr Speaker, the Chief Minister quoted from legal advice she indicated she had obtained this morning. I would ask her, under the relevant standing order, to table a copy of the document from which she was quoting or, alternatively, a copy of the advice itself.

**Ms Carnell:** Mr Speaker, what I was quoting from was the text that was prepared for me to answer the question Mr Corbell had flagged in the media last night and this morning. I was not quoting from a legal advice. Mr Corbell and those opposite know that asking for Ministers to table information they use in question time has been ruled out of order on many occasions.

**Mr Corbell:** Will you table a copy of the relevant legal advice?

**Mr Moore:** Mr Speaker, on the very specific question that Mr Corbell asks now, standing order 117(c)(iii) specifically prohibits questions asking Ministers for a legal opinion.

**MR SPEAKER:** Mr Moore's comment is quite valid, but I am not even sure that there is a legal opinion we are discussing.

**Mr Corbell:** Mr Speaker, the Chief Minister has just informed this place, in her answer to my supplementary question, that her department obtained legal advice in relation to this matter. I have not asked the Chief Minister for legal advice. I have asked her to table a copy of the advice her department obviously has.

**Ms Carnell:** Mr Speaker, I am very happy to get the Commissioner of Public Administration to write to Mr Corbell on the issue.

**Mr Corbell:** I am inviting the Chief Minister to table a copy of the legal advice as a courtesy not to me but to the Assembly.

**Ms Carnell:** I just gave you the answer. I do not have the legal opinion. I have asked that all further questions be placed on the notice paper.

**MR SPEAKER:** May I ask a question? In the absence of Mr Stefaniak, who might be taking the questions that would normally be addressed to him?

**Ms Carnell:** Mr Speaker, in the absence of Mr Stefaniak this week, I will be taking the questions on his portfolio.

**MR SPEAKER:** I asked that because I notice that many members of this Assembly are reticent and shy about asking such questions and I thought I would clarify it for them.

**Ms Carnell:** Mr Speaker, I do apologise for not informing the Assembly.

**MR SPEAKER:** That is quite all right.

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## PERSONAL EXPLANATION

**MR BERRY:** Mr Speaker, I would like to make a statement pursuant to standing order 46, with your leave.

**MR SPEAKER:** Very well.

**MR BERRY:** Mr Speaker, during question time the Chief Minister went to great lengths to criticise me personally in relation to a press release that I had issued. She said I had got it wrong. The press release I think she was referring to goes like this:

The trend towards part-time and casual work in the ACT is a disturbing background to the improved unemployment rate in this month's ABS Labour Force figures, Labor Industrial Relations spokesperson Wayne Berry said today.

"The figures show a fall of 200 in our unemployed - good news on the face of it," Mr Berry said, "however of the 600 new jobs that show up in the statistics, only 300 are full-time jobs.

Correct. I do not think there is any question about those figures. The press release goes on to state:

"This year only 600 of the 2900 new jobs in the ACT have been full-time jobs - that is 20% of new jobs. Nationally 57,200 of the 88,900 new jobs created have been full-time - that is 64% of the new jobs. This is a disturbing feature of what might otherwise have been described as good news.

I was drawing attention to the difference between what goes on in the ACT and what happens nationally. It is much better nationally. The press release continues:

"With the revelation that almost 8000 people are underemployed in the ACT these figures add another dimension to the unemployment rate published by the ABS.

I have never said that it was not good news that the unemployment rate had dropped. What I have always said is that there is another side to this story.

**MR SPEAKER:** Thank you. I think you have gone far enough.

**MR BERRY:** I think it is a misuse of the statistics to complain that there is not another side to the story when there are people out there suffering from underemployment and concerned about their future.

**MR SPEAKER:** Thank you very much. Your personal explanation has been delivered.

## **STUDY TRIPS**

### **Papers**

**MR SPEAKER:** For the information of members, I present reports of study trips undertaken by Mr Berry to Brisbane between 6 and 8 July 1999 and Mr Hargreaves to Sydney on 13 August 1999.

## **AUTHORITY TO BROADCAST PROCEEDINGS**

### **Paper**

**MR SPEAKER:** Pursuant to subsection 8(4) of the Legislative Assembly (Broadcasting of Proceedings) Act 1997, I present authorisations to broadcast given to a number of television networks and radio stations in relation to proceedings on (a) the public hearing on the inquiry into the establishment of an ACT prison by the Standing Committee on Justice and Community Safety on 10 June 1999; and (b) the public hearing on the inquiry into service purchasing arrangements by the Standing Committee for the Chief Minister's Portfolio on 20 August 1999.

## **ADMINISTRATIVE ARRANGEMENTS**

### **Paper**

**MS CARNELL** (Chief Minister): Mr Speaker, I present for the information of members the Administrative Arrangements as contained in *Gazettes* Nos S476 and S50 on 6 August 1999 and 23 August 1999, respectively, and I seek leave to make a short statement.

Leave granted.

**MS CARNELL:** Two sets of Administrative Arrangements Orders are being tabled today. The first came into effect on 7 August 1999. Further changes to the orders came into effect on 23 August 1999. The earlier arrangements reflect the changes to my Government's ministerial responsibilities announced on 6 August 1999. As you know, Mr Humphries has been appointed as Treasurer. The new Department of Treasury and Infrastructure is also established and is allocated responsibility for the matters and enactments administered by the former Office of Financial Management in the Chief Minister's Department.

The second set of arrangements implements the recommendations of the coroner's report on Quamby to locate all corrective services measures, including youth justice, in the one administrative area. This involves the transfer of Parts IV and IVA of the Children's Services Act 1989 to the Attorney-General's portfolio, to be administered by the Department of Justice and Community Safety.

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**LEGISLATION PROGRAM - SPRING SITTINGS 1999**  
**Paper and Ministerial Statement**

**MS CARNELL** (Chief Minister): For the information of members, I present the legislation program for the spring sittings 1999. I ask for leave to make a statement.

Leave granted.

**MS CARNELL:** Mr Speaker, I am pleased to present the Government's legislative program for the spring 1999 session. While the core of the Government's legislation program lies in financial and business legislation, this spring legislation program also demonstrates the Government's commitment to working with other jurisdictions on nationally consistent laws or other national reforms.

The Government will seek the Assembly's agreement to the establishment of the proposed Kingston Foreshore Development Authority to progress this exciting new development. The authority will contribute to the strengthening of the ACT economy through a major strategy to attract business and tourism to our city. The Government will also seek the agreement of the Assembly to an additional appropriation to provide funding to move the ACT Hospice and to stage the V8 supercar event in Canberra, for which we presented a Bill this morning.

A comprehensive and enhanced regulatory framework for utilities in the ACT is being developed. After consultation with a wide range of community groups, the Government will bring forward a package of legislation for consideration by the Assembly late in the spring sittings.

We also propose to introduce several major initiatives to deliver the Government's objective of improving the accessibility and responsiveness of the criminal and civil justice systems to the community. Legislation will be introduced to enable police in the ACT to access the proposed national CrimTrac database. The benefits of this national database have already attracted media attention across Australia. This legislation will provide for taking samples for DNA testing in accordance with recommendations of the Model Criminal Code Officers Committee established by the Standing Committee of Attorneys-General.

Mr Speaker, effective workers compensation is a major concern for this Government. The reform of the Workers' Compensation Act 1951 will provide for fairness and equity to workers as well as affordable premiums for employers. The reforms aim to produce a modern Act which maintains the privately underwritten scheme and enables it to run at competitive market rates.

An important package of legislation will be introduced to implement an agreed national approach to road transport. This is a major national reform initiative. Five Bills will be introduced during the sitting period for members' consideration and passage during the spring sittings, as they will require commencement by the nationally agreed date of 1 December. The Bills are the Road Transport (Driver Licensing) Bill, the Road

Transport (Vehicle Registration) Bill, the Road Transport (Safety and Traffic Management) Bill, the Road Transport (General Machinery) Bill and the Road Transport (Legislation Amendment) Bill.

Two Bills will also be introduced to restructure and streamline bus transport in the ACT. The Government has already announced its intention to establish ACTION as a statutory authority. A Bill to give effect to this will be introduced during the spring sittings. A second Bill will streamline the regulatory framework for efficient, cost-effective bus services in the ACT. The proposed legislative provisions will introduce a scheme where operators must comply with minimum standards for vehicle maintenance and safety of passengers and the public, and they will ensure that operators are financially viable. The Bill also requires operators providing regular public passenger services in the ACT to hold a contract with the Territory.

Mr Speaker, community concerns about drugs in sport is growing, particularly as the Olympics draw closer. We will introduce and implement a revised ACT drugs in sport policy that is consistent with the national framework on drugs in sport. The proposed legislation supports the decision of the Sport and Recreation Ministers Council that there is a need for complementary state and territory legislation. The legislation will enable the Australian Sports Drug Agency to conduct sports drug testing and education in respect of defined categories of ACT state-level athletes. Athletes under the age of 18 who are selected for testing may be requested to provide a sample only with their consent and the consent of their parent or legal guardian. Through this legislation, the ACT will subscribe to the goal of the national drugs in sport framework to achieve an internationally recognised drug-free environment in Australian sport that protects the wellbeing and rights of the individual and the ethical values of sport.

Mr Speaker, this legislative program continues to build on my Government's commitment to improve the health and wellbeing of the community. The amendments to the Tobacco Licensing Act 1984 were introduced during autumn 1999 sittings. To improve the legislative arrangements under the Act, the administration of the licensing provisions under the Act will be transferred from the Commissioner for Revenue to the Registrar of Tobacco during this sitting period.

In tabling the legislation program, the Government is indicating to members the legislative items it considers important. I seek the cooperation of members in the timely consideration of these Bills. I am sure that members will find the Government's legislation program extremely helpful in planning their own program and preparing for debate on relevant issues at the appropriate time. I commend the program to the Assembly.

**RETAIL SECTOR STUDY - CONSUMER RESPONSES AND "NEW DIRECTIONS  
FOR GOVERNMENT"  
Papers**

**MS CARNELL** (Chief Minister) (3.55): For the information of members, in relation to the retail sector study undertaken by BIS Shrapnel, I present the following papers:

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Consumer consultation - Consumer responses to the BIS Shrapnel Canberra Retail Study, dated June 1999.

ACT Retail Sector - New Directions for Government, dated July 1999.

I move:

That the Assembly takes note of the papers.

Mr Speaker, in tabling the response today to the BIS Shrapnel "New Directions for Government", I want to acknowledge the extensive and comprehensive consultation process that has been undertaken with both consumers and retailers. The outcome of this work has greatly assisted the Government in developing its response. I would also like to acknowledge the importance of retailing to the overall fabric of the city and to the Territory's economy. In particular, the Canberra-Queanbeyan area alone exports about \$350m worth of retail and related services a year, and there has been about a 27 per cent job growth in the retail sector over the past decade.

