



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

13 October 1999

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

PETITION

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

By **Mr Quinlan**, from 230 residents, requesting that the Assembly rezone the land at section 33 Deakin from residential to urban open space/dedicated public parkland, and retain section 36 Deakin as restricted access recreation at its current level of usage.

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

Deakin - Rezoning of Land

The petition read as follows:

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

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that:

We the undersigned are opposed to the redevelopment of Sections 33 and 36 Deakin and ask for the immediate preservation of open land in the area for public use.

Your petitioners therefore request the Assembly to:

Rezone the land at Section 33 Deakin from Residential to Urban Open Space/Dedicated Public Parkland.

Retain Section 36 Deakin as Restricted Access (Sport and Recreation Reserve) at its current level of usage.

Petition received.

LAND (PLANNING AND ENVIRONMENT) AMENDMENT BILL (NO 4) 1999

MR CORBELL (10.31): Mr Speaker, I present the Land (Planning and Environment) Amendment Bill (No 4) 1999, together with its explanatory memorandum.

Title read by Clerk.

MR CORBELL: I move:

That this Bill be agreed to in principle.

Mr Speaker, the Land (Planning and Environment) Amendment Bill (No 4) 1999 deals with providing criteria for utilising the ministerial call-in power under section 229A of the principal Act. Mr Speaker, I am very pleased to be introducing this piece of private members business today. It will, if passed by this Assembly, provide for the first time for a level of scrutiny, transparency and accountability to be legislated into the Act for the use of the ministerial call-in power. The Bill makes the necessary amendments to the Land (Planning and Environment) Act 1991 by omitting the existing subsections 229A (6) and (7) and substituting new subsections. These amendments will introduce scrutiny and transparency to the use of section 229A of the Act for both this Assembly and, obviously, the broader community in the ACT.

The amendments to the principal Act provide that the Minister may exercise the call-in power only where a planning application raises a major issue of policy, where the application may have a substantial effect on the achievement or development of objectives of the Territory Plan, or where a decision to determine an application or not to determine an application would give rise to a substantial public benefit. The amendments will also empower the Minister to provide reasons for his decision both to the applicants of any development application called in and to this Assembly.

Mr Speaker, currently there exists no formal requirement for the Minister to provide to this place reasons for the use of this power. There is a requirement currently for the Minister to outline in the government *Gazette* that he has revoked a determination, but there is no requirement for him to formally notify the Assembly. Mr Speaker, these amendments will provide a necessary level of scrutiny and transparency to the use of this wide-ranging and very powerful authority by the Minister.

Past practice with respect to use of the call-in power under the current Government has seen the Minister provide a variety of reasons for its use, usually via a media release. But there are no clear guidelines for the use of this power. The power can be used unilaterally and for any reason that the Minister sees fit. That is not an appropriate course of action for what is a very wide-ranging power. The Minister must be required to exercise the power in accordance with some formal criteria.

Further, Mr Speaker, we should not rely on the Minister's goodwill to justify his reasons via a media statement. Indeed, there should be a formal statutory requirement for him to notify this place of his use of this power granted to him by the Assembly and the reasons for the use of the power. If I can draw an example as to why the Labor Party has decided to introduce this Bill this morning: The most recent use of the call-in power was in relation to the BRL Hardy development at Mitchell. The Minister informed the community of the use of the call-in power to approve the development application for BRL Hardy in a media release which was actually about improvements to parking and access at EPIC. In fact, in the Minister's media release there was no outlining of why he had actually decided to approve the BRL Hardy development.

The Minister did outline that he had decided to proceed because parking issues had been resolved and the Government was responding to a range of issues identified by the Urban Services Committee in its report on the matter, but in that media statement he provided no direct reason why he was using the call-in power to approve the BRL Hardy development. That is not a satisfactory use of or justification for the power. We want to introduce these amendments so that there will be rigour to the application of the decision-making power used by the Minister when exercising his rights under section 229A of the Act by making sure that there are clear definitions for the circumstances under which the Minister may utilise the power.

Mr Speaker, it is important to note that these provisions are equivalent to provisions governing the use of the call-in power in other jurisdictions. For example, in Victoria the Minister has power under section 97B of the Planning and Environment Act 1987 to exercise the call-in power if the application raises a major policy issue. Mr Speaker, this Assembly is not blazing a trail in a new area of legislation in this regard; rather, through these amendments, we are bringing our jurisdiction up to speed with other jurisdictions in relation to the use of the call-in power.

This amending Bill introduces scrutiny and transparency into the use of the call-in power. The reasons for utilising the power will be clear and unambiguous and they will bring our legislation into line with that of other jurisdictions in Australia. Indeed, I should finish by noting that almost all other jurisdictions in Australia, from our search of the relevant Acts, do have a call-in power and all of them, with the exception of the Northern Territory, which has no formal planning legislation as such compared to other jurisdictions, have this power and criteria for the use of it. We believe that it will bring transparency and accountability to the use of the power.

Whilst it is fair to say that on most occasions the Minister has provided clear reasons for his exercising of the power, this Assembly and the Canberra community should not be reliant on the goodwill of any Minister for planning to get the proper justification for the use of the call-in power. I commend the Bill to the Assembly.

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

LAND (PLANNING AND ENVIRONMENT) LEGISLATION AMENDMENT BILL 1999

MS TUCKER (10.39): I present the Land (Planning and Environment) Legislation Amendment Bill 1999, together with its explanatory memorandum.

Title read by Clerk.

MS TUCKER: I move:

That this Bill be agreed to in principle.

This Bill primarily contains two amendments. The first amendment deletes references in the Land (Planning and Environment) Act to the Minister's call-in powers to revoke a referral of a development application to the Commissioner for Land and Planning for determination. The second amends the Land (Planning and Environment) Regulations to allow third party appeal rights against decisions to approve development applications for single dwellings that do not comply with performance measures in the design and siting code for single dwellings.

Let me address, firstly, the call-in powers. This issue goes back to the Stein inquiry in 1995 into the administration of ACT leasehold. Stein raised the need for an independent planning authority in the ACT to restore and secure public confidence in the planning and leasehold systems and to lessen the level of perceived political involvement in planning administration. The Government rejected this recommendation, but agreed that a strong, statutory, independent decision-maker should be the arbiter of contentious development applications and that separating decision-making from administration is critical if the planning system is to be credible, transparent and simple.

The Government established the position of Commissioner for Land and Planning to perform this role as part of amendments to the Land Act at the end of 1996. However, the Government did not want to give away too much of its power. It retained call-in powers to enable the Minister to call in for its decision "a major proposal of territory-wide significance". It is significant, however, that this statement, made in the Assembly on 28 March 1996, appears to be the only public statement by the Government on the criteria on which it would use its call-in powers.

Since the introduction of the call-in powers, I understand that there have been eight occasions when they have been exercised. On examination, it appears to be more the case that the current and previous Minister used these powers to fast-track the development applications and avoid third party appeals on those applications. It should be noted that, when a Minister exercises these call-in powers, not only is the Commissioner for Land and Planning by-passed but also all appeal rights against the development application immediately lapse under the regulations to the Land Act.

In the case of the new Woden cinemas and the lease variation at Homeworld in Tuggeranong the Minister, Mr Smyth, openly said that the call-in powers were exercised to stop appeal processes that had already been initiated by objectors. In the case of the expansion of the Manuka cinemas, the Minister actually overruled the commissioner's initial decision to reject the application. It would be hard to regard these development applications as major proposals of territory-wide significance.

I am very concerned about the Government's use of these call-in powers. The Government cannot have it both ways. It cannot have an independent planning commissioner and an established appeals mechanism through the AAT and ultimately the Supreme Court to deal with contentious development and then override this process when it suits the Government. It is not up to the Minister to decide whether a planning appeal is valid. That is the job of the tribunal and the court. A developer's preference to fast-track their proposal for their own benefit is not sufficient reason for the Government to override legitimate community concerns about the impacts of such developments on the surrounding physical, social and economic environment.

Mr Corbell has voiced similar concerns about these call-in powers and has introduced his own private members Bill. Let me say that I have also been concerned about this issue for some time and independently initiated the drafting of this Bill last May after the call-in powers were used to approve the expansion of the Manuka cinema complex. However, my Bill goes further than Mr Corbell's Bill. He says that he wants the Minister to provide criteria for the circumstances in which the Minister could exercise the call-in powers. However, the criteria he has suggested are still very broad and can basically be used to justify almost anything. It worries me that the Minister has said in the media that he will probably support Mr Corbell's Bill, because basically it will not change how the Minister currently acts. Perhaps Mr Corbell wants to keep these call-in powers for when he is Minister for planning.

I am also concerned that, regardless of what the criteria are, the critical point remains that once the Minister makes a decision to use his or her call-in powers the decision currently cannot be revoked by the Assembly. That is not addressed by Mr Corbell's Bill. The only way that that could be addressed is by having every decision to use call-in powers disallowable, which could create just as much uncertainty and delay as the appeal process. I think a better and simpler approach is just to remove these call-in powers from the Land Act and let the commissioner do the job he was appointed for and the appeal process run its own course.

Moving to the second part of my Bill, a part of the amendments to the Land Act that were implemented by this Government in mid-1997 was the transfer of provisions for public notification and third party appeal rights from the Territory Plan to the Land Act regulations. In the process there were significant reductions in the appeal rights available to objectors. In relation to single dwellings, third party appeals used to be allowed where the development application did not meet the performance measures in the residential design and siting guidelines in the Territory Plan. However, this provision was removed from the new regulations, thus creating a situation where there are now no third party appeal rights for single dwellings apart from houses in heritage areas.

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That is quite significant, given the nature of the design and siting guidelines. Those guidelines contain performance objectives and criteria as well as quantified performance measures, such as setbacks and height controls, that are considered to meet the performance objectives. However, a house that does not meet the performance measures can still be approved if PALM considers that the design meets the overall performance objectives. PALM officials are therefore given considerable discretionary power to approve dwellings that cannot be legally challenged by neighbours who might be directly affected by the development.

With the increasing level of housing redevelopment in inner Canberra, including the complete demolition and rebuilding of houses in established neighbourhoods, I have received a number of representations from constituents who are now living next to huge houses that overshadow their block and reduce their privacy, but about which they could do nothing. Sure, they were able to put in objections to PALM on the development applications for these houses; but, if they did not think that PALM adequately took their objections into account in approving the applications, they had no avenue of appeal. That system made the planners unaccountable for their decisions.

These concerns were vindicated in a recent AAT hearing regarding a development application for a large house extension close to Manuka shops. A neighbour lodged an appeal against the house extension on the ground that it would overshadow his block. The appeal was allowed only because the house was in a heritage area. Normally, there would have been no rights of appeal. It was revealed in the hearing that planning officials regularly applied the low solar access standards that normally apply to medium-density housing redevelopments to single house developments in low-density residential areas. The AAT questioned that approach and refused the application.

What worries me is that PALM adopted this approach to overshadowing without any public knowledge or debate. It became public and was able to be successfully challenged only as a result of a planning appeal. Appeals may be cumbersome and delay the development approval process, but they also perform a very valuable role in providing the necessary checks and balances to the planning bureaucrats and maintaining the integrity of the ACT's statutory planning system. This part of my Bill will simply revert the third party appeals rights available for development applications for single dwellings to what existed before 1997 when the Liberal Government tightened planning appeal rights.

My Bill incorporates important reforms to the ACT's planning system to provide greater transparency and accountability, and I commend it to the Assembly.

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

FINANCIAL MANAGEMENT AMENDMENT BILL (NO 2) 1999

Debate resumed from 25 August 1999, on motion by **Mr Quinlan**:

That this Bill be agreed to in principle.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (10.48): Mr Speaker, the Financial Management Amendment Bill (No 2) 1999 essentially provides that there should be an extra tranche of information available when the budget is presented and that this information should be in the form of a running indication of outputs - a statement or schedule that indicates the outputs for a particular financial year - for the purpose of comparing the budget which is being presented with the budget of the previous financial year, in particular, with the expected whole-of-year results for the department or agency for the previous financial year. Mr Speaker, the most important of those, of course, is the latter. That is the real nub of the proposal which the Opposition is putting forward.

That is a significant additional set of information for the Government to provide in the context of the budget. It is information which is not currently provided. It is information which will necessitate obtaining not merely figures for how particular departments are tracking in terms of financial outcomes, in terms of the amount of money spent or the amount of revenue raised, but also results for a year to date, in effect, with respect to outputs, which, of course, includes things other than the financial results - measures against a whole series of performance indicators which are part of the budget process, which are part of the outputs of departments and agencies within the framework of the budget.

I should say at the outset of the debate that the Government does not shirk from providing information either to the Assembly or to the community. It is not hard to see that the information provided by this Government is well in excess of anything which has been provided in the past in this place. Today there is the most comprehensive amount of information available on budgetary matters that has ever been available to the Assembly and the community. I think that there is a very strong case here for considering whether yet more information of this kind is cost-effective to the Government and to the community which has to bear the cost of providing that additional information.

When you look at the information provided in our budget papers you will see a far more comprehensive set of information than those for any of the States or the Northern Territory. I think we ought to be asking ourselves as an Assembly whether we are actually making use of all the information that we are currently receiving or whether parts of it are largely unread, unused or irrelevant. In particular, we need to ask ourselves how accurate the information would be, how useful the information would be, how much it would cost to provide this information and whether those costs are justified in the context of accuracy and usefulness. Mr Speaker, the Government believes that this amendment fails on those tests and, therefore, does not support the Bill today.

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I have to say that considerable resources would be required to allow the estimated year-end results for performance measures to be published in the budget papers. We are projecting in a given year what we expect to be happening with a particular budget. Mr Speaker, if I might take the budget to be presented in this financial year as an example of how difficult that task would be, it is my hope to be able to produce a draft budget in this place in mid-January of next year. The Government will attempt to make that draft budget as comprehensive as possible and to have as much information in there as is reasonable to provide in the final budget. Obviously, some information would not be available by mid-January for 2000-01, but what is available we will attempt to have in that document.

Mr Speaker, the inclusion of a projection for the end-of-year outcome with respect to outputs, as is required by this Bill, would rely essentially on the outputs available to the Government for the September quarter of 1999-2000. I have to ask members how useful they feel an expected whole-of-year result for a particular department would be when the latest available figures to us would be for the September quarter of a given year - in this case, 1999-2000. By mid-January it probably would not be reasonable to expect us to have figures for the December quarter. We might, but I do not think that that usually would be the case, particularly with Christmas intervening. Realistically, we have to expect that we would have figures available only for the September quarter.

We could rejig our budget reporting process to produce figures on a monthly basis, say, rather than a quarterly basis, but that in turn would involve very considerable additional effort with respect to the provision of information and the resources needed to make that happen. I have to ask members whether that is particularly necessary in the context of the debate we are having here today.

The fact is that considerable resources would be required to allow the estimated year-end results for performance measures to be published in budget papers. The process of estimating the outcome on performance measures is much more difficult than the process of estimating a financial outcome. In the latter case we are simply dealing with a projected balancing of revenue against expenditure and various cost pressures. With respect to outcomes, all sorts of factors have to be taken into account. It is a much more difficult exercise. To take the information based on monthly data captured by our systems and try to convert it into a financial outcome available potentially on only one quarter's figures would not be reasonable.

There are other mechanisms through which members will have current and up-to-date information on the estimated outcome for performance measures. As those opposite are fully aware, the Financial Management Act requires, in section 25A, the tabling of quarterly performance reports. Those reports provide progress on the delivery of outputs and an explanation of any significant variations from the original performance targets.

Members have at their fingertips each quarter information about how outputs are actually tracking in the preceding quarter. The value of that information is greater in some areas of government than in others. To take one example which my colleague the Minister for Urban Services may cite later with respect to expenditure relating to roads and the cutting of grass, a very large amount of that expenditure occurs in the second and third quarters of the year compared with the first and fourth quarters of the year.

Mr Quinlan: That makes it important, then.

MR HUMPHRIES: Indeed, it is, but it is very difficult to provide - - -

Mr Berry: It is the same every year.

MR HUMPHRIES: That is quite true. The same factors are there every year, but the results can be quite different every year, depending in the case of grass cutting, for example, on how much rain we have, how often the sun shines and so on. Projecting, in effect, in September 1999 what we are going to be spending by the end of June 2000 on grass cutting is going to be a very difficult exercise indeed. Similarly, fluctuations and patterns with respect to hospital separations are going to be very difficult to project in a meaningful way in September of any given year. In fact, I suspect members will get from the exercise basically what has been in the annual budget. The budget we bring down in May projects that we will have, say, a certain number of hospital separations throughout a particular financial year. By the end of September we have some idea of whether that is working out as planned, but not a particularly significant idea. So, for figures available a few months later which have to rely substantially on those September figures, we will have to rely upon that limited information to try to project an end-of-year outcome.

I have to ask members: Is that really very useful and does it justify the extra cost we engage in to achieve that result? There is very little likelihood, I am advised, that the figures available in that form could be incorporated into the budget papers with the necessary quality control processes that are needed to go through in the production of such a large document. There would certainly be costs involved in providing the information in the budget papers. The estimates of the end-of-year performance outcome could be improved somewhat by more sophisticated modelling, systems or projections on the demand for services. That certainly is possible. However, the cost would be, I am advised, in the order of \$100,000 to improve - - -

Mr Berry: Did you tell them to say that?

MR HUMPHRIES: I know that Mr Berry intrinsically says that everything you say in this place is a lie. That is the way that Mr Berry operates, Mr Speaker. But I have not gone to my department and said, "I want you to make a case out here for why this is going to cost an arm and a leg". I went to the department and said, "What do you think of this legislation?". The department came back to me with a submission saying, "We think you should argue against it. Here are the reasons and this is the cost".

Mr Berry: Rubbish.

MR HUMPHRIES: I am used to you calling me a liar, Mr Berry, and you can go ahead and do that, if you want. I am telling the Assembly that I have asked my department for an estimate of the cost and the department has told me the cost would be in the order of \$100,000 to provide - - -

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Mr Berry: Table the assessment.

MR HUMPHRIES: The information I have is in the form of this speech, Mr Berry, and you can have that when my speech is finished. If you want to refer the matter to a committee and get the committee to examine the department on the costs, I am quite happy for you to do that. If you want the information, you have to ask for it in a form in which we can provide it.

Mr Berry: No, you have to argue your case here, Minister, sorry.

MR HUMPHRIES: I am arguing my case here and I am telling you what my department - - -

Mr Berry: Give us the details.

MR SPEAKER: Order! Stop interjecting. Let Mr Humphries get on with it, please.

Mr Berry: He persists in having a conversation with me, so I am happy to - - -

MR SPEAKER: You interjected to begin with, Mr Berry.

MR HUMPHRIES: Mr Speaker, I have indicated to members of the Assembly the figures that the department has given to me. I have to say to members that you would have to expect that to be able to refine to a degree that we are not presently refining projections of demand for services from information available in any earlier part of the year would cost something. We are asking people to try to work out, essentially, in September what it will cost for the delivery of services till the end of June. We do not try to do that at the moment because we do not need to. There is no requirement to do that. No-one demands that we project that. We put a budget together based on previous years' figures. We have some idea of what the demand has been in previous years. We factor in other things we know about, such as population increases or, in the case of health, epidemics or whatever it might be. We factor that into projecting how much we need to spend or to do in a particular field, in a particular area of government output. We put our budget together on that basis.

We are now being asked to do something more, that is, to take the figures available to us on what is actually happening for the given financial year to date and extrapolate those to the end of the year in some kind of meaningful way. We could, of course, spend rather less than \$100,000 on doing that, but the quality of that projection would be commensurately much less useful. Also, we have to bear in mind that spending \$100,000 in, say, September on projecting an outcome for the end of the financial year is paying quite a lot of money for information which would be substantially out-of-date by the time we receive it. In the hypothesis of a January draft budget, we would have information available in January which is relying on what was the case back in September and projected, basically, from September, perhaps with other information added which is not necessarily going to be up-to-date but is going to be partial information. We have to expect in those circumstances that there will be some question mark about just what quality there will be with those figures.

Members will have them but will have to ask themselves whether they are actually as useful as they ought to be for the purposes of meaningful debate or elucidation of the community. Including this information in budget papers, in effect, is likely to cause confusion for the Estimates Committee and for members of the Assembly. There will be a difference between the budget papers and the quarterly performance reports, obviously, and possibly large differences between the estimated outcome in the budget papers and the actual outcome in the annual reports.

Members will have, I suspect, a very distinct difference in what they are seeing in these end-of-year projections that they are seeking in this amendment Bill from what they will have in the annual reports, which will be the accurate assessment of what has happened in the financial year. The Estimates Committee could be bogged down in understanding the differences between those various documents, with further work for agencies in having to explain why projections have been reached, which might be hard to explain in terms of what is the projected outcome in a budget for a particular financial year.

A meaningful comparison of end-of-year output results against the budget targets is more suited to the annual reports of each department. That is an established process. We have the Assembly committee system, which will scrutinise the end-of-year results against the budget targets and determine whether the projection that a government has made for what it needs to spend in a given year is accurate and reasonable or whether a government has made errors in the way in which it has gone about that exercise. I think any attempt to duplicate that effort earlier, much earlier, in the budget process would be a considerable expenditure of resources and I do not believe that the benefit of doing that has been made out in the speech Mr Quinlan has given so far. The value added as a result of this process would be quite minimal, at a considerable cost, and would be of little use to the Estimates Committee and non-Executive members of the Assembly.

