



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

14 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.

**CRIMES AMENDMENT BILL (NO 2) 1999**

**MR HUMPHRIES** (Treasurer, Attorney-General and Minister for Justice and Community Safety) (10.32): Mr Speaker, I present the Crimes Amendment Bill (No 2) 1999, together with its explanatory memorandum.

Title read by Clerk.

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

That this Bill be agreed to in principle.

The proposed amendment to the Crimes Act 1900 abolishes the common law presumption of marital coercion. This presumption dates back to medieval times, when a man charged with a serious criminal offence could claim a defence of benefit of clergy and be tried by the ecclesiastic courts. The ecclesiastic courts were viewed as a more lenient forum. A woman could not claim the same defence.

In response to this, the secular courts developed a presumption favourable to women. Where a woman committed an offence in the company of her husband, she was entitled to an acquittal unless the Crown could prove that she acted independently. The rationale for such a presumption was that the wife had no independent thought or will and acted completely at her husband's direction.

Such a notion is an anathema to modern thought. Indeed, most other jurisdictions abolished the presumption a long time ago. New South Wales abolished the presumption in 1925, and, due to Commonwealth inaction, despite a government report in 1975 and judicial comment in 1982 and 1983, the presumption has not been abolished in the ACT.

This Bill is long overdue. As soon as it was drawn to my attention I took action to address the situation. The Bill modernises a very outdated notion, one which the Director of Public Prosecutions has called "archaic and sexist". The director advised that the sooner it is removed from the ACT law the better, and that is a sentiment with which I concur and, I hope, so would other members of the Assembly. I commend the Bill to the Assembly.

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

**LAND (PLANNING AND ENVIRONMENT) ACT -  
VARIATION NO. 94 TO THE TERRITORY PLAN  
Motion for Disallowance**

**MR CORBELL** (10.34): Mr Speaker, I move:

That variation to the Territory Plan No. 94 relating to Federal Golf Club redevelopment made pursuant to the Land (Planning and Environment) Act 1991 be disallowed.

Mr Speaker, the proposal to allow the development of 59 dwellings on the Federal Golf Club's lease is a longstanding and contentious issue. In the majority report of the Standing Committee on Urban Services inquiry into this proposal tabled earlier this week there has not been any recognition of the fundamental issues relating to the proper administration of leasehold in the ACT. Inconsistencies with the principles of the Territory Plan and the threat to Canberra's formal and informal open space areas are raised by this variation.

During its inquiry the committee received 121 public submissions on the variation. Previously 173 submissions were lodged with PALM when the draft variation was first released for public consultation earlier this year, and a further 408 submissions were made to PALM on the development application and the preliminary assessment. At each of these stages of consultation the clear majority of submissions were in opposition to the proposal to develop a residential area on the Federal Golf Club's lease. It is clear that both the ACT Government and the majority of members of the Urban Services Committee have failed to genuinely respond to the level of public concern regarding this proposal in deciding to recommend that this variation proceed. That is fundamentally why Labor is moving this disallowance this morning.

There is no doubt that if this draft variation is approved, in the words of one of the witnesses to appear at the committee's public hearing, the community will lose trust in the processes by which decisions are made in the Territory. Let me outline the justification for that statement. The decision by the Minister for planning, Mr Smyth, to endorse this variation explicitly breaches a commitment made by his predecessor in the previous Liberal Government, Mr Humphries. Mr Humphries said the Government would not reconsider this proposal. In fact, the commitment made by the then Minister was very clear. He said:

The Government will reject this proposal and not consider it again.

The fact that the current proposal is effectively the same, 59 residences instead of 61, only highlights why residents in the ACT genuinely wonder why they should continue to have faith in the planning decision-making processes of the Territory.

It is important to propose this disallowance today, because it gives the Assembly the opportunity to send a clear signal that we will work to protect and uphold the principles of the Territory Plan, that we will work towards restoring integrity to the administration of the leasehold system in the ACT and that we will work to safeguard the vital formal and informal open space network of Canberra, a system which makes our city unique.

I will now address the two key reasons why the Assembly must act to disallow this flawed proposal today. The first of these is the appropriateness of allowing a change to a concessional lease to provide for residential purposes and some associated issues. The Federal Golf Club's lease is a concessional lease, granted for the purposes of a golf course and other ancillary uses relating to golf. The lease purpose clause is further reflected in the land use cited in the Territory Plan for this site, which is restricted access recreation. The lease has provisions which allow members of the public to access the course for walking and other passive activity when the course is not being used for tournaments. The club pays rent of \$7,000 a year approximately for the land, and the ancillary uses allowed under the lease provide for a hotel/motel for golfing purposes. Any proposal to construct a hotel or motel would have to be consistent with the Territory Plan.

The club's lease was granted at a concessional rate, as it was deemed to be in the public interest to discount the value of the lease to ensure that a golf course was provided in the area. As a fundamental principle of the leasehold system, the only rights the club has in relation to the land are those conferred by the lease - for example, for golf and related activities. The club does not have any presumptive rights to develop the land for any other purpose. That is a right which can only be exercised by the Territory.

The trend since self-government has been, regrettably, to allow the conversion of these types of leases to provide for residential development. Developments at the Yowani, Belconnen and Capital golf courses have been permitted, as have developments at the Canberra Women's Bowling Club in Kingston and the Canberra Bowling Club at Forrest. This trend has emerged as concessional leaseholders have sought to realise the inherent value of their leases, many of which are now located in established, sought-after locations, by converting them partly to residential use and returning the profits to the organisation. It is a trend which has brought a windfall gain to the concessional leaseholder at the expense of the community, which granted the lease at a discounted rate. That type of transfer of subsidy the Territory cannot afford.

The level of betterment proposed to be charged for the development of the Federal Golf Club is, I understand from evidence presented to the Urban Services Committee, 75 per cent on the newly issued residential lease. This allows a windfall gain to the club and is in direct contradiction to the recommendations of the Stein inquiry into the administration of ACT leasehold, which recommended that there be no remissions - I repeat "no" - for concessional lessees who proposed changes to a lease purpose clause which added value to the land and were for a purpose different from the original grant.

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The primary rationale put forward by the Federal Golf Club for the residential proposal is to provide funding for infrastructure improvements to their water supply and maintenance systems. The issue of better water management and supply is a legitimate concern for the club. However, the issue should not be addressed through the implementation of a lease purpose clause change which is not consistent with the proper administration of leasehold in the Territory.

If as a community we believe there are legitimate aesthetic, sporting and other benefits that flow from the operations of a golf course, then we need to make a decision about whether or not it is appropriate to subsidise their operation in a direct and transparent manner. The use of a lease purpose clause change to provide that subsidy is not a transparent one, and it is certainly not appropriate.

To protect the public interest, the Assembly should not be allowing any concessional leaseholder to make a windfall gain derived from converting their lease to allow for a purpose which increases its value. If we allow that to occur, we are sanctioning the exploitation of a public subsidy - granted in the public interest - for a private gain.

An issue also raised during the Urban Services Committee inquiry but not addressed by the majority report or the Government's response was that the land proposed by the Federal Golf Club for residential use should be withdrawn and incorporated into the hills, ridges and buffers area of Red Hill, which is managed as part of Canberra Nature Park.

Advice first brought to the attention of the committee by Mr Gillespie-Jones, one of the witnesses, indicated that the club's lease had a provision which allowed for land no longer needed by the golf club for golf purposes to be resumed by the Territory, and, if the Territory believed it was appropriate, to allow it to develop the land. Subsequent advice supplied to the committee by solicitors for the club suggested that in their view the decision to seek a variation to the Crown lease and the Territory Plan did not signify that the club wishes to surrender the land or that the Government should resume it.

We then come to the advice from the ACT Government Solicitor, which I think casts a much more interesting light on this situation. The Government Solicitor indicated that the Territory did have the power to withdraw land under clause 6(c) of the club's lease for a range of purposes, including - and I quote from the Government Solicitor's advice - "for any purposes incidental to the development, expansion or beautification of the City of Canberra" and "for any other public purpose". The advice goes on to indicate:

If the land were required for public infrastructure or for a public reserve, then this could constitute a public purpose.

They are not my words, Mr Speaker, nor the words of residents who raised this issue but the words of the ACT Government Solicitor. What this advice confirms is that while Mr Gillespie-Jones's suggestion that there is a requirement for the Territory to resume the land if it is no longer needed for golf and related purposes is incorrect it is possible for the Territory to decide to withdraw the land from the golf club's lease and

incorporate it into the adjacent nature reserve as part of the open space system. In relation to the ability of the ACT Government to do this, the ACT Government Solicitor, in his advice, confirmed:

It would remain a policy decision for government, in particular circumstances, as to whether or not such a power should be exercised.

That is the only constraint on the Government. Do they think they want to exercise that power? Clearly, the current Government is not interested in protecting the open space network and exploring the potential of the use of that power under the club's lease. Further, the views of a significant number of submissions which urged that this option be exercised or at least explored have been confirmed by this advice.

Mr Speaker, the second key reason why the Assembly should support this disallowance today is the fundamental inconsistency this variation has with principles of the Territory Plan and with the maintenance of Canberra's open space system, informal and formal. The majority report of the standing committee's inquiry into the draft variation has chosen to ignore the fundamental inconsistencies that this proposal has with these principles.

Of even greater concern is the extraordinarily broad interpretation of these principles by the Planning and Land Management Group of the Department of Urban Services. The majority of the standing committee has not addressed the inconsistency of the answers provided by PALM officials in relation to these matters when they were raised during the public hearings of the committee.

The standing committee received representations from a range of individuals and from the Burley Griffin LAPAC that the proposal to vary the Territory Plan to allow for housing was inconsistent with a range of relevant principles. These included principle 3.2, which states:

Residential development will continue to be arranged in distinct suburbs and urban precincts, each containing appropriate commercial, community and recreation facilities.

This principle is designed to prevent development of precisely the nature proposed at Federal - the development of a small, isolated residential enclave that is inefficient to service and relies entirely on the private motor vehicle. The draft variation indicates that the proposal will rely entirely on the private motor vehicle as its only form of access. This was further confirmed by the proposal's preliminary assessment, which indicated that the development would be "a residential island".

A range of submissions further indicated that the definition of a precinct being applied by PALM in relation to this development was being very loosely applied. I quote from one of the witnesses at the inquiry:

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Precinct is intended to describe a large, balanced development incorporating a range of commercial, recreational and community facilities. This proposal does not meet such criteria and using the definition as it is being used by PALM in this proposal would mean that a development as large as one building could be described as a precinct!

They are not my words or those of other members of the Assembly but the words of a witness appearing before the Urban Services Committee. What has been the response of our planning authority to these issues? During the first public hearing PALM officers indicated that the development proposal is “an isolated precinct in the sense that it does not have social and other facilities within it”. This comment would appear to confirm that the development was a small, isolated residential enclave with characteristics contrary to this fundamental principle of the Territory Plan. Yet, at the Assembly’s second public hearing, PALM tabled a paper which indicated:

The location of the land in relation to the wider metropolitan area is highly accessible and achieves efficiencies in terms of distances to be travelled.

This is conflicting advice. To suggest that the precinct, as it is called, is isolated but also highly accessible suggests that principle 3.2 is certainly not being interpreted in any consistent manner. (*Extension of time granted*)

Mr Speaker, another very important principle which I am sure will be of interest to all members in this place is principle 2.1 of the Territory Plan, which states:

Canberra will continue to develop as a series of discrete towns separated by hills, ridges and buffer areas.

This is what makes Canberra unique. This principle was designed to ensure that the concept of the Y plan and a discrete series of “towns” are maintained and enhanced into the future. Canberra’s town centres are defined by their natural topography, with relevant supporting social and physical infrastructure, including employment centres and community services. A town centre’s surrounding residential area still provides the key catchment for these services.

The committee heard that the Federal Golf Club development would be viewed as physically part of the Woden township, and the fact that it would be accessed via South Canberra instead of Woden would create an anomaly which was contrary to this important principle of the Territory Plan. This was ignored by the majority of members on the committee. This concern was further underlined by the Burley Griffin LAPAC, which advised that the proposed development’s relationship with the Woden Town Centre and the Canberra Hospital was “absurd”.

Despite this, PALM have advised that the distances between the proposed development site and nearby retail and other facilities are not incomparable with similar golf course residential developments. This approach fails to acknowledge the physical proximity of the site to the Woden Town Centre and the Canberra Hospital, a proximity which is



undermined by its access route via Red Hill Drive. This approach by the Government and its planning agency also completely ignores the reasoning behind Territory Plan principle 2.1 that townships will be discrete areas separated by hills, ridges and buffers. The Federal Golf Club proposal places the residential area in one township, Woden, but links it physically to another, inner Canberra. This can only be seen as completely contrary to the rationale for discrete townships as outlined by this principle.

Principle 3.6 of the Territory Plan states:

While encouraging a wider range of housing types in all residential areas, the preferred locations for higher density housing will be adjacent to town centres, principal transport routes and group and local shopping centres.

The importance of this principle is that it reduces reliance on the private motor vehicle and places higher densities of residential living close to shops, community facilities and public transport, providing ease of access and ensuring their viability in the longer term.

You can only say that the proposal to vary the Territory Plan to allow for the residential complex at the Federal Golf Club is in complete breach of this principle. It will, by its designer's own admissions, be a residential island. It will rely entirely upon the private motor vehicle for transport, as was conceded by PALM in advice to the committee, and it is a proposal which will not meet the objectives of the Territory Plan to reduce private motor vehicle use. This is from a government which has signed-up greenhouse targets to reduce emissions.

This inconsistency was further confirmed by advice from PALM that they had interpreted the draft variation proposal as consistent with principle 3.6 - that is, accessible to service facilities - because access would be by private motor vehicle. If that is the principle we are going to apply, it does not matter where we build things, as long as you can get there by car. Access to facilities is not an issue. That fundamentally ignores some good planning guidelines.

The Government has failed to look at the experience of related golf course residential estates which were built on the basis of private motor vehicle access alone. When questioned about the experience of the Gleneagles Estate at the Murrumbidgee Country Club, which was approved on the basis that no public transport services would be provided, PALM conceded they had not considered it. Yet the experience at Gleneagles shows us that constant lobbying from residents of the estate resulted in ACTION providing a service, even though it is a relatively isolated and inefficient location for public transport purposes. The prospect of such a situation arising at the Federal development, should it proceed, cannot be ruled out. Again, this scenario highlights the flawed nature of this proposal in the context of the Territory Plan.

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Of equal concern is the inconsistency of PALM and the Government in their description of the proposal in relation to density. In the first public hearing PALM confirmed that the development proposal was of a high density, yet in subsequent public hearings PALM advised:

The proposed development could not be considered high density.

Which one is it? It is of considerable concern that PALM was unable even to properly define the density level of the proposed development, let alone its consistency with principles of the Territory Plan.

Principles 7.1, 7.3, 11.1 and 11.2 are all principles designed to protect the integrity of the open space system in Canberra. The open space system in Canberra, comprising land subject to a variety of zoning and leasehold conditions, has been planned as an integrated landscape by skilled and competent planners. This integrated treatment is on a scale unique to Canberra and is one of our principal assets. The above principles are in the Territory Plan to maintain the integrity of this system. But what does this variation do? It fundamentally undermines those key principles.

The Federal Golf Club represents a fully integrated component of the adjoining formal national capital open space system which comprises the Red Hill reserve. This relationship is recognised through a statement in the Territory Plan which reads:

In addition to the areas of land indicated on the Territory Plan map as Urban Open Space there are other areas of open space in the City. These areas include the hills and ridges around Canberra, golf courses and incidental open spaces which may fall into other Land Use Policies.

Note that golf courses are part of the open space system. The Federal Golf Club is a vital element of connecting areas of territory-controlled land linking the Red Hill Nature Reserve with the fingers of parkland and urban open space within the suburbs of Hughes and Garran.

*Ordered that Mr Corbell speak without limitation of time.*

**MR CORBELL:** The placement of the Federal Golf Club was a deliberate decision to form a continuity of open space from Red Hill into the adjacent suburbs. The placement of a significantly sized development at the top of the golf course where it adjoins Red Hill Nature Reserve disturbs and breaks up this continuity of open space and it sets a dangerous precedent for the future of similar areas of open space adjoining the formal national capital open space system.

It is a major concern, Mr Speaker, that PALM, the Government and a majority of the Urban Services Committee have failed to recognise and protect this fundamental concept which makes Canberra unique. There is no doubt that the overwhelming majority of submissions and witnesses to the inquiry on this variation saw the formal open space of the Red Hill Nature Reserve and the informal open space of the adjoining

and linking Federal Golf Club as integrated and worthy of protection. Surprisingly, PALM themselves have confirmed - and again this is a quote from evidence provided to the committee:

The proposal would occupy an area which could be interpreted as contributing to the inter-town open space and as such as impacting on the separation between Canberra Central and Woden.

PALM themselves acknowledge that that is an issue. But they go on to qualify their comment and outline reasons why the golf club cannot be considered part of the open space system. PALM also suggests that the preamble in the urban open space policy - which I cited earlier and which saw golf clubs as part of the urban open space network of the Territory - were not part of the Territory Plan. This is outrageous. The suggestion is that a preamble in the Territory Plan is not part of the Territory Plan and cannot be used for interpreting the Territory Plan. Either the preamble says that golf courses are part of our open space system or the preamble says they are not. The preamble clearly says golf courses are part of the formal and informal open space system and they need to be protected.

The decision to include 9.221 hectares of land currently designated as restricted access recreation and part of the golf course's lease as public land, as outlined in this variation, will provide for a greater level of protection of this significant area of woodland and grassland. There is agreement that the area is unsuitable for golfing purposes and that it is deserving of protection for its environmental values. The proposal outlined in the variation tabled by the Minister on Tuesday proposes a public land overlay for the land, but it is proposed to be retained as part of the Federal Golf Club's lease and managed in accordance with a property management agreement with Environment ACT. Considering the widespread agreement on the significance of this site, separate from the residential site, and the need for this site to be protected, there is a strong argument, I believe, for seriously considering its formal inclusion in the Red Hill reserve area of Canberra Nature Park. On this occasion, Mr Speaker, I am able to agree with the majority report of the Urban Services Committee. Yet I do not believe the Government has accepted this recommendation.

Mr Speaker, in conclusion, the Federal Golf Club do have legitimate concerns about the need to manage and more efficiently control the use of water on their course. However, these issues must be addressed in a transparent and open way. It is not appropriate to allow a windfall gain to the club, or indeed to any other concessional leaseholder, by converting a concessional lease to a purpose with a higher value. This is an indirect and hidden subsidy and a transfer of an asset from the public to the concessional leaseholder. If as a community we believe that it is important to maintain golf courses for their sporting and visual amenity, along with the other benefits that we derive from them, then a direct grant or some other form of assistance would have to be considered. Maybe we need to have that debate if these issues are so important. But I note what Mr Moore said in the public realm earlier this week. He said that if we have spare money lying around there are probably more important uses than subsidising golf courses.

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In considering this issue, Mr Speaker, the Assembly will need to address the fundamental notions of maintaining the community's faith in the planning process. This proposal has been resurrected on three separate occasions. Each time there has been considerable and well-organised community opposition on well-based and principled grounds. The ability of the Government to blatantly disregard its own commitment to reject the proposal prior to the last election has led the community to seriously question the credibility of the process.

There is a significant responsibility on this Assembly and the ACT Government to protect the integrity of the Territory Plan and the administration of the leasehold system. This proposal threatens that integrity. This proposal undermines proper administration of the leasehold system. Ironically, instead of the Government and this Assembly to date ensuring that this responsibility is upheld, much of the work has instead been done by those concerned citizens who wrote to, and appeared before, the committee's inquiry because they believed it was important to maintain and protect those aspects of Canberra which make it unique. The failure of the planning administration and the majority of the Urban Services Committee and the ACT Government to act on their behalf only underscores why people in Canberra no longer have faith in our planning processes.

I urge the Assembly today to recognise the important role it must play in working to restore that faith and to recognise the legitimate and widespread community opposition to this proposal. I urge members to vote to uphold the principles of transparent and proper leasehold administration and to vote to maintain the integrity and the principles of the Territory Plan and Canberra's unique open space system. I urge members to support this disallowance motion today.