By way of background, the Government resolved to undertake a comprehensive review of the shape and size of the retail structure in the ACT in response to the decision by the former Assembly to place a moratorium on major retail expansion in the town and group centres. It was decided to engage a consultant to conduct the survey and, after a selective tender process was undertaken, BIS Shrapnel was chosen. BIS specialises in economics, property advice, retailing and consumer behaviour at both the local and national level. The BIS proposal was one of three submitted during the tender process.

The key objectives of the study were to examine the structure and hierarchy of the ACT retail industry, with particular reference to the types and mix of retail space that best suit Canberra; consider other possible retail space models that might be relevant to Canberra; and recommend actions to give effect to the study's findings. During the study, BIS worked closely with a reference group comprising property, business, retail and consumer representatives and government officials to discuss and distil the key issues. The consultant also spoke with community groups, individuals and government agencies.

The key findings from the BIS study suggested there should be a relaxation of the rigidity of the existing retail hierarchy in the ACT and the associated planning regime. The study argued that this would allow greater competition, leading to increased levels of investment and ultimately to improvements in retail facilities and amenities for the consumer.

The report also responded to assertions made both inside and outside the Assembly that the ACT had an excess to retail space. BIS argued that the local industry attracts a significant number of consumers from across the Australian capital region. While the per customer figures appear high by national standards, Canberra residents do have higher per capita wages and salaries than anywhere else in Australia, and in any event these figures are greatly reduced when the regional market is taken into account.

Moreover, the report recommended that retail planning should have more to do with the structure of, and demand for, retail facilities than with the aggregate amount of retail floor space in the Territory.

In December last year, the Government released the BIS report to the community for comment through a series of briefings to members of the Assembly and representatives of business and community organisations and the media. Copies of the report were also made available at ACT government public libraries and shopfronts and through the Government's Internet home page.

Following the release of the report, the Chief Minister's Department undertook an extensive and comprehensive consultation program with consumers and retailers to elicit responses and views in respect of the key findings and recommendations of the BIS retail study. The consultation program was designed to understand and explore consumer views about retailing and retail space allocation; to generate information to assist the development of retail policy; and to provide validation about the assumptions contained in the BIS report. The consultation program included discussions with representatives of business and community organisations, focus group and workshop sessions, and contact through the ACT Government's home page, public libraries and government shopfronts.

The outcomes from the consultation program have been consolidated into a consumer consultation report which I have also tabled today. In summary, Mr Speaker, consumers were not particularly concerned about the quantity, range or quality of existing retail facilities but acknowledged that changes to the current structure were inevitable, given shifts in household formations, greater car ownership, longer trading hours and changing shopping habits. There was, however, widespread recognition that Canberra's retail system needs to be more competitive, innovative and flexible, particularly at group and local centres and in areas adjacent to town centre malls. Consumers believe that while government approaches to retail planning and regulation need to foster effective competition between centres they should at the same time preserve and enhance the uniqueness of Canberra's retail environment.

It is also worth noting that many people, including aged and disabled customers, indicated that they only use their local shop for convenience shopping - that is, bread, milk and newspapers. While many said that they regretted that some local shops were in decline or had closed down they were nonetheless not prepared to support them beyond convenience shopping. It is pleasing to note, however, that in fact the majority of local centres are successfully adapting to these changing consumer patterns.

The response I am tabling today, and the new retail policy directions I will now outline, have been developed with particular regard to the views of consumers and retailers. The Government will continue to ensure that retail planning focuses on making space available which encourages the provision of retail services that best meet consumer demands and optimise convenience. While it notes that there may be turnovers in retail tenancies, it will not impede business from moving in and out of the marketplace.

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In light of the recent expansions at the town centre malls and the findings of the BIS report, the Government considers that it cannot support further expansion of these types of retail facilities at this time. However, there appears to be no justification for maintaining restrictions on group centre redevelopments. The current methodology used by PALM for assessing the quantity and type of retail facilities in the ACT will be modified so that in the future we are in a much better position to assess consumer and market trends and needs.

The concept of a rigid retail hierarchy will be replaced by a more flexible and dynamic structure which better reflects consumer and market needs. However, this will be pursued in a temperate way which optimises the effectiveness of the existing retail structure. Work on this new approach to managing future retail development has commenced, and this will contribute to a modernisation of our Territory Plan.

The land use policies and planning controls that currently apply to group and local centres and the areas adjacent to town centre malls will be broadened to ensure that there is greater flexibility and that consumer and market needs are being met. This will be undertaken in a way that ensures existing traffic, urban design and environmental conditions are not adversely affected. With respect to local centres with declining retail demand, retail planning will not be about propping them up but encouraging and supporting local retailer and resident rejuvenation initiatives which reflect local themes and characters and, where necessary, facilitate their transition to other appropriate uses.

The Government's approach to socioeconomic assessment will focus on the needs of the broad community and the consumer rather than the likely commercial impacts one centre or business may have on another. At the same time, the Government will intervene where necessary to ensure that access to convenience shopping is maintained for the socially disadvantaged.

The current checklist for major retail proposals will be revised to improve its clarity and to optimise certainty for both the applicant and the assessor. The development of the new document will be undertaken in consultation with the retail industry.

The Government has recently amalgamated the helpShop and precinct management programs, given the new consolidated program a much greater strategic focus and aligned it more closely to the land release program. This new program will focus directly on promoting the future viability of declining centres and addressing the public and private elements associated with fragmented land ownership.

The Government reconfirms the role of Civic as the metropolitan centre for Canberra and the commercial focus for the region. The Government will continue to implement the Our City initiatives and the civic revitalisation development project. The current requirement in the Territory Plan to include a corner shop in all proposals for redevelopment at local centres will be modified. However, provision will be made in the land use policies at local centres to enable a shop to be re-established should it be required in the future.



Where redevelopment proposals for local centres result in the closure of the local shops, the Government will continue to work with retailers and the community to ensure that access to convenience shopping is maintained. The retail strategy for Gungahlin will be monitored to ensure that it remains appropriate for consumers and retailers. The land use policies that apply to Fyshwick, Mitchell, Hume and the service trade areas will be broadened to provide for greater flexibility but at the same time ensure that an adequate supply of industrial land and facilities is retained to meet current and future needs of the Territory.

The current actions being taken by the Attorney-General to ensure the adequacy, fairness and effectiveness of landlord/lessee arrangements are achieved will be continued.

The strategies I have just outlined are aimed at building on the Government's current retail policies and initiatives which seek to reduce the unnecessary constraints on development, encourage greater competition and adopt a flexible, proactive policy focus. This approach is designed to meet the needs of the market and to optimise outcomes for consumers while contributing to achievements of the Government's strategic objectives for the Territory. This approach will ensure that government actions are focused on facilitation and responsiveness.

I note that some of the new policy principles I have just outlined may require variations to the National Capital Plan and the Territory Plan. However, I believe it is timely, given that they will assist to inform the future updates of both plans. It is also worth noting that since coming to office the Government has invested almost \$6.3m in local and group centres through the precinct management program and \$6.2m through the civic precinct revitalisation program, a project aimed at reinvigorating the retail heart of the national capital.

In relation to helpShop, the Mobile Business Advisory Service has visited each of Canberra's local shopping centres to assist communities and business to develop strategies to improve their local shops. In addition, the Government has allocated over \$700,000 through the helpShop program to assist local shopping centres.

The Government will continue to monitor the retail system to ensure that retail services and facilities are provided in a way that best meets consumer demands and optimises convenience. It will also continue to encourage and support local retailer and resident rejuvenation initiatives which reflect local themes and characters and, where necessary, facilitate their transition to more appropriate uses.

Mr Speaker, I commend to the Assembly the response to the BIS Shrapnel Canberra retail study report, "New Directions for Government". An enormous amount of work and time and consultation went into this report. I would like to thank all parts of the Public Service that were part of this. They did a good job.

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

## SUBORDINATE LEGISLATION

### Papers

**MR HUMPHRIES** (Treasurer, Attorney-General and Minister for Justice and Community Safety): Mr Speaker, for the information of members I present subordinate legislation pursuant to section 6 of the Subordinate Laws Act 1989 in accordance with the schedule of gazettal notices circulated.

*The schedule read as follows:*

Adoption Act -

Determination of fees - No. 169 of 1999 (S42, dated 7 July 1999).

Adoption Regulations - Determination of fees - Instrument No. 156 of 1999 (S38, dated 30 June 1999).

Administrative Appeals Tribunal Act, Consumer Credit (Administration) Act, Residential Tenancies Act and Tenancy Tribunal Act - Determination of fees and charges applicable in ACT Tribunals - Instrument No. 149 of 1999 (S37, dated 30 June 1999).

Ambulance Service Levy Act - Determination of fees - Instrument No. 144 of 1999 (S37, dated 30 June 1999).

Animal Welfare Act - Determination of fees - Instrument No. 131 of 1999 (S36, dated 29 June 1999).

Architects Act - Determination of fees - Instrument No. 138 of 1999 (S36, dated 29 June 1999).

Associations Incorporation Act - Determination of fees - Instrument No. 162 of 1999 (S38, dated 30 June 1999).

Birth, Deaths and Marriages Registration Act - Determination of fees - Instrument No. 161 of 1999 (S38, dated 30 June 1999).

Building Act - Determination of fees - Instrument No. 137 of 1999 (S36, dated 29 June 1999).

Building and Services Act - Determination of fees - Instrument No. 143 of 1999 (S37, dated 30 June 1999).

Business Names Act - Determination of fees - Instrument No. 159 of 1999 (S38, dated 30 June 1999).

Casino Control Act - Determination of fees - Instrument No. 116 of 1999 (S33, dated 23 June 1999).

Consumer Credit (Administration) Act -

Determination of fees - Instrument No. 146 of 1999 (No. 26, dated 30 June 1999).

*See also* "Administrative Appeals Tribunal Act".

Coroners Act. *See* "Magistrates Court Act".

Dangerous Goods Act - Determination of fees - Instrument No. 136 of 1999 (S36, dated 29 June 1999).

Dog Control Act - Determination of fees - Instrument No. 130 of 1999 (S36, dated 29 June 1999).

Education Services for Overseas Students (Registration and Regulation of Providers) Act - Determination of fees - Instrument No. 168 of 1999 (S42, dated 7 July 1999).

Electoral Act - Appointment of Chairperson and member to the Australian Capital Territory Electoral Commission - Instrument No. 190 of 1999 (No. 32, dated 11 August 1999).

Electricity Act - Determination of fees - Instrument No. 135 of 1999 (S36, dated 29 June 1999).

Electricity Supply Act - Determination of fees - Instrument No. 119 of 1999 (No. 26, dated 30 June 1999).

Energy and Water Act - Notice of Adoption - Instrument No. 194 of 1999 (No. 32, dated 11 August 1999).

Environment Protection Act -

Accreditation of the ACT Firewood Code of Practice - Instrument No. 114 of 1999 (No. 25, dated 23 June 1999).

Determination of fees - Instrument No. 129 of 1999 (S37, dated 30 June 1999).