The issue of the efficiency and effectiveness of the Financial Management Act is currently before a committee of this Assembly to consider. The amendment would be premature in that respect. I think that arguably that matter should be considered by the committee examining the Financial Management Act. I do not think that entailing the cost of this additional work at this stage is warranted, given the case that has been made for it. I appreciate that this proposal has followed on from a recommendation of the Estimates Committee last financial year and I appreciate that it is likely to get the support of most members. I put on record for members that there is a cost associated with all these measures.

People might think that asking for information is a process without any down side. You may feel that it is always appropriate to have more information. What harm can there be in having more information? Already the Assembly has unprecedented levels of information about budgets and other activities of government. The question here is whether that extra information actually produces any worthwhile demonstrated community benefit, because the community pays for those additional outputs. Mr Speaker, I ask members to consider carefully whether the costs associated with this measure are really justifiable in terms of the benefit to be obtained.

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MR BERRY (11.07): The speech we have just heard from Mr Humphries puts the lie to the mantra from this Government about wanting to be open and accountable or, indeed, pretending to be open and accountable. It seems that Mr Humphries relies mostly on the additional cost of the exercise which is proposed by this amendment to the principal Act and he sets it at about \$100,000. One would think that the Treasurer would provide the figures for a complete expose of those additional costs, but he was not able to do so in the course of the debate. I wonder how much it has cost in the past for the Government's favourite parts of various budget papers to be included. I will bet that there has not been much concern about that.

I think it is important for members to consider how useful are the budget papers - that is really what it boils down to - and how much more useful they would be with this additional information. What Mr Humphries said was code for saying, "We do not want to expose ourselves any more". All the Government will have to do, of course, is extrapolate a further quarter on information that it has already collected. There is nothing secretive about that. I refer to the performance report for the December quarter 1998-99 of the Chief Minister's Department, which, in a summary of the performance on major outputs, provides the background information that one could use in this extrapolation.

Mr Humphries drew attention to the fact that this proposal was a recommendation of the Estimates Committee. It was a sensible recommendation, based on the understanding that the departments could quite easily provide this sort of information. The additional information which is called for in the amendment to the principal Act proposed by Mr Quinlan is being sought merely to make this Government more open and accountable. It is being sought to make its budgets more open and accountable. Those of us who have been here over a period of time would know that there has rarely, if ever, been a budget that was immediately comparable with the previous one. It seems that at hand is a bunch of people in Treasury who work to make it more difficult to compare them. It has never seemed to me to be the intent of Treasury officials to make these budgets more open.

This proposal is a genuine attempt to make budgets more open and accountable. Mr Humphries' response, of course, is a pleading not to expose the Government further in relation to this budget material. We always ask ourselves how useful are the budget papers, how they immediately represent the Government's performance on the previous budget and how the budget which is being put forward will deliver for the community. Quite often, the confusing matrix of figures which is put forward by Treasury in the budget papers does not mean a lot to the ordinary punter in the street. But the outputs mean a lot to them and the people in this place who are considering what, essentially, is a draft budget.

Let us put aside the nonsense about this being the first time that there has ever been a draft budget. In the past, each budget was, potentially, a draft budget, because if the message went through to the Executive that it was not going to be passed they would soon change it, as they have in the past; so let us not claim that there is something new and innovative about the approach which is being taken on this matter.

I may have more to say at some later time and in another debate in relation to the strategy that is being adopted by the Government, but having a draft budget is not being innovative in the sense that past budgets were able to be treated as draft budgets and have been on one or two occasions. Governments do not put forward budgets which they think will not pass the Assembly, not if they are sensible and want to stay in government.

Mr Humphries said something about information being unused or irrelevant. Information on outputs is precisely the sort of information that the community wants to see when considering a budget. It is precisely the sort of information on which the elected members can assess the Government's performance for the previous financial year and upon which they can base the expected performance of the budget before them, which is an important matter. It can be very dangerous for the Government, because if they make these sorts of predictions and they do not come to fruition they will be criticised. Treasury will be saying, "We do not want to be more open and accountable on this score. Minister, you could find yourself under the microscope being more closely examined, even more intensely focused, if you provide these figures and you are not able to deliver according to the extrapolation. You will have to explain yourself". There is nothing wrong with that. If you have to extrapolate your performance figures for the remaining portion of a financial year and you are not able to deliver at some time in the future, you should have to explain yourself. I do not see anything wrong with that. That is part of being open and accountable.

The Government's reaction to this Bill has been quite extraordinary, given the claims in the past that this Government was open and accountable or that its wishes were to be more open and accountable. If it really wanted to be more open and accountable it would have leapt to the defence of this Bill.

Mr Speaker, I remind members that the Bill provides that the proposed budget shall be prepared in a form that facilitates a comparison, in respect of outputs, between the proposed budget and the budget for a department for the previous financial year - that makes sense - and the expected whole-of-year results for the department for the previous financial year, which is something that we would not know at the point that the budget is tabled. This Government has always said that it is focused on outputs. How many times have members heard the Chief Minister say, "This is not about inputs; this is about outputs. This is about what we produce for the community. This is not about all of that other nonsense. This is about the sorts of services that we deliver for the community."?

An incident having occurred in the chamber -

MR SPEAKER: Order! Remove that man, please.

MR BERRY: Mr Speaker, this is about outputs and this is about requiring the Government to demonstrate that it is prepared to be open and accountable in respect of outputs.

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Against the background of the claims by this Government on behalf of its Ministers that it wants to be more open and accountable, if I hear Ministers bleating in this chamber about the requirement to provide additional information, I will feel like puking. We are calling you on this one. It is something that has been recommended by the Estimates Committee, I suspect by all of members of it, and it is a sensible measure of which the Government, if its claim about openness and accountability is genuine, would be supportive. I rather think that this is, as I said earlier, code for saying, "We do not want to expose ourselves to any more scrutiny. We do not want to explain where we have not performed in accordance with our predictions. We do not want members of the Opposition and the crossbench to put us under the microscope any further in relation to the performance of this Government on outputs".

Mr Quinlan's Bill seeks to put the Government under the microscope further and to demonstrate to the community which elects us and pays for those services that the Government is prepared to provide information which is relevant. I raise again the point that I made a little earlier, that is, that the outputs are the issue that is most relevant to the community. That is why it is extremely important that outputs are mentioned in the context of the budget documents, that is, outputs for the current financial year. That involves the extrapolation of figures which are already collected by the Government.

I go back to the earlier point that I made in relation to costs. It is always a tactic used by the Government to say, "We cannot do that because it would cost too much". That was not something it bothered about when it committed the Territory to something like \$70m worth of expenditure over a period of time for the Bruce Stadium. It has not been something that the Government has been particularly concerned about when it has committed the Territory to other grandiose plans and expenditure throughout the ACT.

For an expenditure of \$100,000, if that would be the cost - we will take it at face value for the moment - to be used as an excuse to avoid accountability is just a joke, given this Government's appalling performance on expenditure on grandiose plans in the Australian Capital Territory. If anything, any additional means of scrutiny which puts this Government under the microscope is extremely important. Governments that have performed like this one cannot escape scrutiny. They have to understand that their Government is a minority government and that the Opposition and the crossbenchers will want to place them under the microscope even more, given their record. It is the Government's form, their background, that really drives us to make these sorts of amendments. It would be an irresponsible opposition and set of crossbench members that allowed a government that performs like this one to escape further scrutiny. That is why the Estimates Committee has made this recommendation. That is why it needs to be supported.

Mr Speaker, this Bill involves the extrapolation of information that the Government already collects. Mr Humphries' bleatings on this subject were unimpressive. Evidence of the inability of the Treasurer to carry the argument on this issue is his refusal to bring forward the details of the costs that he claims will occur. Again, if this had been a favourite little project of the Government, you would not have heard a murmur about the possible costs. I would urge members to discount anything that Mr Humphries has said in relation to costs because - - -

Mr Corbell: You can discard everything he says anyway.

MR BERRY: A helpful interjection from my colleague would suggest that we should discount everything that he says. I think there is some weight to that argument. At the very least, you have to discount any claim that members of the Government make about openness and accountability as they have stood in opposition to this extremely important amendment which will assist the community to understand the Government's performance. It is extremely important, given the performance on expenditure that we have witnessed in this Government's period of office.

MR SMYTH (Minister for Urban Services) (11.21): Mr Berry opened his remarks by stating that all the Government had to do was to extrapolate the figures for a further quarter. Mr Speaker, the data that will be available for the draft budget that we are currently putting together will be for only the first quarter of the financial year. In fact, what you would have to do is extrapolate potentially the three quarters remaining. That is interesting for somebody with the department that I have, as a large amount of the work that my department does is based on the time of the year and the climate. For instance, we have much heavier expenditure in the second and third quarters than we do in the first.

The first point that Mr Berry makes is just wrong. It is not a simple case of extrapolating the figures for the last quarter. You have to take into account the whole of what Urban Services does. For instance, the best time of the year to do line marking is in the warmer months and the best time of the year to reseal is across the Christmas period. Quite clearly, the heaviest time for doing the mowing is through spring and summer. So we are wrong right from the start.

Mr Speaker, what we have here is an amendment seeking more information. When the Government introduced the financial management reforms that it has made it actually ensured the provision of unprecedented levels of information to this Assembly. I suspect that the information being provided is more than many of the members opposite can cope with. This Government started providing financial information on an accrual basis and performance measures on thousands of government services. We have put in details of the forward estimates. The list goes on and on.

Every year since 1996 we have increased the level of information in the budget papers. We have now what I believe to be the most comprehensive set of budget papers of any jurisdiction in the country. They do leave those of many other jurisdictions way behind. It is not just the information we have in them; it is the actual access to them. Putting the budget on disk has allowed even greater access to and use of the budget papers because, of course, anything that is computerised can be searched. I think it was Mr Corbell who made the comment here that the search function on his computer had made using the budget papers even easier.

Not only have we provided more information for all who wish to use the budget papers, but also we have made it easier to access them by the use of CD ROM. That is where the budget is at. But in addition to the budget papers there are the monthly financial management reports and the quarterly performance reports that are already being tabled in the Assembly. Mr Speaker, we provide an amazing amount of information.

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On top of that, the Government has agreed to provide to the Assembly copies of the monthly ownership reports for the Canberra Hospital, in addition to the quarterly data reports and the monthly activity bulletins. Information is coming out of our ears, Mr Speaker.

As far as this amendment is concerned, those opposite know very well that the information required through this amendment is available to the Assembly under the Financial Management Act on a quarterly basis. It is already there, Mr Speaker. It is not a case of being afraid to provide the information, as has been said; the information is already there. What we need to know is whether those opposite are willing to use the information. They have already got it, but they do not seem to realise that. They choose to ignore that fact or they choose simply not to use it. The information is there, provided quarterly. The Government is open and the Government is accountable.

Mr Speaker, you have to question the purpose of legislation that requires the inclusion in the budget papers of information which is of limited quality. For instance, as I have said, in the lead-up to the draft budget we will have only one quarter of firm data; so it will be of limited quality. The information is already available elsewhere, of better quality, under existing legislation. Under the Financial Management Act it is delivered quarterly and it is there for all to use. As the Treasurer suggested, there would be considerable cost involved in adding this data to the budget papers. We have come to the stage where one has to wonder where the quest for information - seemingly only for information's sake - stops.

Every year we hear how people find it hard to access the budget, how they have not been able to use it. Perhaps they are trying to hide and cover up some of their own inadequacies in dealing with this information by constantly asking for it to be provided in a different format, in more places, with additional notes. We have come to the stage where, every time the Opposition have to go to a document other than the budget papers, they have to seek an amendment to legislation.

I think we have to ask ourselves in the Assembly whether the costs involved are justified by the quality and the usefulness of the information that this amendment will bring forward. In fact, the Assembly needs to ask itself whether it is making full and best use of the information that it already gets before it supports any legislation for more information.

Mr Berry started off on the wrong foot; he got it wrong again. He was wrong because he said that it was simply a matter of just adding in an extrapolation for the last quarter. As the Treasurer said, that is clearly not so. You really have to query this Bill and the way that it is being delivered. Mr Speaker, the Government will oppose the legislation.

MR HARGREAVES (11.27): I am a bit amazed that the Government is opposing Mr Quinlan's amendment to the legislation because - - -

Mr Humphries: No, you are not.

MR HARGREAVES: Thanks for the entertainment, Mr Humphries; I appreciate it. We have got off on a really good footing today. Thanks very much for the light humour. I wish to refer to undertakings that Mr Humphries, in his capacity as Minister for Justice, has given on transparency, openness and accountability in relation to the new prison that we are going to get and his commitment to making sure that people do not hide behind commercial-in-confidence protections. There seemed to me to be a willingness on his part to say that, where we have significant expenditure, significant outputs and significant outcomes, all those people who have a need to know something can get the information easily. After all, Canberra is supposed to be the clever, caring capital and the Government is supposed to be a clever, caring government. We know how clever it is!

The technology is available for the extrapolation of this sort of information. When I was asking for a breakdown of the expenditure within the Emergency Services Bureau, I was told that it could not be done. Perhaps the real reason for the Government not wanting to provide the information is, in fact, that they do not know how to use the systems already in existence which can provide that information. The Oracle system, for example, is quite capable of doing it.

Mr Smyth had a go at my colleague Mr Berry about having to extrapolate information on three or four things. What an absolute load of fiction that was. One of the reasons the hospital is in so much dire trouble and has been for quite some time is that the financial managers extrapolate figures using straight line budgeting. They get all the magic figures and extrapolate them in a straight line, and then we have the pieces of fiction that the Minister for Health comes out with, saying, "The world is going to end on Thursday because the hospital is going to be \$10m overspent". Lo and behold - with a click of the fingers - the following month it is only going to be \$7m over. Why do you think that is? It is because he has used a straight line budget to suit himself.

The hospital has been there since 1974. I can tell you that that is a reasonable period in which to have developed the seasonal ebbs and flows of your budget. Any suggestion that the accrual accounting process might interfere with that sort of business is a load of fiction as well. It can be done. We have the technology. We talk about how much money it would cost us to report in this way. It would be interesting to know how much money has been spent by the hospital system particularly and the government system generally on developing its financial reporting systems.

I do not believe, for example, that the ACT Government's financial reporting system could be anywhere near as poor as those of the Australian Federal Police in their reporting to us on our policing arrangements. I could not possibly believe that. Having worked within it, I can tell you that it is pretty good. Only an incompetent finance manager cannot tell you how his budget and how his outputs and outcomes have progressed over the last four or five years and give you a reasonably accurate forecast on where they are going. If we have a clever government and a clever Public Service, I do not see how they cannot do it. I do not believe that at all.

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Mr Smyth talks about the information being provided in the quarterly reports. Some of the information is provided in the quarterly reports, but it does not necessarily line up because, as you know, Mr Speaker, the only consistent thing about our financial management systems and reporting has been the rate of change they have experienced over the years. Mr Quinlan is trying to get a very clear picture for anybody to see and compare performance. It is not too big an ask. In fact, if this clever Government were to think seriously about it, perhaps it could get rid of a whole stack of reports that people cannot read through because of the provision of this information. That would not be a problem, I would have thought.

There has been talk that it is going to cost \$100,000 to provide this information. I am afraid that I do not accept that argument at all. I think that it is a spurious argument. We have acres of economic modellers within what I presume is now called the Treasury. That is its name this week, Mr Speaker; God knows what it is going to be next week. We have acres of them, but they cannot do any sort of economic modelling, it would appear, because we have asked for this sort of information before and the Government just cannot provide it. I know a couple of them, actually, and they are quite capable of doing it as part of their normal job. If they are not doing it as part of their normal job, this Government is particularly poorly advised.

I have to tell you, Mr Speaker, that if I were the Minister for Urban Services or police and emergency services, I would be expecting that information to be provided to me, because I could not manage the portfolio without it. If it is available to the Minister to manage the portfolio properly, it would be a small quantum leap to whack it in the budget papers.

There is another thing to consider, Mr Speaker: Members of this Assembly, by and large, are not endowed with accounting qualifications. Only a couple have them.

Mr Berry: We have personalities instead.

MR HARGREAVES: Thank you very much, Mr Berry; the point is taken. Those who come from that sort of background know how to wade their way through some of these things, but it is still an arduous task. But spare a thought for those members of this chamber who are not trained in accounting and who do not have the public sector skills of report analysis. They need to be provided with the information in such a form that it is easy to read, easy to comprehend and easy to equate with what they expect government to do and to have done.

I think it is only reasonable that we assist those members and, I might add, their staff, because members rely on their staff. I do not know how many members of the crossbench and my own party have staff who have accounting qualifications or particularly strong skills in this area. I know that there are some, but I would suggest that not all of them would.

It would be helpful to this Assembly and probably it would be less inflammatory and we would have fewer blues in this chamber if the information was that transparent. Having comparative information in a report as significant as the budget paper should be a prerequisite, it should be automatic, unless we have something to hide. I do not think

for a minute that that is correct. I am sure that, as a general thing, the government of the day has nothing to hide particularly. Generally speaking, they have something to hide specifically. I can say that it is dead easy to do that; you can easily hide that in the budget papers anywhere you like.

The only reason I can think of for this Government's opposition to having comparative data in the budget papers relating to outputs and outcomes, as well as financial expenditure, is that they have something to hide in a global sense, that they are incompetent themselves because they cannot read their own financial information, that they do not have faith in their own financial management systems, such as Oracle, or that they are just being difficult for the sake of being difficult.

Mr Speaker, I would urge members of this Assembly to support Mr Quinlan's Bill. I do not perceive it as an attack on the Government. It is merely a measure for saying, "Let us get a few things out in the open. Let us take a couple of issues off the battlefield and let us allow members of this Assembly to discharge the duties that we were all elected to discharge".

MS TUCKER (11.36): The Greens will be supporting this Bill. The budget papers, by their nature, can be difficult to understand and it is important that as much meaningful information as practicable be provided within the papers so that members can give the budget the close scrutiny it deserves. Mr Quinlan's Bill seeks to implement a recommendation of the last Estimates Committee. Having been on a number of estimates committees, I know what a frustrating process it can be when you attempt to compare expenditure in the proposed budget with that of the previous financial year. That is further complicated by the fact that the outputs and expenditure listed in the previous year's budget are not necessarily what we end up with at the end of that financial year.

Mr Quinlan's proposal that the departmental output statements include expected end - of - year results would provide greater transparency to the budget and, hopefully, make the Estimates Committee process easier in future years. I recognise that these end-of-year results will be only a prediction, but they are better than there being no information at all. I also believe that it is better for members to have all this information together in one place. Mr Smyth said that we can find it. There is a lot of information that we can find, but the workload that we have as members of this place, particularly members of the crossbench, means that it is not always possible to find it and it is important that the Government facilitate in any way that it can the opportunity for crossbench members to access information. That is the basis of this request.

I note that the budget papers for 1997-98, the year after the budget was first produced using accrual accounting, did include projected outcomes for 1996-97 as well as the 1996-97 targets from the previous budget. That appears to be what Mr Quinlan is calling for. The projected outcomes column has been dropped in later budgets. That shows, however, that it is possible to include projected outcomes in the budget papers if the Government is committed to it. I understand that most of this information is already gathered within departments as part of the monitoring of their activities over the year. I accept that there will be some cost in bringing this information together in the budget papers, but I think it is worth it.

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I can see a complication, however, in what Mr Quinlan is proposing, with moves by the Government to introduce a draft budget in January. Obviously, there is little point in providing projected outcomes so early in the financial year for the draft budget. But I think there is still value in providing these projected outcomes in the final budget when it is tabled in May so that the information is available for the Estimates Committee. Overall, I think the Bill is improving government accountability and deserves support.

I noted that Mr Humphries made the claim we often hear from the Government that never has there been as much information produced or provided in this place as there has been since they introduced accrual accounting. I think it is important to note that not all economic commentators agree with that particular point of view. I think it is about time it was challenged in this place. I have challenged it consistently on the ground that it does not take into account, once again, what are seen as externalities in this accounting system, that is, the social and environmental liabilities that we are accruing and those aspects of broader social policy, quality and so on which are so critical to good governance.

I would like to quote a comment by Kenneth Davidson of the *Age* newspaper. He said:

There is nothing in this reform program designed to show whether the government is creating a fairer society, or any recognition that the way government outlays are structured affects economic growth. The focus is on efficiency - narrowly defined. The relationship between how taxes are spent and the impact of those expenditures on resource allocation, income distribution and the growth of the whole economy, is ignored in favour of an obsession with private sector benchmarking which can be relevant to the operations of GBEs, but is rarely relevant to the operations and objectives of general government.

I will also quote a comment on accrual accounting by Ronald Ma and Russell Matthews in the *Australian Journal of Corporate Law* in January 1993:

For example, the use of an accrual accounting operating statement to measure departmental performance and the relegation of program-based or activity-based reports to notes in the accounts will place greater emphasis on irrelevant aspects of performance and a lesser emphasis on effectiveness of service delivery.

They wrote that an accounting system is not a value-free system and that the rules and practices of an accounting system reflect a particular world view. Obviously, the Greens have put a different world view consistently since we have been in this Assembly. We must remind each other in this place that an accounting system is not value free. The Government needs to start addressing this issue, instead of coming out with the rhetoric about accrual accounting which has been challenged here over the years.

The budget information that we are provided with has not met the expectations of members. There has been considerable concern about the lack of consistency from year to year. Initially, it was because we were in a period of transition to accrual accounting and it was very hard to compare results from previous years because of the difference in the systems of accounting. We thought that the situation would improve, but there have been changes consistently from year to year and we are still having a great deal of difficulty in making comparisons. Mr Quinlan's proposal today is some effort, some attempt, to make it more possible for the members of this Assembly to gain real information and get a sense of what the Government is actually achieving.