**MR HIRD** (11.05): Mr Speaker, when I tabled the report of the Standing Committee on Urban Services on the Federal Golf Club residential development proposal, I made two introductory remarks. First, I recognised that Mr Corbell had dissented from the majority report and had included a separate dissenting report. Secondly, I commented on the length and extent of the consultation process that had preceded the deliberations on the final preparation of the report. I emphasise these comments again, Mr Speaker, to demonstrate that the committee took every opportunity to take advantage of all available information before reaching its final position. Despite this, the complexity of the issues is demonstrated by the fact that a unanimous position could not be reached.

In considering why this position has arisen, I have again read both the majority and the dissenting reports as well as all the information contained in the annexure attached to the reports. I am led to the conclusion, Mr Speaker, that maybe committee members approached the task on this occasion from different angles. The majority report has adhered specifically to the substance of the reference - that is, whether or not the draft variation to the Territory Plan in relation to the Federal Golf Club should be endorsed. The dissenting report, however, seems to go beyond the specific reference and to advocate that the committee's role was to consider the entire ACT planning system. Indeed, the introduction to the dissenting report states, in part:

... there has not been any recognition of the fundamental issues relating to the proper administration of leasehold in the ACT ...

It was not the committee's role on this occasion to evaluate the ACT leasehold administration system or its philosophy. I believe it was our role to consider the specific reference within the terms of the existing system as required under the Land (Planning and Environment) Act, and I consider that this was done carefully and deliberately.

The committee took pains to ensure that we ask all necessary questions and that we got answers that were full and detailed enough to enable us to form opinions. We even took the unusual step, Mr Speaker, of agreeing to publish as an annexure to the final report much of the information which we gathered in this way. Members will note that we even published a number of legal opinions and arguments relating to aspects of the inquiry. I would argue that the variety of topics and the depth of the responses in the annexure are certain evidence that all the issues relating to this matter have been addressed. We have simply come to different conclusions based on our own interpretation of both the evidence and maybe the task at hand.

The dissenting report makes a number of points as to how Mr Corbell believes the ACT leasehold system should operate. This is fine, Mr Speaker, but it was not the committee's reference. The majority report is based on how the system currently operates. If the Assembly wants my committee to look at the system as a whole, then we will obviously obey the will of the parliament, notwithstanding our already extremely heavy workload. But I repeat that that was not our task on this occasion.

I consider that it is unfair to the proponents of any development proposal to have to address a hypothetical future system. There is probably enough difficulty in addressing a system that actually exists at any given point in time without having to worry about what changes may be made later. Mr Rugendyke and I, in reaching our conclusions that draft variation 94 should be endorsed, considered that the proponents had met the criteria of the existing ACT leasehold system. We did not leap to this conclusion. We were drawn to it through a thorough examination of the issues.

I would like to address a number of specific issues for the benefit of members. The dissenting report made much of the opinion that the current proposal is effectively the same as one considered and rejected by the previous Liberal Government. The current proposal is slightly smaller, 59 dwellings as against 61, true, but contains significant amendments in relation to the size of the site, the size of extensions to the nature park and the siting of the water control ponds. The majority of the committee has accepted that the proponent has accepted the duty to reflect the concerns of the community and to compromise accordingly.

Mr Speaker, the committee report recommends the placing of even further restraints upon the proposal. I would remind members that the original proposal suggested by the Federal Golf Club to their members was for a development of in excess of 150 dwelling

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units. The club has accepted in this proposal that it was an unacceptable figure, and the committee has now recommended that no housing development beyond the current proposal be allowed.

The dissenting report makes much of the appropriateness of allowing a change to the concessional lease to provide for residential purposes. Mr Speaker, I would contend that this is a policy issue that is not the point of this particular application. Under the current system our method of consideration is what the whole draft variation process is about. An application is submitted and then goes through a process according to the rules in force at the time. This has happened on a number of occasions with similar developments. Developments at Yowani, Belconnen and Capital golf courses and at the Canberra Women's Bowling Club and the Canberra Bowling Club have previously been permitted under the rules of the day, some of them under a Labor administration when our colleague Mr Wood was the responsible Minister, as I understand it.

Mr Speaker, the Labor Government approved 14.3 per cent of Capital's lease being used for a housing development and 19.3 per cent of the Belconnen Golf Club's land. As I understand it, it was also Minister Wood who referred to the Assembly the Yowani proposal, which was for 11 per cent of the land to be developed for housing of a similar type. The current proposal for the Federal lease is 5.5 per cent, a modest proposal, particularly when compared to the earlier approvals by the former Government. It is very difficult to ignore these percentages, and it would be unfair to do so. It is also very difficult to ignore the fact that the development encompasses the site of the disused fourteenth fairway at the club. It is not native or virgin bushland. It has always been part of the club's development.

Mr Speaker, the development covers about five hectares but the proposal, if endorsed, will return nine hectares to the community as public land. This is obviously a net gain to the community, particularly to the suburbs of Hughes and Garran, which already have some 45 hectares of parkland and 10 hectares of playing fields identified as urban open space in the Territory Plan.

Another issue relates to the amount of betterment. This has also been questioned in the dissenting report. Again, that was not the business of the Urban Services Committee in considering this application. It is, of course, the subject of a separate inquiry of my committee, which is now accepting submissions and will hold public hearings next month. The debate about the general level of betterment is a separate issue to consideration of this application, which must be considered against the current rules.

In this case the Federal Golf Club has indicated that it will pay whatever level of betterment applies under legislation relevant at the time. It has been suggested that the Federal Golf Club should seek another means of financing improvements to the water supply of the club. I am confident that the club had considered all realistic means of doing it prior to deciding on the option currently before us. The fact remains that the option that has been chosen is entirely legitimate. It is certainly not popular with everyone, but that fact alone cannot be used as a basis for rejection.

Another issue is the power of the Government to withdraw the piece of land in question from the lease of the club. Advice from the Solicitor-General is that while this might be possible under certain circumstances it is highly unlikely that these circumstances apply to the Federal Golf Club situation. This advice leads the majority report to conclude that this is not an option that should be used in these circumstances.

*It being 45 minutes after the commencement of Assembly business, the debate was interrupted in accordance with standing order 77.*

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

That so much of the standing and temporary orders be suspended as would prevent consideration of Assembly business having precedence of Executive business until the Assembly has completed its consideration of Assembly business notice No. 3 today.

**MR SPEAKER:** Mr Hird, your time has expired. Would you like an extension?

**MR HIRD:** Yes, sir. (*Extension of time granted*) The committee was advised by PALM that the proposal is consistent with the principles of the Territory Plan and with the commitment to the formal and informal open space system. That is an important point, and I am sure the Leader of the Opposition will take that into consideration. This issue was strongly contested during the hearings and in many written submissions. The dissenting report also argues that the proposal ignored these principles. However, the dissenting report also recognises that this is a matter of interpretation. PALM, as well as Mr Rugendyke and I, have interpreted the relevant provisions differently to our colleague Mr Corbell. Maybe this is another issue, like betterment, for debate at another time.

Mr Corbell has also questioned the proposed contradiction in PALM's thinking that the proposed development can be both isolated and highly accessible. I do not know whether Mr Corbell has ever been to Alice Springs, but I can assure him that the Alice proves that the two terms "isolated" and "accessible" and not mutually exclusive. The Alice has always been recognised as being isolated but certainly is not inaccessible.

Mr Speaker, the committee heard or read all of the evidence presented. We went out of our way to seek full explanations of many views put to us, and we particularly sought a great deal of further or clarifying information from PALM. The fact is that we have not been able to reach a unanimous position. I suspect this is because members have interpreted their tasks, as well as the evidence, differently. I do not see this as a major problem. While it would be nice and cosy to present a unanimous report on every occasion, that is not the way the world works.

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We have a planning system in place. It is what we have to work with at the moment. I have no doubts that it will change in the future, and that is how it should be. Growth and development should not be stifled by an inflexible system. The system needs to be flexible, capable of interpretation and designed to be able to grow with the times. This means that there will be debate over many proposals, and I would submit that this is one of the strong points of our democracy. In this particular case the debate within the committee, after considering all the facts, led to a majority recommendation favouring the Federal Golf Club's proposal.

Finally, the majority recommendation is made in recognition of the depth of feeling, the sincerity and the commitment of those who have opposed the application, as well as in recognition of the good faith of the proponents and of their willingness to compromise. Mr Speaker, if that golf club was not there today, what would be there? If that golf club was not a buffer, what would be there?

My committee could only judge the matter before it on the evidence given to us under the terms of reference, as I indicated in my opening remarks, and we did so justly and fairly. We did not have a preconceived opinion. Some may say that some members may have, but let the record show that I had no pre-decision on the outcome of the inquiry that my committee undertook. I judged the evidence before me, that is the way the recommendations came down. Mr Rugendyke can speak for himself. I am certain that he will speak on this issue.

Mr Speaker, on that note I strongly urge members to support the majority recommendation of my committee.

**MR MOORE** (Minister for Health and Community Care) (11.25): Mr Speaker, I would like to remind members that when I accepted the position as Minister for Health I did so on a series of conditions about Cabinet solidarity. One of the areas where I separated myself from the Government was an area on which I have always had a very strong difference with the Liberal Party - leasehold and planning. When I make a decision on issues of leasehold and planning, they are not decisions that are governed by any sense of Cabinet or government solidarity. There will be times when I agree with the Government on some planning issues. It will be because that is the decision I come to, not because of solidarity. This case is not one on which I agree with the Government.

We have a choice to make. I think the planning committee, in looking at the issue, should have been aware that the choice is between delivering a city like Canberra, which we know and love, and delivering a city like the Gold Coast, which was established at about the same time as Canberra. The Gold Coast took the sort of attitude we heard about from Mr Hird - a fairly laissez-faire approach - to planning and where to locate things. Although the Gold Coast may have some temperature advantages on odd occasions, it does not have the beauty and the workability of a city like Canberra.

When government decisions are made, they are almost always made on a cost-benefit analysis. There is some advantage and there are some disadvantages. Decisions are invariably made according to whether we think the costs outweigh the benefits or vice versa. In this case it is quite clear that there is a diversity of opinion as to where that line is drawn. To me, it is fairly straightforward. When members are considering this



particular issue, I think we have to look at whether the benefits to a sectional part of the community - whether the people who live close by, who have an important interest, or whether members of the golf club, who also have a sectional interest - outweigh the cost to the community as a whole.

I think Mr Corbell has very neatly put the costs to the community as a whole, both in undermining the leasehold system and in undermining the way the Territory Plan works and the principles of the Territory Plan. I do not intend to repeat those principles, because I think he put them very eloquently. I find it very refreshing that Labor has come to this position. I think it is a fair shift from their position in previous Assemblies. For that, I congratulate Mr Corbell for his influence. I know that his influence on planning matters has been significant, both within the party and within the caucus.

It was very interesting to me to hear Mr Hird, the chair of the Urban Services Committee, saying that if we want growth and development we need flexibility and the capability for change. I could not believe my ears. When I started discussing such matters in 1985, developers always said to me what they wanted was certainty. That has always been the argument they have put, until apparently it is inconvenient and then they want to have reasonable flexibility. There is flexibility when you are working within the parameters of the Territory Plan - and there should be. I do not think anybody debates that.

When you seek to change the Territory Plan, it should be difficult, because that gives certainty to people who operate within the plan. That should be the important principle driving decisions in this chamber. We should be reluctant to change the Territory Plan unless we are comfortable that the change is consistent with the principles and that it is going to enhance not just the particular issue we are dealing with but the plan overall. That is how we will be sure that we can provide certainty for people who wish to develop the city in the way that it ought to be developed.

I have not heard anybody here objecting to the notion of development of the city. It should be developed. I heard Mr Corbell talking about residential development close to town centres and the city centre. Have we heard any objection to the residential development at the Waldorf? No. Have we heard any objections to residential development around the town centres? No, because people realise that that is consistent with what we would expect and with the principles of the Territory Plan.

It is not just a case of objecting for objecting's sake. It is a case of understanding what we are trying to achieve with having a plan. Otherwise, why bother with a plan? Why not just use the approach that was used at the Gold Coast for years? They probably have a plan now - I do not know. I have not looked at the situation there for some time. Mr Corbell shakes his head and says they do not. Let us not go down that path. We have a very different city.

Some people who come here do not understand it and think that is a bit weird because it is different from every other city. That is fine. I do not mind them thinking that. We know that we live in the nicest city in the world. That is the way I would put it.

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Certainly Canberra stands head and shoulders above all the cities I have visited nationally and internationally. There are many that are very beautiful and have other characteristics that are great, but none of them have the livability of Canberra. We made sure we had a plan. We knew where we were going and were reluctant to change that direction.

That has always been my position. I believe I have been consistent on this the whole way. I do not think anybody will be surprised that I will be supporting the motion put by Mr Corbell today and that I will be opposing this variation to the Territory Plan. I have seen pictures of the development. It looks beautiful. It is not about whether the development is a good development or a good design or whatever. It is about the principles of the leasehold system and the principles of the Territory Plan. It is about ensuring that the interest of the community as a whole is served before we look at sectional interests.

**MR OSBORNE** (11.33): Mr Speaker, I have spent a fair bit of time over the last few months, particularly the last couple of days, considering the opinions of the communities which surround this proposed development. I feel that their comments hold a lot of weight and ought to be treated seriously. Members will be aware of the amount of interest I have had in planning matters in previous years. It is a bit disturbing, really, that I have actually had to have some involvement in this planning issue; but I promise members that I will try to avoid them as much as possible in the future. I try to avoid planning disputes, if I can. Typically, the decision today requires balancing the self-interests of one side against another.

The concerns of those who oppose this development have settled into three main camps, in my opinion. They are, firstly, that the land was given to the club for the purpose of providing recreational facilities for its members and not for selling it at a profit. Therefore, objectors believe that if the land is no longer needed it should be returned to become part of the Red Hill Nature Reserve. Secondly, it seems likely that the proposal would significantly increase the volume of traffic throughout the surrounding area. There seem to be conflicting claims from both sides on the amount of extra traffic, but it seems clear that some of the feeder streets are already considered to be problem areas. There are also fears by local residents that over time it will be impossible to resist pressure to connect the development onto Brereton Street, thus increasing the flow of traffic through Garran and Hughes.

Thirdly, there are concerns over the environmental impact that the development would have on the Red Hill Nature Reserve. I have noted that many of the residents of Garran and Hughes have voiced strong opposition over a long period. According to evidence given to the Urban Services Committee, of the 24 criteria in the Territory Plan which are relevant, this development proposal meets only three - that is, three against 21. I believe that it was said before the committee that if that was the score against the Raiders they would lose - not that that score line happened very often when I was playing for them, Mr Speaker, but I do recall occasionally losing one or two games.

**Mr Stefaniak:** How about with St George?

**MR OSBORNE:** Do not ask me about my score lines with St George, please. On the other hand, the proposal does have many good points which give it merit. It is supported, although narrowly, by the majority of the club members, many of whom come from the surrounding suburbs. There appear to be a number of community benefits, such as increased amenity for club members and those from the surrounding area who use the course for recreational purposes. The proposal contains an innovative range of housing types and environmentally friendly surroundings. I believe that the club intends to return to the Red Hill Nature Reserve about nine hectares of land which is largely unused by either the club or local residents and improve access to the reserve for members of the public. Of course, there would be an economic benefit over the next two or three years, although to balance that I note that no jobs would be lost if the development did not go ahead.

Water supply is a fundamental need of any golf course, and this course is badly in need of a long-term solution. The course was built at a time when a cheap and assured water supply was not an issue, nor ever considered to become one. However, with the progression in recent years towards a full user-pays system, water has now become a major cost and one which fairly quickly requires a long-term solution. The club estimates that \$2.5m is needed for the course to establish a reliable and sustainable water management system. Their water management strategy appears sound and has been approved by both ACTEW and conservationists. I have noted that the course is ranked No. 56 in Australia and is one of the top five inland courses in the country. Next year, the course will host a major national tournament, making it a significant and highly visible community asset.

I have taken note of the claimed established precedent for allowing a golf club to sell concessional land for a windfall gain. It appears that there is indeed a long history of the Liberal and Labor parties consistently allowing this practice. One of the precedents which have been freely used is the Murrumbidgee Country Club in Kambah. I do not believe that this example can be considered as part of a precedent as the Murrumbidgee course was developed from the beginning as a complete club/housing development package. It was not a case of a club getting a concessional lease and then flogging off some of the land for housing. The two cannot be compared, Mr Speaker.

I realise that precedents have their purpose and need to be taken into account when making decisions such as this one. However, I do not necessarily feel constrained by precedents in this case. Just because someone did the wrong thing all those other times does not necessarily mean that we have to do the wrong thing again now. I understand that the High Court takes that view from time to time. I have tried to approach this development with an open mind and appreciate the depth of feeling from both sides. Unfortunately, one side is going to be disappointed; but such is the way of democracy. I have been impressed with the way both sides have made their case and believe that both have made a number of very valid points. I look forward, Mr Speaker, to hearing other speakers before I make up my mind on this issue.

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**MR SMYTH** (Minister for Urban Services) (11.39): Mr Speaker, I wish to set the record straight on a number of matters about the Federal Golf Club's proposal and about the approach taken by the Government. I think that the allegations by Mr Corbell about the integrity of the Territory Plan being affected were ill-informed and simply wrong. Likewise, I think that his comments about a windfall gain were naive. The whole community stands to gain from this development through the payment of the 75 per cent change-of-use charge and the level of payment is non-negotiable, as Mr Corbell knows only too well, being prescribed by the Land (Planning and Environment) Act 1991, which, I have to say, was confirmed on 2 July this year and supported by Labor.

Mr Osborne raised many points. The first was that the traffic issues need to be addressed. I say quite clearly here that the Government has no intention of ever allowing Brereton Street to be linked through Red Hill. That is not appropriate. It would actually involve a variation to the National Capital Plan and would affect the hills, ridges and buffer zoning, and I do not believe that it will ever happen.

Mr Osborne spoke about the Red Hill Nature Reserve and said that it is an important part of the open space that we have. Indeed, it is a very important part of the open space. At stake here is some 9.22 hectares of environmentally significant land. This morning I received a letter from the club saying that, if the Assembly approves variation to the Territory Plan No. 94, they will take whatever action is necessary to facilitate the requirement to transfer the land to the ACT. They would actually surrender the land to the Government and we would include it by variation to the Territory Plan into the Red Hill Nature Reserve, making it permanently, for all time, for all Canberrans, part of the urban open space that we have here.

Mr Speaker, I think it is important that people understand that the current lease would, in fact, allow the club to build, for instance, a hotel on that site. They could build a hotel with a hardstanding car park for another 300 cars. That would be allowable under their lease and under the planning regime; so we have to talk about the reality of what the club can currently do and what they are asking to do, which I think is something of far less impact.

Mr Corbell had his standard opening: "The Assembly and the committee got it wrong. I am from the Labor Party and we have got it right". But Mr Corbell forgets that what we had here was a very clear, very open, very honest process. Mr Osborne acknowledged that both sides had put their cases well. There are two sides to this argument. There are always two sides to these arguments, if not three or four. But Mr Corbell says, "Because I am not getting what I want, everybody else is wrong".

What are we going through here today, Mr Speaker? We are going through what is prescribed by the Territory Plan. This is the process and the club has the right to seek to vary what it can do with the lease that it has and to vary what it can do with the land that it has. Mr Corbell says, "They should not keep bringing this forward. This is the third time". Goodness gracious me! How many times did it take to get the abolition of slavery, for instance, through the British Parliament last century? Dozens of times. Are we going to have a precedent that you can try only once?

I will bring up one a little bit closer, a little bit more relevant. Ms Tucker and the Greens have been trying for several years to amend the regulations under the AD(JR) Act to allow extra appeals. Currently, we have on the notice paper - I think it is still on the notice paper; I will have to check - the third attempt by Ms Tucker and the Greens to bring that forward. Under Mr Corbell's rules, we should not allow that to happen. Why should people not be allowed to try more than once on something about which they are passionate? We have a process that allows for that. In fact, what we are doing in this very debate is allowing that process to meet its culmination, which is either validation or rejection of this Territory Plan variation by this Assembly.

Mr Corbell said that the previous commitment by Mr Humphries has been breached, that we have allowed this matter to go ahead and that is a terrible thing. But Mr Corbell always takes just a little bit of the truth. We are getting a pattern for that - we have already seen it three or four times this week - whereby Mr Corbell says one thing without revealing the whole truth.