Fair Trading Act -

Fair Trading Regulations (Amendment) - Subordinate Law No. 9 of 1999, together with Code of Practice and explanatory notes for the Motor Vehicle Service and Repair Industry (S39, dated 1 July 1999).

Fair Trading Regulations (Amendment) - Subordinate Law No. 11 of 1999 (No. 28, dated 14 July 1999).

Gaming Machine Act -

An instrument made by the Treasurer to determine a fee of \$50 for the issue of a Gaming Machine Repairer's Certificate - Instrument No. 152 of 1999 (S38, dated 30 June 1999).

An instrument made by the Treasurer to determine a fee of \$2000 to accompany an application for an Interclub Permit - Instrument No. 154 of 1999 (S38, dated 30 June 1999).

Determination by the Treasurer that the fee that shall accompany an application for the grant of a gaming machine licence shall be \$1500 and applies on and from 1 July 1999 - Instrument No. 171 of 1999 (No. 28, dated 14 July 1999).

Determination by the Treasurer that the fee that shall accompany a request for a variation to a gaming machine licence shall be \$25 per gaming machine and applies on and from 1 July 1999 - Instrument No. 172 of 1999 (No. 28, dated 14 July 1999).

Determination by the Treasurer that the fee that shall accompany a written request for a variation of an inter-club linked jackpot permit shall be \$500 and applies on and from 1 July 1999 - No. 173 of 1999 (No. 28, dated 14 July 1999).

Gas Supply Act - Gas Supply Regulations 1999 - Subordinate Law No. 10 of 1999 (S40, dated 5 July 1999).

Hawkers Act - Determination of fees - Instrument No. 121 of 1999 (S37, dated 30 June 1999).

Health and Community Care Services Act -

Determination of fees and charges - Instrument No. 118 of 1999 (No. 26, dated 30 June 1999).

Determination of fees and charges - Instrument No. 187 of 1999 (No. 31, dated 4 August 1999).

Appointment of member to the Health and Community Care Service Board effective from 12 April 1999 - Instrument No. 193 of 1999 (No. 32, dated 11 August 1999).

Health Professions Boards (Procedures) Act and Nurses Act - Appointments of members to the Nurses Board - Instruments Nos 106 - 110 (inclusive) of 1999 (No. 25, dated 23 June 1999).

Instruments Act - Determination of fees - Instrument No. 160 of 1999 (S38, dated 30 June 1999).

Lakes Act - Determination of fees - Instrument No. 122 of 1999 (S36, dated 29 June 1999).

Land (Planning and Environment) Act -

Approval of the Canberra Nature Park Plan of Management - Approval of the Canberra Nature Park Plan of Management, together with the Canberra Nature Park Plan of Management - Instrument No. 163 of 1999 (No. 28, dated 14 July 1999).

Declaration of pest plants - Instrument No. 120 of 1999 (No. 26, dated 30 June 1999).

Determination of criteria for the direct grant of Crown leases to Statutory Authorities and the Territory Owned Corporations - Instrument No. 115 of 1999 (S33, dated 23 June 1999).

Determination of fees - Instrument No. 134 of 1999 (S36, dated 29 June 1999).

Land Titles Act - Determination of fees - Instrument No. 157 of 1999 (S38, dated 30 June 1999).

Legislative Assembly (Members' Staff) Act -

Arrangements under subsection 13CB(3) for the engagement of consultants or contractors by Office-Holders - Instrument No. 177 of 1999 (No. 28, dated 14 July 1999).

Arrangements under subsection 13CE(3) for the engagement of consultants or contractors by Members - Instrument No. 178 of 1999 (No. 28, dated 14 July 1999).

Arrangements under subsection 5(2) to provide the staff salary allocation for the Speaker of the Legislative Assembly to employ staff in the 1999-00 financial year - Instrument No. 188 of 1999 (S46, dated 28 July 1999).

Arrangements under subsection 10(2) to provide staff salary allocations to Members of the Legislative Assembly to employ staff in the 1999-00 financial year - Instrument No. 189 of 1999 (S46, dated 28 July 1999).

Legislative Assembly (Members' Staff) Act - Terms and conditions of employment of staff of office-holders and the Speaker pursuant to section 6(2) - Corrigendum to Instrument No. 78 of 1999 - Correction to notification of instrument in the *Gazette* (No. 30, dated 28 July 1999).

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(Published in *Gazette* No. 21, dated 26 May 1999 as terms and conditions of employment of office-holders and the Speaker pursuant to section 6(2)).

Liquor Act - Liquor Regulations (Amendment) - Subordinate Law No. 8 of 1999 (No. 25, dated 23 June 1999).

Lotteries Act -

Instrument made by the Treasurer to determine a range of fees for Lottery and Trade Promotion Permits - Instrument No. 153 of 1999 (S38, dated 30 June 1999).

Determination by the Treasurer that the fee that shall accompany an application for a variation to a lottery approval shall be \$30 and applies on and from 1 July 1999 - Instrument No. 174 of 1999 (No. 28, dated 14 July 1999).

Machinery Act - Determination of fees - Instrument No. 133 of 1999 (S36, dated 29 June 1999).

Magistrates Court Act and Coroners Act - Determination of fees and charges applicable in the Magistrates Court and the Coroners Court - Instrument No. 148 of 1999 (S37, dated 30 June 1999).

Milk Authority Act - Appointment of Chairman of the Board of the ACT Milk Authority - Instrument No. 117 of 1999 (No. 26, dated 30 June 1999).

Motor Traffic Act -

Determination of maximum taxi fares - Instrument No. 164 of 1999 (No. 27, dated 7 July 1999).

Vehicle licences and permits - Schedule of fees - Instrument No. 123 of 1999 (S36, dated 29 June 1999).

Number plates - Schedule of fees - Instrument No. 124 of 1999 (S36, dated 29 June 1999).

Parking labels - Schedule of fees - Instrument No. 125 of 1999 (S36, dated 29 June 1999).

Administrative charge for parking and traffic infringements - Determination of fees - Instrument No. 126 of 1999 (S36, dated 29 June 1999).

Motor Traffic Regulations (Amendment) - Subordinate Law No. 13 of 1999 (S46, dated 28 July 1999).

Motor Traffic (Amendment) Act 1999 - Notice of commencement (16 August 1999) of sections 5 and 6, and subsections 47(1) and 47(2) (No. 32, dated 11 August 1999).

Motor Vehicles (Dimensions and Mass) Act - Dimensions and Mass - Schedule of fees - Instrument No. 127 of 1999 (S36, dated 29 June 1999).

National Exhibition Centre Trust Act - Appointment of members to the National Exhibition Centre Trust - Instrument No. 191 of 1999 (No. 32, dated 11 August 1999).

Nature Conservation Act - Determination of fees - Instrument No. 128 of 1999 (S36, dated 29 June 1999).

Nurses Act. *See* "Health Professions Boards (Procedures) Act".

Occupational Health and Safety Act -

Variation of an Approved Code of Practice - Safe Working on Roofs - Part 1 - Instrument No. 184 of 1999 (No. 30, dated 28 July 1999).

Approval of a Code of Practice - Safe Working on Roofs - Part 2 - Instrument No. 185 of 1999 (No. 30, dated 28 July 1999).

Variation of an Approved Code of Practice - ACT Construction Industry - Amenities Code of Practice - No. 186 of 1999 (No. 30, dated 28 July 1999).

Plumbers, Drainers and Gasfitters Board Act -

Determination of fees - Instrument No. 142 of 1999 (S36, dated 29 June 1999).

Appointment of members to the Plumbers, Drainers and Gasfitters Board - Instrument No. 192 of 1999 (No. 32, dated 11 August 1999).

Public Places Names Act -

Determination of nomenclature in the Division of Palmerston - Instrument No. 111 of 1999 (No. 25, dated 23 June 1999).

Determination of nomenclature in the Division of Garran - Instrument No. 112 of 1999 (No. 25, dated 23 June 1999).

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Determination of park nomenclature in the Division of O'Connor - Instrument No. 170 of 1999 (No. 28, dated 14 July 1999).

Determination of nomenclature in the Division of Chapman - Instrument No. 181 of 1999 (No. 29, dated 21 July 1999).

Determination of nomenclature in the Division of Amaroo - Instrument No. 182 of 1999 (No. 29, dated 21 July 1999).

Determination of nomenclature in the Division of Phillip - Instrument No. 183 of 1999 (No. 29, dated 21 July 1999).

Omit one street name in the District of Gungahlin - Instrument No. 113 of 1999 (No. 25, dated 23 June 1999).

Public Sector Management Act - Management standards - No. 1 of 1999 (No. 31, dated 4 August 1999).

Rates and Land Tax Act -

Instrument made by the Treasurer to set the discount rate at 3% - Instrument No. 155 of 1999 (S38, dated 30 June 1999).

Determination by the Treasurer that the fee to accompany an application to object, reconsider or review an assessment, decision or determination shall be \$50 and applies on and from 1 July 1999 - Instrument No. 176 of 1999 (No. 28, dated 14 July 1999).

Determination of interest rates - Instrument No. 179 of 1999 (S45, dated 15 July 1999).

Rates and Land Rent (Relief) Act - Notice fixing rates of interest - Instrument No. 180 of 1999 (S45, dated 15 July 1999).

Registration of Deeds Act - Determination of fees - Instrument No. 158 of 1999 (S38, dated 30 June 1999).

Remuneration Tribunal Act - Inquiry into and determination of allowances - Instrument No. 165 of 1999 (No. 27, dated 7 July 1999).

Residential Tenancies Act. *See* "Administrative Appeals Tribunal Act".

Roads and Public Places Act - Road opening fees - Schedule of fees - Instrument No. 132 of 1999 (S36, dated 29 June 1999).



Sale of Motor Vehicles Act - Determination of fees - Instrument No. 147 of 1999 (No. 26, dated 30 June 1999).

Scaffolding and Lifts Act - Determination of fees - Instrument No. 141 of 1999 (S36, dated 29 June 1999).

Subsidies (Liquor and Diesel) Act - Determination by the Treasurer of the maximum percentage of ethyl alcohol in low alcohol liquor, and the subsidies payable on diesel and low alcohol liquor - Instrument No. 195 of 1999 (No. 32, dated 11 August 1999).

Supreme Court Act - Determination of fees and charges applicable in the Supreme Court - Instrument No. 150 of 1999 (S37, dated 30 June 1999).

Surveyors Act - Determination of fees - Instrument No. 140 of 1999 (S37, dated 30 June 1999).

Taxation Administration Act -

Determination by the Treasurer that for the purposes of paragraph 26(2)(b) of the Act the rate shall be 4.72% per annum - Instrument No. 151 of 1999 (S37, dated 30 June 1999).

Determination by the Treasurer that the fee that shall accompany an objection to an assessment of a decision shall be \$50 and applies on and from 1 July 1999 - Instrument No. 175 of 1999 (No. 28, dated 14 July 1999).

Tenancies Tribunal Act. *See* "Administrative Appeals Tribunal Act".