MS CARNELL (Chief Minister) (11.43): Mr Speaker, I find this Bill unusual to say the least. I was very interested in Mr Berry's comments, because I do not think Mr Berry understands what we put on the table now. Mr Berry gave a speech about accountability and how this was a government that talks about an outputs-based budget all the time, and this was us somehow moving away from that. That is simply not the case. It tends to be showing an Assembly that has very little understanding of what outputs-based budgeting is.

I hope Mr Quinlan does understand it, which is the reason I find it interesting that he should put forward this piece of legislation. Unless it was simply to play politics at a particular time of the year! It is important to run through what is actually put on the table now. When we bring down a budget, as we did earlier this year, what is put on the table for everybody, on an output class and an output base, are targets for this financial year. In this case we will use output 1.1 which is public sector management.

We aim at having nine customer service programs during this financial year. It also gives the figures for last financial year, 1998-99, which show five projects. What we did last financial year, and what we are planning to do this financial year, on an output base, is already on the table. Tomorrow I will table the Chief Minister's Department's annual report. In the annual report, in that same output, public sector management output 1.1, what will be tabled right across the Government is a report of what the original target was. On that particular output customer service program we were projecting that we would have five projects during 1998-99.

In the annual report for 1998-99 it lists the original target and what we actually achieved. So if we amended the target during the year, it is listed. If there was a variation, and then an explanation for that variation, it is already on the table. So the outputs are there. The reporting against the outputs is there already. Any changes in output during the year are reported in the annual report. Any reason for the change in the output is reported. What Mr Quinlan is after here is that information that is in the annual report, but earlier. So what Mr Quinlan would like is when we put out - - -

Mr Quinlan: Projection, not result.

MS CARNELL: Sorry, no, that is it. When we put our draft budget on the table in January, he will want - and the target in that particular output class is to have nine customer service programs this year - us to determine whether we are going to achieve those nine in this financial year. We have to look at the information the Government will have to go on.

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We will have one quarter, the September quarter. I do not know, but, say, we have done eight customer service programs, eight of the nine were done in the first quarter. Does that mean that we are going to do a huge amount more in that area than we anticipated? Possibly not, because we might do all of our customer service projects in the first quarter.

Similarly, with Mr Smyth's area, we know most of our road surfacing and painting are done in the second and the third quarters. So he might be anticipating 500 occurrences of service in, say, road painting or markings. In the first quarter we potentially have done 10. Because it is cold and it is not the time of year we do not do it. Trying to predict a full year outcome on one quarter is useless information to everybody because, obviously, we will still be attempting and planning to achieve our budget targets. What the Assembly is likely to get is the budget targets. We are still planning to do that, Mr Speaker.

I am saying to the Assembly: Please have a look at what you already get - outputs, reports against outputs, reasons for variations on outputs. What Mr Quinlan wants - and I think Mr Berry summed it up - is for us to try to predict in January on one quarter's results what our full year output would be. And then to criticise the Government if we do not achieve it. That is fine, except you can already do it in the annual report. The Opposition and the Assembly will need the annual report to determine what our full year output results were.

So it achieves nothing. If we predicted that we were going to do nine customer service programs in January in line with our budget prediction, Mr Quinlan would not know if that was right or wrong until he got the annual report in September or October. So what have we done this exercise for?

Mr Quinlan: Nothing.

MS CARNELL: For nothing. Not even the political benefit that Mr Berry thought we might have, because they will not have the information to determine whether we were right or wrong in our predictions in January, until the annual report. And in the annual report we are going to report against our outputs and our output results as well as our original targets, anyway. Now, if we could just get the Assembly to look at these papers, and look at what we are actually providing, everyone would see that what we are talking about here may be a cheap political go, to try to make Mr Moore say that they are not going to do as many hip replacements as they thought, or something.

But we do not know in January. We will be attempting to reach our budget targets, Mr Moore, will we not? Of course we will. And Mr Quinlan will not know if we were right or wrong in the prediction we put on the table in January, until September/October when he gets the annual report. So can we all just have a look at this seriously and determine whether we are spending taxpayers' money for no purpose at all? I am sure that Mr Kaine will understand this totally. Again I make the point: The information we put on the table in January, when we predict the output outcomes for this financial year against our budget, cannot be determined as to whether they are right or wrong until the annual report, anyway. And then we will, and do, report against them.

Mr Moore: Mr Kaine knows that.

MS CARNELL: I am sure that Mr Kaine understands that is the case and will see that this is just spending taxpayers' money for absolutely no benefit. Unless Mr Quinlan and Mr Berry are going to try to pretend that the first quarter figures can be multiplied by four!

Mr Quinlan: No.

MS CARNELL: Whatever comes in the first quarter is not a quarter of the year. Of course, it is not. It is not in virtually any area at all. So on that basis, could we just please concentrate on this and look at what we are actually doing. I am sure the crossbenches - - -

Mr Berry: That is not what I said.

MS CARNELL: I did not say you did.

Mr Berry: Yes, you did.

MS CARNELL: Mr Speaker - - -

Mr Berry: That is why you are not Treasurer any more.

MS CARNELL: Mr Speaker, it is not what I said. I said, unless those opposite were trying to suggest that the first quarter results were somehow a quarter of a full year, then they will achieve nothing with this piece of legislation. They will not be able to, Mr Berry, assess whether we were right or wrong in our assumptions until the annual report comes down because you do not get final reports against outputs until the annual reports come down.

Mr Berry: We are talking about the budget, ma'am.

MS CARNELL: You will not be able to assess, Mr Berry, whether the projections you are asking us to put on the table in January, or whenever the draft budget comes down, are right or wrong, until you have the annual report.

Mr Berry: Well, perhaps we should not pass the budget until then.

MS CARNELL: Until you have the annual report. But that has got nothing to do with the budget. I am trying to be simple here and make it clear why this is potentially Mr Quinlan after some cheap political points. But I do not think he will even get those. I do not know what he will be assessing the figures that he gets against, until he gets the annual report; at which stage he would have a report against the outputs anyway.

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MR MOORE (Minister for Health and Community Care) (11.54): Mr Speaker, I think the Chief Minister and others have explained very clearly why it is that this information will not be useful information to the Assembly. It is really important for members to recognise that in a minority government they have significant rights that are not available to members in other jurisdictions. This Assembly has, by and large, handled those rights very sensibly. But as is always the case, with rights go certain responsibilities - the same responsibility that we make whenever we deal with the budget, whenever we are making budgetary decisions.

Are we spending money in a cost-effective manner? The most important thing - I know Mr Kaine would recognise this and Mr Rugendyke has taken it into account on many occasions - is: Are the decisions cost effective? That is the crunch because it is a very easy argument to say we should just have more information. You can always say we should have more information. But what is becoming very clear is that information often does not add anything or help people understand what is going on.

The Chief Minister has explained very clearly why that is the case. I know Mr Berry misunderstood it. His speech reflected lack of understanding. When this was originally recommended, what was missed was the fact that we were going through a draft budget process that overlaps what is being asked here. The process for a draft budget is much more important than the one here.

We normally make decisions - and the way Mr Kaine has made them from the time he was Chief Minister - is on a cost-benefit analysis. What are the benefits of getting this information and what are the costs? On my table today is some information about the costs of providing information to the Assembly. It is an appropriate cost, by the way. We should meet that and nobody has resiled from it. But with having a right to be able to demand information, as each member here should be able to, goes the responsibility of making sure that, when you are demanding information, it is actually useful information. There is never a situation where any member here asks for something and we do not give it. That is largely true in other areas, with the exception of issues of commercial-in-confidence. Often on a confidential basis we will provide information to members. The question is whether it is time to take a responsible attitude and say we are not just going to keep asking to use up public servants' time to provide unhelpful information - to force that information to come out every time, as opposed to asking for it at a particular time for a particular purpose, which is an entirely different matter.

The hospital is a good example. There was a problem with the hospital and members asked for information about a projection and so forth on the hospital, and it was provided. Nobody has a difficulty with that. Members have to recognise that they get a huge amount of information. It is incumbent on you to ask yourselves how much of it you read and how much of it you use, as opposed to how much of it you file and refer to later, all of which could be done by a question on notice if you want to do it in a formal way. But informally members do it regularly. We are very rapid in our responses to you. We actually get information back to you. On a cost-benefit analysis alone, this legislation should not be supported.

MR KAINE (11.59): I had not intended initially to speak on this matter because I thought it was a pretty straightforward one. But I am having difficulty. One side of the house is saying, "We want more information", and the other side is saying, "It costs too much and is too difficult to provide". So where do you come down in an argument like that?

I can understand the Government's position. It is true that the provision of information costs money. Producing budgets costs money. Producing quarterly reports costs money. Producing any kind of a financial report costs something. So what do we as an organisation believe is a reasonable cost in order to ensure openness and accountability of government?

I can understand the Government's position. They do not particularly want to be put to the task of having to prepare more information in different formats on the one hand - and they have a point when they say that it costs more money to produce that - but, on the other hand, the role of this place is to ensure openness and accountability on the part of the Government.

When we are asked to make decisions about budgets and other matters up for debate in this place, we should be sufficiently informed to be able to make contributions and come to a reasonable decision. Mr Humphries said - I am paraphrasing - "We are actually getting more information of a budgetary nature than ever before".

I have not attempted to quantify that. He may be right. But more information of itself is of no value unless it is informative. It is a question of the quality of the information provided. I have been a member of estimates committees, off and on, for 10 years now in the life of this place. The big difficulty for estimates committees has always been that you do not have an ability to compare this year's budget with last year's and see what has happened in the meantime.

The budget format changes. The organisational structure of the Government changes. So you cannot get a direct comparison between an organisational entity last year and an existing organisational entity today. There is always this question: "Do we have enough information to do year-to-year comparisons?"

What Mr Quinlan is seeking is the ability to do that sort of comparison. He is saying that when we look at the budget for 2000-01, starting in January next year, he would like to have some indication of how far the Government has managed to get with implementing this year's budget, because that can have an impact on next year's budget. If they have not achieved their program objectives for this year, then they may have to roll over and become part of the commitment and obligation next year. I understand what Mr Quinlan was seeking. I think I described it reasonably accurately. And I understand the Government's position. Having been in both places, it is a quandary.

Having considered all those matters, Mr Speaker, on balance I have got to conclude - and this may disappoint the Chief Minister - that Mr Quinlan's request for more information, so that we can better assess the Government's performance and its budget for the next fiscal year, that Mr Quinlan's request is reasonable.

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I know that gives the Government a stitch in terms of work commitment and perhaps an added cost. But I am making a judgment personally that added cost is only marginal and that it is an expenditure that is warranted and justified in order to satisfy the members of this place. I have tried to think the thing through logically. On balance I come down on Mr Quinlan's side, and will support his amendment.

MR QUINLAN: Mr Speaker, I understand that not all members are present in this place, so I do seek - - -

MR SPEAKER: That is right.

MR QUINLAN: No, I meant in the immediate vicinity of this place.

MR SPEAKER: In the building?

MR QUINLAN: In the building. Therefore, I seek leave to speak without actually closing the debate and then adjourn the matter for resumption later.

Ms Carnell: You can adjourn and then speak this afternoon.

MR QUINLAN: Well, why not just finish off the debate right now and then have the vote?

Ms Carnell: Because it would be good for Mr Osborne to be able to hear your eloquent words.

MR QUINLAN: He probably will not be in the house. Well, first of all I do seek leave - - -

MR SPEAKER: Is leave granted for Mr Quinlan to do as he proposed?

Mr Moore: He can speak now and then speak again at a stage later.

Ms Carnell: What he wants to do is close the debate so that we do not actually have the capacity to speak again.

Mr Kaine: Mr Speaker, we have done it for Mr Osborne.

MR QUINLAN: I just want to speak, but not close the debate until Ozzie - - -

Mr Moore: Speak but not close the debate. If we decide we want to speak again we would have to seek leave. Harold might want to speak, or something along those lines.

MR QUINLAN: Well, I guess I will seek leave to speak again.

Mr Moore: Yes, seek leave to speak without closing the debate.

MR QUINLAN: Yes, okay.

Leave granted.

MR QUINLAN: Thank you, Mr Speaker. Thank you, members. Let me first address some of the things said during this debate. I refer to Mr Humphries' speech and Mr Smyth's speech, which was really Mr Humphries' speech anyway. Each based their speech on a massive contradiction. What they virtually said was that this would cause additional costs; on the other hand, the information to which I refer is already available. Mr Humphries claimed we have more information than anywhere else. I cannot see the concern in their particular addresses and their approaches. I can only understand that they were wishing to muddy the waters in relation to this debate.

The Government has indicated over the last year or so that it wants greater involvement of the Assembly in the budget process. In February this year we had a debate which effectively was contrived by the Government - a sort of a put-up-or-shut-up debate in relation to the preparation of the budget. And now we have the exercise about the draft budget.

I have to put on record that I am highly cynical about the motivation behind the draft budget process. I believe it is more about inhibiting comment on the actual budget by members than it is about accepting contribution to it before the event. Nevertheless, if we are to participate in that exercise, then we have not just the desire but the right to a reasonable degree of information.

The Chief Minister set out, I think deliberately, to confuse the debate by referring to annual reports which emerged some six to eight months after the budget was brought down; after we would be requiring information on progress. That was a deliberate red herring. Mr Smyth discussed it and said the information we might want would be merely extrapolation, which was useless.

I have to say Mr Smyth's contribution lacked considerable understanding of the process. I recommend that he go to some textbook and try to acquaint himself with the difference between data and information. Data is just a heap of numbers that measure some particular event, a process; whereas information is useful data. What I want is not increased data from this Government, at which they are quite adept. The data they produce is as much about trying to claim that they provide information. What I want is real information.

Referring back to Mrs Carnell's discussion on information in relation to annual reports: I would have the gravest of doubts about any Treasurer - or in this case, former Treasurer, now having ducked the job - who would rely upon the annual report published months after the end of the financial year as the sole monitor of delivery of outputs. She is asking this Assembly to rely upon the annual reports for last year that we have yet to receive, to monitor performance throughout the last financial year.

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If that is how she has operated, no wonder she has had to pass the mantle to somebody else. What we want is the Government's best estimate of what the outputs will be for the current year when we are receiving the budget for the next year. That is going to be the greatest indicator of the capacity of the administration to produce. We can have a department that half way through the year informs us that they have spent half their budget. They would be, by the standards of the former Treasurer and the standards of Mr Humphries and Mr Smyth, on budget.

But if they had not produced what was promised for that money, 50 per cent of the money and 50 per cent of the time, then they are not on budget. I think Mr Smyth has just showed his simplistic view of this. He actually accused people in this place of not understanding the process, while clearly demonstrating that he had not a clue himself. If I can borrow words from a former Prime Minister of this nation, "Silly boy". Dollar projections by themselves do not mean anything.

It devolves to nonsense if you do not know what you have got for it. You send someone out with a pocketful of money to bring home a certain amount of hardware, whatever it might be, and you ask them, "Did you spend all the money?". "Yes". "Oh, well, everything is fine". Or would you actually count what they brought home? If you are trying to project into the next year, would you not like to know the current information, the best intelligence on value for money on output in the prevailing year?

Those people over there are right to the extent that they say, "Some of the estimates you might get might be unchanged". I expect that. However, some of those estimates may be different. Unexpected events may have occurred to indicate that the budget is not going to come out with exactly the money spent and exactly the projected outputs received. That is common sense. I think it is fair to assume that not all of the unexpected events in a financial year occur on 30 June.

It is highly likely that they occur throughout the year. It is highly likely that the Government is kept informed of those events. If they are not, then they ought to resign now, because they are not doing their jobs. If we do not have Ministers who are regularly monitoring the expenditure of their department and its output performance, then they should resign. There are a couple of them today who have indicated by their approach to this debate that apparently they are not doing that. I suggest they take a good hard look.

We heard from Mr Humphries that this will cost the princely sum of \$100,000 - valuable resources consumed. I have a question. The Government happily imposes this year unilaterally the draft budget system. What is that going to cost? Is there any member of this house who believes that that process is other than a political exercise on the part of the Government to forestall criticism of the budget when it is finally brought down? I doubt it.

The Government is prepared to spend many hundreds of thousands of dollars on that exercise. The Government is also prepared to considerably inconvenience the non-government members of this house because of the timing of that draft budget, and

possibly inconvenience a lot of the staff of this Assembly, in an exercise which, as I have contended, is probably based on political motives far more than any desire for participation by the Assembly as whole in the budget preparation.

I have to say, Mr Speaker, that what I heard today from the Government in their argument against this process was disappointing. I am a little deflated inasmuch as I did not hear any cogent argument. What I heard was: "We can't produce the information. It's too hard. Anyway, you have got it to start with". Either way, one of those claims is right and one of those is not. I suggest the true picture is that we are provided with numbers in the regular reports and the Government does not stand by those numbers that we receive in the quarterly reports. If it does, it is then only a matter of transcribing those numbers, those forward estimates, into the budget.

It is only a matter of the Government having a little think, from time to time, about what is the likely outcome for the budget, for the given year, occasionally through the year. I thought that was what they did. I thought that was what they were here for. If the Government is at all fair dinkum in its claim that it wants participation from this place, then the Government should provide the information.

If they wanted our participation they would have been bending over backwards to provide that information in a cogent form we could all refer to, fit in our briefcases and take home so that we can read it into the wee small hours of the morning, for excitement. And when we actually do our work, we would have the information in one place. We would have the confidence that the Government has made its best effort to share with us the knowledge they have.

What this Bill is saying to the Government is: "We want to know now what you know now. If we are to join, we are collectively to become responsible for the budget and the outcomes, then we want as much knowledge as you have got". Everybody in this place is aware of the imbalance of resources between the government and non-government members of the Assembly.

Mr Hird: And the backbenchers.

MR QUINLAN: Particularly backbenchers, yes, Harold. So I have support over there. Everybody is aware of the difference in the availability of resources and support. You only have to look out that door, that corner, at question time to see the bevy of people there to support government. There is a fax machine; I think we tried a laptop computer at one stage; we were right up to date with the technology to assist the Government. They want to be in a position to forestall any criticism of, and genuine participation in, the process by members of this Assembly; then, at the same time, claim we are not involved, we do not have valid suggestions to make.

You cannot have it both ways. The massive contradiction in the arguments brought forward by both Mr Humphries and Mr Smyth and the deliberate red herring of annual reports brought forward by the Chief Minister are indications of the level of real information that person is prepared to visit upon this particular place.

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Question put:

That this Bill be agreed to in principle.

The Assembly voted -

AYES, 9

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

NOES, 6

Ms Carnell
Mr Cornwell
Mr Hird
Mr Humphries
Mr Smyth
Mr Stefaniak

Question so resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Sitting suspended from 12.25 to 2.30 pm.

QUESTIONS WITHOUT NOTICE

Bruce Stadium

MR STANHOPE: Mr Speaker, my question is to the Chief Minister. On 2 September 1997, the Chief Minister told the Assembly in answer to a question from Mr Whitecross that the direct economic impact for Canberra of Olympic soccer matches at Bruce Stadium would not be \$20m, as was then being reported, but would in fact be \$23m. On 2 October this year, the *Canberra Times* reported the Chief Minister's spokesman as saying that the economic benefit from the Olympics, based on crowds of 25,000 at Bruce games, had been estimated at \$100m. Can the Chief Minister say which figure is correct? If it is the latter, what has caused this dramatic increase?

MS CARNELL: It is very sad that those opposite do not read all of the information that is available. Mr Speaker, the difference between direct benefit and indirect benefit is fairly obvious. The direct benefit of the Games are the people who are actually here in Canberra buying meals, buying tickets, buying programs, paying for parking, paying for accommodation, catching taxis - all of those sorts of things.

The indirect benefits are significantly broader than that. In fact, various figures have been come up with by varying people, I have to say. But there are benefits in having literally billions of people - in cumulative terms, anyway - seeing Canberra and seeing the cameos, as they are called, of the national capital during Olympic events. I understand - and I stand to be corrected if the numbers are wrong - that SOCOG have already shot something like four cameos in Canberra to plug into various Olympic events. I am sure all of us remember seeing in Atlanta and Barcelona the wonderful little segments that they ran of the various cities that the Olympics were being staged in.

When you look at the figures for Barcelona - and I have not seen the Atlanta ones yet - you see a quite significant increase in tourism, not just during the Olympics but also after the Olympics as a result of the profile which the varying cities involved actually received during the Games. It was quite stunning. The benefits that run from the Olympics even now, Mr Stanhope - the visiting press, the visiting media delegations that have already started coming through Canberra to do reconnaissance visits in the lead-up to the Games, just to get a feel for the sorts of things they will be doing and the stories they are going to be able to run while they are here - are not insignificant. In fact, a Paralympic delegation will visit Canberra tomorrow to have a look at our facilities. A delegation from Brazil was here last week. Again, all of those things are quite definite economic benefits as a result of the Olympics. So, Mr Speaker, the two figures are quite definitely direct benefit and indirect benefit.

MR STANHOPE: My supplementary question is to the Chief Minister. In the Chief Minister's answer to Mr Whitecross, to the question which I referred to previously, she referred to an assessment of the economic benefits from the soccer matches that were then being undertaken by the Office of Financial Management in her department. Can the Chief Minister tell the Assembly whether or not the assessment proceeded? If so, will the Chief Minister table it?