**Mr Corbell:** I rise to a point of order, Mr Speaker. I am quite happy to listen to the Minister in silence in this debate, but he is casting an aspersion on me by saying that I misled in some way or did not tell the truth or that I told only part of the truth. He is casting an aspersion on me and he should do so only by way of a substantive motion, Mr Speaker. I ask you to instruct him to withdraw.

**Ms Carnell:** Mr Speaker, that is not a point of order because Mr Smyth did not use any of the words that previously have been ruled out of order in this place.

**MR SMYTH:** Mr Speaker, I am happy to withdraw whatever it is that I have said that upsets the member.

**MR SPEAKER:** Thank you. Continue.

**MR SMYTH:** But all I recall him saying in his speech was that the submission is substantively the same. The proposal has gone from 61 to 59 townhouses; therefore, it must be the same. Let us go through the differences, Mr Speaker. In 1997 the club canvassed a proposal to construct 61 dwellings on a 4.2-hectare site within the club's lease. The club then proposed a land swap which involved expanding the nature conservation area by some 6.25 hectares in return for being allowed to use 3.23 hectares of urban open space. It wanted then to construct the dwellings and it wanted to build some of the dams and the waterworks on the land that was swapped. That is not the case now. There have been substantial changes. There is not to be a land swap. In fact, there will now be a land surrender. As I have just said, I have here a letter from the club saying that they will give back 9.22 hectares. That is far more land than was being considered, Mr Speaker. The club listened to the community's concerns on this matter.

The current proposal does not involve the acquisition of territory land. The stormwater retention ponds would be entirely within the club's lease, the number of dwellings has been reduced and the nature conservation area has been expanded by nearly three

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hectares to 9.2 hectares, none of which we heard about from Mr Corbell. That changes substantially what the club is attempting to do. We have never heard about that. We do not hear about that. All we hear about is the reduction from 61 to 59 units. He must give the whole picture if people are to have a balanced view in this place today, and we are not seeing that.

There is a clause in the lease that says that the Government can take some land back, but there are clauses in the Territory Plan and the process that we go through that say that the club can seek to vary their lease. That is their right. That is all they have sought to do. But we do not hear about that as well. Mr Speaker, I think it is curious that we never hear the rest of it.

It is interesting that Mr Moore stands up and speaks. He will be consistent, at least. We know that Mr Moore is strong on these planning issues, but he is consistent on them. What we have from the Labor Party is some sort of planning road to Damascus. Labor, in government, will approve all sorts of things. But if the Liberals want to get on with building up the city, making the city more sustainable, allowing different sorts of housing options, they we will stand in our way. Why? It is because they stand for nothing. All we know about Labor's planning policy is that Mr Corbell wants to create an independent statutory authority to make all these decisions because he, as planning Minister, would not want to.

It is very important that we go through what happened under Labor, Mr Speaker. Mr Osborne said that he did not want to talk about the Murrumbidgee and Harcourt Hill projects. I will not because I think that they are different. But I will talk about three other developments. Specifically, in October 1992 the Labor Government, through Mr Wood, approved the use of the Capital Golf Club's lease for residential development. They allowed 14.3 per cent of that lease to be put aside for this development. In July 1993, Mr Wood approved a similar use for residential development on the Belconnen Golf Club's land. How much? It was for 19.3 per cent of it, almost a fifth, Mr Speaker. In November 1994, Mr Wood referred to an Assembly committee the Yowani Golf Club's desire to redevelop 11 per cent of its site for residential purposes. It is very important that people note those figures - 14.3 per cent for Capital, 19.3 per cent for Belconnen and 11 per cent for Yowani.

Mr Speaker, let us get the facts straight on the Federal golf course. The Federal golf course is an area of 85.9 hectares. How much are they seeking to put into residential development? It is 5.5 per cent, Mr Speaker. That is half of what Labor started the process for on Yowani, because ultimately they lost government and Mr Humphries subsequently approved that one. It is for half of what happened at Yowani. Mr Wood approved a figure of 19 per cent - almost four times - for Belconnen and 14 per cent for the Capital Golf Club, almost three times. I wonder what trip down the planning road to Damascus which Mr Corbell and the Labor Party have travelled which has suddenly made them turn around, because the inconsistency that we hear today is just terrible.

I want to talk about the inconsistencies that Mr Corbell thinks there are with the Territory Plan. (*Extension of time granted*) The Government, through Planning and Land Management, is quite categorical that this proposal is consistent with the principles of the Territory Plan and stands by its interpretation of the Territory Plan.

PALM are the planning experts, Mr Speaker. The plan states that residential development will continue to be arranged in distinct suburbs and urban precincts, each containing appropriate commercial, community and recreation facilities. It states further that Canberra will continue to develop a series of discrete towns separated by hills, ridges and buffers.

Mr Speaker, I had a list of all of the enclaves, but I seem to have misplaced it. Mr Corbell spoke of enclaves developing. There are dozens of them around Canberra already, Mr Speaker. Clearly, the best example is Urambi Village on the other side of Kambah. Urambi Village is served by one road. It is a discrete, distinct little area that has no other services, Mr Speaker. It would not be at all unlike what is being proposed for the Federal golf course. There are numerous areas of this nature scattered around Canberra. For instance, there is an underpass into Fidge Street in Calwell, which is up on the side of Tuggeranong Hill. Again, there is a discrete, small enclave of housing. There are dozens of them throughout the area. So let us not be told that this would be something different and something unique; it would not be.

We have to be sure that the people who go into the development do so with full knowledge of what they are buying. The people who buy into these developments, as shown by the Harcourt Hill and Murrumbidgee estates, buy into them to be next to a golf course. That is the service they want, that is the facility they want and that is what they will get.

There has been talk about traffic problems. The distance to services from this area compares favourably with other golf course developments - such as the Belconnen golf course, approved by Labor, and Gleneagles - indeed, with some distances in the adjoining suburbs of Garran and Hughes. Mr Speaker, there is no public transport in some of the parts of Garran and Hughes, for instance, that adjoin the golf club; so the people there are not serviced by public transport, as would the area inside the golf club not be serviced by public transport. Mr Speaker, the important principle is encouraging transport efficiencies and using existing services. The development of land in existing urban areas is a form of urban consolidation. It means that we make better use of the land that we have and it means that people can travel shorter distances, therefore having less impact on the environment.

Use of the club land for housing is regarded as a form of development more sustainable ecologically than putting more houses further out past, say, Banks or Conder. Why would we continue going out when we can consolidate? In addition, the proposal provides housing choice in terms of its amenity to the golf course, nature reserve and picturesque location, and that is what some of those who are against this development are saying that the people who would like to live there should not have.

It is not considered that the proposal is high density. In planning, the term "high density" is relative and it always depends on the context. The proposed golf course development would have a maximum plot ratio of 0.35 and that figure is the commonly

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used upper limit for low-density development. It is significantly lower than the B11 or B12 areas, which have maximum plot ratios of 0.8 and 0.65, respectively, but is higher than the densities of some of the surrounding areas of Garran and Hughes.

Mr Speaker, there is no planning principle which excludes this type of multi-unit housing from this location. Indeed, housing on the Federal Golf Club site would help achieve principle 2.7 of the Territory Plan, which states:

Growth will be accommodated through the development of the new town of Gungahlin; some expansion of existing towns; redevelopment in selected locations at higher densities; and the use of suitable vacant or under-developed sites.

Mr Speaker, housing on this site does not - I repeat, does not - threaten the integrity of the open space system. The site is part of the club's lease and it is covered by the restricted access recreation land use policy. It is not part of the open space system, although there has been limited informal use of underdeveloped parts of the lease by the general public. The site proposed for housing is not currently used for golf and there is no evidence that it has been used on an ongoing basis by the local community for passive and active recreation pursuits. Therefore, there is a net overall gain in the area available for public recreation. (*Further extension of time granted*)

PALM, in assessing the proposal, has acknowledged that the proposal would occupy an area which could be interpreted as contributing to the intertown open space. This, however, needs to be considered in the context of the following: The Federal Golf Club is included in the urban area in the Territory Plan and the National Capital Plan. The housing would not occupy land identified as hills, ridges and buffers or the national capital open space in the National Capital Plan.

The golf course itself was developed on degraded grazing land and there is a substantially modified environment compared to the surrounding nature reserve. The specific area proposed for residential development is of low ecological value, given the disturbance that it was previously used by the golf course, and existing residential development in Garran and Hughes directly adjoins the golf course, the urban open space system and other parts of the nature park. The proposed development would not prevent access to the nature reserve from adjacent residential areas.

Many of the residents indicated that they walk along Red Hill Lane, which is a private road providing access to the golf club. As the road is narrow and there are safety issues associated with this, the club has indicated that a formed pedestrian pathway and cycleway would be provided - again, a net gain to the community, a benefit to the community.

I will now reiterate much of what needs to be said to make sure that it is quite clear with everybody that what we are doing is not extraordinary in this sense. What we are seeing is a proposal for the use of 5.5 per cent of the lease for housing, in comparison to those approved by Labor under Mr Wood or initiated by Labor under Mr Wood. For Capital it was 14.3 per cent, for Belconnen it was 19.3 per cent and for Yowani, which was



initiated under Mr Wood, it was 11.1 per cent. The club would be charged the change-of-use charge that was set by this place on 2 July this year, with the assistance of the Labor Party, of 75 per cent. They would have to pay the change-of-use charge.

**Mr Corbell:** You know what our policy is.

**MR SMYTH:** Mr Corbell interjects. I acknowledge that Labor's clear intention is for it to be at 100 per cent. The Liberal Party would like it to be at 50 per cent, but this place set the change-of-use charge at 75 per cent and any development would have to pay that. We now know, also, that the club is willing, should this variation be successful, to cede back to the people of the ACT for all time 9.22 hectares for inclusion in the nature reserve.

Mr Speaker, it is important that people understand what Labor did. On 7 July 1994, Yowani made application to vary the lease to enable them to build approximately 220 dwellings. It was eventually finalised under this Government. The added value created by this variation to the lease was in the order of \$3.5m. The change-of-use charge was 50 per cent. The Capital Golf Club applied to subdivide their block to permit residential development. The increased value was assessed at \$1.68m. At that time, a 29 per cent remission applied under the then policy. It was allowed a maximum residential unit development of 280 dwellings under Labor. In February 1994, the Belconnen Golf Club also sought to vary their lease. The added value was assessed at \$2.6m and the change-of-use charge of \$1.3m was paid in March 1994. The rate of remission was 50 per cent.

It is quite clear that the process that allows variation to occur has been followed. The club has sought to use that process, as is its right. This process, should it go ahead, would allow the club to provide extra amenity and certainty to its members and secure the long-term future of the golf club. At the same time we would see additional safety measures on a private road for the benefit of all Canberrans in the form of a footpath and a cycleway, as well as seeing 9.22 hectares going back, if this proposal is successful, into a Canberra nature park for all time. Mr Speaker, the process in this case has been fine, the consultation has been excellent. It has been widespread and ongoing for almost two years. The process has now reached its culmination in this place.

On all the facts - forget the rhetoric on this matter - we have approved in this place over time very similar developments; in fact, much larger developments. The proposal is consistent with the Territory Plan, as advised to me by PALM, and it will give great community benefit. The Government believes that this variation should go ahead.

**MR WOOD (11.59):** Mr Speaker, it is not surprising that we are having this debate today. It has been a long debate. Arguments about leasehold go back to the very first days of Canberra as it developed within the ACT with its unique planning system and its unique leasehold system. The first leases were auctioned off in 1924. There had been arguments before that about what conditions there should be on the leases. Immediately upon their auctioning, the arguments continued and they have continued to this day.

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I well know that because I was the relevant Minister for a period, as has been said today. There is no more consistent feature of Canberra's history than disputes about leasehold, and I guess they will continue in the future. The leasehold system has much diminished from what it was in those early days. I would refer those who profess an interest today to the book *Canberra in Crisis* by Frank Brennan, which is a very fine work. It does need to be updated because much has happened since then. But the leasehold system today is hard to define, because it has been so much changed and there are so many different views about it.

I do not support the development at this golf club; it should not go ahead. I have been consistent in that regard over a period. The proposals for development there emerged towards the end of my time as Minister. Whilst I acknowledged that a proposal could emerge, as all lessees have the right to develop proposals and to ask, I gave signals at the time that it would not meet my favour. It has been well said today that I agreed on the Belconnen, Capital and Yowani proposals and others. The conversion of concessional leases and variations to concessional leases have long been a part of Canberra's history. Indeed, some members here will recall, just ahead of self-government, some very controversial changes to concessional leasehold - the Churches Centre in Civic, for example. So we were born into the controversy about variation to concessional leases.

My principal reason at that time for being negative about any development at the Federal golf course was for its disruption to amenity. It was simply not a suitable place for change. There was considerable intrusion on the natural environment and considerable intrusion on the adjacent urban amenity. Obviously, at that time I did not have objection, in principle, to changes to concessional leases because we had made them.

The changes to concessional leases and to other leases, certainly to the leases for the golf courses that have been raised today, were consistent with the then Government's urban consolidation program. I think members agree, amid some disputes, that it is sensible to consolidate and not carry on for ever with this awfully expensive expansion at the edges. The developments that Mr Smyth mentioned were consistent with that urban renewal program.

I might point out, to repeat what Mr Smyth said, that they returned considerable revenue to government. There was financial benefit to government. There was also financial benefit to the lessee. The financial benefit to government was not as great, it was subsequently pointed out, as it might have been. Think of the three golf courses that have been cited today. Firstly, Belconnen golf course. Nobody knows that the development is there. It is tucked away in the middle of the golf course. Who knows about it? It was eminently reasonable at the time to do that. The development at Yowani faces either the golf course or a major road; Capital, likewise. But the situation with Federal is very different. There is a natural environment there and there are residents who would be affected. My situation then was that I was not for it and that remains the case today.

It was also the case that both the government of the day and the then planning committee were reviewing the practice of varying concessional leases. I think it was about the Eastlake Football Club at Manuka. We were looking at that and we were saying, "How much longer will we be doing this?". The winds of change were there, they were clearly there, when we were reviewing more critically those variations to concessional leases. The policy that Mr Corbell has announced today is quite consistent with that reconsideration, that further consideration, of what we were doing about concessional leases. I am very happy to support this disallowance motion. Quite simply, where other developments were suitable for the purposes of the government of the day and beneficial, I believe, to the community, change to the Federal golf course would not be so. Therefore, I will be enthusiastically supporting Mr Corbell's motion.

**MR STEFANIAK** (Minister for Education) (12.06): Mr Speaker, in rising to support my colleague Mr Smyth I must say, as someone who used to play golf seriously but has not for the last 20 years or so, although I do have the occasional game, that I wonder why people want to put houses on golf courses when there are so many mug golfers around. Mr Wood mentioned the development at Belconnen golf course which he approved, I understand. It is in an island there. One of the last games I played was in a football club golf day there and one of my colleagues - no, it was not me; I topped the ball and it went about 30 metres, actually - hit a magnificent shot which went off to the right and landed bang in the middle of the houses there. I do not know whether it was such a sensible development, Mr Wood, but I have no doubt that it is quite popular with the people there because lots of people bought houses on the island within the Belconnen golf course. As a number of speakers have said, there are certainly precedents for such developments. Indeed, the proposed development seems to be a little bit more out of the way than some of the earlier developments on golf courses.

I think it is important to look at what has occurred in terms of consultation because that is crucial to planning issues. People have the right to have a say and a process is followed to give everyone who has an interest in the subject the opportunity to have a say. The Federal Golf Club variation to the Territory Plan has been through an enormous amount of public consultation. The consultation processes have been both formal and as part of the golf club's own initiatives. Anyone and everyone who wished to be consulted has had the opportunity to comment at three different stages.

Consultation was undertaken in 1997 when the club canvassed a proposal to construct 61 dwellings on a 4.26-hectare site within the club's lease. At that time the club proposed a land swap which involved expanding the nature conservation area by 6.25 hectares in return for including 3.23 hectares of urban open space within the golf course lease to construct a stormwater retention pond. During the preliminary consultation stage this proposal attracted very strong community resistance and in October 1997 the then Minister, Mr Humphries, announced that he was not prepared to allow the proposal to be considered further as it was clear that there would not be majority Assembly support for the required variation of the Territory Plan.

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The club had listened to the community concerns and the concerns of the Government and revised the proposal. As Mr Smyth has said, the club did so in some key ways. The current proposal does not involve the acquisition of any territory land. The stormwater retention ponds will be contained entirely within the club's lease. Further, the number of dwellings has been reduced - albeit, not significantly - to 59 but, most significantly, the nature conservation area has been expanded by nearly three hectares to 9.221 hectares. The Government considered that this proposal was sufficiently different from the former proposal to enable it to be considered.

In November 1998, the club lodged a development application with PALM. That triggered the formal consultation processes required by the Land Act. The development application also triggered a mandatory preliminary assessment as the gross floor area of the proposed housing development exceeded 7,000 square metres. The development application and the preliminary assessment were publicly notified concurrently, with the public consultation closing on 21 December of last year. In total, 408 public submissions were received as a result.

The preliminary assessment concluded that, whilst there was clearly a very high level of public concern about the proposal, there was no fundamental reason not to proceed with a draft variation to the Territory Plan. Accordingly, a draft variation was released - again for public comment - in March 1999. Key features included allowing for 59 dwellings on a 4.703-hectare site within the club's lease and the expansion of the nature reserve by including 9.221 hectares of the club's lease within the hills, ridges and buffer areas land use policy. This land was to become public land. That was confirmed today by my colleague Mr Smyth.

There were 173 written submissions received on the draft variation. Of those, 117 submissions opposed the proposals. The other 56, including a submission from the Federal Golf Club with a petition of 399 signatures, supported the proposals. A wide range of issues was raised, including land use and tenure issues, recreation impacts, traffic, and nature conservation and landscape issues. These issues were considered by PALM, but it was concluded that they did not warrant the draft variation being revised before referral to the Government.

Then, of course, the Urban Services Committee became involved and we know already from their report that they decided 2:1 to allow the matter to proceed. That committee, as part of its consideration, took a range of consultative steps and called for further submissions; so we have had a very good track record of significant consultation all the way along, as is entirely appropriate and, indeed, very necessary in matters as serious as this one.

The committee held the initial public hearing on 3 September. It visited the site with representatives of the club and the community on 6 September. PALM responded to issues raised at a further meeting on 17 September. At the end of this process the committee in its report recommended that the draft variation be endorsed. I note Mr Corbell's objection. Perhaps it is a little strange, given the track record of the Labor Party in terms of approving proposals for Capital, Yowani and Belconnen. Mr Smyth has indicated the difference in size in relation to those.

In addition to these various formal consultation processes, the Federal Golf Club consulted with the local community in preparing the proposal, with a series of public forums being held in 1997. The issues raised during this consultation were summarised and responded to in the preliminary assessment. I think everyone is well aware - certainly, the Government is - of the range of views within the community on the proposal. The Government considers that the consultation has been more than adequate. The issues have been canvassed and examined fully many times over.

There are some more concerns in the community. I have seen a number of people from both sides in relation to this proposal. I have seen the plans. One of the big concerns - I was delighted to hear my colleague Mr Smyth comment today on this issue - was the fact that Brereton Street may be extended. I can understand community concerns on that. I think they are real and entirely appropriate. I was glad to hear Mr Smyth say that there is no intention by this Government, and I would certainly hope by any future government, to extend that street. I think a lot of the significant concerns - very valid and real concerns - of a number of members of the local community have been allayed by that. He was very positive.

I think the land swap involving the Canberra Nature Park is a very big issue as well. The proposal is obviously far better than and far different from the 1997 proposal. Again, that 9.221 hectares would become a significant community asset. Being well aware of the lane down to the Federal Golf Club, I think the offer by the club to develop a footpath there to assist local residents in terms of ease of access to the nature park is a sensible and welcome step.

All in all, Mr Speaker, the matters have been canvassed very thoroughly. A number of real concerns raised by the community have been addressed. In these issues you never can please everyone. I have great sympathy for Mr Osborne's view about not wanting to be involved in planning decisions. They are among the most controversial that ever come before this place, but it is the duty of members and the duty of governments to assess proposals. In this instance, a number of real concerns have been taken into account, and I agree with my colleagues in government that, in the circumstances, there is no real reason now why the proposals should not proceed further.