Taxation Administration (Consequential and Transitional Provisions) Act - Taxation Administration Transitional Regulations - Subordinate Law No. 12 of 1999 (No. 28, dated 14 July 1999).

Trade Measurement (Administration) Act - Determination of fees - Instrument No. 145 of 1999 (No. 26, dated 30 June 1999).

Unit Titles Act - Determination of fees - Instrument No. 139 of 1999 (S36, dated 29 June 1999).

Vocational Education and Training Act - Determination of fees - Instrument No. 167 of 1999 (S42, dated 7 July 1999).

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## **REMUNERATION TRIBUNAL Determinations**

**MR HUMPHRIES** (Treasurer, Attorney-General and Minister for Justice and Community Safety): For the information of members, I present determinations Nos 46 and 47, including a statement, pursuant to section 12 of the Remuneration Tribunal Act 1995, relating to chief executives and executives and to full-time holders of public offices.

## **DEPARTMENTAL PERFORMANCE REPORTS Papers**

**MR HUMPHRIES** (Treasurer, Attorney-General and Minister for Justice and Community Safety): I present the June 1998-99 quarterly departmental performance reports, pursuant to section 25A of the Financial Management Act 1996, for the Chief Minister's Department, the Department of Education and Community Services, the Department of Health and Community Care, the Department of Justice and Community Safety and the Department of Urban Services. With the exception of the Department of Justice and Community Safety and the Department of Urban Services, the quarterly performance reports were circulated to members when the Assembly was not sitting.

## **LEAVE OF ABSENCE TO MEMBERS**

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

That leave of absence from 14 August to 26 August 1999 (inclusive) be given to Mr Stefaniak (Minister for Education) and Mr Rugendyke.

## **JUSTICE AND COMMUNITY SAFETY - STANDING COMMITTEE Reference - Government Response to Recommendations of Coronial Inquiry**

**MR HUMPHRIES** (Treasurer, Attorney-General and Minister for Justice and Community Safety) (4.15): For the information of members, I present the Government's response to the recommendations of Coroner Somes in the inquest into the death of Mark Watson. Pursuant to standing order 214, I move:

That the response to recommendations (1) and (3) of Coroner Somes in the inquest into the death of Mark Watson be referred to the Standing Committee on Justice and Community Safety for inquiry and report by the last sitting day of June 2000.

Members will be aware of the circumstances surrounding the death and the inquest that was subsequently held into it. Members might also be aware that His Worship the coroner recommended that two particular matters be referred to an inquiry, which he suggested should be an inquiry by a standing committee of the Legislative Assembly.

I want to read those two recommendations so that members are clear about the context. Recommendation (1) states:

I would recommend as a matter of urgency that there be an inquiry into the problems caused by the dynamics of the children residents at Quamby. It is clear from the evidence that if the situation which existed as at September 1996 is to continue, particularly in so far as the mix of children, then there needs to be much more careful selection and training of staff to manage the institution. There would need to be included in this inquiry consideration of whether it is appropriate to continue to contain within the one institution all of the types of people currently held at Quamby. It may be undesirable for this situation to continue. The evidence would suggest that such an inquiry ought to be held in public and perhaps desirably might be referred to a standing committee of the Legislative Assembly.

Recommendation (3) states:

I would recommend that there be only one government division responsible for all administration of corrections within the Territory. The further consideration of this recommendation might usefully be part of any inquiry held as I have recommended in recommendation 1. above.

Mr Speaker, the Government accepts the recommendations of the coroner. I might say that there are several other recommendations that His Worship makes - in fact, 14 recommendations in total - and the Government has moved substantially on those recommendations. In respect of the two recommendations that give rise to an inquiry, the Government's view is that there should be an inquiry and it should be, as His Worship suggests, by the Legislative Assembly. The committee which I recommend conduct this inquiry is the Standing Committee on Justice and Community Safety. The motion reflects the fact that the administrative responsibility for that matter has transferred to Department of Justice and Community Safety. Therefore, in terms of shadowing what the department does, it would be appropriate that the Standing Committee on Justice and Community Safety conduct the inquiry.

I know the suggestion has been put forward that His Worship was really foreshadowing that there should be a transfer of the division after there has been an inquiry, not before. I would suggest to members that that is not really a sustainable view. If His Worship was saying that there should be a transfer of the department after there has been a consideration of this by an Assembly committee, then arguably you would have to say it would not be appropriate to recommend that this occur unless that was the recommendation of the committee, which I do not believe is what he is saying.

Mr Speaker, I believe it is appropriate to have that transfer occur immediately. Indeed, it has occurred. If the inquiry gives rise to any reason to reconsider that, that reconsideration could occur in the future, but in the meantime the proposal should be accepted as moved by the Government.

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A reporting date of the last sitting day of June 2000 has been put forward. I would suggest that that is an appropriate time to be able to appropriately consider these recommendations. Mr Speaker, there has been much work in this area in the last few months. There have been a number of independent inquiries in this area by consultants and others, but I think that the inquiry as recommended by His Worship is appropriate. I therefore ask that the Assembly support the reference of this matter to the appropriate Assembly committee.

**MS TUCKER (4.17):** I move the following amendment to the motion:

Omit all words after and including “Standing Committee on Justice and Community Safety”, substitute “Standing Committee on Education, notwithstanding the committee’s resolution of appointment of 28 April 1999, for inquiry and report by the last sitting day of June 2000”.

I would like to comment firstly on the coronial recommendation. I read it differently. Mr Humphries correctly read out that the coroner recommended that “further consideration” be given to the recommendation regarding juvenile justice being put into the Department of Justice and Community Safety. The concerns that have been raised with me from the community about this issue have been strong and consistent in their content. I personally do not know whether Quamby should be kept in Education and in youth or whether it should be in adult corrections, but I have been strongly lobbied by people in the community who have daily contact with the issues and expertise in the area expressing great concerns about the possible consequences of this move.

The organisations which have contacted me include ACTCOSS, the Youth Coalition and Winnungah. The Aboriginal community is particularly concerned, because obviously there could be implications around how this fits with the black deaths in custody recommendations. I have even received an email the Official Visitor sent to Mr Humphries and Mr Stefaniak expressing concern. I am surprised that in her correspondence she informs us that this recommendation came to her notice via the media. There was no official communication on the subject. One would have thought that the Official Visitor was someone that government would have been interested to discuss this move with. I read part of that correspondence. The Official Visitor says:

It has come to my notice, via the Press primarily as I have had no official communication on the subject, that the Government intends to move Quamby from Education to Justice and Community Safety. Apparently this is in response to the Coronial Enquiry.

This appears to me to be an inappropriate response at this time. As a result of the Stevenson Review, Quamby is in the process of major restructure. The many changes that are currently being made have the potential to make Quamby a superior Juvenile Detention Centre. Many of these structures involve major links with Education and Family Services and to move into another department at this time would not be in the best interests of the outcomes. Part of the change is a major change in culture which must occur if Quamby is to best

serve the young people detained there and the long term interest of society. The change in culture from Education to Justice will not be conducive to this required outcome - a juvenile centre is not best served if it is in any way linked with the adult criminal service.

I think it is really important that people like the Official Visitor do have an opportunity to have their views heard on this matter. Quamby is a facility where we see very vulnerable children being looked after. It is a facility where we have seen a young person die. I do not believe the Government can justify the transfer of Quamby to Justice and Community Safety just because the coroner made a recommendation which, in my view, had a qualifying statement anyway, in that it did say that further consideration of the recommendation should be part of what an inquiry would look at.

I think there are some serious issues that need to be addressed. I understand the Northern Territory Government is the only government that has amalgamated juvenile justice with adult corrections. All other States place juvenile justice amongst family, youth or community services or have it as an autonomous department. I believe it is very important that an Assembly committee have an opportunity to talk about these issues with the community. The Education Committee is the appropriate committee, because it is the committee to which responsibility would have fallen if government had not made this sudden change without consulting with anybody.

I will be moving a motion tomorrow to ensure that we have these matters left where they were until such an inquiry has reported. I do not think it would be very good practice to say that it is okay, which seemed to be what Mr Humphries was just saying, to move the responsibility to adult corrections and then if the committee says it is not the best thing to do then it can be moved back. That is six months down the track. It would be far better, one would think, to look at these issues before a move is made.

The Official Visitor's correspondence also expressed concern about the impact of this further change when they are already in a state of readjustment and change themselves and this could have a detrimental impact on people who are working, I would suggest, in good faith to try to remedy the situation at Quamby so that we do not see another tragedy occurring there. As I said, we are talking about a facility which looks after the most vulnerable young children. We are talking about children in our care, and it is absolutely critical that we know that how we are looking after them is as good as it can be. That is why I am asking for support from members to amend this motion of Mr Humphries' to have this inquiry done by the Education Committee.

**MR BERRY** (4.23): Labor will be supporting this amendment. I think it can be fairly argued that the Government acted quite arrogantly in relation to this matter. There was not any consultation with other members of this Assembly before the Government moved the way it did, unilaterally, to transfer these arrangements. I should also say that the Standing Committee on Education had responsibility before this and, as Ms Tucker has said, there has been communication from some people in the community expressing concern about this transfer.

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I am equivocal on the issue, although one issue that does emerge for me is having juvenile justice facilities and juvenile justice being dealt with by adult justice. I am equivocal on the issue of whether they should be in the same portfolio, but I would have liked the opportunity to consider this before the Government moved in the unilateral fashion that it did.

Mr Speaker, this is a serious matter which has come to the attention of the coroner. It is an unusual recommendation by the coroner. I do not remember a case before of the coroner recommending some sort of an inquiry by the Assembly. It is a serious matter that I suppose one would prefer not to have to deal with. But in the end it is a responsibility that we have to rise to, and I think it would be most appropriately dealt with in the form which has been suggested by Ms Tucker. That is why we will be supporting the amendment she has moved.

Amendment agreed to.

Motion, as amended, agreed to.

**FINANCIAL MANAGEMENT ACT - CONSOLIDATED FINANCIAL MANAGEMENT  
REPORT  
Paper and Ministerial Statement**

**MR HUMPHRIES** (Treasurer, Attorney-General and Minister for Justice and Community Safety): For the information of members, I present the consolidated financial management reports for the period ending 30 June 1999, pursuant to section 26 of the Financial Management Act. The report was circulated to members when the Assembly was not sitting. I ask for leave to make a brief statement.

Leave granted.

**MR HUMPHRIES:** Mr Speaker, I have presented the consolidated financial management report for the month and financial year ending 30 June 1999. It contains a complete set of financial statements for the whole of the Territory, the general government sector and the public trading enterprise sector for both the month of June and the 1998-99 financial year.

As shown in the report, the Territory has recorded a preliminary operating loss of \$135m. This result is a \$14m improvement on budget and represents a \$35m improvement upon the result of the previous year. Underlying the favourable result is the general government sector, which has recorded a preliminary loss of \$122m. This result is \$17m better than budget and is due to the combination of above-budget revenues, particular taxation revenue, and savings achieved in operating expenditure.