MS CARNELL: Mr Speaker, I have to tell you that I am losing a lot of patience with those opposite.

Mr Stanhope: We are shattered.

MR SPEAKER: Order! So am I.

MS CARNELL: Mr Stanhope cannot have it both ways. He was out there - - -

Mr Hargreaves: Yes, he can.

MS CARNELL: Mr Hargreaves just said, "Yes, he can". He tries to, I agree, but I would have to say that it is not all right any more. You cannot get out there and say, "Yes, I support the Games," as Mr Stanhope did last week.

Mr Quinlan: Yes, you can.

Mr Corbell: Here we go.

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

MS CARNELL: Mr Stanhope is out there saying, "I'm right behind the Olympics", but at every opportunity he tries to undermine the whole process. I do not believe that is good enough. This side of the house totally supports the Games.

Mr Stanhope: No matter what cost.

MS CARNELL: We are right behind it. I would have thought that every parliament in this country would be right behind the Games. In fact, everyone is, apart from those opposite.

Mr Speaker, you just have to have a look around the other States that are hosting Olympic soccer or, for that matter, Sydney and the Olympics. Do we see their oppositions - Labor, Liberal or whatever - playing the sorts of games that those opposite are? No. Whether they are Labor governments or Liberal governments, the arrangements are the same. Hindmarsh Stadium has been upgraded. The Docklands is going ahead in Victoria, although I understand that they are going to have the soccer at the MCG. Lang Park, or ANZ Stadium, is being upgraded in Brisbane - \$200m in Brisbane; over \$40m - - -

Mr Stanhope: Did they break the law? Did they do it legally?

MR SPEAKER: Order! Mr Stanhope, you have asked your supplementary question. The Chief Minister is not in a position to say whether the Labor Government in Queensland broke the law or not.

MS CARNELL: Mr Speaker, all of those stadiums have been upgraded, and all at a significantly - - -

Mr Stanhope: Mr Speaker, I raise a point of order. I asked the Chief Minister whether she would table - - -

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

Mr Stanhope: Well, relevance then, Mr Speaker. The Chief Minister is making absolutely no attempt to answer the question I asked.

MR SPEAKER: The Chief Minister has not yet finished her answer. How do I know that she will not table something?

MS CARNELL: Mr Speaker, you do not see the sort of undermining negativity from Labor or Liberal governments in other States.

Mr Stanhope: That is right; they are competent.

MS CARNELL: I am pleased that Mr Stanhope believes the Kennett Government is competent and that the Olsen Government is competent.

Mr Berry: Compared to you they are.

Mr Stanhope: Mr Kennett is a paragon of virtue beside you two.

MR SPEAKER: Order! Interjections are not helping. You are deflecting the Chief Minister's answer as she responds.

MS CARNELL: Mr Speaker, I will finish by saying that we are right behind the Olympics. We believe this is an important project - - -

Mr Berry: And we are not going to answer any more questions.

MR SPEAKER: You will not have the chance to ask one if you keep that up.

MS CARNELL: This is important for Canberra, and I cannot believe that those opposite continue to try to undermine something that is probably the biggest single event this city will ever have an opportunity to be part of.

Financial Management Act

MR QUINLAN: Mr Speaker, my question is to the Treasurer. During this morning's debate on the Financial Management Act - and I will try not to reflect on the debate itself - the Treasurer was able to put an estimate of the cost of proposed changes to that act at \$100,000, as I recall. Can the Treasurer inform the Assembly of the Government's estimate or his estimate of the cost of the draft budget process to be introduced this year? To be fair, you can leave out the costs of the additional process.

MR HUMPHRIES: Mr Speaker, I cannot provide that information now, but I am happy to - - -

Mr Quinlan: Why?

MR HUMPHRIES: Well, I do not carry around costings for things that have not been costed. Mr Speaker, the Government was asked by this Assembly to produce a new approach to budgeting in the Territory and, in particular, to allow a process which permitted members of the Assembly to participate in the drafting of a final budget. That was an Assembly committee's recommendation to the Government. We believe it is probably going to cost a bit of money to do that. I suggest it would cost rather more than \$100,000, but we have accepted that the Assembly has put this forward as a reasonable proposition.

We see benefit in it. Providing members take the opportunity presented to participate constructively in the process - and I emphasise the word "constructively" - we think it is worth spending that money. If you want to know how much it is going to cost, I am happy to try to find out for you. But that was the request of the Assembly. Before we met a cost which was rather less demonstrably in the public interest, if I might reflect for a moment on the vote of the Assembly earlier today - - -

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Mr Quinlan: I raise a point of order, Mr Speaker.

MR HUMPHRIES: I will withdraw that if you wish. I suppose it is too late, as I have already said it.

MR SPEAKER: We will not allow that.

MR HUMPHRIES: Mr Speaker, we have indicated the costs of this exercise. We have costed it. If he wants us to cost this as well, we are happy to do it. But, again, the Assembly has asked us to do this and we intend to comply.

MR QUINLAN: I ask a supplementary question. Will the Treasurer attempt to offset the costs of these changes against the very considerable ministerial support budgets that exist today - something in the order of \$30m? I trust that you did reasonably well out of the change when you copped the Treasury portfolio. I hope you got some of the money out of the Chief Minister's Department to back it up.

MR HUMPHRIES: I do not quite understand the question, Mr Speaker, to be quite frank. "Offset it against ministerial support budgets". First of all, ministerial support budgets are not anything like \$30m. Secondly, costs associated with ministerial advice in many cases flow directly from requests and other requirements imposed on government or delivered to government through this Assembly.

One of the reasons that costs have risen in recent years with respect to provision of services to the Government in the chamber is that members are asking for more information than they were before, and we are providing more information than we were before. That is why those costs are high, Mr Speaker. Certainly more information is flowing now than was the case when Labor was in office, and, quite obviously, that is going to cost more money.

Will we offset it against ministerial support budgets? How do we do that? If we are having a draft budget, it means that Ministers, presumably, are going to front the various Assembly committees to explain the aspects of its budget with respect to those particular portfolio areas. There will have to be briefings and preparation for that, and that will be a higher cost. So I am afraid there will not be a reduced ministerial support budget; there will be an increased support budget, I would have thought, as a result of a draft budget. But, again, it is about including the Assembly in the process of formulating a budget.

You might not like what the Assembly committee recommended, Mr Quinlan, but you have also attacked us in the past for having ignored the results of Assembly committees. To quote the Chief Minister, you cannot have it both ways. You cannot say, "You have to treat these committees with respect, except when the Labor Party does not like the result, in which case you can ignore them". That is, as the Chief Minister said today, a classic case of having your cake and eating it too.

Mr Speaker, it is also worth pointing out that what Mr Quinlan describes as the ministerial support budget actually includes departmental support to committees, and there has been an increasing amount of that departmental support to committees as well. So, when you ask me about ministerial support budgets, ask yourself what you are spending in that area at the same time.

Mr Quinlan: It is your committee.

MR HUMPHRIES: No, they are your committees.

Canberra Hospital - Renal Unit

MR OSBORNE: My question is to the Minister for Health and Community Care, Mr Moore. I have forewarned him of this question. Minister, I recently received a courtesy copy of a letter sent to you, and I will briefly read it:

Dear Minister,

I have been prompted to write to you concerning the Renal Unit at the Canberra Hospital, initially because of disappointment that for the second time in two years my brother has been advised that he will be unable to dialyse at the Unit during the Christmas/New Year holiday period. He is 61 years old and lives alone in Sydney and must dialyse three times a week to survive. In order to have a break at all, even for a short time, it is necessary for a renal patient to apply three months in advance to another unit to request dialysis time. Although he applied at the correct time last year he was not able to be placed, and this year he applied much earlier and was advised before the end of August that he could not be accepted again because there was not even enough money to put on an extra shift and the staff was having trouble coping with the needs of local dialysis patients.

Minister, my question is this: Is it ever possible to make arrangements at the Canberra Hospital for relatives requiring dialysis during short stays? If so, what criteria and procedures are used in making arrangements? Finally, is the hospital properly coping with the needs of our local dialysis patients?

MR MOORE: I thank Mr Osborne for letting me know at the beginning of question time that he would be asking me that question. The dialysis service is currently functioning at capacity within its present resources, and that includes an increase in resources from the department to the hospital with regard to renal in the last budget round. I think it is worth making sure people understand that the Canberra Hospital does retain its capacity to treat emergency dialysis patients. So, when we are talking about emergencies, that capacity remains. But we have to remember that the dialysis service provided by and from the Canberra Hospital is the only dialysis service in the ACT and the surrounding region.

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With regard to the specific letter that you are talking about, my office has contacted the author - in fact, the husband of the author of the letter was the person who was home. We said that we are looking into that area and that we are trying to find out whether there is an ACT patient who will not be using the service at that time so that dialysis can be found for that particular person. But there is a series of problems within the dialysis area which we are trying to deal with. Demand fluctuates somewhat because, for example, when a person has a successful transplant, the service becomes more available. There are issues like that which need to be taken into account.

When demand reaches a peak, then we work with other hospitals around New South Wales and the region to try to ensure that we meet those needs. We find it is necessary on rare occasions to transfer people to Sydney, and that is done with the support of the hospital. We recognise that additional resources are required for that unit. In fact, a preferential reallocation of resources to the Renal Unit has meant the ability to advertise for an additional renal position. My understanding is that that advertisement is under way at the moment.

Secondly, additional support is being provided to assist with training over a two-month period. So we do recognise that the unit is at capacity, and we are working to try to resolve those issues. It is one of two areas where we recognise that, whilst the hospital's rectification plan is going on, there is a need for more financial support in order to maintain the health care that we need for that area.

There was a case - I cannot remember whether or not it was this particular case - where an indication was made by somebody that they would not be able to come to the Canberra Hospital because they were interstate. That is simply not the case. Under our health care agreement, we have to treat patients whether they come from interstate or not, but they still can be put on a priority list. That is not one of the criteria. So we are working hard to resolve that.

The other area in which we are seeking to ensure that we can maintain the best health care that we can is oncology. The legislation passed in the Assembly yesterday will assist in the very long term in reducing the number of cancer patients that go there. With a bit of luck and effort from this Assembly, in due time we might be able to reduce spending in the budget on that area because there will be less need for it. That is what we would all like to see, I am sure.

Supercar Race

MR HIRD: My question is to the Chief Minister, Mrs Carnell. I refer to allegations made in the media yesterday by Mr Corbell that the Government has entered into arrangements for a V8 supercar race to be held in Canberra on the Queen's Birthday long weekend next year by a company that has been deregistered. Can the Chief Minister inform the parliament whether this serious allegation is true?

Mr Berry: Mr Speaker, I raise a point of order. This question was fully answered yesterday. The Chief Minister came in, as you may recall, and gave us a full and complete answer in relation to this issue. It has been fully answered. So I remind you, Mr Speaker, that the Chief Minister came in here and answered the question.

MR SPEAKER: There was no question at question time in relation to this.

Mr Berry: Yes, there was, I am sorry.

MR SPEAKER: There was a question asked by Mr Corbell, but the answer was not given then.

Ms Carnell: Mr Corbell asked me a question. Mr Hird is now asking me a question.

Mr Hird: That is right, and I want to know the answer.

MR SPEAKER: Mrs Carnell may have made a statement yesterday, subsequently.

Mr Berry: Oh, no, Mr Speaker. Have a look at the *Hansard*.

MR SPEAKER: I will.

Mr Berry: Mr Speaker, so often this Chief Minister has said, "I have answered the question". Yesterday she did answer the question fully in response to a question that was asked. She went away and came back into this chamber and answered the question. The question has been fully answered, Mr Speaker.

Mr Moore: On the point of order, Mr Speaker: I presume Mr Berry refers to standing order 117(h): "A question fully answered cannot be renewed". The question from Mr Hird was whether or not Mr Corbell, in his media things yesterday, after question time, was doing a series of things. So this is a totally new question about Mr Corbell's behaviour and whether or not he has apologised. This is a matter that has not been fully answered - not at all.

MR SPEAKER: The Chief Minister, fortunately, is not responsible for Mr Corbell's behaviour.

Ms Carnell: Thank goodness for that.

Mr Corbell: On the point of order, Mr Speaker: If you are upholding Mr Moore's point of order that the question to the Chief Minister is in relation to my activities, then Mrs Carnell has no responsibility for my activities and she cannot answer that question.

Mr Moore: I think Mr Corbell is misinterpreting what I said, Mr Speaker. I said that there is a new element to this question. Standing order 117(h) says, "A question fully answered cannot be renewed". The question has another element to it, but it clearly is in the Chief Minister's portfolio area.

MR SPEAKER: As long as it does not involve - - -

Mr Moore: Mr Corbell's behaviour.

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MR SPEAKER: That is correct.

MS CARNELL: Thank you very much, Mr Speaker. I understand totally why those opposite would like to not allow this question to go ahead. Whenever a member makes a serious allegation about an individual or an organisation in this chamber, or indeed out there in the media, he or she must be accountable for the accuracy of those claims. After all, parliamentary privilege affords a member a level of protection that is not available - - -

Mr Berry: Mr Speaker, I raise a point of order. Accountability is usually judged by a substantive motion. If the Chief Minister wishes to move a substantive motion - - -

MR SPEAKER: I am watching this very carefully, Mr Berry.

MS CARNELL: Mr Speaker, after all, parliamentary privilege affords a member - - -

Mr Berry: Mr Speaker, I should draw your attention to the fact that you are responsible under the standing orders for the accountability of members, not the Chief Minister.

MR SPEAKER: Yes, I appreciate that, and I am watching this matter very, very carefully.

MS CARNELL: Mr Speaker, there is a standing order about behaviour in this house - - -

MR SPEAKER: Indeed there is; standing order 202.

MS CARNELL: Mr Berry would have to be extremely close to the wind. Mr Speaker, after all, parliamentary privilege does afford a member a level of protection that is not available to - - -

Mr Berry: Mr Speaker, I want to persist with this point of order.

MR SPEAKER: You are getting very close, Mr Berry.

Mr Berry: No, Mr Speaker. I have raised a point of order about the responsibilities of the Chief Minister, and one of them is not parliamentary privilege. Neither is it the responsibility - - -

MR SPEAKER: There is no point of order, Mr Berry. I must say that, under standing order 202(a), a member who has persistently and wilfully obstructed the business of the Assembly - - -

Mr Berry: I am not, Mr Speaker; I am raising points of order. I have the right to take a point of order at any time and as many times as I wish.

MR SPEAKER: Not if you are persistently and wilfully obstructing the business of this house. Might I suggest to all members that this question may take a long time to answer if we are going to continually have interjections. If you want to drag it out, that is fine. I will be watching what the Chief Minister is saying. She will not infringe. I have no doubt that she will not infringe by making any assumptions about Mr Corbell's behaviour. She is sticking within the rules of standing orders.

MS CARNELL: Thank you, Mr Speaker. I understand why those opposite would like this question not to go ahead. Parliamentary privilege is an important part of our system of government, and it is a privilege. There is an obligation upon all of us to be careful with the statements that we make as politicians, because in many cases we are dealing with people's responsibilities, reputations and livelihoods. I think some of us in this place forget this a little too often, particularly Mr Corbell.

Mr Berry: I raise a point of order, Mr Speaker. I think you made it clear that Mr Corbell's behaviour is not a responsibility of the Chief Minister. She is clearly abusing the standing orders by taking the approach that she is taking. You should call her to order if you want to remain independent, Mr Speaker.

Mr Humphries: Mr Speaker, I raise a point of order. Mr Berry has raised the same point of order three times in a row. You have ruled twice that he has no point of order to make and that you are going to listen to the Chief Minister's answer. Before the Chief Minister said any more than she said when she first rose, Mr Berry made the same point of order for a third time.

Mr Berry: No, I let her speak.

Mr Quinlan: About different material.

Mr Humphries: No, exactly the same thing, Mr Quinlan. He said it three different times in slightly different ways. At some point, taking those points of order repeatedly against your ruling is a breach of standing orders, and Mr Berry should be dealt with if he continues to take the same point of order on which you have ruled.

Mr Moore: Standing order 202(e).

MR SPEAKER: There is no point of order, Mr Berry. Interestingly enough, the question that Mr Hird asked could just as easily have been asked of me in terms of parliamentary privilege and the need for people to be careful in what they say. The question was asked of the Chief Minister. She is answering the question and she may proceed.

Mr Berry: What is her portfolio responsibility, Mr Speaker?

MS CARNELL: Mr Speaker, I have total responsibility - - -

MR SPEAKER: The original question that was asked of her.

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MS CARNELL: That is true, Mr Speaker. It was about the V8 supercar race, which comes under my responsibility. Mr Corbell came in here yesterday and asked me about the Australian Vee Eight Supercar Company.

Mr Stanhope: Good question.

MS CARNELL: Mr Stanhope says, "Good question". He made some very interesting interjections himself yesterday, Mr Speaker. In that question there were some serious imputations against the company involved. As members will know, I took the question on notice and came back into this place later in the day, before 5 o'clock as I recall, and answered Mr Corbell's question comprehensively. I made it clear that the company we were negotiating with over the right to host the round of the V8 supercar series had not been deregistered. I even produced a company search to back up my statement. So there was no doubt - no doubt at all - by 5 o'clock yesterday that Mr Corbell was barking up the wrong tree. In other words, he put wrong information on the *Hansard* in this place.

Mr Stanhope: He asked a question.

MS CARNELL: Mr Speaker, what I did not know was that Mr Corbell had already gone out and spoken to the media about the issue. If this was supposedly a question eliciting information, it is interesting that Mr Corbell would put out a media release and make comments in the media. I will just quote some of those comments. So much for asking questions, Mr Speaker!

To prove my point, let me quote from the WIN Television news last night, where Mr Corbell said:

This raises serious concerns about the Government's processes, and it raises even more serious concerns about why we entered into this deal and what will the cost be to ACT taxpayers.

In other words, Mr Corbell was publicly accusing the Government of engaging in improper conduct with a company that had been deregistered - no ifs, no buts. He was not out there posing questions, as he claimed; he was having a red hot go at this Government and a private company. But, wait a minute, by 5 o'clock, he knew beyond any shadow of a doubt - and so did Mr Stanhope - that we were doing nothing of the sort and that the company they were throwing innuendos at was the wrong company. But did that stop him from going out there and making a series of very serious allegations against both the private company and the Government? Did Mr Corbell get on the phone at 5 o'clock and ring up WIN TV and the other outlets and say, "Look, pull the story; I was wrong."? Did he come into this house this morning and get up, as Mr Smyth did yesterday - - -

Mr Hird: And Mr Hird.

MS CARNELL: And Mr Hird, to say, "Look, Assembly, I am terribly sorry, I was wrong."? No, Mr Speaker, he did not. Mr Corbell thought he could get away with it. He thought that no-one would pick him up on his glaring error. Obviously he was wrong. This is about as basic a mistake as you can make.

Mr Kaine: I raise a point of order, Mr Speaker. I draw your attention to standing order 55:

All imputations of improper motives and all personal reflections on Members shall be considered highly disorderly.

I ask you, Mr Speaker: Has the Chief Minister not been highly disorderly?

MS CARNELL: No.

Mr Kaine: It is very much a personal reflection on a member of this place.

MR SPEAKER: I draw the Chief Minister's attention to what Mr Kaine said.

MS CARNELL: I am happy to take that on board.

MR SPEAKER: Chief Minister, you are not in a position to judge why Mr Corbell did something or did not do something.

MS CARNELL: But I didn't. I have not said anything about that.

MR SPEAKER: You could speculate, but I draw your attention to standing order 55, which does not allow you to do that.

MS CARNELL: Mr Speaker, this is about as basic a mistake as you can make. If it were not so serious, it would be laughable.

Mr Berry: That is a personal reflection.

MS CARNELL: Mr Speaker, if that is a personal reflection, then those opposite will never be able to ask another question in question time.

MR SPEAKER: Mr Kaine was correct, Mr Berry, in drawing attention to standing order 55 and I have drawn that - - -

Mr Kaine: Mr Speaker, the correct interpretation of that is that the Chief Minister will not be in a position to deliver a homily on another member's questions. That is the point.

MS CARNELL: Mr Speaker, I have to say that this stands as one of the sloppiest pieces of work I have seen in my seven years in this place. In fact, the only other howler as good as this was the famous ACTEW - - -

Members interjected.

MR SPEAKER: Order!

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Mr Hird: Mr Speaker, I am trying to listen to the answer.

MR SPEAKER: I know. Order!

MS CARNELL: Mr Speaker, you will recall the famous ACTEW spreadsheet that was jointly produced by the offices of Mr Berry and Mr Quinlan. Remember that one? Mr Berry defended its accuracy for weeks until Mr Quinlan finally admitted that it was a stuff-up. In this case, what Mr Corbell did was search the wrong company. It is that simple. That is right; he searched the wrong company. Instead of searching the Australian - - -

Members interjected.

MR SPEAKER: Order!

MS CARNELL: Mr Speaker, this question has gone on for 15 minutes now.

MR SPEAKER: That is correct, and it will go on further if we continue to have these interjections. It will be a very long, drawn out question, to everybody's discomfort perhaps.

MS CARNELL: Mr Speaker, he searched the wrong company. Instead of searching the Australian Vee Eight Supercar Company, he searched AVESCO, another company that had been registered by the Australian Racing Drivers Club based at Eastern Creek Raceway in 1996. Had he contacted the ARDC, he would have found out that the company had been voluntarily deregistered by the organisation simply because they were not using the name.