**MR RUGENDYKE (12.15):** Mr Speaker, it has been suggested that the majority of the members of the Standing Committee on Urban Services failed to consider all the evidence before the committee and assess it on its merits. I reject that suggestion outright. We did look at all the evidence. Evidence was presented from two very opposing positions and it was necessary to look at all the evidence in context and consider it fairly.

Mr Speaker, the developments at other golf courses were not necessarily taken into consideration during our deliberations, but the precedents that have been set cannot be ignored. We have seen developments at other golf courses, and in that context it would be unfair to deny the Federal Golf Club the opportunity to follow the same path, providing it meets the necessary requirements. After assessing all the evidence before the Urban Services Committee, I am satisfied that the Federal Golf Club has met the

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necessary requirements. The golf club has been prepared to compromise. It is prepared to return nine hectares of land to the ACT. The number of units has been reduced, albeit only by two, but that was a sign that it was prepared to compromise. The opponents of the development were totally inflexible, totally against any sort of negotiation or compromise.

The fact that Mr Corbell has a different opinion on this proposal and has expressed that opinion in his dissenting report should not be seen as anything out of the ordinary. Mr Speaker, there was an allegation here today that process has been ignored. I suggest to you that the appropriate process has taken place during the consideration of this development - preliminary assessment, development application, consultation, committee inquiry, and committee report. The mechanism for disallowance which Mr Corbell has initiated today brings it before the Assembly for ultimate consideration. It puts it up for scrutiny, as is happening here today. Mr Speaker, that is an appropriate process, and it is being followed here today, as I say.

It is my view that the concerns raised by opponents to this development have been addressed by PALM. I am satisfied that the proposal of the golf course to provide housing on its lease should be supported. I stand by the majority report's recommendation and I oppose the motion for disallowance.

**MS TUCKER** (12.19): Unlike the Government, the Greens' position on this housing development at the Federal Golf Club has been consistent throughout the process. Just in case Mr Smyth is going to be found guilty of misleading the house again - two days in a row - I will correct for his benefit the statement he made that the Greens have not - - -

**MR SPEAKER**: Order! Ms Tucker, would you mind withdrawing that imputation.

**MS TUCKER**: He did mislead yesterday, but he apologised afterwards, sorry. Today he - - -

**MR SPEAKER**: No, withdraw it today, please.

**MS TUCKER**: I withdraw it, certainly.

**MR SPEAKER**: Thank you.

**MS TUCKER**: Mr Smyth did say that the Greens had put forward three times legislation or motions regarding appeal rights. That is incorrect; it has been only twice. We did approach them from different directions, but they were consistent. That demonstrates once again that the Greens are at least consistent, even though the Government is not and, I have to agree, Labor has not been in the past. I will make a comment about that in terms of it being a point of argument. What Labor has done in the past is irrelevant to the discussion today. If Labor has improved its position on planning, which it has - I support Mr Moore's comments there; I congratulate Labor on that - we are glad to see it. Mr Rugendyke put up the argument that we have to take account of precedents. If they are bad precedents, that is not a sensible approach.

This issue has been around since 1995 when the Federal Golf Club first raised a proposal to build housing on the site. In 1997 the golf club put a proposal to the Government to initiate a variation to the Territory Plan to allow this development to proceed. In October 1997 the then Planning Minister, Mr Humphries, rejected the proposal. It turns out that that was due more to the closeness of the election than to any real concern about the proposal. The following year virtually the same proposal was submitted by the golf club and the Government had no qualms about proceeding with the plan variation that is now before us.

Unfortunately for the Government, community concerns about this proposal have not diminished and all the planning and environmental issues that surround this proposal have not diminished. I have closely examined the issues surrounding this proposal and have had a number of meetings over time with representatives of the golf club and local residents. From this examination I have come to the conclusion that, on balance, this development should not be allowed to proceed, both on planning grounds and in the context of how the ACT's leasehold system is meant to operate.

Mr Corbell's dissenting report on the Urban Services Committee inquiry into this draft plan variation describes very well the concerns that I have had with this development. I would just like to highlight my key concerns. I would also want to express my disappointment that both Mr Hird and Mr Rugendyke have not responded in any detailed way to the concerns raised by Mr Corbell. It is all very well for them to say that they were fair and just in looking at the evidence and agreeing on the direction that the majority of the committee wanted to go, but specific concerns were raised in the dissenting report which I think deserved a response and we have not heard one from the members of the committee who supported the report.

The Greens are opposed to this development because, from a planning perspective, the location is inappropriate for housing. The land was never meant to be a housing area and the development would become an enclave that was relatively remote from services and had poor road access. Mr Smyth said that there were other such areas, as if that were in some way an argument to justify increasing the number of areas of the sort. As Mr Corbell has mentioned already, it is particularly ironic in light of this Government's commitment to greenhouse reduction to put in another group of housing with no public transport.

Planning and Land Management acknowledged in the committee inquiry that they expected a high level of car ownership in the development and that the area would not be serviced by public transport. PALM justified that by stating that many other journeys through this area are done by car and that the people moving to this development would know what to expect. As I have said, it is missing the point. If we are supposed to be moving towards a more ecologically sustainable city, we should not be setting up housing situations within the city where owning a car for transport virtually becomes an obligation.

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This development would also create a barrier to the movement of wildlife and recreational users between the nature park on Red Hill and the rest of the golf course reserve. The Federal Golf Club is required under its lease to permit free public access through the course, which this development would compromise. Whilst the golf course is not part of the Red Hill Nature Reserve, it is geographically integrated into the reserve and connects this reserve with parkland and urban open spaces in Hughes and Garran.

Canberra's planning has a tradition of concentrating its urban development in distinct suburbs and towns which are integrated into the open space running around and through the urban area. The open space around Canberra is not all pristine bushland. Much is just grass with a few trees, but it does serve a useful aesthetic and recreational function for residents and not just an ecological function. It is therefore a poor argument to say that just because this part of the golf course is degraded it does not need to stay as open space. It also ignores the fact that degraded areas can always be rehabilitated.

I am also very concerned about the proposal to include a 9-hectare area of the club's lease in the hills, ridges and buffer areas land use policy with a public land nature reserve overlay. This proposal has been put forward as some form of compensation for the loss of the land where the houses would go, but it raises serious issues about how our nature reserves are managed. Whilst this action is described as extending the nature conservation area of the Red Hill reserve, the area would stay within the lease of the golf course. We would end up with the curious situation of privately leased land being called a public nature reserve.

Whilst I am glad that the golf club has offered to manage this land as a nature reserve, it represents a questionable government shift in the preferred management of nature conservation areas from public to private hands, which sets a dangerous precedent. Is it going to be the case in the future that no more areas will be added to the ACT's nature reserves unless a private organisation is prepared to manage this land? If the land has value as a nature conservation reserve, it should be taken out of the golf course lease and truly incorporated within the boundaries of the Red Hill reserve.

I also question whether the golf club has a right to develop this land when the land was given to it specifically for recreational activities. Under the ACT's leasehold system, land is granted to lessees for specific purposes to lessen the possibility of land speculation. If the area proposed for the housing development or any other part of the club's grounds is not needed by the club, it should be returned to the ACT Government for the benefit of the whole ACT community, rather than being used by the golf club for speculative land ventures that are unrelated to the primary purpose of the golf club.

As I have said already, it is not sufficient for the Government to say that this type of development is okay because similar developments have occurred at other golf courses. Those redevelopments of concessional leases have also been controversial. I seem to recall that consideration of a very similar proposal relating to housing at the Yowani golf course was actually the trigger for the Stein inquiry into the administration of ACT leasehold in 1995. In fact, Stein concluded:



...if a concessional lessee wishes to redevelop the whole or part of its lease for a new use unassociated with the concessional lease use, and which increases the land value by reason of the new use, then the lessee should be required to pay full betterment without being entitled to any remission.

It is not enough for the Government to say that the golf club would be paying betterment. This charge would be for only 75 per cent of the change in value, which would still provide a 25 per cent windfall gain for the club. That would have been 50 per cent if the Government had been able to proceed with its proposed amendments to change-of-use charges that it tabled recently.

Whilst I am aware that the golf club requires funding for a new water supply system, I believe that this funding should come from the users of the golf course, rather than being subsidised by the ACT community as a whole through the loss of the public benefit associated with this open space. By its nature, the sport of golf has a significant impact on the environment relative to other sports, due to the large area of land it takes up and the need for high levels of watering and horticultural maintenance. It should be the responsibility of the club itself to reduce the environmental impacts of its own activities.

I am happy to support the club's effort to reduce its water use and set up water recycling systems, but I still believe that this should be at the club's expense, not the community's. If the Government wants to assist the club in this endeavour, it should do so in a direct and transparent way, as it does with other sporting clubs, and take account of other competing priorities for government assistance. The Government should not be assisting the club in a roundabout way by allowing the club to make a windfall profit on this development which I believe the majority of the people in the area do not want and which goes against good planning principles.

*At 12.30 pm the debate was interrupted in accordance with standing order 74. Mr Speaker having ascertained that it was the wish of the Assembly that consideration of the matter take precedence of other Assembly business later this day -*

**Sitting suspended from 12.30 to 2.30 pm**

### **PERSONAL EXPLANATION**

**MS TUCKER:** I seek leave to make a personal explanation.

Leave granted.

**MS TUCKER:** Late yesterday afternoon in the adjournment debate Mr Humphries responded to concerns I had raised in question time about whether the Chief Minister was going to apply the same standards to her own Minister, Mr Smyth, as she was expecting of Mr Corbell in terms of publicly correcting incorrect statements, and he

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asked me to withdraw certain statements. The Chief Minister had said that she expected Mr Corbell to get on the phone at 5 o'clock. She asked whether he had rung WIN TV and other outlets and said, "Look, pull the story; I was wrong". She went on to say that he had not even put out a press release to undo the damage he has done by misleading the ACT public.

My concern was whether the Minister had put out a press release about his own retraction and apology. Prime Television was not contacted by Brendan Smyth's office to correct any incorrect impression they may have had. Neither was any other media outlet, as far as I know. This is where the double standards obviously lie. Prime Television's coverage of this story may well have been different if they had known about the retraction and apology that was made by the Minister.

Mr Humphries claims that I was incorrect to claim that Mr Smyth had misled because his words were true. I am prepared to withdraw a suggestion that Mr Smyth's words were untrue, but I still believe that they gave a false impression as they gave only part of the story.

The Chief Minister argued that you cannot dictate what the media will report, but we have an ethical responsibility to give them a reasonable chance of knowing what has occurred in the Assembly, and, as we all know, television reporters are pressed for time and are rarely here at question time. I am still interested to know whether the Chief Minister is asking Mr Smyth to put out a press release, as she asked Mr Corbell to do.

**Mr Humphries:** You want us to apologise when we make mistakes, but you will not do it, Kerrie.

**MS TUCKER:** I did say I am sorry. I withdrew.

**Ms Carnell:** You withdrew. Okay.

**MS TUCKER:** Yes, I did.

## QUESTIONS WITHOUT NOTICE

### COOOL Houses in Macquarie

**MR STANHOPE:** Mr Speaker, my question is to the Minister for Health and Community Care and is about the fate of residents at the two COOOL houses in Macquarie. As the Minister would know, there are eight residents at these houses, mostly younger people who have been disabled through something like MS. All were residents of nursing homes, as that is the level of care they need. They moved to the COOOL houses, following promises of greater self-determination and more say in their individual care plans - promises that this Government has so far failed to keep. Because of earlier problems, Community Care has been delivering care to these residents since last year. In February this year a consultant's report strongly recommended that the residents be given more control. It recommended self-determination as a way of healing after years of anguish. At estimates this year departmental officers, and you also,

Minister, appeared to be endorsing this push for self-determination. The residents were given \$5,000, a token amount, to assist them in developing a tender, from scratch, to cover their own care. Can the Minister advise the Assembly whether it is true that the residents' tender has been unsuccessful? Can he also tell the Assembly whether it is true that they are being given no other choices and that in fact the panel that assessed their tender has already signed off the contract to Community Care for two years? Can he tell us whether it is true that the residents are appealing against this decision? Subject to his answers to those questions, can he confirm that today staff at Community Care are being offered two-year contracts to provide care for these people? If so, what does that mean for the appeal process that the residents have instituted?

**MR SPEAKER:** There are five questions there, Mr Moore.

**MR MOORE:** Yes, there are five questions and I am aware of the standing orders, Mr Speaker. At the same time I think we would agree that Mr Stanhope is trying to get an understanding of the COOOL house and the issues. I will take on notice the last part of the question. I am not aware of whether there is an appeal or not, Mr Stanhope. I will take that on notice and come back to you. It will have to be next week now, although I would be happy to answer that question by phone if I get information about it as well.

As you know, from the time the COOOL houses were established, I have been very keen to see that self-determination, if at all possible, be the way that these houses are managed. We have been able to manage that within the Fisher houses. There has been a concern raised with regard to the COOOL houses in Macquarie that self-determination will not be in the best interests of all the residents concerned. The concern is to ensure that we can protect the interests of the range of residents there.

Mr Stanhope, I do not have to take this on notice after all. I have a note here. There is an appeal in process, through the chief executive of the Department of Health and Community Care, apparently.

This is, of course, a difficult situation. We would like to say that we can support self-determination there. The fact that we provided \$5,000 for them to be able to put a tender forward is an indication that we are interested in self-determination. But we also have a very broad responsibility and we have to make sure that we can look after all the residents within that area. The panel that assessed those tenders determined that self-determination would mean a particular problem for particular residents in those two houses.

The advice to me is that those houses are not yet ready for self-determination and still need a substantial amount of work before they will be ready. I should also point out that it was a unanimous decision of the panel. I asked whether it was possible then to allow significant involvement of the residents in the decision-making processes that affect them, and could we see an ever-increasing involvement in the decision-making processes so that all the residents are able to be looked after in a careful way.

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Just as society as a whole has to be aware of and look after any group of disabled people, there is a smaller group within this group that are particularly vulnerable. My advice is that the process would leave those vulnerable people even more vulnerable. Therefore I have accepted the unanimous advice of the panel and allowed the process to proceed that would award the contracts to Community Care for another two years. As there is an appeal process in place, I certainly will be interested in looking at the outcome of that process. I am told in my advice here that the appeal process is to the chief executive of the Department of Health and Community Care, so I will take further advice on that.

**MR STANHOPE:** I thank the Minister for his response to that question. I note that the Minister has taken part of the question on notice. Perhaps I can add this particular concern which I was going to raise in my supplementary question to part of the information that he might later provide to the Assembly. My understanding, Minister, is that a majority of the residents and their carers or guardians are today very distressed and very angry at the failure of their efforts to achieve this level of self-determination which you and your department have espoused and apparently supported in the past. Minister, in your response, could you advise the Assembly of the steps that you will take to assuage the concerns of the majority of residents, and the steps you will put in place to ensure that they do have some involvement in determining their own lives?

**MR MOORE:** Mr Stanhope, I did say I would take something on notice but I then found the answer and have given you an answer. My understanding is that there is no issue that I have on notice at the moment. I am happy to take something else on notice if you advise my office afterwards, or if there is something I have missed. I was asked whether there was an appeal process in place. Yes, there is an appeal process in place. That was the answer to the question.

I think the fundamental issue here is not about the majority. I understand what the majority feel. I understand that the majority of the residents and the majority of the carers have that view. We have a broader and much more important issue to deal with, and it is not an easy issue. We must make sure that we also protect the minority of these very vulnerable people. Do not forget that almost everybody in these two houses we are talking about is incredibly vulnerable. I take very seriously the responsibility of making sure that we look after each and every one of them.

I assure you that we will do everything that we can, as you have implied in your question, to involve them in the decision-making processes. I will encourage the people in the Department of Community Care who are there looking after people to make sure that as part of that process they make sure that they are involved as much as possible in the decision-making processes.

**Mr Stanhope:** I want to raise a point of order. There was a further question which the Minister did not answer. Minister, I assumed that you had undertaken to take it on notice. If it is true that an appeal has been lodged today, I did ask you on what basis did the Department of Community Care today offer to you contracts to provide care for the people - - -

**MR MOORE:** Yes, you are right. I will take that on notice.

**MR SPEAKER:** Order! Yes, Mr Moore said right at the beginning of his answer that he would take it on notice.

### **Budget Performances**

**MR QUINLAN:** Mr Speaker, my question is to the Treasurer. The former Treasurer has lately been making much of a \$344m operating loss in the 1995-96 financial year. She has made claims that the loss was inherited from Labor when it was, in fact, the first full year of her stewardship. In fact that figure was published about halfway through the term of the Third Assembly. It was the first of the budgets and annual reports published in accrual accounting format, an initiative commenced, I might add, by the Labor Government. Can the current Treasurer confirm that a very significant proportion of Mrs Carnell's budget blowout of \$344m was caused by an abnormally high provision for superannuation? In fact, that was an abnormal item. Can the Treasurer confirm that Budget Paper No. 3 for 1996-97, at page 87, records the fact that the Carnell Government blew its own budget by \$147m? Can the current Treasurer assure the Assembly that there were no other abnormal provisions made in the first year of accrual accounting that would make this figure a very, very poor choice for comparing performance since?

**MR HUMPHRIES:** Mr Speaker, I can understand why Mr Quinlan would be anxious somehow to wipe the slate clean of what amounts to a stone around his neck as the ACT Labor shadow Treasurer when he realises that the financial position of the Territory was very much worse when Labor left office in 1995 than it is today. Mr Quinlan is quite right to say that the figure for 1995-96 was a figure within the period of the Carnell Government. You might be able to say on the strength of that knowledge, if nothing else was known, that therefore it must have been the creation of the Carnell Government.

However, Mr Speaker, you only need to look carefully at the evidence of changes in government outlays and government receipts in the period leading up to 1995-96 to realise that there were no dramatically significant changes in the Government's financial position prior to the 1995-96 financial year by the Carnell Government which would have led to a dramatic deterioration of the financial position prior to that financial year. Who knows what the figure was in March 1995 for the operating loss when Labor left office? No-one knows because at that stage we did not conduct our accounting on an accrual basis.

It is possible, I suppose, to go back and back-cast what that figure might be. Mr Quinlan might not be quite so enthusiastic about that exercise. It might cost a bit of money. I am sure he would find on this occasion that the cost would not be sustainable; that it would not be a good, economic use of the Territory's valuable resources. No doubt that would be his view if I put it to him that we could back-cast the Labor loss in 1994-95.

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Mr Speaker, it is quite obvious to the Territory and to the community that at the time we came to office the ACT faced a very serious problem with unaffordability of the services we were providing and that as a community we were living well beyond our means. As I recall that first Carnell budget, there were squeals of anxiety from those opposite about reductions in outlays and increases in revenue that the Government was generating. There were squeals of dismay about the terrible things that the Government was doing. Those things were designed to improve the - - -

**Mr Quinlan:** One hundred and forty seven million. Your own budget.

**MR HUMPHRIES:** Mr Speaker, if they are not interested in the question, why did they ask it?

**MR SPEAKER:** Order, please! Mr Humphries is trying to remember. It is quite a long way back, 1995.

**Mr Quinlan:** I am asking about abnormal items, really. I am waiting for him to get to those.

**MR SPEAKER:** It will not be helped by constant interjections, thank you.

**MR HUMPHRIES:** Mr Speaker, the fact is that when we came to office we put in place in our first budget a number of measures to help improve the ACT's financial position - that is, to reduce expenditure and to increase revenue. We did that in our first budget, and we have tried to do that in every budget since then. Those opposite know that because they squealed very loudly when it happened. They cannot now pretend that we actually let go of the financial purse strings and let the financial management sort of go off the rails and the position so deteriorated between 1994-95 and 1995-96 that what was presumably, they would say, a very modest financial operating loss for that financial year suddenly blew out to a loss of \$344m. Mr Speaker, if Mr Quinlan had the courage of the assertions he is making in this question, no doubt he would - - -

**Mr Stanhope:** Tell us about the abnormal items.

**Mr Hird:** Mr Speaker, I take a point of order.

**MR SPEAKER:** You have already asked a question, Mr Stanhope. If you want to ask something about the abnormal items, I suggest you get one of your other members to ask it, but do not interject.