Mr Speaker, audited financial statements for the 1998-99 financial year will be tabled in the first sitting week in December. I commend to the Assembly the consolidated financial management report.

**FINANCIAL MANAGEMENT ACT - APPROVALS OF GUARANTEES  
Papers and Ministerial Statement**

**MR HUMPHRIES** (Treasurer, Attorney-General and Minister for Justice and Community Safety): Mr Speaker, for the information of members and pursuant to subsection 47(3) of the Financial Management Act, I present approvals of guarantees under an agreement between the Australian Capital Territory and the CPS Credit Union Cooperative (ACT) Ltd under the new enterprise loan guarantee scheme. I ask for leave to make a short statement.

Leave granted.

**MR HUMPHRIES:** These guarantees arise through the administration of the new enterprise loan guarantee scheme, which represents the Government's continued support for small business in the ACT. They represent approvals for loan guarantees to the CPS Credit Union for two applicants. The underlying principle of this scheme is to provide small businesses with start-up capital in the expectation that they will succeed in establishing and developing their businesses to a point where they are self-sustaining.

It is intended that the scheme will give eligible applicants access to loans, to a maximum of \$10,000 over a period of up to two years, from an approved financial institution. The CPS Credit Union has agreed to support the principles of the scheme by providing concessional rates to eligible applicants and has been selected as the loan provider. I stress that these are guarantees, not loans, grants or any other form of financial assistance and that the maximum exposure under the scheme is capped at \$500,000.

**URBAN SERVICES - STANDING COMMITTEE**

**Report on Placement of Movable Signs in Public Places - Code of Practice - Government Response**

**MR SMYTH** (Minister for Urban Services) (4.28): Mr Speaker, for the information of members, I present the Government's response to the Standing Committee on Urban Services Report No 25, entitled "A code of practice for the placement of movable signs in public places", which was presented to the Assembly on 6 May 1999. I move:

That the Assembly takes note of the paper.

**MR SMYTH:** The Roads and Public Places Act 1937 was amended in November last year to allow regulation of movable signs in public places by a code of practice determined by the Minister. A draft code of practice was examined by the Standing Committee on Urban Services, which tabled its report on 6 May 1999. The standing committee endorsed the draft code and recommended that a public information strategy be implemented to publicise and explain the code. Mr Speaker, I propose to formally determine the code next month and, in line with the standing committee's recommendation, my department will conduct a program of promoting the code and explaining its provisions over the following two to three months.

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I also draw the attention of members to revisions which have been made to the draft code to reflect comments from the ACT Electoral Commissioner. The revised version, with amendments marked for information, is included in the documents tabled today. The purpose of the amendments is to clearly articulate the provisions relating to political signs and to remove inconsistencies between the earlier draft code and the Electoral Act.

Question resolved in the affirmative.

**MOTOR TRAFFIC (AMENDMENT) BILL (NO. 2) 1999**  
**Paper and Ministerial Statement**

**MR SMYTH** (Minister for Urban Services): Mr Speaker, for the information of members, I present a revised explanatory memorandum to the Motor Traffic (Amendment) Bill (No. 2) 1999 and seek leave to make a short statement.

Leave granted.

**MR SMYTH:** Mr Speaker, on 1 July 1999 I introduced the Motor Traffic (Amendment) Bill (No. 2) 1999 to allow for the use of speed cameras and red light cameras in the ACT. Unfortunately, an earlier version, rather than the final version of the explanatory memorandum, was inadvertently provided for tabling. I therefore table the corrected version of the explanatory memorandum.

**LAND (PLANNING AND ENVIRONMENT) ACT – VARIATION TO THE**  
**TERRITORY PLAN – HERITAGE PLACES REGISTER (MOUNT FRANKLIN SKI**  
**CHALET, HUTS, HOMESTEADS AND BRUMBY YARDS)**  
**Papers and Ministerial Statement**

**MR SMYTH** (Minister for Urban Services): For the information of members, I present, pursuant to section 29 of the Land (Planning and Environment) Act 1991, variation No. 117 to the Territory Plan, relating to the Heritage Places Register. In accordance with the provisions of the Act, this variation is presented with the background papers, a copy of summaries and reports, and a copy of any directions or reports required. I ask for leave to make a short statement.

Leave granted.

**MR SMYTH:** Mr Speaker, variation 117 to the Territory Plan proposes to enter 19 places within the Namadgi National Park on the Heritage Places Register as part of the Territory Plan. The places include the Mount Franklin ski chalet and precinct and a number of huts, homesteads and brumby yards. Four submissions were received on this variation, and all expressed their support for the proposal. The sites are included in the public land and will be subject to the plan of management for the Namadgi National Park.



The Standing Committee on Urban Services considered the draft variation and in report No. 27 of June 1999 endorsed the proposal. I would thank the Urban Services Committee. They get through an enormous amount of work and they work very hard to try to keep up with the workload that is directed their way.

**LONG-STAY CARAVAN PARK - PROPOSED SALE**  
**Paper and Ministerial Statement**

**MR SMYTH** (Minister for Urban Services) (4.32): Mr Speaker, I present for the information of members the information requested by Assembly resolution of 24 March 1999 in relation to the Narrabundah long-stay caravan park, and I ask for leave to make a statement.

Leave granted.

**MR SMYTH:** Mr Speaker, in response to the Assembly's resolution of 24 March 1999, I now table the Government's response. The Government announced in March 1999 that it had decided to sell the caravan park as a going concern. ACT Housing's core business is to provide public housing for people who meet the eligibility criteria. None of the residents of the caravan park have been assessed against these criteria unless they have separately applied for public housing, and the Government's position is that the proceeds from the sale of the park could better be used to fund the core business of providing appropriate public housing.

The Government is sympathetic to the situation of the residents and is keen to provide them with additional certainty, as well as ensuring that the lease for the caravan park is for a caravan park and not for a broad range of uses. The Government proposes a number of extra protections. The lease will provide for the continued operation of the park for five years from the date of issue. In addition, the sale documents will require the buyer to enter into a contractual arrangement to ensure that the park continues to operate as a going concern for the same period. This contract will be backed by a bank guarantee which will protect the Government and ACT Housing from costs which might otherwise be incurred in housing the proportion of residents who might need public housing in the event that the park closed earlier.

As well, Mr Speaker, before settlement, ACT Housing will offer a 12-month permit, payable fortnightly in advance, to any resident whose account is not in arrears. This arrangement should be attractive both to residents and to the prospective buyer, who will have a good idea of the number of residents who wish to stay in the park. It will also more closely align with the timeframe of a standard residential lease. In addition, Mr Speaker, the new owner may also choose to provide residents with the option of subleases at an appropriate price.

Residents have sought additional conditions, including rent ceilings and a longer period of guaranteed operation. The Government does not believe such conditions are necessary. Fees have not increased since January 1994, and a survey of other long-stay parks in the area confirms that the fees at the Narrabundah park are not the cheapest in the area. The lowest site fee is \$50, compared with \$51.35 plus power for a family of

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two adults and one child at Narrabundah. The highest weekly fee for a site elsewhere in the vicinity of the ACT that offers long-stay sites is \$65 per site. Mr Speaker, fees normally reflect the level of facility offered, and the Government expects that the market will operate to ensure that the fees at Narrabundah remain competitive and commensurate with the level of facilities provided in the future. I move:

That the Assembly takes note of the paper.

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

### **APPROPRIATION BILL (NO. 2) 1999-2000 - PROPOSED SELECT COMMITTEE**

**MR BERRY** (4.36): I seek leave to amend the motion circulated in my name in respect of the establishment of a Select Committee on Appropriation Bill (No. 2) 1999-2000 by substituting 5.15 pm as the time for notification of the membership in writing to the Speaker.

Leave granted.

**MR BERRY**: I seek leave to move the motion as amended.

Leave granted.

**MR BERRY**: I move:

That:

- (1) a Select Committee on Appropriation Bill (No. 2) 1999-2000 be appointed to inquire into and report on the Appropriation Bill (No. 2) 1999-2000;
- (2) the Committee be composed of:
  - (a) one Member to be nominated by the Government;
  - (b) two Members to be nominated by the Opposition; and
  - (c) two Members to be nominated by either the Independent Members or the ACT Greens;

to be notified in writing to the Speaker by 5.15 p.m. on Tuesday, 24 August 1999;

- (3) the Committee shall report by 1 September 1999;
- (4) the Appropriation Bill (No. 2) 1999-2000 stand referred to the Committee and on the Committee presenting its report to the Assembly resumption of debate on the question "That this Bill be agreed to in principle" be set down as an order of the day for the next sitting;
- (5) the foregoing provisions of this resolution so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

Mr Speaker, this motion goes to the issue of examining the Appropriation Bill which was put forward at rather short notice this morning. The Government has said that it wants to do things in the way proposed and not in the way that the Bruce Stadium project was done and thereafter be criticised for doing so. The appropriation is made up of two areas of expenditure, one in relation to the V8 Supercar race and the other in relation to the funding of another hospice.

Let me deal first of all with the V8 Supercar race. Superficially, as Labor's spokesperson on tourism and events, I am attracted to the holding of a major event which would attract revenue and jobs for the ACT. But I have to say that in listening to the presentation speech of the Treasurer I had a feeling of *deja vu*. Amounts were quoted, such as \$4.5m for a capital injection, and I wondered whether the Chief Minister will say that there will not be one dollar more. I think I heard her say that in relation to the disgraceful Bruce Stadium debacle. The Treasurer said that there would be an appropriation of \$2.5m in the first year as a government payment for the net cost of outputs. I do not believe that, Mr Speaker. I need to have these things examined. Mr Humphries says that the event will create 150 jobs. I hope so. It will have to do something to justify that sort of expenditure.

I want to re-emphasise my earlier position in relation to this matter. If the event produces what the Chief Minister says it will produce, then in many ways it will be a successful event. But my Labor colleagues and I are not able to make a judgment about the appropriation of such an amount of money without having an appropriate scrutiny process. It strikes me that it is extremely important that that scrutiny process occur. I am not sure that that process could be completely fulfilled within the timeframe that we have set. But, lest we be criticised for holding up the process and perhaps putting this opportunity out of reach of the Assembly, we have in mind a timetable that starts with the first meeting of the committee today and, subject to the committee's decision, a meeting on Friday or Monday, or both, between the sittings and report back to the Assembly in order that we can consider the Bill next week in accordance with the Government's timetable. Mr Speaker, that is a very tight timeframe and, to those members who support and might nominate for this committee, I apologise for that, but I think it is necessary in the circumstances.

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The next issue, Mr Speaker, is that of the hospice, another appalling chapter in this Government's dealings in the ACT. It can be added to the ACTEW debacle, the Hall/Kinlyside affair, the Feel the Power campaign, the futsal slab and the Floriade debacle - the list just goes on. This Government has added another \$3m to the debt of the Territory by its inaction on this matter. Mr Speaker, I do not think that we have any alternative but to approve of this expenditure.