Mr Corbell: I knew that.

MS CARNELL: He said that he knew that.

Mr Corbell: I knew they were voluntarily deregistered. I said that yesterday.

MS CARNELL: The wrong company though, Mr Speaker. If he had bothered checking by ringing the company that he thought he was searching, he would have found out. If he had checked the list of directors of the company, he would have found out that they were not the same directors as the directors of the Australian Vee Eight Supercar Company.

If Mr Corbell had done any work whatsoever, he would have found out that he was wrong. He did not do his basic homework, and he thought he could throw a couple of hand grenades into a public forum and get away with it. Let me quote from Mr Corbell's media release issued yesterday. He said:

The Chief Minister must answer numerous questions that have been raised in relation to the revelation -

“the revelation”, Mr Speaker -

that AVESCO, the Australian Vee Eight Supercar Company, was voluntarily deregistered in December 1998.

Not might have been, but was voluntarily deregistered. He then goes on to say:

Labor has conducted the necessary company searches, and these reveal that AVESCO has been voluntarily deregistered in December 1998.

Mr Speaker, no questions but the revelation. Is this excusable? No, it is not excusable. We on this side of the house accept that people do occasionally make mistakes in this place. What do we do when we make those mistakes? We follow standing orders and come straight into this place and correct what we said.

Mr Speaker, if I or Mr Humphries or Mr Moore or Mr Smyth or Mr Stefaniak said something yesterday in question time that was not right, what would we be doing right now? Would we be having question time? No. We would be debating a censure motion or a no-confidence motion if a Minister had said something that they knew to be incorrect and had not immediately, at the first opportunity, corrected it on the floor of this house. I asked Mr Corbell yesterday afternoon to apologise in the house. I put out a press release asking him again to do so. He has not even put out a press release to undo the damage he has done by misleading the ACT public.

Yesterday we had a censure motion of Mr Smyth, because he misled the ACT public, supposedly. That did not get up, but this press release obviously and categorically, in black and white, misleads the ACT public. The comments Mr Corbell made in this place yesterday categorically misled this Assembly, and he has not - - -

Mr Corbell: I raise a point of order, Mr Speaker. The Chief Minister can only imply I have misled the Assembly by way of substantive motion.

MS CARNELL: I am happy to withdraw, Mr Speaker.

MR SPEAKER: Thank you.

MS CARNELL: Mr Speaker, this was not in good faith; it was amateurish. But, most importantly, this degrades the whole reputation of this place. The rules that exist for government must exist for all members of the Assembly - and they do. We have standing orders to require members to correct statements that they make, if they were incorrect, at the first possible opportunity. What happens if they do not? They are censured or a no-confidence motion is moved.

I think it is about time that Mr Corbell got up - and he can do it under 46 or 47 or whatever he likes; we will even give him leave - to apologise for putting information on the record yesterday in this Assembly that was incorrect and for putting information out into the Canberra community that could easily have misled the public. I will finish my

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answer by asking members to consider whether this conduct by Mr Corbell fits into the definition of one of those vagaries of the Assembly mentioned by Mr Egan the other day.

Mr Kaine: You are not going to ask a supplementary after all that, Harold, surely.

MR HIRD: Yes, I am. Mr Speaker, I have the right, as does any other member, to ask a supplementary.

MR SPEAKER: You do indeed, Mr Hird.

MR HIRD: They may well try to stop me, but they will not. The truth will come through.

Mr Stanhope: Stand up for your rights, Harold.

MR HIRD: Thank you very much, Jon. My supplementary question is to the Chief Minister. Would the Chief Minister- - -

Mr Osborne: Sit down, big fella, sit down.

Mr Rugendyke: Shush, I want to hear this.

Mr Smyth: Go for it, Harold, Mr Rugendyke is listening.

MR SPEAKER: Order!

Mr Osborne: The big man's fired up!

MR HIRD: Be quite, Curly. My supplementary question to the Chief Minister is: Would the Chief Minister please table the press release which she referred to in her answer – an answer which was continually interrupted by those opposite, in particular Mr Berry and Mr Corbell, which I thought was very disingenuous? Also, if Mr Corbell is not big enough to apologise, do you think the Leader of the Opposition should do it on behalf of the ALP?

MR SPEAKER: Chief Minister, you may answer the first part of that question. The second part is out of order.

MS CARNELL: Mr Speaker, I am more than happy to table the press release and to have it incorporated in *Hansard*.

Leave granted.

The press release read as follows:

Simon Corbell MLA

Member for Molonglo

**UNANSWERED QUESTIONS ABOUT
STATUS OF V8 CAR COMPANY
AVESCO**

“The Chief Minister must answer numerous questions that have been raised in relation to the revelation that AVESCO the Australian Vee Eight Super Car Company (AVESCO) was voluntary deregistered in December 1998”, Labor’s Shadow Minister for Public Administration, Simon Corbell said today.

The questions that the Chief Minister must answer include:

Has the Territory entered into a contract with AVESCO (a deregistered company) as stated in the media?

Did the Territory undertake a company search to determine the bona-fides of AVESCO prior to entering into any contract?

What license fee is the Territory paying to AVESCO under that contract?
and

What are the implications for the Territory for entering into a contract with a deregistered company?

“Labor has conducted the necessary company searches and these reveal that AVESCO had been voluntary deregistered in December 1998”, Mr Corbell said.

“What is at stake here is the \$7m of Territory funds committed to the V8 car race for 2000”, Mr Corbell concluded.

MS CARNELL: Mr Speaker, I think it is also worth remembering that it was not all that long ago that Mr Corbell was subject to a motion in this place the last time he was, shall we say, free and loose with the facts with regard to the outages of electricity in Victoria. It seems he did not learn.

Bruce Operations Pty Ltd

MR KAINE: My question is to the Chief Minister, and I will word it very carefully because, if I do not, Mr Hird will ask a dorothy dixer tomorrow and I will get a lecture. So I am going to frame my question very, very carefully. My question relates to Bruce Operations Pty Ltd. On 24 August, in answer I think to a question from Mr Stanhope, after Ms Ford had been seconded to SOCOG, in connection with the membership of the board you said:

The Government is in the process right now of reconstituting the board.

Then later on you said:

Announcements with regard to those appointments should be able to be made in the near future.

That was on 24 August. Who are the directors of BOPL now, Chief Minister?

MS CARNELL: Mr Speaker, we have not appointed new ones, although some people have been approached and we are awaiting confirmation of their agreement to serve. You would have to say that, with the performance of those opposite, you can understand why some people may have to think about this seriously.

MR KAINE: I ask a supplementary question, Mr Speaker. If nobody has yet been appointed to the board, is the board operating with a director of one? And is that acceptable under the constitution of the company?

MS CARNELL: Mr Speaker, yes, it is operating. Ms Moiya Ford and Mr Lilley are the two directors of BOPL. These directors were appointed on 15 April 1999, after transfer from the directors of the then shelf company. That is the case at the moment. We are certainly planning to appoint further directors. Ms Ford will remain a director of BOPL until the new board is appointed.

Section 56, Civic - Tenders

MR CORBELL: My question is to the Treasurer. Can the Treasurer indicate how many public comments were received on the three short-listed tenderers for section 56 in Civic? What are the criteria for assessing those tenders? When does the Minister expect a decision to be made about the successful tenderer for section 56?

MR HUMPHRIES: Did you ask me how many short-listed tenderers there were?

Mr Corbell: No. How many public comments were received? What are the criteria for assessing the tenders? And when will the decision be made?

MR HUMPHRIES: Mr Speaker, I will take part of that question on notice. The process for seeking tenders, as Mr Corbell observes, has closed. We initiated the process on 6 August last year, and we saw expressions of interest for the relevant section 56 and part of section 35. As you know, that was the first step in a two-stage process. There was an evaluation of the expressions of interest, and it was announced on 16 December last year that there were three short-listed tenderers, as you are aware.

The tenders have been submitted and the assessment process has commenced. A decision will be made as soon as possible, but it is important that a full evaluation be carried out to ensure that all of the issues are properly considered. There will be opportunities for further community consultation as a preliminary assessment, where required, and of course a variation to the Territory Plan will also be required. There will be further consultation on those matters at the time.

As to the specific issues of how many public comments were received and when we are expected to make a decision, I can take that on notice and provide it to Mr Corbell later.

MR CORBELL: I ask a supplementary question, Mr Speaker. Can the Treasurer indicate what the criteria are, even in broad terms, for assessing the short-listed tenders?

MR HUMPHRIES: Mr Speaker, I think it is best if I take that part of the question on notice as well. I can then give a comprehensive answer on all three of those matters.

Casino Surveillance Authority

MR RUGENDYKE: My question is to Mr Humphries, with his responsibility for gaming. Could the Minister please advise the Assembly whether the Casino Surveillance Authority is aware of any problems that Casino Canberra encountered during the period in which the game known as Pai Gow was phased into operation? The problems I refer to concern the casino apparently being caught out by hardened Pai Gow players and, as a result, having to recruit staff with experience in dealing Pai Gow in illegal Sydney gaming houses to curb these stings.

MR HUMPHRIES: Mr Speaker, I have to confess that I have only just mastered the fundamentals of games - not as a practitioner but as an observer - like poker and two-up. To overload me with another game which I have never even heard of is slightly unfair. I will have to take that question on notice. I hope to come back with a mastery of the fundamentals of Pai Gow and how it may have affected our ACT casino.

MR RUGENDYKE: Mr Speaker, I ask a supplementary question. Minister, could you also provide the Assembly at the earliest opportunity with a brief on the introduction and progress of Pai Gow at the casino; the nature of any problems encountered with Pai Gow; the action that was taken to overcome any identified problems; the location where operations staff were recruited to operate and oversee Pai Gow; information on whether these staff members were licensed according to the Casino Control Act and Casino Surveillance Authority requirements; and information on whether the staff recruited to operate Pai Gow since its introduction have been in accordance with Casino Surveillance Authority policy.

MR HUMPHRIES: You are asking that as a supplementary question?

MR SPEAKER: It should be on the notice paper, Minister.

MR HUMPHRIES: I think it should be on the notice paper, Mr Speaker. I will attempt to find the answers to all those questions and get back to Mr Rugendyke.

School Enrolments

MR BERRY: My question is to the Minister for Education. Has the Minister accepted the guidelines recommended by his advisory council a couple of months ago for schools considering their future because of declining enrolments? Will he table those guidelines if they are in his possession? And will he table them today?

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MR STEFANIAK: Mr Berry, the guidelines have been worked up by a number of people in the ministerial advisory council, which includes the P&C. Those guidelines, which I have not seen yet, will be launched very, very shortly. Of course, when I launch the guidelines, I will ensure that I table them at the first appropriate moment in the Assembly.

Mr Berry: Why do you not give them to us? We are interested in this.

MR STEFANIAK: I have not launched them yet. I have not actually seen the final product; it is as simple as that. Mr Berry, I intend launching the guidelines shortly. When I do so, I am quite happy to give you a copy and to table them in the Assembly. I would like to commend the ministerial advisory council, which has done a lot of work on the guidelines, and the various school committees, bodies and individuals who have contributed. I think they have done a very good job. A lot of people have had input. It has taken possibly a little longer than I might have hoped for, but I think it is important to get these things right. School communities should have a chance to have their say, to have a look at the drafts that went out and to make comments so that final guidelines can be decided upon by my council and then sent to me. I intend launching them very, very shortly, Mr Berry, and I will make sure you get a copy.

MR BERRY: I ask a supplementary question, Mr Speaker. Will the Minister issue these guidelines to small non-government schools in the ACT in order that they might consider their future in view of the ACT taxpayer funding of those schools?

MR STEFANIAK: Mr Berry, I think that is a rather silly question. It may well be that the various bodies which look after non-government schools - be they individual schools created by individuals or be they larger bodies like the Catholic Education Office - may find some use in those guidelines. For example, the Catholic Education Office periodically reviews how its school system operates. It has on occasions in the past, when it has had concerns about school numbers and has faced not dissimilar pressures to that of the government system, made changes.

I am aware that over the years there have been a number of Catholic schools which have ceased to operate, and there are occasionally some new schools which they open as well. It may well be that the work which has been done over the last four to five months by a number of people in the government sector would have applicability to the Catholic Education Office. I would be quite happy to send them and the Independent Schools Association a copy of the guidelines if that would assist them in the running of their system. No doubt it probably would have some applicability to them.

Standards of Behaviour

MS TUCKER: Mr Speaker, I was interested in a question from Mr Hird to Mrs Carnell regarding misleading the community and the obligations and responsibilities of members of this place. Yesterday in this place we had a full debate and a vote taken.

Mr Moore: Whom is the question to, Mr Speaker?

MR SPEAKER: I am waiting for this.

MS TUCKER: This is a very necessary preamble. After that debate, there was a retraction made by Minister Smyth. Last night on the news, Mr Smyth made a statement which was obviously made before the retraction which was not consistent with the retraction. In light of the outrage that has just been shown by Mrs Carnell at Mr Corbell's alleged misleading of the ACT community - - -

MR SPEAKER: To whom is the question directed?

MS TUCKER: The question is to the Chief Minister. I apologise.

MR SPEAKER: Thank you.

MS TUCKER: The question is to the Chief Minister regarding the matter of appropriate behaviour. Considering the Chief Minister's outrage at Mr Corbell's misleading of the ACT community and the demands for an apology and a retraction, will the Chief Minister equally make those demands of Minister Smyth to publicly retract and apologise to the ACT community - on I think Prime Television, but one of the television news last night - where Mr Smyth's statement was totally inconsistent with his withdrawal later?

MS CARNELL: Mr Speaker, I am very happy to answer that question. Mr Smyth already did. The moment he knew that there was a - - -

Ms Tucker: No, on the media.

MS CARNELL: The moment he knew that there was a - - -

Mr Berry: What a load of garbage!

MR SPEAKER: Order! The house will come to order.

MS CARNELL: Mr Speaker, the moment Mr Smyth knew that there was a problem in the information that he had provided to the house, he got up in this place on the - - -

Mr Stanhope: Did you ring Prime, Brendan, and withdraw?

Mr Moore: Name him.

MR SPEAKER: Be careful; I may just do that. I am a little tired of the interjections and attempts to gag ministers answering questions.

MS CARNELL: Mr Speaker, the moment Mr Smyth knew that there was a problem, he came into this place and corrected on the public record the statement he had made. The media sits straight up there, Mr Speaker. They are online. They listen to what happens in this place. So retractions and apologies made in this place, as you, I am sure, would

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agree, are made publicly, Mr Speaker. What we have asked Mr Corbell to do is exactly what Mr Smyth did: Get up in this place on the public record in front of the media and apologise.

MS TUCKER: I ask a supplementary question, Mr Speaker. I will not ask whether this could be a vagary of the Assembly. Instead, let me say that this is on the public record last night on television. Whether or not the media were listening, Mr Smyth has made a false and misleading statement on television. My question still stands. The Chief Minister needs to apply the same standards to her own Ministers. Will she ask him to retract on that same television broadcasting channel and make the correct statement?

MS CARNELL: Mr Speaker, I will answer it again. Those are the rules for my Ministers, without doubt. The moment they know there is a problem, they must get up in public - all of us - and correct the record. That is exactly what Mr Smyth did. I am sorry that I cannot dictate to the media - I would love to - what they run and what they do not run. We all try, but we cannot dictate. The best we can do - and all I have asked Mr Corbell to do - is correct the record, stand up in this place and apologise.

Mr Kaine: Well, ask your Minister to do the same thing.

MS CARNELL: I have, and he did it. He did so on the record yesterday.

Mr Kaine: No, he has not.

Mr Stanhope: Has he been out to Prime today?

MS CARNELL: He has done it already. It is on the record.

CityScape

MR HARGREAVES: Mr Speaker, my question is to the Minister for Urban Services. Minister, I remind you of your recent actions in allowing CityScape to dismiss teams of people with disabilities. Have a further three teams of workers with disabilities, employed through the Jobmatch program, now been placed on monthly contracts instead of yearly contracts?

MR SMYTH: Mr Speaker, I will have to find out what stage the contracts are at, and I will answer the member's question when I have that information.

MR HARGREAVES: I ask a supplementary question, Mr Speaker. I am surprised the Minister does not know the answer to that, because it has already been published. Will the Minister shortly claim, therefore, when he does find out, that the workers are dispensable because the contracts have expired, as you did last time, or will you take a caring approach and see that these workers continue in fulfilling and useful work?

MR SMYTH: Mr Speaker, when I get the answer to the first part of the question, I will be able to answer the second part.

ACT Housing

MR WOOD: My question is to the caring Minister for housing. With the Assembly's indulgence, I want to thank the Minister for the help I received from his office. But the case I raise now is one where I make a very different judgment from that of ACT Housing. Minister, I understand that you are aware of the case I raise. I have sent you the name of the person so you can readily identify it. I am advised that ACT Housing next Monday will act on a warrant it has obtained and evict a resident from one of its houses - more than that, evict a resident and six children. Technically, the resident did not qualify for the house, as she did not have a six-month residence in the ACT, but she moved in with the then tenant, her sister, for a number of reasons, including the fact that her children could receive specialist education services. Two children attend nearby Cranleigh School and one attends the Woden Special School. Her sister later left the house, but the new tenant has maintained occupancy and faithfully paid the rent. In the face of eviction, and the loss of the Housing Review Committee, she has sought private sector accommodation. But in the tight rental market she has been unsuccessful, and she is now desperate. Minister, I understand ACT Housing wishes to maintain its processes and respect for those on waiting lists, but this is a genuine case. I ask: Can you intervene to see that this family is not put out on the street next Monday?

MR SMYTH: Mr Speaker, that is a good question. I think Mr Wood, in his question, answers for himself what should occur here. I thank him for at least supplying the name of the family involved. I am aware of the case. It is not a simple case, and it cannot be reduced to a few words and a simple answer in this place. The reality is that Housing, in attempting to deal with all applicants equitably on the waiting list, has a process which it needs to follow at all times to ensure that we are issuing houses for those most in need and for those who have met the qualifications.

As Mr Wood himself has said, this case was taken to the HRC, the Housing Review Committee, which makes decisions independent of Housing. Where an applicant or a tenant is not happy with the decision that Housing has taken, they are able to take it to the HRC. The HRC, in this case, has said that Housing has done the right thing.

Mr Berry: Are you going to intervene?

MR SMYTH: No, I will not intervene, because, as Mr Wood concludes, it is important that Housing looks after those people who have applied and who have gone through the process correctly. There is far more to this case which should not be discussed here in the Assembly. If members want to discuss it privately, I will be happy to do so with them, but I will not intervene.

MR WOOD: I ask a supplementary question, Mr Speaker. I understand all this, and I know the circumstances. I might tell the Minister in the house that I am not intervening in another case where a family with eight children is being evicted, not from an ACT Housing property. I am not intervening because I have considered the circumstances, and I am not prepared to do so because of those circumstances. But the facts are that this woman and her six children will be on the street on Monday. They cannot get other accommodation. I know it has not been perfect, Minister, but you stood up here a little while ago and you said, "This is a caring government". You have to do

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something. Will you tell us what you are going to do? The lady applied for an ACT government house down the street, and she was knocked back. Something has to be done, and I would like to know what.

MR SMYTH: Mr Speaker, as I have said, I am aware of the case, and I have been asked that I be kept updated as to what will happen with this family, and how the process will be followed through. It is well and good to stand in this place and say you must intervene. We acknowledge that somebody has not gone about the process correctly - - -

Mr Wood: I am very selective in what I bring forward.

MR SMYTH: I acknowledge Mr Wood's comment; he is indeed very selective. I certainly appreciate the way in which his office works with mine in trying to minimise the impact on tenants and in dealing with tenants fairly. But Mr Wood's proposal is that the way to get around the ACT Housing waiting list and the HRC and the other parts of the process is to ignore it. If that is what Labor is proposing, that you ignore looking after all people fairly and equally, then what they are talking about is organised pandemonium. I do not actually think Mr Wood meant that. I would hope that the Labor Party's housing policy is not organised pandemonium. If we are going to throw all these things out every time we get a very sad case before us, then those who have done the right thing, who have abided by the rules and who have waited for their turn will say, "Well, why should we? Why should we when it is Labor Party policy that, if you break the rules and you can make it into as bad a case as you can, you will get preferential treatment?".

This is a knife edge. This is a family in genuine need. This family also has special needs, and I acknowledge that. But in dealing with the department they have been less than fair. Even the HRC has backed up the department's determination. I have been asked to be kept abreast of what will happen to this family. I have not closed the doors as such, but I believe that what Mr Wood has said is very sad, if the Labor Party believes the way you get what you want is to ignore the rules.

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

Drug and Alcohol Counselling Service

MR MOORE: Yesterday Ms Tucker asked me a question with regard to the Drug and Alcohol Counselling Service. She asked me whether I could explain how the removal of the duty system would affect consumers and what training would be provided to staff. She also asked about the qualification of workers. Then as a supplementary question she asked whether we are keeping statistics on waiting times and access to counsellors.

My answer is as follows: The new intake system replaces and builds on the previous duty system. Clients now access the service by phone. During telephone contact, the client's needs are prioritised, as I indicated yesterday. If requiring an assessment, the client is booked for that assessment. Clients presenting at the Civic service will be seen by an intake officer or an assessment officer. The new service arrangements will be explained, and the intake process will be completed in person rather than over the phone. Therefore, if a client requires an assessment, they will be booked in for an

assessment. With the new service arrangements, access to the Drug and Alcohol Counselling Service should be improved, more equitable and more planned. That was the goal, as I said yesterday.