**Mr Hird:** The Attorney-General is trying to answer the question and a barrage of - - -

**Mr Stanhope:** The Treasurer is trying to answer it.

**Mr Hird:** The Attorney-General and Treasurer is trying to answer the question, Mr Speaker, but a barrage of interjections is coming, contrary to standing orders. I ask you to bring the house to order.

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

**Mr Berry:** Mr Speaker - - -

**MR SPEAKER:** Sit down.

**Mr Quinlan:** You have been a big help, Harold.

**MR SPEAKER:** No, not you, Mr Treasurer; Mr Berry. There is no point of order.

**Mr Berry:** You have got him frightened. I'm not.

**MR SPEAKER:** Sit down.

**MR HUMPHRIES:** There are always abnormal items every year, Mr Quinlan, as you well know, in any budget.

**Ms Carnell:** Both positive and negative.

**MR HUMPHRIES:** Positive and negative. As you well know, Mr Quinlan, the position was that the operating loss of the Territory, however you calculate it, was very severe at the time that the Government moved into accrual accounting. You know that. If you had the courage of your convictions you would be calling now for some back-casting to take place to find out what the actual size of the Labor operating loss was in 1994-95, but, of course, you will not do that.

Mr Speaker, there is one quite objective piece of information about how bad the economic position was when Labor left office and that is the amount of money available in the ACT's Consolidated Fund. I have here a graph which I am happy to table for the Assembly. It shows how much money was in the Consolidated Fund in the period from July 1990, when Mr Kaine was Treasurer, to June 1995. Members can see that over that period the Consolidated Fund dropped and dropped and dropped until, when Labor left office, it was effectively - - -

**Mr Quinlan:** We paid our bills on time, did we?

**MR HUMPHRIES:** In April 1995 the amount in the Consolidated Fund was zero, Mr Speaker. In other words, they ran down cash reserves and they raided - - -

**Mr Quinlan:** We did pay for super, you know.

**Mr Stanhope:** And we paid money into the superannuation fund. How much did you put in?

**Mr Quinlan:** How much did you put into the superannuation fund?

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**MR SPEAKER:** Order, please!

**MR HUMPHRIES:** They ran down the cash at hand and they made sure that all the hollow logs they could find were raided. I table that graph, Mr Speaker.

**Mr Berry:** Now what about the abnormal items?

**MR SPEAKER:** Do you have a supplementary question?

**MR QUINLAN:** Yes, we did not really get the answer to the question. Anyway, will the Treasurer concede that favourable budget results of more recent times have been brought about in part by the vagaries of accrual accounting, and in particular reductions in the anticipated superannuation liability? As he is prepared to discredit the ALP with abnormal increases back then, I guess he is still prepared, as Mrs Carnell is, to take credit for abnormal decreases. Or does this Treasurer intend to discontinue this practice of deliberate misinformation?

**MR HUMPHRIES:** There is a “when you stop beating your wife” type question there, Mr Speaker.

**MR SPEAKER:** There is an imputation there - “deliberate misinformation”, which I - - -

**Mr Berry:** That’s okay.

**MR SPEAKER:** You might think so, but I happen to be the Speaker and I do not. Would you mind rephrasing that, please?

**MR QUINLAN:** Yes, Mr Speaker. What I was trying to say is that Mrs Carnell has gone to the public and used a figure of \$344m, a figure which is inflated by very substantial abnormal items, and in so doing is creating a totally incorrect picture of the point at which we started, and at which she started. I think that that is misinformation. Thank you.

**MR SPEAKER:** Misinformation, yes, but not misleading.

**MR HUMPHRIES:** Okay, Mr Speaker. I am not sure whether that was a withdrawal or not. Mr Speaker, does Mr Quinlan doubt that we did operate an operating loss at that time? If not, does he speculate as to how large it might have been? Was it \$100m, \$200m, \$300m? Maybe it was more than that, Mr Speaker. It does seem a bit strange for Labor to be arguing strenuously and vigorously about the size of reductions in expenditure and other cuts that this Government has had to make, painful as they have been, to get that operating loss down in the last four or five years, to have made those cuts in the last four of five years, and to have increased revenue in a number of areas.

**Mr Quinlan:** Let us not overstate what you have done.

**Mr Berry:** How many cuts were made in health?



**MR HUMPHRIES:** Mr Speaker, I really have to ask for - - -

**MR SPEAKER:** Order, please! Look, for the last two days there have been constant interjections. I will not tolerate them again. Somebody is going to be warned. Who wants to be the first?

**MR HUMPHRIES:** Mr Speaker, only Mr Quinlan and maybe his colleagues could possibly believe that the Territory was actually in some kind of healthy financial position in accrual terms when they left office in 1995. The actuarial assessment we had done on our accrual accounting initial position was checked independently. We had actuarial assessments to that effect at the time. They indicated that that was an accurate picture of what the ACT was experiencing at the time - a \$344m operating loss. If Mr Quinlan believes that some other figure is more accurate, I suggest that he put it forward.

### **Canberra Hospital - Medical Imaging**

**MR OSBORNE:** Mr Speaker, my question is to the Minister for Health. As I did yesterday, I did give him some notice of the question. I will read from a letter that I received today, Mr Moore. It was addressed to Mr Rayment, Chief Executive Officer of the Canberra Hospital, and it says:

Dear Mr Rayment

I am writing to you concerning the organisation of medical imaging under general anaesthetic for children.

CT scans are organised once a month for 4 children only. What concerns me as a parent of a child requiring several CT scans this year to treat his rare benign tumour of the jaw, is the time of day that these scans are organised for. Children must completely fast from 7.00 am on the morning of their scan, to be admitted at 11.30 am for a list that starts at 1.00 pm. My nearly 5 year old son, as one of the oldest children on his list, will be done later, meaning that he will have to completely fast for seven hours during which time he will be awake the whole time.

I have been unable to gain any explanation as to why these procedures for children occur in the afternoon. Please explain to me why the routine bookings of these scans under anaesthetic cannot be organised for an early morning timeslot?

It is extremely difficult to continuously explain to a very young child that they cannot eat or drink, particularly if they can see their siblings doing so. It is very difficult to amuse a small child with activities that

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do not generate thirst - you can't go and play in the park as you get thirsty being active. It is also very difficult to allay a child's fears if they have had several procedures and the longer that they are awake and aware that today is the day the more stressed even the best prepared child will be.

When we were inpatients at Sydney Children's Hospital awaiting the start of -

I will not name the child -

chemotherapy scans under anaesthetic were organised for a 7.00 am admission time. The number of children being examined was naturally far greater in a specialist children's hospital but the timing was organised for the benefit of the children.

Minister, I can only ask the same question as this mother. Can you give an explanation as to why these procedures for children occur in the afternoon? Could you please explain to me why the routine bookings of these scans under anaesthetic cannot be organised for an early morning timeslot?

**MR MOORE:** Thank you, Mr Osborne, for the question. I also received a copy of the letter to Mr Rayment. What I will do is follow up and ask the same question myself, because it does seem to me to be rather sensible to be able to wake a child up, then skip the breakfast and have such a procedure done rather than wait and go through the process that this woman describes for her own child. So, Mr Osborne, I will follow up and see whether the hospital can rearrange things. I will see what the block is.

She talks about scans done under anaesthetic, so we have to have anaesthetists involved as well as people from medical imaging. It seems to me that as the hospital increases its focus on customer service, and that is what we have asked it to do, it should be thinking about these things, and the whole organisation of the hospital should be designed around what is the best way we can deal, in particular, with very young children.

## ACTEW

**MR CORBELL:** Mr Speaker, my question is to the Chief Minister. The joint working party on the potential merger of ACTEW and Great Southern Energy disclosed that \$15m has been spent on the very promising TransAct project to date. Can the Chief Minister provide a breakdown of this figure?

**MR HUMPHRIES:** Mr Speaker, I will take the question, as Minister responsible for ACTEW. I have seen information about the way in which that money has been spent. I do not have the figures available with me at the moment, so I will take that question on notice.

**MR CORBELL:** I thank the Treasurer. My supplementary question is this: Can the Treasurer explain to the Assembly, or outline to the Assembly, when the roll-out of TransAct is likely to begin, and in which areas of Canberra? If a decision has not yet been made on these two, when will a decision be made?

**MR HUMPHRIES:** Mr Speaker, I understand that ACTEW is currently proceeding with plans to roll out TransAct. The potential investors, consisting of six institutional investors, have confirmed their continuing interest in the TransAct project, and have confirmed an investment range which adequately covers the funding requirement for the commercial employment of the TransAct network. As I said, there is work going on at the moment to examine those plans. As part of their due diligence program, the investors, acting as a group, have commissioned a firm to undertake a technical review of the project, and this should be completed about now. The information memorandum for investors was circulated to potential investors on 27 September.

The Government has agreed in principle to the project proceeding. However, of course, final approval will not be given until shareholders are in place and final agreement and contracts have been completed and analysed. Final government approval and shareholders approval should be sought within the next two weeks. This is the advice I had as of a few days ago. The financial close is scheduled for the end of October.

#### **Bruce Operations Pty Ltd**

**MR KAINE:** Mr Speaker, I address my question to the Chief Minister. Chief Minister, I asked you yesterday in question time about the constitution of the board of Bruce Operations Pty Ltd and you indicated that, although one of the directors has in fact or at least ostensibly been living in Sydney for some time, that person continues to be a director of BOPL. So we have a company registered in Victoria, with two directors, one of whom lives in Sydney, which is rather odd. I wonder how the company can continue to operate effectively. I will quote from the articles of association of the company on a particular matter. The articles state that the remuneration of directors shall be determined from time to time by the company, in general meeting. The directors may also be paid all travelling, hotel and other expenses properly incurred by them in attending and returning from meetings of directors or of a committee of directors of general meetings of the company, or in connection with the business of the company. In other words, they are pretty wide provisions for the reimbursement of travel costs associated with this company. Given that the secondment of the officer concerned to Sydney is somewhat of a Clayton's secondment in that she is still being paid living expenses from the ACT payroll, can the Chief Minister tell us what directors benefits or other benefits under that definition, if any, have been paid to this director for travelling to and from Sydney to attend business of Bruce Operations Pty Ltd?

**MS CARNELL:** I think in the end Mr Kaine got it right. Obviously the public servants who serve on our boards are not paid any basic remuneration whatsoever, Mr Speaker. I will certainly have a look to see whether any expenses have been paid to either director. I have to say that Mr Kaine's comment that somehow it is unusual to have

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directors on boards of ACT companies that come from outside the ACT is simply untrue, and he knows this very well. By the way, Mr Kaine, in fact the company is registered in the ACT, not in Victoria.

I have just been given the information. Yes, remuneration is nil. No travel has been reimbursed. No benefits have been given. We have Sydney-based directors on the TotalCare board. We have Sydney-based directors on the ACTEW board. This is a normal scenario. In fact, it is one that I would encourage, because what we do need to do is make sure we have people who represent a wide range of experience.

**MR KAINE:** I have a supplementary question, Mr Speaker. The Chief Minister points out that public servants do not get paid. Why then do the articles of association of this company allow the directors to make their own determinations about these matters since they are both public servants? Further, Chief Minister, will you table all resolutions of the board of Bruce Operations Pty Ltd, since the board makes these decisions, concerning remuneration, including the reimbursement of costs to board members, together with details of all payments, including expenses payments, made to those directors and to any other individual - I advise the Chief Minister to read the articles of association carefully in connection with that part - since the establishment of this taxpayer-funded company?

**MS CARNELL:** Mr Speaker, I actually already answered that question. I made it clear that the remuneration is nil. No travel has been reimbursed and no benefits have been paid. That is a very easy zero dollar figure. It is, I would suggest, quite normal for boards to determine levels of remuneration in most company situations, but, of course, public servants who sit on boards are not entitled to accept any remuneration. There is nobody else on the board, Mr Speaker, so again I make the comment that remuneration is nil, no travel has been reimbursed, and no benefits have been paid. It is quite simple.

**Mr Kaine:** I raise a point of order, Mr Speaker. My question was: Will the Chief Minister table the resolutions of the board? Will she answer that bit?

**Ms Carnell:** Mr Speaker, I can answer the question any way I like.

**MR SPEAKER:** Yes, you can.

### **Bursars**

**MR BERRY:** My question is to the Minister for Education, our very own Minister for school closures, Bill the bursar-basher.

**MR SPEAKER:** Order! You will direct your question to the appropriate Minister and use the appropriate term, not what you may think of these demands.

**MR BERRY:** No, no, this has become common fare, Mr Speaker.

**MR SPEAKER:** Do not be cheeky. Just get on with the question.

**MR BERRY:** Will the Minister confirm that the Government has made an offer to bursars for an increase in classification to full-time ASO 4 and ASO 5 levels from part-time ASO 3, among other conditions, in settlement of the long-running industrial dispute in our schools?

**MR STEFANIAK:** I thank the member for the question. I saw a report on the TV last night, Mr Berry, which seemed to indicate that the matter was resolved. My understanding is that, whilst an immense amount of progress has been made, there are still a couple of loose ends to be tied up. I got that advice this morning, Mr Berry. My understanding is that there are still a couple of issues that are being resolved. Certainly, considerable progress has been made over the last six weeks or so. A very good process was set in train after a number of negotiations which enabled some members of the department to look at the various categories of bursars in large schools, small schools and medium schools and do a good work value study. That was as a result of something I think the department was keen to see happen.

**Mr Berry:** Have they been made this offer?

**MR STEFANIAK:** I understand, Mr Berry, that they have to dot the i's and cross the t's. The agreement has not been signed but I understand that that is very close. I am not too sure what caused that report last night, but when I checked to see the validity of that I think there are a couple of things that still need to occur. I think everyone is very satisfied with the progress and I would expect that we would be able to have an announcement made soon in relation to that particular matter.

**MR BERRY:** I have a supplementary question. By the way, yesterday I asked for some figures and I have not got them yet. I am not going to give up until I get them.

**Mr Stefaniak:** You will get them, mate. No problem.

**MR BERRY:** Does this demonstrate that the Government's vindictive attack on bursars in our schools was a completely unwarranted singling out of hardworking employees? Minister, now that you have agreed that there are improved conditions for bursars, will you pay the money you unjustifiably took off them when you singled them out for special treatment?

**MR STEFANIAK:** I think what the member is talking about is absolute nonsense. We have been through this before. The department, I am satisfied, has acted quite properly in accordance with the Act. During this dispute, and certainly when a lot was happening in the last three months, the department made a number of offers which were rejected. I understand that some sensible negotiations started taking place when the commission itself put a little bit of pressure on in relation to the CPSU. Then we started getting somewhere.

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In the course of this matter, Mr Berry, I said on one occasion that even in terms of what the bursars were getting prior to this series of negotiations and assessments of what should happen they were very well paid compared with those in the Catholic system or, indeed, interstate. Some significant rearrangements have occurred. I think it was put on the table that rather than doing 6 hours and 15 minutes or so a day - - -

**Mr Berry:** Hang your head in shame, you bully.

**MR STEFANIAK:** Shut up. You might learn something. They would actually be going to full-time employees, and naturally that meant some rearrangements.

**Mr Berry:** I never picked that one up. Bullying poor bursars.

**MR SPEAKER:** Order, please! Stop interjecting.

**MR STEFANIAK:** I think the department was always keen to see that happen. I am very pleased to see the progress made on this matter over the last six weeks. Mr Berry, I do not think that at any stage anyone on this side of the house, certainly not me and certainly not any of my colleagues or anyone in the department, ever said anything that would undervalue the very considerable work that bursars do in our system.

**Mr Berry:** Poor defenceless bursars.

**MR SPEAKER:** Order, Mr Berry! If you keep interjecting I will deal with you.

**MR STEFANIAK:** So I regard some of your comments as absolute nonsense.

### **Coroners Act**

**MR HIRD:** Mr Speaker, how people forget. Who locked the Fire Commissioner out for five or six months? My, my, how they forget. However, my question is to the Attorney-General. Is he aware of the comments made by the Leader of the Opposition, Mr Stanhope, that amendments to the Coroners Act could delay the findings of the coronial inquest into the demolition of the old Royal Canberra Hospital? Are these comments true? Is it your intention to use the proposal to delay the inquest? Finally, why would the Leader of the Opposition, Mr Stanhope, have made the comment over the weekend that the Bill was going to be debated this week?

**MR SPEAKER:** The third part of the question is out of order because the Attorney is not in a position to answer that; only Mr Stanhope can.

**MR HIRD:** Well, I will abide by your ruling, sir.

**Mr Stanhope:** It is a good question, Harold. I am glad you asked it.

**MR SPEAKER:** Mr Attorney, you can answer the first two questions.

**Mr Stanhope:** We are all keen to find out as much as we can about the implosion. We are waiting with interest.

**MR HUMPHRIES:** I thank Mr Hird for that question and I hope Mr Stanhope can contain himself enough to let me answer. I am sure he will be much edified by the answer. Why the Government would want to delay an inquest which has dragged on for a very long time is beyond me. I can assure him I would be very happy to see a result arrive sooner rather than later.

Mr Speaker, I think it is important to put on record that the amendments to the Coroners Act are designed to bring the ACT into line with amendments made to legislation in every other State and Territory in Australia, and designed to provide for rights to be conferred on ACT citizens who are affected by the result of a coronial inquiry or inquest. The genesis of these provisions was a letter written to me by a woman earlier this year whose husband had died and whose husband's death was subject to an inquest. She expressed concern about the outcome of that inquest and wished to have the proceedings re-opened by a higher court.

It transpired, when I examined the matter, that she had no power as the widow of the man who had died to be able to initiate on her own part a review of that inquest. It transpired that only I, as Attorney-General, had the power to re-open that inquest, or indeed any other inquest or coronial inquiry that took place in the ACT. Mr Speaker, that seems to me to be quite bizarre. First of all, it does not accord with the practices in other States and Territories.

**Mr Stanhope:** I take a point of order, Mr Speaker. I wonder, just for my information, whether or not the Attorney can table the transcript of me saying these things.

**MR SPEAKER:** There is no point of order, Mr Stanhope.

**Mr Stanhope:** Well, could he confirm that I actually said these words.

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

**Mr Stanhope:** Or could he confirm that perhaps a journalist may have said them.

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

**MR HUMPHRIES:** Mr Speaker, I have not quoted Mr Stanhope at all, so what can I table? I have nothing at all to table.

**Mr Stanhope:** Words have been attributed to me.

**MR HUMPHRIES:** By Mr Hird, not by me.

**Mr Stanhope:** Oh, right. By Mr Hird.

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**MR SPEAKER:** Not by the Attorney.

**MR HUMPHRIES:** It was just a question, Mr Stanhope.

**Mr Corbell:** On the point of order, Mr Speaker: If the Minister will say that the words are attributed to Mr Hird and not to the Minister, perhaps the Minister needs to rebut Mr Hird's allegation.

**Mr Moore:** I take a point of order, Mr Speaker. This place drips with hypocrisy. What have we heard over the last three or four days? That side of the house are saying - - -

**MR SPEAKER:** There is no point of order. Order! The house will come to order. Stop wasting the Assembly's time. Please resume your seat, Mr Moore. Mr Attorney, continue with your answer.

**MR HUMPHRIES:** Mr Speaker, as I was saying, it seemed to me to be commonsense to align the ACT practice both with what happens in other States and Territories in Australia and to make sure that the same rights of appeal exist with respect to coronial findings as exist with respect to perhaps every other kind of proceeding which one might make in a court or tribunal in this Territory. That is a very straightforward and a very obvious approach to law reform which I would have thought members would have been quite happy to adopt. But, Mr Speaker, we had comments from Mr Stanhope earlier this week in which he questioned and thought it was odd that the Government should be bringing forward debate on this matter in the course of this sitting week. Those opposite felt it was odd that it should be happening in conjunction, supposedly, with the arrival of the coronial findings with respect to the Royal Canberra Hospital implosion.

Mr Speaker, let me say, first of all, that there is nothing odd whatsoever about wanting to confer rights on citizens of the ACT. There is nothing odd about that at all, and I am surprised that the former president of the Council of Civil Liberties would have any problem with conferring rights. I also think it would be unusual and hard to understand why he would have a problem with conferring those rights sooner rather than later. That is what we propose to do, Mr Speaker. We propose to confer those rights sooner rather than later by passing that legislation in the course of this sitting week.