**Mr Moore:** Ha, ha!

**MR BERRY:** I heard Mr Moore laughing in relation to this matter. Mr Moore was a supporter of locating the hospice in its present place at a time when there was no intention to have the National Museum going there, at a time prior to the Chief Minister getting into the act and negotiating away our rights to have a hospice on that site. Previously, provision was always made for the hospice to be on that site. Mr Moore can deny the incompetence of his Chief Minister all he likes, just to keep his job, but those are the facts of the matter. The fact of the matter is that this has been caused by incompetence and the Territory is again going to be asked to cop the bill for the mistakes of the Chief Minister.

Mr Speaker, this has been a disgraceful affair. For my part, if the Government had any courage it would take a stand and tell the Federal Government to go to billyo. If they want the land, they should not have it until they pay proper compensation. The Federal Government should be paying for this move, plus the cost of the new site. The expenditure will probably go to more than \$3m when you take into account the inconvenience and the site costs that will go with the move.

The other thing I am concerned about is where the hospice might go when it is moved. I do not want to see it moved into the grounds of a hospital and I do not want to see it not centrally located. I think that all these issues are ones to which the committee could address itself.

Just going back to the V8 Supercar race for a moment, I must say that I am equivocal on which car wins. I used to be a supporter of the use of Australian iron. As Australian engines are no longer produced for these cars, it really does not matter much, does it? But it is, nevertheless, an important spectacle. We will just have to wait and see what happens there. But the proposed expenditure really needs to be closely examined, given the Government's performance in the management of the Territory's finances in other areas.

Mr Speaker, I want to go to an article about the sound system at Bruce Stadium which appeared this week in an edition of the *Canberra Times*. The article says that the sound is great at Bruce Stadium. It has a picture of the proud Mrs Carnell at the stadium with some businessmen and underneath it she is quoted as saying:

The sound system is great gentlemen, even when the stands are full you can hear money pouring into a bottomless pit somewhere over there.

That was from our Chief Minister, who has asked us to hand over \$7.5m of the Territory's money just like that. Mr Speaker, I think the case is well and truly made out for a committee of this nature - a select committee, in fact - to look closely at the appropriation which has been proposed by the Government. It cannot be dealt with lightly. On the performance of the Government, we have to be extremely sceptical about everything they do in relation to the management of the Territory's finances.

**MR HUMPHRIES** (Treasurer, Attorney-General and Minister for Justice and Community Safety) (4.45): The Government does not support the motion to refer this matter to a select committee. I will be brief in my reasons. First of all, given the procedure which it is clear the Assembly wishes us to adopt in these matters - that we seek a second appropriation for major expenditure - it is quite likely that we will be returning to the Assembly on a number of occasions throughout a financial year seeking a second, third, fourth, or whatever, appropriation. I suggest that members would find it a burden, after a period of time, to be constantly establishing select committees on estimates for each new Appropriation Bill that comes forward.

Secondly, Mr Speaker, I note that Mr Berry says that he will have no alternative but to approve of it at the end of the day, and I think that is true. Therefore, it is worth asking why we are having an estimates committee if that is going to be the case. I have to say that I suspect that what we are going to see is simply a great big bunfight about issues already debated on the hospice and, to a lesser extent, on the idea of car races or major events, large ticket items, being brought to the ACT. I suspect that, out of that heat, very little light will be generated.

We have a busy fortnight ahead of us. We have a great deal of work to do, particularly in the second week of this fortnight. I am not anxious to have either the Ministers who would be appearing before the committee or the members of the committee tired and a little bit cranky as a result of the fact that we have spent several hours between Thursday night and Tuesday morning on an estimates committee which Mr Berry himself concedes probably is not going to have any alternative but to approve of the expenditure. I think in the circumstances it would be easier to debate the issues on the floor of the Assembly than to have a separate reference to them.

We know what the issues are about the hospice. We have already seen them raised. We have had lots of debates about those things. There is, with respect, not much additional information available on those issues that would be realistically brought forward by an estimates process. Perhaps it is slightly more so in respect of V8 races, but the Government is prepared to put on the table the information available to it. I am not sure that examining Ministers would produce much more information of relevance to an estimates committee. I would suggest, therefore, that there is not a great deal of point in going through the circus of having an additional estimates committee simply for those reasons.

**MR QUINLAN** (4.47): Mr Speaker, I rise to support the motion. Let us start with the V8 Supercar race. We have been given numbers as recently as today and asked to accept them on their face value. What this Assembly will be doing and what people on the crossbench will be doing if they vote this motion down is accepting those numbers.

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My colleague Mr Berry made some reference to Bruce Stadium. I would like to make some reference to Olympic football. The Government made claims at one stage that there would be \$200m worth of public exposure benefit, but when asked about it a lot of that \$200m evaporated very quickly.

Just looking briefly at these figures that we have been given, let me give you one or two examples of the things that I would like to look at. For example, the documentation includes a 3 per cent CPI factor. The Government's budget includes a 2½ per cent CPI factor. On that point the documentation is inconsistent with the Government's predictions and estimates process. It claims that we will get in the order of \$32m or \$33m worth of national and international exposure. I think that those things need to be challenged and at least teased out.

It says that we will get a 10 per cent increase in the crowd for every year that we run this race. There is no allowance made in those figures for the fact that in the first year it would be a novelty within Canberra and the Canberra region and there would be lots of people who would go and see this event once, but would not go again. I would like to be able to be informed by the Government as to the experience of other places in terms of running such an event when you have tickets at the price of \$110, rising to \$130, at the expensive end or \$25, rising to \$45, over the space of five years.

First of all, we have dismissed GST impacts, as I read the documentation. We have no idea of what ticket price comparisons are with elsewhere. There is simply not sufficient information in here for us to say that we can accept this proposal. As Mr Berry said, if it would be good for Canberra, we would like to be able to accept it; but a vote against this motion is a vote to adopt these figures on face value. Recent experience shows that that is not a very wise thing to do. In the limited time that I have had to look at these figures, I think that they are open to some doubt. I think that the Assembly owes itself the opportunity to question the basis of the figures and to question just how much optimism and how much practical experience is built into those figures.

Let me take you back to the proceedings of the Estimates Committee when we were talking about Olympic football. I asked in those proceedings whether anybody could tell me the Atlanta experience in terms of exposure and what their tourism increase was. There were lots of blank looks. I asked whether anybody could tell me what was the benefit of football to towns outside Atlanta; in fact, whether anybody could name one of those towns outside Atlanta. I received blank looks; the officers did not know. In fact, we have not examined that; we have just made wild assertions. If this paper happens to be built on the same basis as that \$200m claim, then it really does bear examination by an estimates committee and this Assembly would be loony-tuned not to avail itself of that opportunity; it is as simple as that.

**MS CARNELL** (Chief Minister) (4.52): Mr Speaker, the Government does not support this approach simply because it really would take quite a lot of time. I think we would have to meet over the weekend. I am quite comfortable with doing that as I am here every weekend, but I have to say that others are not, Mr Speaker. That would mean a quite significant expense in terms of pulling in public servants for it. The reason I think it is not appropriate is that we are more than happy to give a briefing on the issue to any member who wants such a briefing.

Mr Speaker, the information that I have already given to members with regard to the V8s is the information that was given to Cabinet.

**Mr Berry:** You have not given it to me.

**MS CARNELL:** I gave it to Mr Quinlan because he is supposedly the person who is handling it.

**Mr Berry:** I am the tourism and events person.

**MS CARNELL:** I thought he was the one who was handling it, so I gave him the information. I gave it to Mr Kaine, Mr Osborne and the other people who needed the information. I understand that Mr Service has briefed Mr Stanhope and Mr Quinlan on a number of occasions, as he has others, with regard to this event. The reality here is that there is very little extra information. The documents I have provided - such things as the operating statement, a statement of the financial position, the cash flow details and the draw-down schedule, plus details of the key issues and the economic benefits statement for the whole procedure - are the basis upon which Cabinet made its decision.

As to the information that exists at the moment, we can have an argument about whether a spectator number of 50,000 in the first year is too many, too few or whatever. We know that Adelaide got 140,000. We are looking at 50,000. That looks pretty conservative to me. If it rains, it will be less; if the weather is great, it will be more. You go with the figures as the best indications you have. That is what we have here, plus quite in-depth information about what is being put on the table with regard to the national and international media. We can brief members on all of this information without the additional expense of having an estimates committee. Again, I do not know that a government can be more open than to give members the documents on which Cabinet made its decision.

With regard to the hospice, I think Mr Berry outlined his case very well. He wants to play politics. Ho, hum! What is new? The reality of the hospice situation, of course, is that Mr Berry signed the contract, which has already expired.

**Mr Stanhope:** He did not exchange the land.

**MS CARNELL:** Mr Speaker, he signed a contract which was short term. Why was it a short-term contract? Why did the Labor Government at the time only sign a short-term contract? As we know, John Howard was not the first Prime Minister to announce a significant national entity for Acton; it was Paul Keating.

**Mr Stanhope:** But he was happy to take the site with the hospice on it.

**MS CARNELL:** That is simply incorrect.

**Mr Stanhope:** I will table the papers tomorrow. I look forward to tabling the papers.

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**MR SPEAKER:** Order, please!

**MS CARNELL:** Mr Speaker, we can play these games or we can have sensible debates in this place; I really do not mind. The information with regard to the V8s is on the table and is available to members now. Anybody who wants to speak to Mr Service or CTEC on it is more than welcome to have a full briefing. With regard to the hospice, members could say in estimates, "How much is it going to cost?". Guess what we would have to say? "We do not know at this stage". We do not know at this stage because we do not have final plans as we do not have a final site, but we believe in view of comments that the Assembly has made in recent days that the Assembly wants us to appropriate the money that we plan to spend in this financial year.

We do not have a final figure on the cost of building a new hospice. It is true that we have an approximate cost; there is no doubt about that. If members want to see the plans, guess what? There are not any. If members want to talk about the site, guess what? There is not a final site. We have put in the money that we believe will be required in this financial year. I would have to say that there would not be an awful lot of questions relevant to the \$3m for the hospice in this Appropriation Bill that could be answered at this stage. Members may choose to say now that they did not actually mean that they wanted us to appropriate every dollar that we plan to spend in this financial year.

As Mr Humphries said this morning when he tabled the Bill, we could have managed these issues in a different way, but the Assembly had indicated that it wanted an appropriation for these issues. That is what we have done, and given members all of the information that exists at this stage to back up those appropriations. Three million dollars is not enough to build a hospice, but it will not be finished this financial year. We believe that it will cost just under \$5m, but again we do not have a final figure, Mr Speaker.

What is this motion going to achieve? That is what members have to ask themselves when they decide how to vote this time. What information can be got in an estimates committee process that costs the taxpayers money and takes time - potentially time over the weekend, but more particularly time when, I am sure, members have other things on? It is not, as Mr Berry indicated, just about playing politics. We can play politics every day in this place.