Staff training: All staff rostered to perform intake and assessment duties have received training for the new service arrangements. All staff have been assessed through selection processes to be as competent as other alcohol and drug workers. The selection criteria were based on national alcohol and drug worker competency standards. Staff performing intake and assessment are all case workers or nurses. Case workers have a range of tertiary qualifications, including counselling, health, education, alcohol and drug work certificates, and general nursing. Other staff likely to perform these duties will have other qualifications, for example social work, psychology, mental health nursing. This is much improved on the previous arrangements, as administrative staff were previously the first point of contact.

There is no waiting time for intake, aside from a short queue on the phones. With the implementation of the new arrangements, time frames are specified for assessment based on priority of client needs and for allocation, if needed, to a case worker or a counsellor. The maximum time for a client to access a case worker or counsellor following an assessment in the new model should be no longer than 14 days. This is also much improved on the previous system, where clients have waited three weeks or more for a counselling appointment. Finally, statistics will be maintained on the major aspects of service delivery.

Event Management Services Contract

MR SMYTH: Mr Speaker, I have additional information for Mr Hargreaves on the tender yesterday. The department has given me this information. I am advised that the member's question refers to tender No. T99091, which invited proposals for the provision of event management services in relation to the management and implementation of the 1999 Christmas and New Year events in Canberra. The tender documents required the contractor, among other things, to formulate and implement a sponsorship program to raise a minimum of \$250,000. The tender document also provides that the Territory has allocated a budget of \$500,000 for both events; that the draft program of events identified was costed at almost \$800,000; that sponsorship would be required to supplement the allocated funds; and that the program of events would need to be tailored to meet the funds available. These provisions remain a part of the contract with the successful tenderer.

FINANCIAL MANAGEMENT REPORT Paper

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety): Mr Speaker, I present for the information of members, pursuant to section 26 of the Financial Management Act 1996, the Consolidated Financial Management Report for the month and financial year to date ending 31 August 1999. The report was circulated to members when the Assembly was not sitting.

FINANCIAL MANAGEMENT ACT
Paper and Ministerial Statement

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety): Mr Speaker, in addition, for the information of members and pursuant to subsection 47(3) of the Financial Management Act 1996, I present an approval of a guarantee under an agreement between Gold Creek Country Club Pty Ltd and the National Australia Bank Ltd. I ask for leave to make a short statement.

Leave granted.

MR HUMPHRIES: In accordance with subsection 47(3) of the Financial Management Act, I table a copy of an approval which has been given by the Chief Minister as the Acting Treasurer in relation to a guarantee by the Territory. The approval relates to a financing lease between the National Australia Bank Ltd and Gold Creek Country Club Pty Ltd for equipment. On 23 December 1997 a guarantee was provided to the Commonwealth Bank for the operation of the golf course and for an existing finance lease. This was provided as part of the transformation of the Gold Creek Country Club Pty Ltd to the Territory from Harcourt Hill Pty Ltd. As new and replacement equipment is being leased from a different financier, a separate guarantee is required. This guarantee is now tabled for the information of members in accordance with section 47 of the Act.

ANNUAL REPORTS

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety): For the information of members I present the annual reports, in accordance with the list circulated in my name, pursuant to section 14 of the Annual Reports and Government Agencies Act 1995.

The list read as follows:

Chief Executives, pursuant to section 7 -

Department of Education and Community Services – Report (2 volumes), including financial statements and the Auditor-General's reports for 1998-99 and annual reports for:

Board of Senior Secondary Studies.

ACT Vocational Education and Training Authority and the Accreditation and Registration Council.

Children's Services Council.

Official Visitor's Report on Marlow House and Quamby Youth Detention Centre.

Public Authorities, pursuant to section 8 -

ACT Construction Industry Long Service Board - Report and financial statements, including the Auditor-General's report, for 1998-99.

Australian International Hotel School - Report and financial statements, including the Auditor-General's report, for 1998-99.

Canberra Tourism and Events Corporation - Report and financial statements, including the Auditor-General's report, for 1998-99.

CanDeliver Limited - Report and financial statements, including the Auditor-General's report, for 1998-99.

Community and Health Services Complaints Commissioner - Report for 1998-99, pursuant to section 77 of the Community and Health Services Complaints Act 1993.

Criminal Injuries Compensation Scheme - Report for 1998-99, pursuant to section 35 of the Criminal Injuries Compensation Act 1983.

Cultural Facilities Corporation - Report and financial statements, including the Auditor-General's report, for 1998-99.

National Exhibition Centre Trust - Report and financial statements for Exhibition Park in Canberra, including the Auditor-General's report, for 1998-99.

Office of the Community Advocate - Report for 1998-99.

Public Trustee for the Australian Capital Territory - Report and financial statements, including the Auditor-General's report, for 1998-99.

**HEALTH OF THE PEOPLE OF THE ACT - REPORT OF THE
CHIEF HEALTH OFFICER
Paper and Ministerial Statement**

MR MOORE (Minister for Health and Community Care): For the information of members I present *The Health of the People of the ACT - Report of the Chief Health Officer* for the two-year period ending on 30 June 1998. Mr Speaker, I seek leave to make a very brief statement.

Leave granted.

MR MOORE: This is the first of the bi-annual reports of the Chief Health Officer and I think members will find the information very interesting in setting benchmarks for health in the ACT. I draw your attention to that because - and I think it is important - it is the first report since we made that a requirement under the Act.

NATURE CONSERVATION (AMENDMENT) BILL 1999

Debate resumed from 24 March 1999, on motion by **Ms Tucker**:

That this Bill be agreed to in principle.

MR SMYTH (Minister for Urban Services) (3.42): Mr Speaker, the introduction of the Nature Conservation (Amendment) Bill 1999 by Ms Tucker has initiated a debate regarding the powers and appropriate qualifications of the Conservator of Flora and Fauna in the ACT. The issues raised in this Bill and the introductory statements by Ms Tucker implied that the conservator's decisions have compromised the environmental values of the ACT and have contributed to the degradation of the biodiversity of the ACT. She further implies that the ACT Government has not been proactive in protecting the environment of the ACT. This is patently untrue and contrary, and I believe that our track record and that of the conservator over recent years have set an example for all other jurisdictions.

I would like to briefly outline some of the significant activities and programs that the ACT Government, with the input of the conservator and others, have been involved in over the last two years. In 1997, the ACT Government recognised there was a need to make an even stronger commitment to the environment. A major way to ensure that environment protection and nature conservation were a focus priority was to create a single agency with the responsibility for environmental issues. On 5 June 1997, World Environment Day for that year, the Government established Environment ACT, an organisation of some 200 staff. It brought together disparate functions from land management, environment protection, research and environment policy areas.

Since the establishment of Environment ACT, the ACT Government has worked with the Conservator of Flora and Fauna and his staff, along with stakeholders, including the Commissioner for the Environment, the ACT Environment Advisory Committee and the ACT Flora and Fauna Committee, to achieve a wide range of leading edge environmental outcomes. Specifically, the Conservator of Flora and Fauna has fulfilled statutory obligations under the Nature Conservation Act 1980 and the Land Act 1991. These have included: development of Australia's first nature conservation strategy; development of long overdue management plans for public land; the declaration and then development of action plans for threatened species and ecological communities; provision of licences for activities under the Nature Conservation Act; and provision of advice regarding planning proposals.

In addition, a program of heightened community awareness and education on nature conservation issues has been undertaken. This has included the establishment of an Environmental Information Centre, web site and help line. There has also been a significant increase in the funding base for nature conservation activities.

Natural Heritage Trust funding for the ACT increased to over a million dollars in 1998-99 and bids for a similar amount have been made for 1999-2000. Seventeen projects totalling \$430,000 have been funded through the ACT environment grants program from the previous year. Groups as diverse as conservation groups, land care groups, schools and the Environmental Defender's Office, receive funding in areas

including animal welfare and management, environmental education, advocacy and promotion, environmental research and information and on-ground environmental projects.

Mr Speaker, I would like to elaborate on these achievements. In December 1997, the ACT Government released the ACT nature conservation strategy. The former Minister is here with us today and is to be congratulated on that achievement. Developed to meet the ACT's obligations under the national strategy for the conservation of Australia's biological diversity, the strategy was the first by an Australian state or territory government. The nature conservation strategy and the first implementation plan developed for 1998-99 were monitored by the Environment Advisory Committee.

It provides a strategic framework for nature conservation decision-making in the ACT. The management of non-urban areas of the ACT is guided by management plans as required by the Land Act 1991 and directed by the conservator. Developing management plans is a staged process and includes input from a range of groups, including the ACT Environment Committee, the Flora and Fauna Committee, along with extensive public consultation.

The statutory referral of a draft management plan to the ACT Standing Committee on Urban Services also ensures that the community is able to debate and participate in the development of management proposals for public land. Over the last two years, the ACT Government has developed management plans for the Murrumbidgee River corridor, Tidbinbilla Nature Reserve and the Canberra Nature Park. A draft plan is being developed for the Lower Molonglo River and a management plan for Ginini Flats, a wetland of international importance, is being finalised.

There has also been development of an implementation plan to support the Murrumbidgee River Corridor plan of management, and similar implementation plans will be developed for all other management plans within 12 months of finalisation. In addition to the nature parks and reserves, plans of management are required for urban open space. These plans of management require consultation with the conservator. Final plans of management for Belconnen and Woden/Weston have been released and draft plans for inner North and South Canberra and Tuggeranong regions have gone through the public comment phase and it is expected that they will be referred to the Urban Services Committee in the near future.

It is hoped to have the plan of management for urban lakes and ponds released for public comment before Christmas. The declaration first, and then development, of action plans is another significant way of protecting our biodiversity, particularly for species and communities threatened with extinction. In the ACT, 24 such declarations have been made. Two are ecological communities, five are plant species, three are invertebrates, three are fish species, two are mammals, six are birds, two are reptiles and one is an amphibian species.

To protect ecologically sensitive communities declared under the Nature Conservation Act 1980, four reserves have been established to protect natural temperate grasslands. In 1995 the Government created the first nature reserve in the ACT and Southern

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Tablelands region of New South Wales, at Gungahlin. These cover about 175 hectares of native grassland and a further 300 hectares of habitat for the striped legless lizard. More recently, a new grassland reserve was established at Dunlop.

These reserves have increased the total reserve land in the ACT to more than 53 per cent of the total area of the Territory; all, Mr Speaker, when Ms Tucker believes that the conservator's decisions have compromised the environmental values of the ACT. Even that short list proves that this is not so. Action plans are developed by the conservator - with extensive staff input and in consultation with the Flora and Fauna Committee - for conservation and protection proposals of the species or communities concerned.

The main objective of these plans is to ensure, as far as practicable, the protection and survival of species or ecological communities that have been identified as threatened. The Government is completing action plans for all declared items to provide for their conservation. The finalisation of the last 11 action plans, which I will announce shortly, will, I believe, establish a protection of biodiversity second to none in this country.

There are a number of statutory obligations of the Nature Conservation Act 1980 that are designed to protect the ACT's natural environment. Implementation of these obligations require the Conservator of Flora and Fauna to make a range of decisions with advice and input from an excellent team of expert staff. In the past two years this has included issuing of 1,738 licences to keep native animals; 336 licences to import animals other than exempt animals; 351 licences to sell animals other than exempt animals; 334 warnings, 20 infringement notices; initiation of eight prosecutions; and responses to some 1,280 complaints. How you can say that the role of the conservator has not been to protect the biodiversity of the ACT when you catalogue these is beyond me.

Other statutory obligations set out under the Land Act 1991 ensure that planning decisions take into account environmental implications of land development proposals. In the ACT, the Planning Authority is required to seek the advice and recommendations from the Conservator of Flora and Fauna. The conservator makes recommendations after consulting with agency employees and the ACT Environment Advisory Committee.

Over the past two years the Conservator of Flora and Fauna and his staff have provided statutory advice on 22 draft variations to the Territory Plan; recommendations regarding 11 direct grants affecting public land; recommendations regarding three licences affecting public land; and 13 development applications.

All this advice has upheld the Government's strong commitment to protecting, in a balanced way, the ACT's natural estate. While these are the activities for which the conservator has a statutory responsibility, there are many other issues that the conservator, Environment ACT and other stakeholders have been involved in to improve the natural environmental values of the ACT. These include developing more cooperative and holistic approaches to conservation management throughout the ACT; implementing conservation awareness and education programs; as well as improving physical infrastructure. Cooperation with other organisations is an important way in which the conservator can ensure the protection of the biodiversity of the ACT.

The ACT Government has entered into agreements with other land managers in the ACT, including the Commonwealth Department of Defence, the National Capital Authority, CSIRO and Environment Australia. In September 1998 these parties entered into memoranda of understanding which provide a framework for coordinated conservation and management of threatened species in the ACT across Commonwealth owned land. The Government is continuing to support a regional approach to biodiversity conservation and is a member of the Regional Biodiversity Survey Group.

Membership of the group includes government agencies, local councils, community groups and the Housing Industry Association of the ACT. The group is identifying significant conservation assets in the ACT and surrounding parts of New South Wales and developing a regional conservation strategy. The ACT has been working cooperatively with other State governments on a number of other projects. In particular, Tidbinbilla Nature Reserve has been involved in a number of successful research programs, including participation in the Victorian brush-tailed rock wallaby recovery program which has been conducted for a number of years. Tidbinbilla has been very successful in cross-fostering young rock wallabies and is acknowledged as a leading institution for breeding these animals.

There has been collaboration with the Marsupial Cooperative Research Centre to undertake research into marsupial fertility and its application for control of problem species and the use of the reserve for trials of the kangaroo fertility controls. It is also participating in the Australasian species management program with Victoria, New South Wales, South Australia and Western Australia, to encourage captive breeding of the native speckled duck communities throughout Australia. This has resulted in the captive bird population more than doubling from 23 birds to 51 birds in Australia. Again, Mr Speaker, these are fine examples of how the conservator, through his work helps protect and, indeed, saves the biodiversity of not only the ACT but further Australia.

The ACT has been the leader in a program supported by Commonwealth funds to identify remnant native grasslands in the ACT and develop conservation management strategies for them. The ACT Government, the New South Wales National Parks and Wildlife Service, the World Wildlife Fund for Nature Australia and the Australian Botanical Gardens, have also combined to publish a field guide for grassland flora in the Southern Tablelands.

On 11 August, Environment ACT jointly sponsored a workshop at Queanbeyan on pasture management for production catchment and biodiversity. Today, a course on property management planning is being run for the benefit of rural lessees. As Mr Osborne, I am sure, can testify, the conservator and his staff continue to work actively with ACT rural lessees on a better understanding of their biodiversity responsibilities.

Mr Speaker, an important aspect of the nature conservation strategy identified as a priority has been off-reserve conservation requiring cooperation with managers of private and leased land. The ACT Government is reviewing the property management agreement process with a view to enhancing land management arrangements with rural

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lessees. To assist land managers protect biodiversity on their lands, the ACT Government will also commence this financial year a rural conservation trust to assess rural lessees for undertaking conservation measures such as fencing and tree planting.

The ACT Government continues to support and fund a comprehensive weeds program. In addition to implementing an annual program developed by the ACT Environment Advisory Committee, a "weeds hit team" has been established to assist with the management of environmental weeds. Last year the willow management strategy was released, which will help clean out our waterways.

The Government worked with the Conservation Council of the South East Region and Canberra to produce the very successful leaflet, *Garden Plants Going Bush*. This is very interesting, because this week is weed busters week. And what has the conservator been able to do? Well, Mr Speaker, you might not be aware, but at the instigation of the conservator, Bunnings, a national firm, and Magnet Mart, a very significant ACT firm, have recently agreed to ensure that no environmental weeds are sold through their stores, through their nursery sections. That is a fairly significant achievement, where the Conservator of Flora and Fauna in the ACT is able to influence nationwide firms and substantial local firms, at some financial risk to themselves, not to stock plants that have the ability to go bush and become environmental weeds. It shows very clearly that the conservator is doing an excellent job in protecting the biodiversity of the ACT. I have also recently announced the gazettal of a pest plant list under the Land Act 1991.

Mr Speaker, programs to support the management of feral animals and pests continue. Species targeted include rabbits, wild dogs, feral pigs, foxes, feral goats and feral deer. For instance, the introduction of the rabbit calicivirus has been particularly successful in controlling rabbit numbers. Some areas of the ACT reported up to a 90 per cent reduction in rabbit population; protecting the wide diversity of the ACT under the conservator. The ACT has developed the bushfire fuel and management plan with a strong focus on ecological protection considerations.

I was lucky enough to launch that plan. It was a pleasure to work with Mr Humphries as the Minister responsible for emergency services, to put that together. But an important part of that plan was working with the conservator to make sure that biodiversity considerations were taken into account. The plan outlines what all ACT government land managers need to do to reduce threats to life, property, natural and cultural resources from bushfire.

The ACT Government has also been implementing a program to enhance visitors services and infrastructure so that not only do we protect and guard these resources, we actually educate the public on how to make best use of them. At Tidbinbilla Nature Reserve this has included road and car park improvements and the construction of a boardwalk through the wetlands. Improvements in Namadgi National Park include the establishment of a new campground and the upgrading of other camping facilities. We have planned improvements to include the construction of a regional visitors centre, which will be completed this year - in December hopefully. A nature education centre is to be completed by the end of this year.

Rather than compromising the nature conservation values of the ACT nature reserves and national parks, these improvements serve to educate the public and to encourage the general community to enjoy and understand and play their part in protecting the biodiversity of the ACT - all under the auspices of the conservator. The Government has a strong commitment to providing an education and awareness campaign.

In addition to services such as the Environment Information Centre, the Environment ACT web site and help line, the ACT Government is involved in a number of community awareness activities. An example is the annual World Environment Day Festival. We are a major sponsor and proud to participate in it. All of this activity and these projects demonstrate the commitment of the Government, the conservator and Environment ACT staff to nature conservation in the ACT. These activities, complemented with education and community awareness raising, ensure that there is an understanding and appreciation of the ACT's environment. Over the last two years, the ACT Government has worked with stakeholders to ensure that the ACT continues to be a region renowned for its natural beauty and environmental values.

It is worth noting, Mr Speaker, that over the past three to four years there have been only two AAT appeals in relation to nature conservation matters. The first related to a specific bird licence issue. As a result, the conservator has put in place new licence management procedures, which have significantly improved the licensing of native fauna. The second was the case of Grishin v. the Conservator, where the decision of the conservator was upheld by the tribunal, with a strong endorsement of the conservator's position and the quality of advice from his staff. This demonstrates quite clearly, Mr Speaker, that the existing arrangements are working well.

Almost inevitably decisions and recommendations of the conservator will result in opposition. At the extremes, some will believe they constrain development or are too restrictive on an individual's activities. Others will believe they do not go far enough in protecting our biodiversity. I believe that the balance this Government and the conservator have achieved on nature conservation in the ACT is recognised by the community at large. We have a wonderful, natural human interface and it is being maintained and is not, as Ms Tucker would have us believe, being compromised.

MR CORBELL (4.02): Mr Speaker, we have just had presented to the Assembly the first report from the Chief Health Officer for the ACT. Now, that may seem a strange way to start a speech on an amendment to the conservation Act. But I think it is, perhaps, a useful coincidence that this report has just been tabled. The Chief Health Officer of the ACT must be a doctor, and the Director of Public Prosecutions, to take it a step further, must have legal qualifications. Indeed, Mr Speaker, the Minister for the environment has just outlined a whole range of reasons why the statutory position of the Conservator of Flora and Fauna does not need to have qualifications in that particular area of expertise. He has outlined that he has a range of expert staff who advise him - at the moment, him - on the range of issues relating to the undertaking of his duties.

If that is the case for the Conservator of Flora and Fauna and if the Government believes that that is an appropriate course of action for that position then, surely, we do not need to have a Director of Public Prosecutions who has legal qualifications. We can just have lawyers advising. Indeed, we need not have a doctor as the Chief Health Officer, we can

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simply have doctors advising her. Mr Speaker, this is the inconsistency in the Government's approach. There is no reasonable justification why the Conservator of Flora and Fauna should not have the equivalent qualifications in their area of expertise that we expect from the DPP or, indeed, from the Chief Health Officer.

The Standing Committee on Urban Services, in its report into the draft management plan for Canberra Nature Park, made some comments about the role of the Conservator of Flora and Fauna and its relationship with the Executive Director of Environment ACT. Without getting into the debate about whether or not those positions should be separate - that is another issue to perhaps address at a later date - we do have to look at what the Standing Committee on Urban Services said. It believed the role of the conservator was first and foremost to protect and conserve the ACT's natural environment. And the conservator, therefore, has a very clear obligation to ensure that the relevant requirements of the Land (Planning and Environment) Act and the Nature Conservation Act are being enforced, adhered to and implemented across the Territory.

Mr Smyth has outlined a range of issues he believes warrant the maintenance of the status quo. The Minister's argument here today is an argument about, "Let's keep the status quo - it works at the moment, why change it?". No-one is questioning the dedication, expertise and ability of the staff who work in Environment ACT. The Minister outlined a range of programs and initiatives that all of us in this place would welcome, as sensible, forward looking, effective - if they are properly resourced - initiatives to address nature conservation issues in the Territory. But we need to come back to first principles in this debate.

We need to decide that if preservation of the natural environment is important; if having expert officers making assessments about the preservation of the natural environment, is important, then should we accord similar prerequisites to the position of the Conservator of Flora and Fauna as we accord to other similar positions? The Conservator of Flora and Fauna is a statutory position, under the Nature Conservation Act; just as the Chief Health Officer is under the relevant Act governing that area; just as the Director of Public Prosecutions is under the relevant Act governing that area.