However, Mr Speaker, we do not have that opportunity because I am concerned about doing so in an atmosphere where there were allegations made by those opposite that this was somehow designed to prejudice, in some absolutely incomprehensible way, an inquiry which is currently going on in the Coroners Court. I was concerned that those sorts of allegations made on the floor of this place under privilege - - -

**Mr Stanhope:** Are you a party to those proceedings?

**MR SPEAKER:** Order, please!



**MR HUMPHRIES:** Mr Speaker, I am concerned that those sorts of allegations made under privilege in this place could prejudice that inquiry, and therefore I have decided not to bring the Bill forward for debate. I will not bring it forward, Mr Speaker, until members opposite are prepared to allow this notion of some sort of sinister purpose to have passed because of its contemporaneity with the inquest into the Royal Canberra Hospital implosion. Now, that is most unfortunate, Mr Speaker. It means, for example, that the parties to that implosion, particularly the Bender family, are unable to take up the rights which are being conferred by this legislation. I can do that, Mr Speaker, as Attorney-General, but the Benders cannot, and that is most - - -

**Mr Stanhope:** You can do it for them.

**MR HUMPHRIES:** Mr Speaker, can I please have - - -

**MR SPEAKER:** Would you please be quiet? You have asked your questions, some of you. Others hope to, I imagine.

**MR HUMPHRIES:** It is exceedingly strange that those opposite profess in some media, I have heard, to support the idea of conferring these rights on individuals but actually want to delay the conferring of those rights. Why? I have no idea, Mr Speaker, and I would be looking forward to their explanation as to why later on. What is also very strange is that we had calls from Mr Stanhope earlier this week to put off the debate on the Bill when in fact Mr Stanhope well knew, because his colleague Mr Berry received an email from my office to indicate that the Bill would not be coming forward in this fortnight anyway.

**Mr Stanhope:** When was that sent?

**MR HUMPHRIES:** That is the email that went to Mr Berry on Friday, 8 October, last Friday, at 12.40 in the afternoon, and I quote:

The Government agrees to not bring forward the Justice and Community Safety Legislation Amendment Bill during this sitting fortnight. You will note from the minutes that Mr Berry expressed the view that it would not be considered until after the Coroner's report on the Bender Inquest. The Government will further consider whether to excise these sections and bring the Bill back for debate in November but I am advised that there is no urgency to have the Bill dealt with in October.

So Mr Stanhope was calling for this thing to be delayed on Monday and on Friday his party was told there was not going to be debate on these Bills in this fortnight at all. It is exceedingly strange, don't you think, Mr Speaker?

**Ms Carnell:** Even odd.

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**MR HUMPHRIES:** Even odd, yes.

**Mr Stanhope:** There is a very simple explanation.

**MR HUMPHRIES:** Yes, what? You stuffed up?

**Mr Stanhope:** I did it on Thursday.

**MR HUMPHRIES:** You stuffed up.

**Mr Stanhope:** I did it on Thursday. We can ask one of - - -

**MR HUMPHRIES:** You didn't go back and correct the records.

**Mr Stanhope:** The journalist is in the press gallery. We can - - -

**MR SPEAKER:** Order, please! I do not want exchanges across the chamber.

### **Resource Recovery Estate**

**MR HARGREAVES:** My question is to the Minister for Urban Services. As part of its no waste by 2010 strategy the Government, in March last year, advertised for registrations of interest in the establishment of a resource recovery estate. While the estate was initially intended to be established at the Mugga Lane landfill, it was eventually opened at the Belconnen facility. Can the Minister tell the Assembly whether the resource recovery estate has performed as the Government anticipated? Has it been successful in seeing significant amounts of material recycled rather than dumped?

**MR SMYTH:** Mr Speaker, I am not sure which estate Mr Hargreaves refers to. What we have advertised for is a resource recovery centre that we propose for Mitchell. There is planning being done on a resource recovery estate at the Mugga Lane tip, but we also have provided other short-term facilities at the West Belconnen tip because this Government, through its policies, is dedicated to reducing the amount of waste that goes to landfill to zero by 2010, and we see that as an important initiative. To date we have achieved some 40 per cent reduction in the amount of waste that is going to the tip. Some of the decisions that need to be taken now are being looked at. Hence the call for expressions of interest in the development of the resource centre at Mitchell and the further work that is being done on the resource recovery estate at Mugga Lane.

**MR HARGREAVES:** I have a supplementary question. My question referred to the temporary estate at Belconnen. Can the Minister confirm that ACT Waste has raised rents at the temporary estate at Belconnen by 10,000 per cent, in one case at least, from a peppercorn \$1 per annum to \$10,600 per annum? What has been the impact of such increases and how many businesses remain at that temporary resource recovery estate at the West Belconnen landfill?

**MR SMYTH:** Mr Speaker, what Mr Hargreaves is referring to is the temporary recycling estate at the West Belconnen tip. It was established last year, but at that stage ACT Waste did not have ownership of the site. So, in lieu of issuing long-term leases, we started by issuing a one-year lease at a peppercorn rent of \$1. The next clause in the leases says that should the leases be renewed they will be renewed at full commercial licensing rates. This has now occurred. ACT Waste has gained control of the site and is now in the position to offer long-term leases. We will offer those at full commercial rates, and tenants must now choose whether or not they are in a position to continue their work there or move to other sites.

### **ACTION and ACT Government Fleets**

**MS TUCKER:** My question also is to the Minister for Urban Services. Minister, in early 1998, your department commissioned an evaluation of the conversion of ACTION bus and ACT government fleets to natural gas. This report was to review earlier trials of natural gas vehicles and to evaluate options for the conversion of the ACTION fleet and other government fleet vehicles to natural gas, including financial options. This evaluation was funded by a grant of \$50,000 from the ACT Energy Research and Development Trust. The study was supposed to have been finished in mid-1998, but we have heard nothing about this report. Could you please advise whether this report has been completed, and, if so, can you table a copy? If not, why has it been delayed?

**MR SMYTH:** Mr Speaker, I am well aware of the report. We look at options of reducing anything that produces greenhouse gases, and whether or not bus fleets, truck fleets and other vehicles around the country should move from diesel to forms of natural gas is, of course, a very important component. The report was commissioned to see whether it was viable or not for ACTION to do that. I have had several meetings with a company that proposes that they have the ability to convert buses from diesel to natural gas. You would be interested to know that the President of Hungary had a ride on one of the ACTION buses. The people of Budapest are also looking at doing the same thing.

Unfortunately, the discussions have been held up because of the changes to the tax system which have an effect on the price of diesel. The figures needed to be reworked in that case. At the same time, there has been an accelerated program that will see our refineries changing the nature of the diesel that they produce. During the catalytic process you can produce fuel with different chemical components. The fuels that we currently get from our refineries have high levels of sulphur, in particular, which causes the large black clouds that you see coming from our heavy vehicles. Under the new standards, I think the BP refinery in Perth have said that they can bring forward diesel - - -

**Ms Tucker:** Mr Speaker, I raise a point of order on relevance. I am asking about a particular report, not about diesel.

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**MR SPEAKER:** You have been here long enough to know that the Minister can answer the question as he sees fit.

**MR SMYTH:** The member has asked about the status of the report. I am saying that we are still talking with the firm. I have had discussions recently with the firm. We now have to consider whether the changes to the way that our refineries are working and the sort of diesel that they are now producing, which hopefully will be cheaper than it currently is, will result in a more viable alternative to natural gas. I am not sure whether the report has been completed and handed to the department. I do not believe I have seen a final copy but I will check with the department and get back to the member.

### **Charnwood High School Redevelopment - Safe Injecting Room**

**MR RUGENDYKE:** Mr Speaker, my question is to the Health Minister, Mr Moore. Minister, residents of Charnwood are concerned about persistent rumours that the redevelopment of the old Charnwood High School site might include a safe injecting room or shooting gallery, as it is colloquially known. Can the Minister please inform the Assembly of how many of these places he plans to establish if granted Assembly approval, and is Charnwood identified as a site for one of them?

**MR MOORE:** One, in Civic; and no.

**MR RUGENDYKE:** I have a supplementary question. In that case, I presume the Minister is able to provide an assurance to the Charnwood community that a shooting gallery will not appear in their suburb.

**MR MOORE:** I do not understand what part of the answer "No" you do not understand, Mr Rugendyke.

**Mr Rugendyke:** Just say "Yes".

**MR MOORE:** It will not appear in Charnwood.

### **Kambah - Service Station Redevelopment**

**MR WOOD:** Mr Speaker, my question is to the Minister for planning. I refer to development application 995242 for block 1, section 347, Kambah. That is the site of the Caltex service station at the corner of Drakeford Drive and Marconi Crescent, and the Minister probably drives past it often. He would know the circumstances I am about to question him on as there has been a great deal of local comment. The development application seeks to vary the lease to allow for a service station and, additionally, for a shop and for personal services, which are a drycleaner and a photo processor. Minister, what is going on here? The work has long been finished and the shops have been operating for most of the year.

**MR SMYTH:** Mr Speaker, what Mr Wood is referring to is that the Caltex service station quite rightly applied to vary their lease and were given certain permissions to go ahead. Then, inside the service station itself, they incorrectly developed too much retail space for general goods, non-automotive goods. When it was brought to their attention that they were over the limit they were told that they could remedy this by removing the unapproved areas, or they could apply, as they are well able to do under the Act, to have that area legitimised. In keeping with the policy, they have applied to have that area legitimised, and I understand it is out for notification until 21 October.

**MR WOOD:** I have a supplementary question. So you would insist on that part of the building being demolished if their application is not successful?

**MR SMYTH:** It is curious, Mr Speaker, that yesterday Mr Wood accused the Government of not being caring and sharing because we were enforcing the law. Now that we enforce the law in a generous way we are picked on again. You cannot have it both ways. When the fact that they had too much retail space was brought to our attention they were asked to remedy the situation and options were offered to them. They have taken up one of these options and are seeking to remedy the situation.

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

### **COOOL Houses in Macquarie**

**MR MOORE:** Mr Speaker, I have a number of answers to questions I have taken on notice. The first one is from today. Mr Stanhope asked me about the COOOL houses at Macquarie. The organisation there, CHOM, has indicated that it will seek a review by the Chief Executive Officer of Health and Community Care to review the recommendation made by a senior panel of government officers and a non-government adviser. Secondly, ACT Community Care is seeking to recruit long-term workers in anticipation that it may be asked to take on the contract for a period of two years. ACT Community Care has been advised that it has not been offered a contract of two years at this stage, pending the review process. Residents will be integrally involved in the development of a longer term contract with ACT Community Care should this eventuate, including the need for ACT Community Care to develop service agreements with each resident and the residents, as a group, at the house level. Residents were offered a range of options to determine their care provisions earlier this year. It was advised that the bid by CHOM was their preferred means, CHOM being the COOOL Houses of Macquarie.

The panel recommendation balanced the need for stability and certainty in accommodation support, with a high level of residents' participation in developing the way the support will be provided. I think that is the answer the member was looking for.

### **Alcohol and Drug Counselling Services**

**MR MOORE:** I took on notice a question I was asked on Tuesday. I provided some information to Ms Tucker yesterday, but I think it is important to add this final bit. She asked me about the budget for training on the alcohol and drug program structure. Three days training in the new service delivery arrangements was organised for staff prior to 11 October. Not all staff were required to attend every training session. The training was provided by consultants from KPMG responsible for developing, in consultation with staff and other stakeholders, the detail of the new service delivery arrangements. The development of the training package for staff was a component of the consultancy with KPMG. Another two days of training will be developed and implemented for staff at a later date this year. It is estimated the direct cost of the training to be provided was \$3,825.

### **Canberra Hospital - Renal Unit**

**MR MOORE:** Mr Osborne asked me yesterday about haemodialysis. In addition to the answer provided to him, it is interesting to note that the Government has provided extra funding of \$645,502 for haemodialysis and an extra \$284,896 for peritoneal dialysis. In other words, this year alone the Government has purchased from the Canberra Hospital an extra \$930,398 worth of dialysis. So, although the area is having difficulty, as I indicated yesterday, the Government has taken very seriously the issues associated with dialysis.

Just as an aside, Mr Speaker, I found it interesting to note that the ACT, when it comes to organ donation - we know that we would have much less dialysis if people had kidney transplants - is a net importer of organs. I think in a highly educated society like ours that that is something we ought to be ashamed of, and we are looking at trying to improve our organ donation record. I would encourage members, when they have an opportunity to speak to the community about that, to remind people that we should nominate ourselves for donation, where appropriate.

### **School Enrolments**

**MR STEFANIAK:** Mr Speaker, yesterday Mr Berry asked me a question in relation to guidelines for schools with declining enrolments. I indicated that I would table those as soon as I launched them, and I did launch them at 1 o'clock today. I accordingly table the guidelines, together with the projected enrolments for 2000 to 2004 which are referred to in the forward to the guidelines.

**Mr Berry:** What about the \$200,000 to \$250,000? They are the figures I am after.

**MR STEFANIAK:** Calm down. Okay, Mr Berry. I think you asked me that question on Tuesday and I have a response. Mr Berry asked me on Tuesday for details on the statement that the closure of a small school site would save between \$200,000 and \$250,000. I indicated that that was a fairly old figure that had been used for about the last eight years. Indeed, as an aside, while flipping through the 1990 *Hansards*, I saw

that Mr Wood used to refer to the figure of \$200,000 during the debate that was had in 1990 when he was the spokesman and was not long out of, I think, a job as a primary school principal before the Assembly started.

Those figures are based on a small primary school. They do not take into account any specific resources which might be provided to a particular school. The following site specific cost estimates are based on the 1998 school-based management funds allocation formula and they exclude that component which is determined by enrolment numbers. Annual site specific costs range from \$660,000 for an average college of around 790 students, \$530,000 for a small high school of around 420 students, and \$265,000 for a small primary school of around 125 to 275 students.

In addition to the cost of a principal, bursar/registrar and janitor, other site specific costs include cleaning, utilities, communication, grounds and building maintenance, security, water, sewerage, irrigation and administration. The component of the site specific cost which is influenced by enrolment numbers and which has been eliminated from these cost estimates would be included in the entitlement of the school acquiring the additional students. I table that information as well, Mr Speaker.

### **Bursars**

**MR STEFANIAK:** Finally, in relation to a question Mr Berry asked me today about something on television, I understand that there are some CPSU elections coming up. Perhaps that has something to do with the fact that a press release appeared. Perhaps there is a bit of jockeying for positions.

### **Casino Surveillance Authority**

**MR HUMPHRIES:** Mr Speaker, yesterday Mr Rugendyke asked me a number of questions about the pai gow game which is an authorised game under the Casino Control Act 1988. Pai gow is a game played using dominoes or tiles. It was approved for use in Casino Canberra in July 1993 and the Casino Surveillance Authority advises me that it is not aware of any specific problems with this particular game that are not encountered with other games. I am advised that the Casino Surveillance Authority is not aware of any specific problems that Casino Canberra has encountered during the introduction of pai gow. The authority further advises that it has no knowledge or evidence of hardened pai gow players acting illegally or contrary to the approved rules, and that the casino has never knowingly recruited staff from illegal gaming houses.

Casino Canberra recruited a number of key staff experienced in the game from other approved casinos. These staff trained existing staff to operate the game. Approved game protection methods operate, including surveillance camera coverage and gaming inspection levels. Casino staff conducting the game are required to undertake extensive training in the operation of the game and its rules. The authority requires the casino management to issue a statement of competence for each casino employee in the conduct of this and all other games. The statement certifies that the employee has undertaken appropriate training and is considered competent to conduct games listed in

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that statement. All casino employees conducting gaming are licensed by the Casino Surveillance Authority after undergoing strict probity checks and the casino operator issuing the described statement of competence.

If Mr Rugendyke has any information which would support allegations of improper behaviour or some other problem at Casino Canberra, I would ask him to bring that to my attention and it will certainly be referred to the Casino Surveillance Authority or the police for appropriate investigation.

### **Eco-Land Development - McKellar**

**MR HUMPHRIES:** Mr Speaker, in question time on 2 September, in answer to a question by Ms Tucker about the Eco-Land development in McKellar, I indicated that I would provide to the Assembly details of the investigation I ordered and that I would do so in the next sitting week, which is now. That investigation is under way and is consisting of a wide-ranging review of the processes used by government agencies on this project. I had hoped to have it complete by now but it is not. I will further advise the Assembly when the investigation is complete.

### **PERSONAL EXPLANATIONS**

**MR SMYTH** (Minister for Urban Services): Mr Speaker, I wish to make a short statement under standing order 46.

**MR SPEAKER:** Proceed.

**MR SMYTH:** Mr Speaker, in the Assembly yesterday during the introduction of Mr Corbell's Land (Planning and Environment) Amendment Bill Mr Corbell made a statement that incorrectly suggested that I had not stated reasons for calling in the BRL Hardy development and referred to a press release issued from my office on Friday, 1 October. I want to quote from yesterday's *Hansard*. Mr Corbell said:

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.

Mr Corbell went on to say:

... in the Minister's media release there was no outlining of why he had actually decided to approve the BRL Hardy development.

Further he said:

... he provided no direct reason why he was using the call-in power to approve the BRL Hardy development.



Mr Speaker, in front of me I have two press releases I issued on 1 October. They were circulated by my office on the day when the BRL Hardy development was called in. The first press release, numbered 797, is entitled "Minister Approves BRL Hardy Development". The second press release, which is actually the next consecutive number, 798, is entitled "Minister Announces Improvements to Parking and Access at EPIC". Mr Speaker, the first press release clearly outlines the reasons for calling in the development of the BRL Hardy wine and tourism facility. It says that the development will bring significant public benefit, will also help to achieve planning objectives for the precinct and has adequately addressed the issues raised during public consultation. Yet again Mr Corbell is wrong.

I am pleased to note that Ms Tucker at the beginning of question time was good enough to stand up and correct yesterday's statement. If it is good enough for Ms Tucker, it is about time Mr Corbell stood up and said that he got it wrong, not only on BRL Hardy but on the V8s as well.

**MR SPEAKER:** Order! You have finished your personal explanation, Minister.

**MR CORBELL:** Mr Speaker, I seek leave to make a personal explanation.

**MR SPEAKER:** Proceed.

**MR CORBELL:** Mr Speaker, I was not aware of the Minister's second press release. If any inference has been made which is incorrect, I am very happy to withdraw it.

## **ANNUAL REPORTS**

**MR SPEAKER:** For the information of members, I present the 1998-99 annual report for the Legislative Assembly for the Australian Capital Territory, including financial statements and the Auditor-General's report. The report will be delivered to members' offices as part of the annual reports package.

## **AUTHORITY TO BROADCAST PROCEEDINGS**

### **Paper**

**MR SPEAKER:** Pursuant to subsection 8(4) of the Legislative Assembly (Broadcasting of Proceedings) Act 1997, I present authorisations to broadcast the debate of the disallowance motion relating to the Federal Golf Course on 14 October 1999 and to broadcast vision only of the public hearings of the Select Committee on Public Housing for 4 and 10 November 1999 given to a number of television networks and radio stations.

## SUBORDINATE LEGISLATION Papers

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

*The schedule read as follows:*

Dangerous Goods Regulation Amendment - Subordinate Law 1999 No 20 (S57, dated 30 September 1999).

Health Regulation (Maternal Health Information) Act - Maternal Health Information Regulations Amendment - Subordinate Law 1999 No 23 (S59, dated 6 October 1999).

Mediation Act - Mediation Regulations Amendment - Subordinate Law 1999 No 24 (No 41, dated 13 October 1999).

Motor Traffic Act -

Determination of fee for a copy of an image taken by a traffic offence detection device - Instrument No. 233 of 1999 (S58, dated 5 October 1999).

Driver Licence fees - Instrument No. 234 of 1999 (S57, dated 30 September 1999).

Motor Traffic Regulations Amendment - Subordinate Law 1999 No 22 (S58, dated 5 October 1999).

Motor Traffic (Amendment) Act (No. 2) 1999 - Notice of commencement (6 October 1999) of remaining provisions) (S58, dated 5 October 1999).

Occupational Health and Safety Regulations Amendment - Subordinate Law 1999 No 21 (S57, dated 30 September 1999).

Public Place Names Act - Determination of nomenclature in the Division of Nicholls - Instrument No. 235 of 1999 (No. 40, dated 6 October 1999).