Mr Stanhope said that he will put information about the hospice on the table in this Assembly tomorrow. He already has a motion on the notice paper that will enable him to say tomorrow whatever he wants to say about the hospice. There is no need for an estimates committee under those circumstances; you can do it tomorrow. I think it is appropriate, Mr Speaker, for members to look at what will be achieved and the cost to the taxpayer when we make decisions. When you ask that question you would have to say, "Very little more; in fact, nothing more than we have already".



*At 5.00 pm the debate was interrupted in accordance with standing order 34; the motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.*

**MR KAINE** (5.00): The debates in this place get curiouser and curiouser. I find it rather fascinating that we are debating whether the Assembly ought to subject an Appropriation Bill to some scrutiny. Let me make it clear that I have already indicated to the Treasurer that I support the Appropriation Bill. I support the projects for which the money is being sought. But that is not to say that the Assembly ought not to have the right to examine the proposition in detail. It is an Appropriation Bill and it is for a significant sum of money. I support the notion that this Assembly should have the right to look at that proposal in some detail.

That is not going to take long. Mr Berry has indicated that he envisages the Estimates Committee dealing with this matter in about a week. I think that is not unreasonable. I know that the Government sees some urgency with it because there are negotiations hanging off at least the racetrack proposal, but I do not think that a week is too long to wait. It does disturb me a bit that the Chief Minister, the former Treasurer, can say in a debate like this that individual briefings to members are somehow a substitute for public disclosure of all the detail that this Assembly might require in connection with an appropriation like this.

To invite me along for a little private briefing is fine. I have been invited, and that as a proposition is fine. But the way an estimates committee works is such as to elicit from informed people - specifically, public officials and the appropriate Minister - information that often lies behind the raw figures that are presented. I do not think that the Government can reasonably expect the Assembly simply to rubber-stamp this Appropriation Bill.

I am not sure why we are having this debate. As I say, I support the Government's proposals. I think that they are taking the proper course of action in putting them to the Assembly as an Appropriation Bill, and I commend the new Treasurer for that, but I think that we are entitled to have a look at it. Given that the process will take only a week, I simply do not understand why the Government would object to it. I suggest we get on with the vote and let the Estimates Committee get on with its job.

**MR CORBELL** (5.03): Mr Speaker, I feel that it is appropriate to respond to some comments made by the Chief Minister during this debate. The first concerns the assumption of the Government that, as long as they put an appropriation to the Assembly, we will give it the tick. In fact, the Chief Minister's comment in the debate was: "We have done the right thing by the Assembly in giving you an appropriation, so why do you want to frustrate this process?".

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Mr Speaker, it is not about frustrating the process; it is about having a process. It is about having a process to examine an appropriation. The Chief Minister makes the claim that we do not need an estimates committee because we can just talk to her or we can talk to James Service. There is a big difference between having a private meeting with the Chief Minister or a representative of CTEC or whoever it may be and being able to ask questions and seek information in that sort of forum and putting information in the public arena and having the opportunity to question that information as part of a proposal to expend public moneys. That is what we are talking about here. We are talking about the expenditure of \$10m of the Canberra ratepayers' money. It is not something that should be dealt with in private meetings between the Chief Minister and other members of this place or in private meetings between the chairman of CTEC and other members of this place. It is a process that should be dealt with in an open and public way.

One of the fundamental notions of responsible government, of accountable government, is that you have public forums to examine proposals to expend public moneys, and one of those most important processes is the Estimates Committee. It just staggers me, Mr Speaker, that the Chief Minister still does not understand the fundamental issue that we have gone through over the Bruce Stadium redevelopment saga. She still fundamentally misses the point about how appropriations work and the role of the parliament in scrutinising the expenditure of public moneys. That is all we are asking for and it is what we are entitled to have in this place. It is what the community should expect of us in this place - to properly examine the finances, to properly examine proposals for expenditure. It is a reasonable proposition, it is a sensible proposition and it is an accountable proposition. For all of those reasons, we should be supporting it today.

**MR SPEAKER:** I remind members that we have 10 minutes before the time put forward by Mr Berry expires.

**MR STANHOPE** (Leader of the Opposition) (5.05): I will be very brief. Thank you, Mr Speaker, for that indication. I want to respond to a couple of points that have been made. Initially, I think it is necessary to respond to the claims made loudly and clearly by Mr Humphries in particular in relation to the reasons for producing the appropriation and doing business in this way. It was in the interests of accountability and transparency. Mr Humphries made great play of the need to respond to the community's demands that its actions be accountable and that they be transparent. In making that claim, of course, Mr Humphries was conceding that the Government had not in the past acted in that way, particularly in relation to Bruce Stadium, where it had expended millions of dollars of money in a non-accountable and non-transparent way and, as it transpired, unlawfully.

A couple of points need to be responded to specifically. As Mr Berry has said, there is a superficial attraction to the V8 car race. There is no doubt about that. There are aspects of the proposal that are quite attractive and they are not to be dismissed out of hand. They are actually to be looked at and studied. But no proposal involving the expenditure of such significant amounts of public moneys should be agreed to or could be agreed to without proper scrutiny by an Assembly that does not have the facts available to government.

As a basis, surely the members of the Assembly who are being asked to support the expenditure of public moneys of this order have a right to see a detailed business plan and a right to question and discuss the issues with officials and those who actually prepare the business plan. Members of the Opposition have not had provided to them a detailed business plan going to every aspect of this proposal to expend \$7.5m of taxpayers' money.

The proposal is superficially attractive; it does potentially have great benefits for the ACT community. Of course, it also potentially has dangers. It is only reasonable that the members of the Assembly who are being asked to support the expenditure of this level of public funds have available to them the most extensive detail on any aspect of the proposal, and we do not have that.

I will speak on a couple of other issues briefly. The Chief Minister raised the issue of the hospice. It may be that we will debate this issue tomorrow. But this constant putting around of the position that the Labor Government's placement of the hospice on Acton Peninsula was in some way reckless in the sense that there was no certainty of tenure is simply wrong. It is a position that is simply not justified by the facts. At the time the hospice was placed on Acton Peninsula the peninsula was territory land. It was land occupied by the Territory for territory purposes. Quite simply, it was the hospice. The lease was held by the ACT; it was ACT land.

It is true that after the construction of the hospice there was a period of five years for works approval provided by the Commonwealth to the ACT Government. What has happened is that there has been deliberate confusion of the impact of the works approval provided by the Commonwealth to the ACT Government for the purposes of conducting a hospice on the site. The land actually has national significance; so the Commonwealth does have a role.

But the land was territory land, to the extent that when discussions commenced in relation to the possible exchange of land the Labor Government explicitly, in all discussions with the Commonwealth, excised from the proposal the land on which the hospice was located, for the very sensible reason that we had expended significant amounts of money there, it was territory land and it was fulfilling a vital territory purpose. Those are the facts. It was only after the land was exchanged that the then Government, this Government, for reasons that have never been explained, decided simply to give the Commonwealth the hospice as well and, in doing that, made no provision for its relocation or for compensation as a result of losing such a valuable asset.

It was only after the land exchange that the Commonwealth and the ACT entered into a licence which expired in June. It is certainly the case that the Labor Government achieved a five-year works approval, but we did not have a licence or a lease because we did not need one as it was territory land. It was only after we gave the land away

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that we needed a licence to occupy it. This is the basic fact against which everything must be measured. We gave the land away. We lost our right to occupy it, and that is the problem we have.

In terms of the questions that need to be asked about the hospice, it would be appropriate for this Assembly to ask a range of questions in relation to the expenditure of \$4.5m on a new hospice. They go to all those issues around the style of hospice that we need. What is the most appropriate form of hospice care? Should the hospice be co-located with the hospital? Should it be a stand-alone facility? Should it be located with some other subacute facility? What is the implication of actually providing for a block that allows for the future expansion of the facility in years to come to provide 60 aged care beds?

That is a very significant proposal, a very significant suggestion. It is one that demands close scrutiny by the Assembly and by the community. It is a proposal that I have severe doubts about. A suggestion that the land that we are seeking to identify as a location for a hospice should be large enough to allow for the expansion of the hospice into a 60-bed aged care facility is a most inappropriate proposal on face value and one which we need to address. We can only address it by asking those who know and understand hospice care. We can stand up in this place and debate it as we are now or we can ask the detailed question of health officials, of members of the hospice and of members of the hospice society, people who have been ignored in the debate today.

It is simply absurd for the Government to deny the Assembly the opportunity of scrutinising the expenditure of money and it flies absolutely in the face of the claims made by the Treasurer this morning that what he was looking for was an accountable and transparent process. Those were his words this morning. This morning the Treasurer wanted an accountable and transparent process. This afternoon he is not even prepared to allow members of the Assembly to ask officials about the proposals. It is just an absolute nonsense.

**MR BERRY** (5.13), in reply: Mr Speaker, I seek leave to alter the time period for the notification of members from 5.15 pm to 5.30 pm. I think I will be the last speaker as nobody else wants to have a go and I should conclude within five minutes.

Leave granted.

**MR BERRY:** Mr Speaker, enough has been said about the issues. It is really a matter for the committee to look at. I am pleased that the Chief Minister is here. I will just repeat a quote of hers:

The sound system is great gentlemen, even when the stands are full you can hear money pouring into a bottomless pit somewhere over there.

That, in itself, is enough reason to have an estimates committee look into this Appropriation Bill.

Question put:

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

The Assembly voted -

AYES, 7

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

NOES, 7

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

Question so resolved in the negative, in accordance with standing order 162.

**JUSTICE AND COMMUNITY SAFETY - STANDING COMMITTEE**  
**Scrutiny Report No. 9 of 1999 and Statement**

**MR HARGREAVES:** Mr Speaker, I ask for leave to present Scrutiny Report No. 9 of 1999 of the Standing Committee on Justice and Community Safety and to make a short statement in relation to the report.

Leave granted.

**MR HARGREAVES:** Mr Speaker, I present Scrutiny Report No. 9 of 1999 of the Standing Committee on Justice and Community Safety, entitled "Seventh Australasian and Pacific Conference on Delegated Legislation and the Fourth Australasian and Pacific Conference on the Scrutiny of Bills". Mr Speaker, I would like to make a couple of comments. I will be brief because I know that it is getting late and people are getting twitchy.

It was fine to have the opportunity to go to this conference in the company of our legal adviser, Peter Bayne. A colleague over there, Mr Hird, was very good to me, holding me by the hand and making sure that I did not make a fool of myself. When I did get the chance to make a fool of myself, he made sure that he was standing there with me making of fool of himself, so I did not feel lonely. For that I extend my hardest appreciation to Mr Hird, without whose help I would not have been able to make a fool of myself. I have to express gratitude also to Celia Harsdorf, who was absolutely superb in her support for us when we were there, particularly when we found that we had to do a last minute reshuffle of papers.