The Commissioner for the Environment, as Mr Humphries would know, performs a different function from the Conservator of Flora and Fauna. The Conservator of Flora and Fauna has statutory obligations under the Nature Conservation Act. The Commissioner for the Environment has statutory obligations under the Commissioner for the Environment Act. The question we are debating here today is the qualifications of the Conservator of Flora and Fauna. And the Conservator of Flora and Fauna should have similar qualifications - or perhaps we should say, level of qualifications - to those other statutory positions I have mentioned.

To take a broader approach, we expect, when we are recruiting people into positions, that we recruit people with knowledge and expertise of the positions. There are indeed positions within the ACT government service where that occurs, such as when we recruit people into the Planning and Land Management area of the Department of Urban Services. Within PALM, we do not automatically require people to have qualifications if they are already in the position. But when we are recruiting new people, or when we

are advertising or creating a position, we expect certain things. When we employ architects in PALM, we get people with architectural qualifications. If we need planners, we get people with planning qualifications. When we are dealing with people in the Public Service wanting to deal with computer technology, we get people in with a level of qualification and expertise to do that job for us.

Mr Humphries raises the issue of the Commissioner for the Environment. The point he is trying to make is there is no mandatory level of qualification for that position. But look at whom we have appointed. We have appointed an individual with eminent qualifications in a range of areas directly relating to the role we ask him to undertake. We have appointed the person on that basis. The difficulty we have had with this Government's approach to the Conservator of Flora and Fauna is that the person appointed does not have relevant qualifications in that type of area.

The same complaint could be raised with regard to the Commissioner for the Environment if the Government had appointed an accountant to be the Commissioner for the Environment. That would be a completely inappropriate approach. If Mr Humphries is looking for consistency, I am quite happy to indicate now that we would consider some form of mandatory qualification for the Commissioner for the Environment, if that is going to be his argument later in the debate.

But the Commissioner for the Environment is a suitably qualified individual, eminently qualified, nationally and internationally recognised, with the expertise we expect the Commissioner for the Environment to have to work, investigate and report. Let us deal straight away with that furphy of an argument, if that is what we are going to hear from the Government. What we are asking in this amendment, and what Labor is prepared to do in supporting Ms Tucker's amendment today, is that office-holders in statutory positions should have some level of qualification. We ask for the DPP to be a lawyer; we ask that the Chief Health Officer must be a doctor. Why not with another statutory position, where they are required to exercise expert professional opinion on conservation issues, ask it of the officer with that statutory responsibility? Otherwise, we could save ourselves a lot of money and simply have doctors advising a Chief Health Officer who was not a doctor; and lawyers advising the DPP who was not a lawyer.

But that is not the approach we are taking. That is not the approach we take in other areas. Let us accord the same weight of responsibility, status and, most importantly, qualification to the position of Conservator of Flora and Fauna as we do to those other positions. The Labor Opposition will be supporting this Bill.

MR KAINE (4.12): I am not persuaded by Mr Corbell's rhetoric on this matter. I do not support this proposal because it is becoming too specific about what a person should be and what qualifications they should have before they are offered a Public Service job. There are many jobs in the Public Service where the possession of some professional qualification might be an advantage, but we do not make it a part of the prescription for the job that they must be so qualified. By making the terms of reference of some of these jobs too prescriptive, you can exclude some very good people who do not happen to comply with that very narrow statement of qualification. In this case, the requirement is that a person be qualified at a university and also have extensive experience in the position.

There may be people who would be acceptable to the government of the day, or there may not be. I do not believe that for normal Public Service appointments this degree of expertise and professionalism need necessarily be specified. I think it will preclude some very good people who simply do not have the qualifications we are setting up here and yet who, by their background and their experience, more than qualify to do the job of the position that we are seeking to fill. If we accept this recipe for this job, then we must review a very large number of senior jobs in the ACT Public Service and make similar specifications. I do not agree with that approach and I do not agree with it in this case, either, and I will not support Ms Tucker's Bill.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (4.14): Mr Temporary Deputy Speaker, I do not often find myself in this position these days, but I agree entirely with the comments just made by Mr Kaine. I simply adopt them as the view that I would express in this matter, with respect to the employment of public servants. Mr Corbell and Ms Tucker have failed to distinguish between officers who have a role with respect to the discharge of certain functions of a technical nature, and officers who are, essentially by nature, public servants who have requirements to offer the Government advice under statute, but who are also fulfilling other roles within the context of the Public Service.

To go back to the first of those categories, Mr Corbell cited the example of the Director of Public Prosecutions. "Oh, he has to be a lawyer. Why shouldn't the conservator have to be a person with qualifications in nature conservation?". Well, the answer is very simple. The Director of Public Prosecutions has a statutory obligation to make representations to courts in the Territory and only

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Mr Corbell: The conservator has statutory obligations too.

MR HUMPHRIES: It is not to make representations to courts in the Territory and only a lawyer, a person suitably qualified, is able to make representations to the court without leave. So he has to be a lawyer to be able to discharge the duties of his office by virtue of the nature of our court system and the requirement that lawyers need to be suitably qualified and admitted as barristers and solicitors to be able to come into the courts and to perform certain functions without the leave of the court. Similarly, I imagine that the role of the Chief Health Officer carries with it certain obligations with respect to the examination of material - perhaps even examination of people in certain circumstances to ascertain certain matters of a medical nature. Therefore it is appropriate and quite proper for the Chief Health Officer to have to be a medical practitioner.

But, Mr Speaker, there are a other examples within the Public Service that are included within the Public Service proper and within the category of statutory office-holders, where requirements for the holding of certain qualifications do not exist. I think Mr Corbell and Ms Tucker would have great difficulty in trying to explain why some of those have that requirement and some do not. For example, as I have already cited, the Commissioner for the Environment himself has no requirement for a qualification of the kind that Ms Tucker is inserting into this legislation.

Mr Corbell has the grace to admit that is inconsistent and I think suggested that perhaps we should amend that other Act as well. I would say to Mr Corbell, "No". Why should we amend the Act if that would have the effect of excluding a person like the present incumbent, Dr Joe Baker, who is an excellent Commissioner for the Environment, was appointed by the previous Labor Government, has been reappointed by the present Liberal Government and is highly regarded? I understand Dr Baker's qualifications are in marine biology and in chemistry.

I do not understand that this Bill refers to either of those things. It refers to qualifications in nature conservation, a graduate of an Australian or overseas university in a course of study relevant to nature conservation.

Mr Corbell: Gary, now look - - -

MR HUMPHRIES: Mr Temporary Deputy Speaker, I heard Mr Corbell in silence. I would ask the same privilege in respect of this matter.

Mr Corbell: No, you did not hear me in silence.

MR TEMPORARY DEPUTY SPEAKER (Mr Hird): Order! Mr Corbell.

Mr Corbell: You did not hear me in silence, Mr Humphries. You did not. You interjected - - -

MR TEMPORARY DEPUTY SPEAKER: Mr Corbell, come to order. Mr Humphries, you have the call, sir.

MR HUMPHRIES: Mr Temporary Deputy Speaker, it would be hard to imagine why the Conservator of Flora and Fauna ought to have qualifications in nature conservation, but the Commissioner for the Environment should not have equivalent or higher qualifications. Put another way, would the qualifications in marine biology be acceptable for a Commissioner for the Environment who operates in respect of a land locked territory like the Australian Capital Territory? With respect, that is rather inconsistent.

What is more, there are a number of positions in the Government which have no qualifications, where you might imagine such qualifications should exist. For example, in the last few years we have created the Commissioner for Land and Planning, a person with a highly specialised role in respect of planning applications and applications dealing with the use of land, territory land variations and the like. The Commissioner for Land and Planning has no requirement to be a land planner.

Mr Corbell: He has experience in the area.

MR HUMPHRIES: Of course he has experience.

Mr Corbell: Yes, but the Conservator for Flora and Fauna does not. That is the point.

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MR HUMPHRIES: Mr Corbell keeps confusing the issue. Of course the present commissioner has experience. Of course the Commissioner for the Environment has experience. But you are proposing to put in qualifications that would potentially exclude good people who may not formally have those qualifications - people who would be more than eminently capable of carrying out those jobs.

Mr Smyth: Mr Corbell asked the question: "Does the conservator at the moment have qualifications?"

MR HUMPHRIES: Mr Corbell asks, "Does the Conservator of Flora and Fauna have qualifications at the moment?". I note that Ms Tucker was reported in the *Canberra Times* as criticising the fact that Dr Colin Adrian, as the head of Environment ACT and Conservator of Flora and Fauna, was there without what she described as appropriate qualifications. But, according to the *Canberra Times*, she understood the current conservator did not have the requisite qualifications. The question has to be asked: Did she ask him what qualifications he actually has in this area?

Ms Tucker, the queen of consultation, has not actually, I suspect, asked the present Conservator of Flora and Fauna what qualifications he has in this area. We are led to believe that qualifications in chemistry and marine biology are okay for the Commissioner for the Environment, who has the peak role with respect to advice and reporting on the environment in the ACT. But what qualifications are or are not appropriate with respect to Dr Adrian, who presently holds the position of Conservator of Flora and Fauna? As it happens, Dr Adrian's qualifications are, I think, quite considerable. Dr Adrian holds a Bachelor of Applied Science with honours and also is the recipient of the University Medal. His Applied Science degree includes units or courses in physical geography, including vegetation, soils, geomorphology, et cetera. That was in 1974. He went on to obtain in 1977 a Master of Arts and in 1982 a PhD. He has also lectured, at the University of New South Wales and Duntroon, in physical geography subjects.

I do not think that on paper Dr Adrian has qualifications inappropriate for the role of Conservator of Flora and Fauna in the ACT. And what is more, I know that Dr Adrian has qualifications of other sorts eminently suitable for him heading up both Environment ACT and fulfilling the role of Conservator of Flora and Fauna. I worked with Dr Adrian for a number of years as Minister for the Environment. I found him to be an excellent public servant, a person able to discharge the duties incumbent in those two offices with distinction. I never at any stage had the slightest hesitation in the view that he applied himself to his job and had the necessary qualifications as an individual to be able to discharge that job with distinction.

What the Minister for the environment has clearly demonstrated today in this debate is that Dr Adrian has tackled a number of difficult exercises in the environment in recent years. He has done so with diplomacy and tact and shown leadership with respect to his area of the department and has provided an excellent outcome with respect to those sorts of matters. The things that Mr Smyth referred to; the things that the Government has done for the last five years with respect to the environment, have in some measure or another relied backwards on the work that Dr Adrian and the people underneath him

have done. The leadership that the ACT as a whole has shown in the area of the environment for the last few years, the awards it has won in a number of areas, are reflection at least in part of the work of Dr Colin Adrian.

This particular Bill, inconsistent as one of its supporters has indicated it is with respect to the qualifications of others in other areas of the Government, is capable of being described as a piece of legislation targeting a particular individual quite unfairly. Let us go to other officers in this government service who have no particular qualifications: The Office of the Community Advocate - a very important body providing a very important role within the community and in respect of advising government. You might imagine that it should have qualifications of that office-holder with respect to social welfare, or provision of community services, whatever you would like to call it. There are no qualifications referred to in the Community Advocate's Act with respect to any of those things. For the Public Trustee of the ACT - a very technical role with respect to a number of things, including offering advice to government - there is no requirement for qualifications of any particular sort.

The only logical position that Ms Tucker and Mr Corbell can take in this matter is that, if we are going to put a qualification on who holds the office of Conservator of Flora and Fauna, we have got to follow it up with a whole series of other qualifications being inserted all over the Public Service's similar jobs. There really is no distinction between this job and the others we are talking about here.

If they do that, that is fine. They will be consistent at least in debates like this. But we will lose, necessarily, the skills of a large number of very good people whose expertise may not relate directly in a formal academic sense to particular areas, but who have eminent capacity to discharge duties of that kind with distinction to the people of the ACT. That would be a great pity. We choose Public Service executives in the ACT Government on the basis of merit and they win their jobs on the basis of merit under the Public Sector Management Act.

Dr Adrian has done so in respect of his job. We are committed to the view that merit should be a supremely important principle with respect to the filling of positions. To impose qualifications which are not directly relevant and required, are not necessary for particular jobs to be discharged, necessarily means that some people who may have high merit for those jobs are excluded from consideration, and others with less merit may be able to then take that position. That would be a bad outcome for the ACT, I would submit. I ask members to consider seriously rejecting this Bill.

MR RUGENDYKE (4.27): At first glance it would appear that this is a half-sensible piece of legislation from the Greens. However, when I am provided with rather vitriolic attacks on the current incumbent, reports which appear to be the genesis of this legislation, it is apparent that this is nothing more than a blatant attack on one of our senior public servants. To allow this legislation to pass would set an unfortunate precedent. Where every time a member in this place has a gripe with one of our statutory office-holders to bring a remedy such as this is totally out of order. I reject it outright. I will not be supporting this piece of legislation.

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MS TUCKER (4.28), in reply: The first point I would have to make is that this is not about Dr Adrian in particular. Obviously, as the person in the position at the moment he is implicated, but this is not the point of it. It is pretty disappointing that Mr Humphries cannot realise that, if you want to make a system change, whoever is in the current system before the change is going to be affected. That is obviously the case in any situation where a change is proposed. Dr Adrian's qualifications are widely known. Whether or not Mr Humphries thinks that these particular qualifications would fit nature and conservation is not particularly relevant. We are interested in seeing someone with qualifications and experience in nature conservation take this very important, responsible position.

Mr Rugendyke and maybe Mr Kaine have forgotten, or are not aware of what the conservator is actually responsible for. Mr Kaine said it is a normal Public Service appointment. The person who gets that job has to prepare and maintain a nature conservation strategy for the ACT. That requires a lot of understanding and expertise of what can be quite technical issues; preparing action plans for the protection of endangered species. Equally, it requires deep understanding of issues related to matters such as issuing of licences for various activities that affect native flora and fauna in the ACT and for activities within nature reserves. These tasks are extremely significant.

The arguments that have come from Mr Humphries, Mr Smyth and Mr Kaine - I am not quite sure what Mr Rugendyke's argument was - actually downgrade the importance of environmental considerations in government decision-making and downgrade the importance of the biological sciences. It is not correct to suggest that this can be just an ordinary Public Service position.

Mr Kaine, we just do not agree with your position on it. That is probably why I am a member of the Greens party. Mr Kaine does not agree with our interpretation. That is right; that is a political debate that we have in the Assembly and that is what parliaments are about. My view, and the view of the Urban Services Committee, was that there were some grave concerns about what was happening in the role of the conservator at this stage.

Mr Rugendyke: Different issue.

MS TUCKER: Mr Rugendyke says it is a different issue. In the committee's report on the draft management plan for Canberra Nature Park, the committee made some quite scathing remarks about the conservator's actions in relation to recommending that horse riding be allowed in the Aranda bushland. I quote:

The committee is seriously disturbed that the Conservator of Wildlife would approve an extension of horse trails in Canberra Nature Park, including into the Aranda bushland, in the absence of detailed knowledge about the effects of horses upon existing areas. In the opinion of members, this action is bordering on negligence.

Perhaps if there was more expertise in that position, they would not have regarded that lack of detailed knowledge as acceptable. It certainly would not be acceptable to a scientist who was interested in proper methodology and evidence. The committee also stated:

The duty of the Conservator is to protect and conserve, not to balance the competing claims of conservation, recreation and other activities.

Secondly, in the committee's report on the draft management plan for Tidbinbilla Nature Reserve, the committee noted that the conservator had a curious role as both the proponent of building development in the reserve and also as the person who would be giving advice to PALM on the appropriateness of this development. The committee recommended that the approvals process should be buried, and I quote:

To ensure that the Conservator is not placed in a position where he or she is both the proponent of a developer and a provider of what is expected to be impartial advice about the conservation impact of the development.

There are, obviously, two points here. There is an issue around the role of the conservator. There can be seen to be a conflict in the role that is expected of this person. The reason that we have put this piece of legislation is at least to hopefully enable that person to be able to bring an informed, qualified and experienced view to creating and determining what a reasonable balance is. These sorts of concerns have come from the committee itself. They have also come from the broader environment movement. There has been some concern that the advice given by the conservator on nature conservation issues to the Government has not been frank and fearless on behalf of the environment, but was compromised by political imperatives. And that, in combination with the committee's statements, is the reason we put up this legislation.

Responding to the issue Mr Humphries raised about the Commissioner for the Environment: I remember well when the appointment was first made. There were comments made by environmentalists in the ACT about a marine scientist having that job. I think it is an issue that could be addressed at a later time. Obviously, Dr Baker is doing a good job at this stage. If you actually respect the need for these sorts of positions to always be filled by people with experience and an informed view to bring to the discussions, then you would not have a problem at all with having such a requirement around that position as well. It is a highly complex and technical area and it is not good enough to have the advice - qualified and experienced advice - only coming from further down the layer.

It is really useful if you have the person at the top also having experience and qualifications, so that the advice that is given to the politician or the Minister, who obviously cannot be qualified in everything, is informed and coming from a qualified position. I note that people have to be qualified to be on the Flora and Fauna Committee, so one does wonder why it would not be equally useful to have that requirement for the conservator. As I said, it is an extremely responsible role that this person has to take.

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It appears that we will not have support for this piece of legislation. I think that is a reflection of the fact that this Assembly does not put high enough importance on the issue of environmental decisions in government. We are still tending to see an Assembly that gives greater consideration to administration skills rather than environmental skills.

Question put:

That this Bill be agreed to in principle.

The Assembly voted -

AYES, 7

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

NOES, 9

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

Question so resolved in the negative.

TERRITORY OWNED CORPORATIONS (AMENDMENT) BILL 1999

Debate resumed from 21 April 1999, on motion by **Ms Tucker**:

That this Bill be agreed to in principle.

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

CHILDREN'S SERVICES AMENDMENT BILL (NO 2) 1999

Debate resumed from 1 September 1999, on motion by **Mr Rugendyke**:

That this Bill be agreed to in principle.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (4.42): On behalf of the Government, I am very pleased to indicate our support for the Children's Services Amendment Bill (No 2) 1999. The Bill closes off what has been an unfortunate chapter in the Assembly's history. As a result of amendments to the Children's Services Act a little while ago, we created considerable

confusion in the Children's Court of the ACT. Clearly, we have an obligation to remedy what I believe was a mistake made with respect to the operation of the court. I am pleased to see that Mr Rugendyke has taken up this issue.

I think the biggest reflection on a vote of the Assembly is the passing of this Bill today, which undoes a number of provisions that the Assembly enacted only a few months ago. Members can draw their own conclusion about whether or not that is a reflection on a vote of the Assembly. The fact is that at the moment the ACT Magistrates Court is afflicted with very serious problems in dealing with its capacity to provide services to the ACT community.

Members will remember that the Bill which was passed earlier this year contained a number of deficiencies. Before it was gazetted, amendments had to be made by a recision and reconsideration of the Bill on 10 March this year. The implementation of the Bill itself, however, gave rise to further difficulties, in particular, the appointment of Children's Court magistrates. The designation "Children's Court Magistrate" was for a period of not less than three years, and there was no capacity with respect to that designation for resignation of the person who was appointed as the Children's Court Magistrate. There was no capacity for that person to resume any other magisterial duties full time and no capacity for the Chief Magistrate to revoke the designation.

As a result, not surprisingly, there was some reluctance on the part of magistrates in the ACT Magistrates Court to be appointed in those circumstances. I think it is fair to say that magistrates were also somewhat affronted by the suggestion that the lack of specialisation they demonstrated in the role of Children's Court magistrates from time to time, prior to the passage of the legislation, somehow rendered them less able to deal with Children's Court matters than a person who might be appointed full time or largely full time to deal with that particular area of court work.

It is undesirable to have in such an important position as the Children's Court Magistrate someone who is not enthusiastic about the designation. The magistrates who were approached to fill the role of Children's Court Magistrate could fairly be described as having been unenthusiastic about the terms under which the Act required them to take up the position. While designation probably could have been made against a magistrate's wishes, at a practical level, the Chief Magistrate was left with no alternative but to appoint himself to the role of Children's Court Magistrate.

It is highly undesirable, and I think quite improper, for the Assembly to have placed the Magistrates Court in that unenviable position. Clearly, that view of the Magistrates Court was evident to the Assembly. We know that because the Chief Magistrate himself gave evidence before an Assembly committee about the provisions of the legislation. The Assembly, in its wisdom, saw fit to ignore those concerns and to proceed with the legislation as it stood. Apart from the problem of the temporary abolition of the Children's Court of the ACT, which I am pleased to say the Assembly quickly moved to rectify, there remained the problem of a highly inflexible arrangement for the ongoing filling of the position of Children's Court Magistrate or Deputy Magistrate.

Mr Berry: You have encouraged them to take this line.

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MR TEMPORARY DEPUTY SPEAKER: Order! Mr Berry!

MR HUMPHRIES: If you encourage anyone, Mr Berry, it would be - - -

MR TEMPORARY DEPUTY SPEAKER: I would ask the Minister to direct his remarks through the chair.

MR HUMPHRIES: I will direct my remarks through the chair, Mr Temporary Deputy Speaker. It is a fit and proper thing that the Assembly is now clearing up the mess that was made some time ago in this place.