Scaffolding and Lifts Act - Scaffolding and Lifts Regulations Amendment - Subordinate Law 1999 No 19 (S57, dated 30 September 1999).

## ANNUAL REPORTS

**MR HUMPHRIES** (Treasurer, Attorney-General and Minister for Justice and Community Safety): Mr Speaker, 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 (Government Agencies) Act 1995.

*The list read as follows:*

Annual Reports (Government Agencies) Act, pursuant to section 14 - Chief Executives, pursuant to section 7 -

Chief Minister's Department - Report (2 volumes), including financial statements and the Auditor-General's reports for 1998-99 for:

ACT Executive.

Casino Surveillance Authority.

Office of Asset Management.

Central Financing Unit.

Superannuation and Insurance Provision Unit.

InTACT.

Chief Minister's Department.

Bruce Operations Pty Ltd.

Bruce Property Trust.

Bruce Stadium Special Purpose Financial Statement.

and as annexes the 1998-99 reports for:

Commissioner for Public Administration.

ACT Casino Surveillance Authority.

Registrar of Co-operative Societies.

Office of Asset Management Land Ventures.

including the 1995-1998 Report on the Outcomes for the ACT Business Incentive Scheme.

ACT Department of Justice and Community Safety - Report (two volumes) and financial statements, including the Auditor-General's report for 1998-99, together with annexed reports for:

Office of the Commissioner for Land and Planning.

Parole Board.

Official Visitor to Belconnen Remand Centre.

Discrimination Tribunal.

Administrative Appeals Tribunal.

Mental Health Tribunal.

Guardianship and Management of Property Tribunal.

Tenancy Tribunal.

Chief Coroner of the Australian Capital Territory.

Residential Tenancy Tribunal.

Agents Board of the ACT.

ACT Law Reform Commission.

Department of Health and Community Care - Report and financial statements, including the Auditor-General's report for 1998-99, together with annual reports for:

Chiropractors and Osteopaths Board.

Dental Board.

Dental Technicians and Dental Prosthetists Registration Committee.

Medical Board.

Nurses Board.

Optometrists Board.

Pharmacy Board.

Physiotherapists Board.

Podiatrists Board.

Psychologists Board.

Veterinary Surgeons Board.

Radiation Council.

Mental Health Services.

ACT Health and Community Ethics Committee.

Public Authorities, pursuant to section 8 -

ACT Ombudsman - Report for 1998-99.

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

Australian Federal Police - Report for 1998-99 on policing in the Australian Capital Territory, including financial statements and the report of the Australian National Audit Office.

Director of Public Prosecutions - Report for 1998-99.

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

Human Rights Office - Report for 1998-99.

Independent Pricing and Regulatory Commission - Reports for 1997-98 and 1998-99.

**FINANCIAL MANAGEMENT ACT - APPROVAL OF GUARANTEE  
Paper and Ministerial Statement**

**MR HUMPHRIES** (Treasurer, Attorney-General and Minister for Justice and Community Safety): Mr Speaker, for the information of members and pursuant to subsection 47(3) of the Financial Management Act 1996, I present an approval for a loan guarantee to the CPS Credit Union for an application of the new enterprise loans guarantee scheme. I ask for leave to make a short statement.

Leave granted.

**MR HUMPHRIES:** The underlying principle of this scheme is to provide small businesses with start-up capital in expectation that they will succeed in establishing and developing their businesses to a point where they are self-sustaining. It is intended that the scheme will give eligible applicants access to loans to a maximum of \$10,000 over a period of up to two years from an approved financial institution. The CPS Credit Union has agreed to support the principles of the scheme by providing concessional rates to eligible applicants and has been selected as the loan provider. I stress that these are guarantees, not loans, grants or any other forms of financial assistance, and that the maximum exposure under the scheme is capped at \$500,000.

**HEALTHPACT STRATEGIC DIRECTIONS 1999-2002  
Paper**

**MR MOORE** (Minister for Health and Community Care) (3.42): Mr Speaker, for the information of members, I present the Healthpact strategic plan for 1999-2002 and I move:

That the Assembly takes note of the paper.

It gives me great pleasure to table the Healthpact strategic plan for 1999-2002. Healthpact has been operating as a statutory authority since the passing of the ACT Health Promotion Board Act 1995. This document is consequently its second triennial strategic plan addressing the health promotion needs of Canberra. This Government is committed to the delivery of appropriate and effective health services in the ACT and recognises that health promotion is a vital part of this continuum. Health promotion and disease prevention are crucial in supporting people to take responsibility for their own health. They are important in developing a healthy environment that contributes to, and helps to maintain, good health. They are vital to the development of a society which supports people in making and maintaining decisions which foster health for life. Healthpact has developed into an organisation which plays a leading role in these three areas - supporting the development of healthy people, healthy places and a healthy social environment. This is reflected in the new strategic plan.

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Over the past three years Healthpact has moved from funding the community to respond to diseases to a focus on health-promoting behaviours. Many of the diseases, conditions and activities which have the highest morbidity and mortality rates - such as those that affect the cardio-vascular system, some cancers, diabetes, injury and so on - can be prevented or their severity reduced through the same positive behaviours. For example, heart disease, some cancers and type 2 diabetes can all be influenced by a healthy diet and moderate exercise. Similarly, appropriate diet and exercise can help promote mental health and wellbeing. Consequently, Healthpact has had a strong focus on health-promoting behaviours over the last three years.

In that time, they have also undertaken and maintained contact with current research into health and its maintenance. This research is demonstrating more clearly over time that a number of social and environmental factors have a considerable impact on health. Healthpact is therefore developing a series of responses to the social determinants of health. These responses fall into the areas of research and evaluation, monitoring of outcomes, and training, as well as affecting the way Healthpact distributes funding to the community.

As a result of Healthpact's increasing knowledge, the strategic plan identifies a shift in the community funding program over the next three years to focus on healthy people, healthy places and a healthy social environment. This will allow for continued efforts to support people in making and maintaining healthy lifestyle choice - that is, supporting people to take as much responsibility as possible for their own health. The developing approach also acknowledges that physical and social environments impact on individual health, and it allows Healthpact to undertake additional efforts to effect these determinants as well.

The strategic plan for 1999-2002 makes clear Healthpact's continued commitment to working in line with the principles of the Ottawa Charter and the more recent Jakarta Declaration on Health Promotion. It also demonstrates the values and principles on which Healthpact works, the key areas of activity and the initiatives planned for the next triennium.

As part of the continuing consultation on the strategic plan, Healthpact would be pleased to brief interested members. It is in this context that I take pleasure in tabling the strategic plan for your information.

Question resolved in the affirmative.

## PAPERS

**MS TUCKER:** Mr Speaker, I seek leave to table some documentation which I hope will be useful to you in making a ruling on the point of order that I raised yesterday based on *House of Representatives Practice*. It relates to the ability of members of this place to comment on actions of the judiciary. The documents are a series of letters. Thank you.

Leave granted.

**MR OSBORNE** : Mr Speaker, I too seek leave to table some documents which hopefully will assist you in your determination on this matter. One is a front-page story from the *Canberra Times* about certain members of the judiciary criticising the children's services legislation. There is also a three-page press release from the Chief Magistrate criticising the legislation. I hope they assist.

Leave granted.

**LAND (PLANNING AND ENVIRONMENT) ACT –  
VARIATION NO. 94 TO THE TERRITORY PLAN  
Motion for Disallowance**

Debate resumed.

**MR KAINE** (3.47): Mr Speaker, we are engaged in an interesting debate. Some people present might think this is the first time that such matters have ever been debated in this place. That of course is far from the truth. One of the issues that have been on the top of the agenda of this place for 10 years now has been planning. Some of us had thought that, with the tabling of new legislation and a new Territory Plan earlier this decade, we had solved the problem. That has proved not to be the case.

Since then there have been constant changes, all of them endorsed by this Assembly, to the law, to the plan and to the processes which are used under the plan to achieve outcomes. Every time we debate the plan, we hope we have solved the problem. Unfortunately, as you know, Mr Speaker, the problem, in the public mind, is no closer to solution today than it was 10 years ago. The problem always focuses on the question of consultation. Every major development project that has taken place in this city in the last 10 years has been challenged, which people are entitled to do if they have a different view. This is not the first and it will not be the last.

It comes down to what we mean when we say there is a consultative process. What does the Government mean? What does the Opposition mean? What does the community think it means? At the end of the day, no matter what steps the Government and the administration take, there is always a group of people who feel that their voice has not been heard. They have been consulted. We have gone through the consultative process. They have had an opportunity to express their view. But the fact that the Government and the administration, indeed the Assembly, have not picked up that view results in a feeling, I think unjustified, that their view has not been heard. It has been heard, and it has been carefully weighed and considered, but in the whole scheme of things it has been adjudged as not being the prevailing view. I would take issue with any proposition that the Government, the Assembly or the administration failed to listen during the consultative process. I do not think that is true, and I think it is unfair to say it.

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Today we have a new proposal and we have new opponents. Interestingly, the opponents differ, depending on the project. Often it is very much a localised issue. There are odd people in the community who take up the issue no matter where it occurs, but they are limited in number. Predominantly, when people take exception and oppose a development project, it is the people who live nearby and are most directly affected by it.

What is different about this project? Mr Wood has attempted to make a difference. I think he is stretching the point a bit. I will come to that in a minute. This issue is no different in principle to many others we have dealt with in this place over the last 10 years. The only difference this time is that the Labor Party and the Greens have taken it up as a political cause, which is very interesting, since most of the projects that have been subject to disputation over the last 10 years have been at times when the Labor Party has been in government. One has to ask what the motive for their taking up this issue is.

I believe that Mr Corbell and the Opposition are in error in pursuing the line they are taking, because one day they are going to be in government and Mr Corbell is going to be the Minister. He will then find out the reality of having to deal with issues like this as opposed to sitting on the opposition benches and merely criticising the Government or others for what they do. This is, if you like, an attack by the Opposition and the Greens on the Government. Their target is wrong. Because of the constitution of government in this Territory in the last 10 years, it is not the Government, at the end of the day, that makes decisions about these matters; it is this place.

There is a process. The culmination of that process is that the matter ends up here, just as this one has. It is this place in its totality - all of us - that makes the decision, not just the four or five members of the Executive or the six or seven members of the Government. If the Opposition believes that this is the Opposition attacking the Government, I have news for them. This is the Opposition attacking the legislature. They got their target wrong. The Government really does not have control of issues like this. It is this Assembly collectively that has control. We have to decide, not the Government. It is a minority government. How many times in the last couple of years has the minority government found, to its sorrow, that it does not make the decisions when the matter becomes controversial.

The question is: Whom is this move directed towards? On this matter, it is this place - all 17 of us collectively - that is charged with acting in the public interest. Therefore, it was of some concern to me earlier in the day when one member's contribution to the debate was: "I have not made up my mind. I am waiting for the other members of the Assembly to convince me". That is not what we are paid for. We are paid to come in here and represent the community. If we cannot come into a debate like this, a very controversial one, and take a stand then why are we here? We simply cannot shirk our responsibility in that way and leave it to the others to deal with a controversial matter. Some people think that somehow they are getting off the hook by so doing.

I have said there is nothing different about this project. I do not believe there is. There is nothing different about the scenario. There are always different views, strongly held. There is always debate as to whether the course of action proposed is the right course of



action or the wrong course of action. This is just the same with the Federal golf course development proposal. Mr Wood said, "But this is different to all those other golf courses that I approved buildings for". I would like Mr Wood to tell me the fundamental difference between putting a few houses on Federal golf course and putting a few houses on Yowani or putting a few houses on Holt. There is no difference in principle.

Mr Wood tried to differentiate in some way by saying, "In those other places nobody cared. Nobody used the piece of ground". That is very doubtful debate. I do not believe there is any essential difference between this proposal and any of the others. I do not see how the Labor Party, having for a number of years supported and even pushed these proposals, can today suddenly take a different view on the basis of taking the moral high ground.

I remind Mr Wood that he was the man who invented the infill program. Remember that? He said, "We are not going to go into greenfield development anymore. We are going to come back into the heart of town and we are going to embark on infill. We are even going to have dual occupancy". Where did that all go? If the proposal for Federal golf course is not an infill project, then can somebody tell me what it is? It is using idle land that can be put to better use. I know that some people do not agree with that, and they are entitled to their view. That is what it essentially is - using our land resources more efficiently and better rather than letting them sit idle.

I find it quite politically intriguing, Mr Speaker, to see the Labor Party standing up and championing the cause of the residents of Garran - hardly Labor Party heartland. What are they attempting to achieve here. Whom do they think they are kidding? Are the people in Garran confused? Do they really believe that the Labor Party has suddenly become their supporter in everything that they subscribe to in life? I very much doubt it.

**Mr Stanhope:** It is the principle.

**MR KAINE:** I like you very much, Jon, but I think you are on shifting sands on this issue.

I wish to address some of the issues that have been brought up so far. They are patently unconvincing. The proposition from the Labor Party and Ms Tucker is that this piece of ground is an isolated enclave relatively remote from services. I live at Conder. I am at least five times as far from the Canberra Hospital as the people living in this isolated remote enclave will be. What a lot of rubbish! Whom do Ms Tucker and the Labor Party think they are going to impress with that sort of argument? It is a specious argument. (*Extension of time granted*) If they are going to come forward with opposition to such a project, they should surely do it on more substantive grounds than that.

Ms Tucker says that if we are going to have an ecologically sustainable city we cannot allow this sort of development to occur. Presumably, Ms Tucker is saying that we should revert to the urban sprawl and go back to the greenfield development out there on the edge of town and that that will be more economically sustainable. I do not think

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so. I would like some evidence put forward to support the proposition that this development is not ecologically sustainable but developments beyond Gungahlin are. I do not buy that.

The Labor Party and Ms Tucker say that there will be some problem with public access to the golf course. How? Even this development will have a street running through it. If anybody wants to go for their morning stroll as they have done for years - and that is the argument - they are not going to be restricted in access. They are not going to be refused access. How does this little development cause a refusal or denial of public access to the land? It simply does not. It is most unpersuasive for somebody to suggest that it does. I do not see how it is going to inhibit access in any way.

In talking about the similarity between this project and some others at Holt and Yowani, Ms Tucker said, "Bad precedents cannot be accepted". Who says they were bad precedents to start with? I have seen no evidence to suggest that what was done at Holt or any of the other major golf courses has turned out to be a bad product. There is an emphasis that would imply that these are bad; therefore, this one is bad. I dispute that. You simply cannot set aside precedent - not in the law, not anywhere. Our lives are very often dictated by precedent. It does have a bearing on most things we do, and it certainly has a bearing on this subject.

The necessary aim of everything that we in this place have done over the last 10 years in connection with planning has been consistency. That has been the catch word. We have to have consistency and certainty. The community has to know what they can expect. If precedent does not determine what you are going to do next time, then what does it do? If development of properties on golf courses or taking over disused church property and turning it into commercial enterprises or taking over old schools and turning them into commercial premises is not a precedent that indicates to the community what we are going to do in the future, unless the law is changed, then what is the basis of action?

We cannot make different decisions on a case-by-case basis as seems convenient to certain people at the time. That is no way for a government or for a community to do its business. The wider community - I use the word "wider" advisedly - can reasonably expect that standard rules of procedure will apply and that there will be certainty and consistency in the way government deals with matters of this kind, and I think there has been. I think the Government and the administration have dealt with this proposal consistent with everything else that has been done over the last several years.

I have heard no argument saying, "What we have done for the last five or six years was okay, but today we have to change that". There has been no argument to substantiate that proposition at all, and I would not buy it without the matter being debated in this place. That means you have to change the law. We have a law, we have a set of operating rules and procedures under that law, and we have precedents, things that have been approved under the law before. If you are going to change any of that, you have to go back and change the legislation and you have to change the planning provisions.

If we are going to act on whim - if that is to be the decision criterion in future, whatever is expedient today - then some of us need to be a bit careful about other projects that we consider to be pet projects. I include, for example, the future of Football Park in that.

There is a thing called due process. The Labor Party and Ms Tucker are the first people to get up in this place and complain if they believe due process has not been followed. Now we have a case where they say, "Set aside due process. We are not interested in that. We want a new set of rules, and we will make them up here and now". That is not good enough.

If the Labor Party and the Greens wish to change the decision rules, Mr Speaker, then they must do so as a policy issue so it is clear that the change they wish to put in place will apply to all future cases; that we will not just act on whim and make up our minds on a day-by-day basis or a case-by-case basis as to which way we are going to go. The medium for that, I repeat, is by amending the law. If the Labor Party thinks that the rules ought to change, then let them bring an amendment forward that will change the law and make sure that we set the new rules for the future.

We have a process that has been followed in this case. There have been preliminary assessments. There have been assessments by Planning and Land Management. A report has been written. It has come to the Assembly. That report is now here for us to consider. There is nothing wrong with that process at all. It is the normal process. I think that the Labor Party is, at its risk, trying to circumvent that process. *(Further extension of time granted)*

Mr Speaker, to conclude, within the context of developments in our planning law since 1989 and the procedures and practices under that law that have been developed over several years, and clearly understood by all the players, I am of the opinion that the basis for Mr Corbell's motion for disallowance is not sufficiently substantial as to warrant my support, and I will not support it.

**MR CORBELL** (4.04), in reply: Mr Speaker, I think it has been a very constructive and effective debate today. That is only appropriate when you consider that the issue we are dealing with is one of some considerable significance and an issue which does need to be properly addressed in the chamber. I think it would be fair to say that it has been addressed effectively in the debate today.

I would like to start off by responding to a number of comments and other approaches that were put forward in the debate this morning and most recently this afternoon. I would like to start off with some comments that Mr Hird made in opening the debate for the Government. Mr Hird said that the Government had taken time to listen to all of the views on this issue. Yes, indeed, the Government did take the time to listen but then it summarily ignored all of them.

A consultation process is not just about listening. A consultation process is also about taking views into account. I think it would be fair to say that the Government has not taken into account any of the concerns from those people who have objected to this particular proposal. It is simply not good enough to state, "We listened and we had a consultation process" if you cannot demonstrate any goodwill as part of responding to the submissions put forward by people in response.

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Mr Hird went on to argue that the Labor Party and I as a member of the Urban Services Committee who issued the dissenting report on this issue raised issues which were irrelevant to the consideration of the Urban Services Committee and irrelevant to the consideration of the draft variation. He raised the point that I had raised concerns about what this process would mean for the administration of the leasehold system in the Territory. He argued that that was not a term of reference for the inquiry we were undertaking.

It is interesting to look at the recommendations of the majority report of the Urban Services Committee. There are two recommendations there that have absolutely nothing to do with the specifics of the variation. The first is that the Government should require the golf club to “indemnify the Territory against any possible accidents arising from wayward golf balls in the area set aside for housing”. I do not know what that has to do with the variation. In fact, it is not in any way part of the formal terms of reference of the inquiry into the variation by the Urban Services Committee.

The other is recommendation 7, which states:

... that all dams for the Federal Golf Course be located within the Club’s boundary; and that a series of dams of moderate wall height replace the single large dam once envisaged on land near existing houses.

Again, Mr Speaker, if anyone looked at the draft variation - and the committee certainly did, and members should know this - the issue of dams was in no way part of the draft variation. It is simply absurd for Mr Hird to argue that I am arguing irrelevant points. We all bring to our committee inquiries issues that we believe come out of the matter we are inquiring into, and we all place different weights on those. Mr Hird and Mr Rugendyke are quite entitled to raise the issue of dams and golf balls. I think they are quite sensible recommendations. But it is silly for Mr Hird to suggest that I too cannot raise issues which are not directly related to, but do arise out of, the variation.

Mr Hird went on to say that the golf club has followed due process. Indeed, they have, and I must commend the club on their diligence in that process. I have no objection to the way the club has gone about the process. They have gone about it appropriately and certainly very effectively. But the final decision on whether or not this proposal should proceed lies with the Assembly. Just because someone jumps through all of the hoops required for a change to the Territory Plan to get to this stage does not mean there is an automatic acceptance of that. The final decision lies with the Assembly, not the proponent.