Mr Speaker, out of this conference I got a sense of the importance of delegated legislation and subordinate legislation to other parliaments. It was noteworthy to me that not only were the Australian States and the Commonwealth represented there, but also parliaments of Canada, Italy and Samoa and there were officers from the OECD, and the

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contributions from them were particularly healthy. However, Mr Speaker, this parliament is the only one that has its scrutiny of Bills committee subsumed into another one. The other parliaments have at least recognised the importance of this role and have standing committees in their own right. I am not convinced that what we do is the best way of doing it. We came off fairly well in comparison with some of the other committees, but I have to say that there are a few things left that we could do a little bit better than we are doing at the moment.

Mr Speaker, one of the things that we brought up in our report was our Administration (Interstate Agreements) Act and there was quite an expression of interest from other parliaments in it and our approach to the scrutiny of legislation before it becomes law. The delegate from South Australia was so enraptured by the whole thing that he took a copy of the Act home with him, with our blessing and our felicitations. It was nice to go to one of these forums where you are in there with the big boys and have something that they can learn from the little parliament in the ACT. I was thrilled to pieces with that.

Mr Speaker, the other thing which occupied a bit of time in the conference was the national legislative reforms that are going on at the moment. We will soon see some stuff brought down by the Minister for Urban Services on transport reform. The conference actually considered just how those pieces of legislation, the template legislation, could be scrutinised. I do not think we actually came to a conclusion on that, but it was highlighted as being one of the things that we need to look at.

I made the point that we need to consider the scrutiny of international agreements which are signed off by the Commonwealth. Often these international agreements have an impact on a smaller State or Territory but they get left out of the loop. I think that this issue will be one of the agenda items at further conferences down the track.

Mr Speaker, I would just like to reiterate my appreciation of the support of Mr Hird, Mr Bayne and Mrs Harsdorf and thank the Assembly for the opportunity of attending the conference.

**MR HIRD:** I seek leave to make a short statement.

Leave granted.

**MR HIRD:** As a member of the Standing Committee on Justice and Community Safety and the Territory's delegation to the Seventh Australasian and Pacific Conference on Delegated Legislation and the Fourth Australasian and Pacific Conference on the Scrutiny of Bills, I join the Deputy Chairman, Mr Hargreaves, in this debate. I take issue with his indication that he made a fool of himself. It was quite the contrary, Mr Speaker. Mr Hargreaves acquitted himself admirably and performed in what I would call a distinguished manner on behalf of the citizens of this great Territory. That may be of surprise to some members of this place, but it certainly was not of any surprise to me.

I want to draw members' attention to one other matter. I know the Deputy Clerk will take note of it. His position is very vulnerable, very shaky, because Celia Harsdorf did an excellent job. Mr Hargreaves and I do not have the numbers as yet, but we are

looking very hard at his current position! I think that the delegation did a wonderful job and deserves a pat on the back. I did have the honour of speaking at the conference on behalf of one of our former advisers and it was a privilege to do so.

**HEALTH AND COMMUNITY CARE - STANDING COMMITTEE**  
**Report No. 2 - Men's Health Services**

**MR WOOD:** I seek leave to present extracts of the minutes of proceedings of the Standing Committee on Health and Community Care in its report on men's health. I did not table them when I presented the report this morning, so I seek leave to do so now.

Leave granted.

**MR WOOD:** I table those extracts.

**ADJOURNMENT**

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

That the Assembly do now adjourn.

**Kennelling Costs**

**MR MOORE** (Minister for Health and Community Care) (5.24): I wish to make a comment with regard to Mr Corbell and I am a bit disappointed that he is not here. However, I will still proceed down that line. My understanding is that at question time – I am pleased that Mr Corbell is now here; maybe he will correct me - Mr Corbell interjected very firmly that he had never named a public servant or identified a public servant. I believe the term he used was “named a public servant”. The question related to an article in the *Canberra Times* at the time. Mr Corbell’s press release of yesterday, I presume - it is dated 23 August - headed “Carnell Government pays former executive’s dog kennelling tab”, includes the words “Copies of the relevant documentation are attached” in the last paragraph and the very first page of the confidential minute on the document that was attached does identify a public servant. In other words, it quite clearly did identify a public servant.

My point is that had a Minister claimed in this Assembly that they did not identify a public servant under such circumstances and such a paper was tabled, I think the Assembly would be saying, “We expect you to stand down for misleading the Assembly”. I am giving Mr Corbell the opportunity to correct the statement he made in the Assembly because, in fact, his press release as a whole, including the attachments, did clearly identify the public servant; so it was through Mr Corbell’s doing that that public servant’s name appeared in the paper.

## **GreenChoice Program**

**MR HIRD** (5.26): I had the great honour and pleasure of representing the Government in launching the GreenChoice program on behalf of the Minister for Urban Services. GreenChoice is a trailblazing program which has been instituted by ACTEW Corporation. I was surprised that Ms Tucker was not at this launching because I know of her interests in environmental issues. However, it was a pleasure to undertake the launching, especially as it took place in the wonderful environment of Lake Burley Griffin.

To that end, without going on about the various schemes and how they work, I would like to commend John Mackay, the chief executive of ACTEW, and the board and staff of ACTEW for the enthusiast way in which they have embraced this program. It is just the start. They have a target of in the order of 2,000 clients for the GreenChoice program. They are well on the way to achieving that target and I compliment them for that. I am speaking about the program in the adjournment debate because I want it to be seen that this Government is indeed working through organisations such as ACTEW to bring about good environmental changes. On that note, I ask for leave to incorporate in *Hansard* a facts sheet about the GreenChoice program.

Leave granted.

*The document read as follows:*

### **some greenchoice facts**

#### **What is GreenChoice?**

GreenChoice is ACTEW's green energy product for retail customers. GreenChoice buys electricity which is produced in a way that does not harm the environment.

#### **How is electricity distributed?**

Generators produce energy which is fed into the electricity transmission network (the grid) and users draw power from the grid as they need it. Because it is not possible to store energy on a large scale, the grid managers constantly balance the output of generators with the demand for power.

#### **How does the scheme work?**

GreenChoice accounts are an instruction to ACTEW to purchase energy from independently certified renewable sources over a period of time. The percentage of your energy needs matched by green energy purchases on our part is calculated according to the GreenChoice option you choose and the daily cap on energy usage. A conventional account instructs ACTEW to purchase energy under normal supply contracts, where costs favour energy from coal. Once electricity is fed into the grid it becomes part of a common pool. Customers choosing GreenChoice permit ACTEW to buy a level of green energy which otherwise ACTEW would not purchase.



**Where will the green energy come from?**

ACTEW's green energy will come from interstate purchases of government accredited green power and, in the future, from new mini-hydro power generation using water from the ACTEW dams, and electricity generated from methane gas from the ACT tips.

**Where does ACTEW get the interstate power from?**

ACTEW has supply contracts for government accredited hydro electric green power from Victoria (7000 MWh per year); from a small hydro generator on the NSW Central Coast (700 MWh per year); and solar energy (7 MWh per year). In future it is intended to buy power generated by wind.

**Is there an independent review of the scheme?**

Each financial year, GreenChoice purchases and sales are audited by independent auditors to ensure that the amount of green energy purchased is equal to or greater than the amount sold.

**Will it cost more than the normal tariff?**

Yes, but with fossil fuel based generation there is no direct charge for resource depletion, pollution, climate change impacts and other hidden costs. Nature and future generations will pay for these.

**How much more?**

GreenChoice 100 is offered at a premium of 3 cents per kWh above the domestic or general tariff, and caps are in place to ensure the extra cost does not become too great. So it costs about as much as you'd pay for two cups of coffee per week.

**What happens to my GreenChoice payments?**

ACTEW premium receipts from GreenChoice sales are separately accounted for to purchase green energy. The administration of premium funds is subject to audit by the Sustainable Energy Development Association (SEDA).

**How does joining GreenChoice compare to other things that I might do?**

It is amongst the most effective actions you can take to reduce greenhouse gas emissions. An average domestic consumer on GreenChoice 100 saves about 7.5 tonnes of greenhouse gas emissions per year: that's equivalent to planting six house blocks with trees, or stopping driving your family car for 2 years.

**Can I do something now ?**

**Call the ACTEW GreenChoice Hotline on 1 800 447 336 or visit [www.actew.com.au/greenchoice](http://www.actew.com.au/greenchoice)**

### **Bishop Richard Randerson**

**MR SMYTH** (Minister for Urban Services) (5.28): Mr Speaker, I wish to draw the attention of the Assembly to the fact that Bishop Richard Randerson is returning home to Auckland in December after serving as Assistant Bishop of the Diocese of Canberra and Goulburn since November 1994. During his five years here Bishop Randerson has developed a close bond with Canberra's Anglican community and the public at large. He has worked tirelessly for the people of Canberra and the advancement of his faith. In this regard, I think he has played an important role in helping those in our society who are less well off and do require special assistance.

Bishop Randerson's long association with the Anglican Church has actually taken him to the four corners of the globe. He is a graduate in arts and theology from the University of Otago in Dunedin. He was ordained as a deacon in New Zealand in 1964 and made priest in 1965. Between 1968 and 1971 he spent time in America and the United Kingdom, where he studied the theological basis for the church's mission in society. He then undertook in New York postgraduate studies in theology while working with some of the city's poorest people in a number of urban mission projects. He then spent time in the Teesside in the north-east of England, where he ran parish seminars linking the Christian faith with strategic community projects. From 1971 to 1994 Bishop Randerson held a number of positions in the Anglican Church in New Zealand, including director of the inter-church trade and industry mission in Auckland, vicar of St Peter's parish in Wellington and social responsibility minister.

It was, perhaps, divine intervention that brought Bishop Randerson to us in 1994 when he was persuaded to leave New Zealand and cross the Tasman for Canberra. It was here that the Anglican Bishop of Canberra and Goulburn, Bishop George Browning, was quoted as saying that Bishop Randerson's greatest skill is the ability to link the church to the wider community. Not one of us here could agree more.

Bishop Randerson has provided valuable support to the community groups which offer to help people in desperate need, such as the unemployed, people with drug and alcohol problems, sufferers of HIV and AIDS and people dependent on welfare. I believe, and I think most here would agree with me, that one of his most significant contributions to our community has been his chairing of the ACT poverty task force, where he used his experience in working with government to develop policies to assist people escape the poverty cycle.

Bishop Randerson created a close bond with a number of Canberra schools, always taking time to talk to students about social and ethical issues and answer their questions about the church's role in Australia today. At the same time, he never shied away from espousing his opinions on contentious political issues, including those debated in this Assembly. He supported the GST. Indeed, he supported the establishment of the ACT's heroin trial.

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Mr Speaker, when Bishop Randerson returns to his home of New Zealand, I think Canberra will lose a man of great integrity and great warmth. His tireless work for the Diocese of Canberra and Goulburn and, in particular, his efforts to help those less fortunate in our community make him a difficult man to replace. I do not think it would be unfair for me, on behalf of the Assembly and the people of Canberra, to thank Bishop Randerson for all he has given us during his time here and offer him and his family our best wishes as they continue their journey through life.

**MR SPEAKER:** Order! It being 5.30 pm, in accordance with standing order 34, the Assembly stands adjourned.

**Assembly adjourned at 5.30 pm**