One of the problems with the arrangement put in place by the Assembly was that the Children's Court Magistrate or Deputy Children's Court Magistrate might from time to time be unavailable or unable to hear a particular matter for a variety of reasons - for example, personal leave, sickness, absence for some reason, disqualification because of a conflict of interest or the unavailability of a designated magistrate. With only two people capable of hearing such matters, it obviously placed a very heavy burden on those two people to cover all the time that the ACT court might have to hear matters, sometimes urgent applications, from people wishing to come before it. That gave rise to significant problems in some areas - for example, remand matters, adjournments and bail for child offenders. It is very refreshing and very encouraging to see Mr Rugendyke's Bill come forward to address these concerns.

Mr Rugendyke's Bill will allow for a declaration of a magistrate to constitute the Children's Court for a period of not less than two years. This will still achieve the degree of specialisation in children's matters that I think the Assembly is seeking. It is regarded by some stakeholders as being desirable, but it will not be for such a long period of time that magistrates working in that field may feel themselves to be stale in respect of other work that magistrates do, or that might lead to some situation where magistrates themselves might be regarded as being overly close to their work.

The Bill will permit the Chief Magistrate to assign a magistrate to act as the Children's Court Magistrate if the Children's Court Magistrate is absent or otherwise unavailable. That is a very important reform to the structure of the Act. The inflexibility of the present arrangements are a real concern, and I am very pleased that the Bill which Mr Rugendyke has put forward provides for that level of flexibility. I think we should carefully consider whether legislation which is put through the Assembly at such speed in the future ought to be reconsidered or ought not be put through in such a way.

A point made at the time the original Bill was put forward was that it was done without the Government having had time to respond to a committee report which made various arguments with respect to the Bill. I hope we are able to ensure that in future we more carefully consider the impact of our legislation on the important agencies of the Territory, particularly the Children's Court. I hope this Bill will end the saga in relation to the Children's Court and allow it to focus on serving its clients - that is, the ACT community, particularly those people who are minors.

MR STANHOPE (Leader of the Opposition) (4.50): I think it is fair to say that the Children's Services Amendment Bill (No 2) 1999 is yet another stage in what is a very sorry tale. It amends a Bill introduced by Mr Osborne in 1998 to require the designation of a specialist Children's Court Magistrate. The Bill was considered by the Justice and Community Safety Committee, passed by the Assembly on 17 February this year, rescinded, amended and passed again on 10 March.

As I have said, Mr Osborne's Bill to designate a specialist Children's Court Magistrate was referred to the Justice and Community Safety Committee. The committee took submissions from a wide range of parties. It received submissions in support of a specialist magistrate from, among other bodies, the Law Society of Australia, the Community Advocate and the Children's Services Council. As Ms Tucker noted in the debate on Mr Osborne's Bill, a specialist magistrate was recommended by a committee of the Third Assembly.

As Mr Osborne noted in his presentation speech, the Law Reform Commission in 1982 and the Community Advocate in 1995 recommended a specialist magistrate. There were submissions opposing the proposal, most notably from the Chief Magistrate and the Bar Association. The committee saw the objections being based mainly on the loss of flexibility and the possibility of burnout. To address these concerns, the committee proposed the designation of a Deputy Children's Court Magistrate, and this was included in an amendment by Mr Osborne.

I think it is common knowledge that Mr Hird dissented from his colleagues on the committee. Whilst debating the Bill, Mr Osborne claimed that Mr Hird was simply following directions in presenting his dissenting report.

The Bill was passed on the voices. After the Bill was passed -and we saw some evidence of this just now in the Attorney-General's presentation - Mr Humphries embarked on a misleading and I think petty response, and launched a campaign against the Act and Mr Osborne. That does him and the Government no credit at all. Mr Osborne's Bill did not make two consequential amendments. That is agreed. The Bill did not make two consequential amendments. The effect of these omissions was obvious. It was quite obvious and clear, and not a single court or lawyer of any consequence would have given any credence to Mr Humphries' claims at the time that the Magistrates Court had been abolished. These were the most puerile claims by the Attorney; that those two consequential amendments could possibly have led to the abolition of the Magistrates Court. Absolute nonsense!

An issue which was not pursued at the time and which was touched on just now by the Attorney was that at that time it was a fact that Mr Humphries and his department had had a copy of the Bill for months and had not noticed these two oversights within the legislation. That raises some questions as to the extent to which Mr Humphries' department actually looks at legislation that is presented. On 10 March, that problem that had been identified, minor as it was, was fixed with a rescission and a reconsideration of Mr Osborne's amended Bill.

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In this process, Mr Osborne amended the Bill to provide that the designation of the Deputy Children's Court Magistrate would be for at least one year. In the meantime - and the Attorney has just confirmed this - the magistrates are said to have objected to Mr Osborne's Bill. While it may be going too far to say that they actually refused to cooperate in its introduction, I think it can be safely said that no genuine commitment was made by the court to the implementation of the proposal. If that is true, and the Attorney has alluded to that in his presentation today, then I think it really raises some questions about the commitment of the magistrates to the rule of law. I have heard it suggested that it does raise some questions about the extent to which they understand the separation of powers. It is of interest to me that if there was this rebellion that the Attorney is - - -

Mr Humphries: Mr Speaker, I raise a point of order. The standing orders make it clear - I am attempting to find where they do so at the moment - that attacks on members of the judiciary are quite out of order. To suggest that members of the judiciary of the ACT- - -

MR SPEAKER: Standing order 54, Mr Humphries.

Mr Humphries: Mr Speaker, I quote:

A Member may not use offensive words against the Assembly or any Member thereof or against any member of the judiciary.

To suggest that a member of the judiciary of the ACT does not understand the concept of the separation of powers is a pretty serious allegation to make. I think it falls squarely within "offensive words" under standing order 54, and I ask that Mr Stanhope withdraw those words.

MR SPEAKER: Let us remove any doubt, Mr Stanhope.

MR STANHOPE: Certainly. I will just repeat what I said, Mr Speaker. What I said was that I have heard it said that some people believe - - -

Mr Humphries: Oh, come on.

MR STANHOPE: This is what I said.

Mr Humphries: You cannot get out of it by doing that.

MR STANHOPE: On the point of order, I am explaining what I said, and I will go on. What I said was that I have heard it said that some people believe this behaviour raises questions.

Mr Humphries: Mr Speaker, I want to take a point of order on that. It is quite a sly tactic to get up in this place and say, "I have heard it said that Mr X beats his wife". A member might not actually be making the allegation because they are quoting somebody else, but they are repeating it on the floor of the chamber, and it is no less

serious because they do that. If I say, "I have heard it said that Mr Y is a paedophile", clearly that is an abuse of standing order 54 about using offensive words against a member or a member of the judiciary. Mr Stanhope cannot hide behind the device of saying, "Somebody else said that and I am just repeating it in the Assembly". He is using those words and he should withdraw them.

MR SPEAKER: I uphold Mr Humphries' point of order. I have referred to *House of Representatives Practice*, Mr Stanhope, which we do refer to. Page 475 states:

A member is not allowed to use unparliamentary words –

which is what standing order 54 refers to –

by the device of putting them in someone else's mouth or in the course of a quotation.

So I would ask you to withdraw.

MR STANHOPE: I have no difficulty withdrawing on the basis of your request, Mr Speaker. It is a pity, though, that I will now have to leave out a whole paragraph of my speech.

Given the obstruction that I and many people believe Mr Osborne's proposal that there be a specialist magistrate has received, in discussions with one of those parties which originally supported Mr Osborne and his proposal for a specialist court magistrate, it has now been suggested to me that it would be appropriate for the legislation to be changed, almost as an admission of defeat. Basically, the Assembly's will has been thwarted. The interests of children are not being met. The will of the Assembly, the will of the parliament, is not being implemented. For the sake of children facing court, it would now be best to simply concede at this stage in this place, with the opposition that there is.

It is interesting to me - and I understand Mr Rugendyke's determination to see this sorry saga come to some conclusion – that Mr Rugendyke, who spoke in favour of Mr Osborne's Bill and who supported the Bill, has now introduced this amendment. I understand that Mr Rugendyke in that process received some encouragement from the Government to do so.

As the Attorney has said, the Bill will amend the Children's Services Act to require the Chief Magistrate to declare a Children's Court Magistrate for a term of up to two years and to revoke a declaration on request of the Children's Court Magistrate. This is the nub of the change. What that provision does is revert us to precisely where we were before - basically an open discretion to remove at will, on a whim, anybody for the time being performing the duties of the Children's Court Magistrate. In other words, the declaration of a Children's Court Magistrate can simply be revoked at will. In effect, as I just said, the position has been turned back to precisely where it was before Mr Osborne commenced this legislative process. It has been turned back to precisely

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what it was before the Justice and Community Safety Committee investigated it. It has been turned back to precisely where it has always been. In other words, the Chief Magistrate appoints somebody for two or three months.

Then, after two or three months, the person appointed as the Children's Court Magistrate sticks up their hand and says, "Chief Magistrate, I have done my stint in this job which none of us really want. This is a bit of a backwater, with no career prospects". They put up their hand and say, "Chief Magistrate, please revoke my declaration as Children's Court Magistrate". That is what is going to happen. We will revert back to where we were. We will simply turn this position over every three months or so. That is exactly what is going to happen.

In his presentation speech, Mr Rugendyke expressed his support for the philosophy of a specialist Children's Court Magistrate. That is what Mr Rugendyke actually expressed his support for; the position of a specialist Children's Court Magistrate.

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 STANHOPE: As I was saying, in his presentation speech, Mr Rugendyke expressed his support for the philosophy of a Children's Court Magistrate. He said that his amendments remove aspects causing difficulties in practice and will improve the workability and flexibility of the court. As I have just said, though, their impact will return us to where we were. Some members may feel the purpose of this Bill will be to end what I described earlier as a sorry story which does no credit to the legislative process. I would like to say in conclusion that Labor will support this Bill. We will not oppose it. But the Labor Party will revisit this matter, and members should not regard this as the end of the story.

MR OSBORNE (5.03): I stand to echo the sentiments of Mr Stanhope. I, like him, am disappointed and frustrated at what has happened since this legislation was passed. The committee which I chair undertook a lengthy inquiry into the matter. We heard from numerous experts in the field. I do not think it would be unfair of me to say, without having any information in front of me, that the vast majority of people who appeared before that committee and who made submissions were very much in favour of the legislation.

I may be wrong, but I do recall a report from the previous Assembly, by a committee of which Ms Tucker was the chair, which was with us on that same issue. It is very disappointing that we have to come back here today because of the actions of one man to resolve this problem. I was warned by my colleague Mr Rugendyke to have a look at standing order 54. I have had a look at that. Perhaps you could clarify whether "offensive words" are swear words or whether they can mean anything.

Mr Moore: Imputations.

MR OSBORNE: Imputations. Mr Speaker, it is very clear to me that in this round the Chief Magistrate has got what he wanted. He clearly spat the dummy.

MR SPEAKER: Be careful, Mr Osborne, please.

MR OSBORNE: Well, he did.

Mr Moore: The Speaker is referring to standing order 54.

MR SPEAKER: Standing order 54 does not allow criticism of the judiciary.

Mr Wood: You should remove it.

MR SPEAKER: It is entirely up to the Assembly whether it is removed, but at the moment it exists. So I ask you to be aware of it.

MR OSBORNE: I am aware of it, Mr Speaker. That is why I am speaking slower than I normally do. It is very clear to me that the Chief Magistrate chose to ignore the will of the parliament. He chose to ignore legislation that was passed by this Assembly. His actions in relation to this whole matter have left me with a very bitter taste in my mouth. He obviously did not like the fact that we in the Assembly dared to question him.

MR SPEAKER: Mr Osborne, I must remind you - this is not my decision – that standing order 54 does not allow you to attack the judiciary. You may rephrase your comments and talk about “the court’s action” – and I am referring here to *House of Representatives Practice* - but please do not talk about individuals.

MR OSBORNE: Mr Speaker, from now on I will say “the court” but I mean “Mr Cahill”.

MR SPEAKER: I do not want to know that.

MR OSBORNE: I will say “the court” but I mean - - -

MR SPEAKER: No, you cannot do that. You must refer to the courts.

MR OSBORNE: Okay. I will say “the court”, then.

MR SPEAKER: Okay.

MR OSBORNE: Everyone knows what I mean, Mr Speaker, but I will say “the court”. The court has handled this whole affair disgracefully, and it makes me very disappointed that we are forced
- - -

Ms Tucker: I raise a point of order, Mr Speaker. I draw the attention of members to page 480 of *House of Representatives Practice*, which states:

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Judges are expected by convention to refrain from politically partisan activities and to be careful not to take sides in matters of political controversy. If a judge breaks this convention, a Member may feel under no obligation to remain mute on the matter in the House.

MR SPEAKER: What is your point?

Ms Tucker: I ask for your ruling on that, because Mr Osborne is being prevented from expressing concerns on a matter about which I would suggest the magistrate has taken a political position.

MR OSBORNE: On that point of order, Mr Speaker: I do recall the Chief Magistrate making a statement in one of his courts a day or a couple of days after the initial legislation was passed. I think that clearly shows that he has taken a political stance on this matter, in condemning the legislation. I think Ms Tucker does have a point with that point of order.

MR SPEAKER: I am not aware of the Chief Magistrate making any comment.

MR OSBORNE: I will be happy to provide it to you, Mr Speaker.

MR SPEAKER: I do not know, therefore, whether it would be regarded as political. However, what I am noting on page 479, Ms Tucker, is:

‘From time immemorial, the practice has been not to allow criticism of the judiciary; the honourable member may discuss the judgments of the court but not the judges’.

In the absence of any advice or evidence to the contrary, I must simply rule that we may discuss the judgments of the court but not a specific magistrate or a specific member of the judiciary. But I will investigate it if it is your wish, Mr Osborne.

MR OSBORNE: I would be happy to provide you with a copy of the transcript, Mr Speaker. I will be happy to come back to it tomorrow.

Mr Stanhope: Mr Speaker, I was going to make that request of you. I think this is a serious issue.

MR SPEAKER: I agree.

Mr Stanhope: I have expressed my serious concerns about this process. I have expressed serious concerns about what I regard as a campaign by the court, in company I believe with the Attorney and the Government, to undermine this particular piece of legislation. I think we should be able to debate that in this place. I had a prepared speech, and I regret that there are parts of that speech that I did not deliver that I would very much have liked to deliver, going to the attitude of the court and the Government in relation to this matter.

MR SPEAKER: I will look into the matter.

MR OSBORNE: Mr Speaker, the court should respect the law, as they require us to respect the law. What I shall do is find that article or a copy of that speech delivered by the Chief Magistrate and provide it to you this afternoon. I seek leave to move that the debate be adjourned.

Leave granted.

MR OSBORNE: I move:

That the debate be adjourned.

Question resolved in the affirmative.

ADJOURNMENT

Standards of Behaviour

MR HUMPHRIES (Treasurer, Attorney General and Minister for Justice and Community Safety) (5.11): I move:

That the Assembly do now adjourn.

Earlier today in question time Ms Tucker asked a question of the Chief Minister about statements that were made allegedly by the Minister for Urban Services on television last night. I will try to quote directly the question that Ms Tucker asked. She said:

Last night on the news, Mr Smyth made a statement which was obviously made before the retraction which was not consistent with the retraction.

She went on to say:

... on I think Prime Television, but one of the television news last night ...

She asked a supplementary question, and in that supplementary question she said:

Mr Smyth has made a false and misleading statement on television.

The Chief Minister's office, my office and Mr Smyth's office have all gone back very carefully to check what was said on the television last night to discover the statement that Ms Tucker says was inconsistent with the retraction that was made at the beginning of question time yesterday. As we have indicated in the past, we take very seriously the obligation on members of this place to be truthful at all times. I can table a transcript of the grabs that were used from Mr Smyth last night on all three television stations with respect to the matter of waste at the Belconnen tip.

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There was no interview with Mr Smyth broadcast on Capital News. There were interviews with Mr Smyth on WIN and Prime and they were extracted, of course. I want to read the quotes from Mr Smyth on both of those stations. First of all, from WIN News, a very short grab:

The Government has already started a review of the whole process. When I've got those results, I'll relay them to the whole Assembly.

It take it Ms Tucker would concede that was not inconsistent with the retraction at all that was given by Mr Smyth yesterday. On Prime News Mr Smyth said the following:

When those sample results came back, it said, yes, there is a lead problem. We then did extensive scientific analysis of the size and the extent of the problem. When we got those results, we acted immediately to close the tip. What it's about is making sure when Ministers are censured it's for important reasons, not for political grandstanding on behalf of the Greens.

I would ask Ms Tucker to ask herself how either of those statements are inconsistent with the retraction which Mr Smyth made yesterday just before question time. None of those quotes, attributable to Mr Smyth in his interviews, in any way contradicted either his statement during the censure motion or the retraction which he made in the Assembly later that day. I think Ms Tucker should now come back to the Assembly and withdraw her statement that she made in this place today that the Minister "has made a false and misleading statement on television".

We have not got a tradition in this place of retracting statements that are made outside this place which are misleading. Perhaps we should, but if we did we would have a lot more time spent on motions of censure in this place than we presently do - and that is saying quite a lot. Mr Smyth did retract his statement from earlier on in yesterday's debate. Ms Tucker came to this place and said quite clearly and categorically, "Mr Smyth has made a false and misleading statement on television". With respect, that is not true.

I want to point out in closing this debate that yesterday and today members made some issue of the fact that the comments for which Mr Corbell was criticised here were not made by way of a statement but by way of a question. I remind members about a certain debate that occurred on 25 August 1993, where the then Leader of the Opposition and the Deputy Leader of the Opposition, namely, Ms Carnell and Mr De Domenico, were censured by the Assembly for asking questions.

Ms Carnell: Was that a question about the nurses dispute?

MR HUMPHRIES: No, this is a question about a certain Mr Charles Wright. It carried an imputation, and both those people were censured by the Assembly for asking that question.

Mr Berry: Fair enough too; it was disgraceful.

MR HUMPHRIES: In that case, Mr Speaker, you would be happy to support the view that a question asked by Mr Corbell which carried an imputation should also face the consequence of having to be apologised for in this place.

Standards of Behaviour

MS TUCKER (5.16): Mr Speaker, I will not be drawn into a response at this point because I want to look at exactly what was said last night as well as the lead-in by the journalist and the general impression that was given. I am quite willing to apologise if I am incorrect, but I am certainly not going to do it at this point because I want to look at the whole transcript, not just what Mr Smyth said.

Ms Carnell: That was the whole transcript.

MS TUCKER: No, I am also interested in what the lead-in was and whether you actually made sure people understood.

Mr Andrew Parsons

MR MOORE (Minister for Health and Community Care) (5.17): While we are on the issue of the media, I would like to share with members an incident that occurred today. I do not know if members are aware that one of the television cameramen that we deal with very regularly, Mr Andrew Parsons, who works with Prime Television, is leaving his career as a television cameraman to work on ambulances.

I was being interviewed today at the Griffin Centre and he was working the camera. We were on the first floor of the Griffin Centre when we looked out and saw that somebody had collapsed across the street. It turns out that the person had overdosed. Mr Parsons dropped his camera - I should say he put his camera down carefully - grabbed his first aid kit and raced to the man's assistance. At the same time I called an ambulance. I think that is a reflection of Mr Parson's willingness to contribute to society. That particular incident reflects his attitude. It is something to be commended, as are the people who work on ambulances day in, day out. That demonstration today is a reflection of the sort of person he is and the sort of person that we have in the ambulance service.

Before he leaves these precincts, I would like to take this opportunity to put on record our appreciation of that sort of attitude and the contribution that people in the ambulance service make to saving lives. There will be a debate in this Assembly about the broader issue of how we deal with people who use drugs, but I do not want to get into that now. That is not the point. The point is that here was somebody who had collapsed, and an ordinary citizen who is looking forward to this kind of work - and who has some experience in working on ambulances in the United Kingdom, I understand - was willing to see the priorities at the time and rush down and assist in saving somebody's life. It was a great thing to see. It is worth while reminding ourselves that fantastic things go on in our society all the time, and it is worth while occasionally giving recognition when we see them. I hope when members see Andy they will give him a pat on the back for that particular incident.

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Bishop Aloysius Morgan

MR STANHOPE (Leader of the Opposition) (5.20): I would like very briefly to acknowledge the 90th birthday of a great Australian, Bishop Aloysius Morgan, which occurred on the weekend. I was privileged to attend Bishop Morgan's birthday party. Bishop Morgan has been a very firm friend of my wife's family for the last 30 years or so. I think Bishop Morgan is truly a great Canberran. He is still incredibly active at the age of 90. He has done wonderful things in his life.

It is always a pleasure to meet with and talk with Bishop Morgan. His memory is as clear as a bell. He regaled us at his party with stories of his childhood. He was born in Essendon in 1909 and remains a firm fan of that particular football club. He has an incredible memory and an incredibly recollection of the detail of incidents that occurred throughout his life. It is wonderful to listen to Bishop Morgan speak on some of his first memories. That he remembers troops coming home from the First World War is truly remarkable. Bishop Morgan was confirmed by Archbishop Mannix, one of the great figures in Australian history and in the church in Australia. He is a mine of most wonderful information in relation to his life.

Bishop Morgan has, of course, devoted his life to caring for people; something that he has done nobly and incredibly well. He is one of the most humble, honest and engaging human beings I have ever met. So I simply rise to acknowledge Bishop Morgan, a great Canberran, and to congratulate him on his 90th birthday.

Question resolved in the affirmative.

Assembly adjourned at 5.22 pm