Mr Smyth suggested, as did Mr Hird, that the leasehold issues which I raised in my dissenting report were not relevant and that I was trying to make up my own rules and trying to pluck something out of thin air about the issue of a windfall gain to the golf club. I would like to draw the Minister’s attention to the “Report into the Administration of the ACT Leasehold” brought down in late 1995. Recommendation 14 of that report states:

there be no remissions for concessional and free of charge lessees who propose changes to lease purpose clauses which add value to the land and are for a purpose different from the original grant.

What is the Government proposing in relation to betterment for this proposal, should it proceed? They are proposing a remission of approximately 25 per cent. Again, that is not some abstract concept that I conjured out of the air because, according to some members in this place, I have some personal objection to this proposal. Again, an important matter of principle for the administration of leasehold in the Territory and a key recommendation of the Stein inquiry into the administration of ACT leasehold was that there be no remission for concessional and free-of-charge lessees. That puts to bed that particular complaint from the Minister.

The Minister argued that the public does not lose anything from this development, this variation to Territory Plan, proceeding because the public does not really have access to this land. What the Minister failed to acknowledge - - -

**Mr Smyth:** I did not say that.

**MR CORBELL:** If the Minister objects to my interpretation, he can stand up afterwards and make a personal explanation.

What the Minister failed to acknowledge in his comments earlier today is that the golf club has a clause in its lease which provides access rights to members of the public. It has a specific requirement in its lease. It is not like a fenced-off football ground - which can also come under the restricted use recreational section of the Territory Plan - which is difficult for the general public to use. The golf course is an open area, with people walking to and out of it all the time. People do have a direct interest in whether or not they are going to see land alienated from general public use. Again, Mr Smyth's argument is simply wrong.

I want to put on the record today that we welcome the Minister's announcement that the club is prepared to return to Red Hill Nature Reserve nine hectares of land currently on its lease. We welcome it because that land is of significant conservation value. But this is not in any way an attempt to address the substantive contradictions and the inconsistencies of this proposal with the administration of leasehold in the Territory or with the principles of the Territory Plan.

I want to comment on a couple of comments made by Mr Kaine. Mr Kaine argued that we had taken this up as a political cause, and he could not understand why we were doing it, because the people in Garran do not vote Labor.

**Mr Kaine:** That was one of the things I said.

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**MR CORBELL:** Yes, that was one of the things you said, Mr Kaine. I will get to the others shortly. That is a very cynical comment to make. Perhaps, Mr Kaine, it could be that the Labor Party is prepared to demonstrate a commitment to the principle of leasehold administration and the upholding of the integrity of the Territory Plan. Perhaps, Mr Kaine, that is the reason. In fact, I say that that is the reason.

It is not a decision that we have taken lightly. We are conscious of the effort, the time and the financial resources that the club has put into its proposal. We are conscious that other proposals will come forward at other times - perhaps not as contentious as this but requiring the same types of in-principle decisions to be made. I am very happy to put on the record now that we will address these issues consistently. (*Extension of time granted*)

Mr Kaine went on to say that we were attacking the wrong people; that Labor was attacking not the Government but the legislature. I should point out to Mr Kaine that the legislature cannot initiate a variation to the Territory Plan. The only body that can initiate a variation to the Territory Plan is the Executive. The Executive initiated the variation. If the Executive had not issued this variation in line with their election commitment in 1997, we would not be here today. But they did not do that, Mr Kaine, so the legislature must respond to the proposals put forward and initiated by the Executive.

Mr Kaine also indicated that Mr Wood had said that this proposal was different.

**Mr Kaine:** It is not.

**MR CORBELL:** Mr Kaine argues that it is not. What Mr Kaine neglected to add was that Mr Wood went on to say that in the last Labor administration a change away from that type of process was already clearly occurring. I am very happy to indicate that Labor has continued the process of responding to the concerns that were raised by the changes to concessional leases that occurred in previous administrations. We have continued to respond to those changes, and my colleagues and I have come to the position that this is the most appropriate and relevant course of action in light of the community concern that existed with those previous proposals.

What the Government and Mr Smyth cannot handle is that Labor has taken a creative and positive step in responding to community concern about the need to maintain the integrity of the leasehold system and the need to uphold the principles of the Territory Plan. If the Government is going to be left behind on that, I cannot help that, but the Labor Party is responding in a positive way to renewed community concern about these issues. As I have already indicated, we will do so in a consistent manner.

Mr Kaine made a lot of comments, but he also made a comment about ecological sustainability. I draw Mr Kaine's attention to areas of my dissenting report, if he has not seen it, outlining the fact that this proposal relies entirely on the private motor vehicle as its form of access. The principles of the Territory Plan encourage higher density development close to public transport routes and close to facilities that people can walk to. This proposal is neither of those. Perhaps Mr Kaine should reassess his arguments about ecological sustainability.

I come to the issue of precedents. PALM indicated in the Urban Services Committee inquiry that each draft variation is dealt with on its merits on a case-by-case basis. I think that says a lot about the arguments about precedents put forward by the Government and other members today.

If this proposal is to proceed, it will mean a windfall gain at the expense of the Territory at a time when the Territory finds it very difficult to finance a whole range of proposals which the community wants it to address. We cannot allow that to happen. It is not appropriate for that to happen. If we believe that any concessional leaseholder warrants some form of subsidy to allow it to continue its operations, let that subsidy be direct, open and transparent. Let it not be hidden as part of some transfer through a change of lease purpose clause.

The Assembly has an opportunity today to say that the principles of the Territory Plan are important. The principles of the Territory Plan protect the built form of the city; they protect the open spaces of the city; they protect the very amenity of the place and why we find it attractive. We have the opportunity today to uphold the integrity of the Territory Plan and uphold the integrity of the leasehold system. I urge members to support the motion.

Question put:

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

The Assembly voted -

*AYES, 8*

Mr Berry  
Mr Corbell  
Mr Hargreaves  
Mr Moore  
Mr Osborne  
Mr Stanhope  
Ms Tucker  
Mr Wood

*NOES, 7*

Mr Cornwell  
Mr Hird  
Mr Humphries  
Mr Kaine  
Mr Rugendyke  
Mr Smyth  
Mr Stefaniak

Question so resolved in the affirmative.

**CHIEF MINISTER'S PORTFOLIO – STANDING COMMITTEE**  
**Operation of the Financial Management Act 1996 –**  
**Statement by Chair**

**MR QUINLAN:** Pursuant to standing order 246A, I wish to inform the Assembly that, at a meeting of the Standing Committee for the Chief Minister's Portfolio, the committee resolved that the following statement be made to the Assembly in relation to the committee's inquiry into the operation of the Financial Management Act 1996.

On behalf of the Standing Committee for the Chief Minister's Portfolio, I will shortly seek agreement of the Assembly to extend the reporting date for the committee's inquiry into the Financial Management Act 1996 to the first sitting day after 30 June next year. The committee's task is formidable. The Financial Management Act is a prime instrument having significant effect and implications for the governance of the ACT. It provides for the financial management of the government of the Territory, the scrutiny of that management by the Assembly and specifies financial reporting requirements for the government.

When enacted in 1996 the Act set new directions in the financial management of the ACT. The objectives were to reinforce the primacy of the Assembly's role in budget and financial accountability process; to promote the highest standards of financial accountability; to enhance transparency in budget decision-making; and to promote improved and better informed management decision. Experience with the Act indicates the need for further reform and adjustment of its provisions. The committee notes that, following recent events, the Department of the Treasury and Infrastructure is reviewing the Financial Management Act in terms of the adequacy of delegations, instruments and guidelines, processes and documentations for the administration of public moneys and the identification of shortcomings or ambiguities in the Act.

The committee has benefited from discussions with the department and is aware that it will be reporting to the Treasurer on the capacity of agencies to effectively manage their areas of responsibility in relation to matters such as monthly and annual financial reporting; budget and appropriations; quarterly performance reporting; banking and investment; borrowing, finance leases and guarantees; trust moneys; and territory authorities.

The committee understands that the Government will seek to have the Financial Management Act amended to remove ambiguities and to establish an appropriate legal base for the financial operations and obligations of government. In view of this, the committee has proposed to the Treasurer that the committee be provided with an exposure draft of the Government's proposed amended Financial Management Act.

This would enable the committee to assess the proposed amendments having regard to other aspects of financial management and would provide a basis for the committee to develop recommendations to the Assembly. In the meantime, the committee will be progressing its inquiry by reference to a broad range of matters of concern taking account of material and information being brought to its attention through the community and elsewhere.



The committee will also benefit from consideration of the report of the Auditor-General on the performance audit of the redevelopment of Bruce Stadium and on the findings of the Select Committee on Government Contracting and Procurement Processes. The committee considers that it is inappropriate for it to conclude its review without examination of those findings and of the reports to be received.

**CHIEF MINISTER'S PORTFOLIO – STANDING COMMITTEE**  
**Operation of the Financial Management Act 1997 -**  
**Alteration to reporting date**

**MR QUINLAN** (4.27): Mr Speaker, I move:

That the resolution of the Assembly of 6 May 1999 which referred the matter of the operation of the Financial Management Act 1996 to the Standing Committee for the Chief Minister's Portfolio for inquiry and report, be amended by omitting "by 9 December 1999" and substituting "on the first sitting day after 30 June 2000".

I do not think I need to speak to it, Mr Speaker, having already made the statement.

**MR HUMPHRIES** (Treasurer, Attorney-General and Minister for Justice and Community Safety) (4.28): Mr Speaker, maybe Mr Quinlan will regret having said that. I think that he does need to speak to it. He does need to explain what exactly he is doing with respect to this motion. The reference to the committee that Mr Quinlan chairs of a review of the operation of the Financial Management Act was, at the time that it was moved in this place, a matter of great importance to the Opposition. It was done, as I recall, in the heat of the debate about the Bruce Stadium and about problems that were to do supposedly with the shortcoming of this legislation. Mr Quinlan and Mr Stanhope were adamant that the shortcomings and inadequacies in the Financial Management Act needed to be redressed.

They referred in particular to problems to do with a lack of penalties. He recalls there was reference to a lack of penalties provided for in the legislation for breaches of requirements to do certain things in a procedural or legal nature within the legislation, and a general concern about a number of aspects of the legislation. The debate on 6 May preceded the debate on the motion of no-confidence in the Chief Minister. Nonetheless, it was in the context of the Bruce Stadium financing arrangements that this matter was originally referred to the standing committee.

Given the intonations of outrage and concern from Mr Stanhope and Mr Quinlan from the table back in May of this year about how desperately important it was to get this review of the Financial Management Act under way - and Mr Quinlan's brow is knitted with concern here, but you go back and see what you said; you were gravely concerned about what the Act was all about - it comes as some surprise and concern to me that after nearly six months there has been little or no work done by the standing committee into that matter at all. Mr Quinlan can correct me if I am wrong about that, but exactly

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what has the committee done in the last six months about that matter? What submissions has it called for? What hearings has it conducted? What work has it undertaken? Mr Speaker, I would like to know. I hope Mr Quinlan can rise and justify this motion in this place.

It is a matter of concern to me that we give these references to committees of the Assembly; matters which entail in the very decision to put them to a committee, an expenditure of resources on behalf of the community. It might not necessarily be in the form of extra pay for members of the committee necessarily - this is a standing committee of course - but it can be in terms of the resources tied up in research, in organisations and individuals wanting to make representations; going to the trouble of preparing submissions and so on. All sorts of things flow from a decision to make a reference to a standing or select committee.

If committees find, for whatever reason, that they do not have the capacity to actually carry out those inquiries, not surprisingly we have expectations raised in the community that are not satisfied. Potentially resources committed are wasted because they are not realised. We seem to be assured by Mr Quinlan we are going to get around eventually to doing what was in May of this year a terribly important, very urgent inquiry into the Financial Management Act but which towards the end of October in the same financial year does not appear to have had enough importance to intrude into the otherwise presumably busy work program of the Committee for the Chief Minister's Portfolio.

I want to know; I want to get some reasons here, Mr Speaker, and I will give Mr Quinlan leave to speak in this matter and to explain what he sees as the reasons for there being an extension to 30 June 2000. Given the wording there, the first sitting day after 30 June 2000, that means August 2000. I would like him to explain to me why this matter which was so urgent in May of this year now effectively needs 15 months to complete. From May 1999 to August 2000, we have got 15 months before the Assembly hears the result of these matters.

Now, the Government has expressed concern about these sorts of inquiries launched with great fanfare and described as a great witch-hunt on the excesses and secrets and dark closets of the Government. But in the cold hard light of day they do not appear to be quite as monumental as they might appear when they are first inaugurated. So it would be helpful for the Assembly to know if these sorts of things are going to be initiated and whether they are justified in those circumstances. If members are going to initiate these inquiries, they might at least do the Assembly the courtesy of getting them under way. Mr Speaker, I am looking forward to hearing Mr Quinlan's justification for this motion.

**MR KAINÉ** (4.34): I am somewhat disturbed at the response from the Minister - the implication that somehow the committee is not doing the work that is assigned to it; that we are bludging; that we are not really giving much output; that somehow we are remiss in what we do. Personally I take exception to that. If the Minister even checks the daily program or the notice paper that is in front of him, he will notice that, since this committee was formed, it has submitted essentially 28 reports. Many reports are the result of a good deal of work and effort, despite the fact that we have had a couple of

fairly long breaks at the Assembly and despite the fact that there have been things like the Estimates Committee that take precedence over other committee activities, and the like.

The Minister also needs to take note of the fact that, despite the output of the committee, the resources committed to the committees of this place are very sparse. Our committee secretary works very hard to keep up with all the inquiries. I do not think that the Minister or anybody else can expect more output from our committee secretary. Committees certainly understand the workload. We believe that our secretary does more than his share in maintaining the output of this committee.

It is a pity that the committee cannot get more resources to get through to the Minister's satisfaction. The other significant factor is that reviewing a document like the Financial Management Act is not something that you do in five minutes. We have heard people tell us how complicated the Act is. We even had the Chief Minister, when she was Treasurer, saying how it was so complicated that she could not be expected to understand all of it; her departmental officers who were administering the Act could not possibly be expected to be across all of the detail with this Act because it was so comprehensive and so complex.

That being the case, even if it had nothing else on its agenda it would not be something that the committee would undertake lightly and do a quick once-over. I know the Government would probably like us to, but the committee has no intention of doing that. When we do report on the operations of the Financial Management Act it will be after a comprehensive review of its content; the things missing from it, if there are any; things that should be added to it; the obligations that it imposes on people. Maybe they should be strengthened. Whatever it is, it will be a substantive report. It will not be undertaken lightly or where the committee has some view, as the Minister seems to have: "A quick look at this and she'll be right". That is not the view of the committee at all. I take offence personally at the Minister's assertion that somehow this committee is not doing what it is established to do. I think the evidence speaks for itself. The committee is. Such comments from the Minister are unwarranted, unjustified and unfair.

**MR STANHOPE** (Leader of the Opposition) (4.37): I would just respond very briefly to some of the allegations that the Minister cast across the chamber in relation to this. This is a most reasonable motion by this committee. They have looked at the issue; they have made some decisions about it and they have made a very reasonable request that the reporting time be extended. The Minister raises comments made in the debate around Bruce Stadium. It is always interesting to me that the Minister or anybody in the Government comes into this place and seeks to denigrate the Opposition by raising, as an example, our attitude to the debate around Bruce Stadium, and this Government's attitude to the Financial Management Act and the Self-Government Act.

What we were debating at that time - and this may have escaped the Attorney's attention, or he has forgotten about it for some reason - was the fact that this Government, in its actions in expenditure of uncommitted funds in relation to Bruce

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Stadium, broke the law. That was the nature of the debate in May. That was the nature of the debate we were having about the Financial Management Act and this Government's attitude to it.

That is the debate we were having about whether or not this Government, in its redevelopment of the Bruce Stadium, was actually acting within the law. We discovered in no less than three legal opinions, two of them from QCs and one from a Professor of Law, that, indeed, the Government had breached the Financial Management Act. So is it any surprise that perhaps members of the Opposition, members of the Assembly and members of the public were suggesting there is something wrong with the Financial Management Act?

I am staggered that the Attorney comes in here today and seeks to denigrate the Opposition for, in May of this year, raising a tad of a concern about the Financial Management Act and this Government's administration of it. The fact is that we have come through this amazing process of discovering that this Government spent tens of million dollars of unappropriated funds; that this Government acted illegally; that this Government acted contrary to the law; that this Government acted contrary to the Financial Management Act. It is quite staggering to me that the Attorney comes in here today and seeks to cast some doubts - - -

**Mr Moore:** On a point of order: We have tried to let Mr Stanhope go, Mr Deputy Speaker, but he was, in fact, reflecting on a vote of Assembly earlier and then was doing it again. We have tried to let it go, but it is inappropriate to reflect on a vote of the Assembly.

**MR DEPUTY SPEAKER:** There are circumstances around that, as we have debated many times in this Assembly. Skirt around it carefully, Mr Stanhope.

**MR STANHOPE:** Certainly. I was responding to the direct comments made by the Attorney just five minutes ago when he invited Mr Quinlan to actually speak again. He said that he was happy to give leave to Mr Quinlan to respond to these allegations that he was casting across the chamber as to the Opposition's attitude to the Financial Management Act in debates in May. Our attitude to the Financial Management Act - and this is a direct response to the Attorney-General - in early May was that we had serious suspicions about whether or not the Government was acting in accordance with the law - suspicions which were subsequently proven to be correct.

**Ms Carnell:** What have you done about it?

**MR STANHOPE:** What we did about it, Chief Minister, was move a motion of no confidence in you which was not passed. But you were censured for your administration of the Financial Management Act and the fact that you breached that Act as well as breaching the Self-Government Act. You were censured for that, Chief Minister, and, as we all know, the Auditor-General is further looking into that matter. And, as we all know, Mr Osborne and Mr Rugendyke have declared that if the Auditor-General's report is half as bad as they expect it to be they will revisit the matter and they may themselves actually move another motion of no-confidence in you.

So, the matter is not over yet. It is actually being looked at on a number of fronts. I understand also that, as part of the defensive manoeuvring that you, Chief Minister, and members of your Government did, you referred the matter to the Office of Financial Management. And Mr Mick Lilley is also doing a review of the Financial Management Act. Perhaps he is relevant to the work that the committee may do. So this motion by the committee, moved by its chairman, is quite reasonable and the protestations of the Minister really are just laughable.

**MR QUINLAN** (4.43), in reply: What has transpired here is typically what Mr Humphries does in this place. He consistently puts words in the mouths of others in a retrospective way –he puts incorrect slants on them. This is a consistent thing, Mr Humphries, that you do. You build straw men and then set out to destroy them. This is a regular occurrence in this place. Mr Deputy Speaker, I seek your guidance. Is “grossly dishonest” unparliamentary?

**MR DEPUTY SPEAKER:** I would avoid that term, Mr Quinlan.

**MR QUINLAN:** I will not use that term, but I will say that your style, Mr Humphries, does not shed much credit on you at all. I have observed you have consistently misinterpreted what people have said, placed incorrect emphasis on those things and then set out to debate against that. It does you no credit whatsoever. I can understand his need to try to attack this particular motion and me in particular. This inquiry, if you may recall, was initiated by Ms Tucker for which I think I - with tongue in cheek - thanked her roundly in May. At no time do I recall discussing the inadequacies of or blaming the inadequacies of the Financial Management Act.

What I did say at the time was that I was most perturbed. I said in this place and in estimates, through questions, that the Government set out through convoluted legal opinion to seek loopholes to bail out the Chief Minister at the time, and to bail out the Government as a whole. I referred to a provision of the Act – I think it is section 38 - which was designed to allow the administrators to handle short-term cash surpluses and to invest them to the benefit of the Territory. That was the only loophole that the QC engaged by the Government could find. At that stage we on this side of the house were still not debating the inadequacy of the Act. What we were debating, Mr Humphries, was the less than honest misuse and abuse of provisions of that Act that were perpetrated in this place. There was a quite ridiculous interpretation put upon the term “investment” and upon the terms of that Act.

As I said earlier, this inquiry was imposed upon the committee, which I chair, by Ms Tucker. I have, in the corridors, thanked her dearly for imposing that particular task upon the committee. I think I have actually used in the corridor terms like “Please get out of my life”. I rather think that it is misleading in this place to say that it was the indignity that we displayed and that we, Labor, voted and argued and debated for this particular inquiry. I certainly did not because I did not particularly want it. I do not believe that it is an appropriate inquiry for a parliamentary committee, for a standing committee, to conduct.

Now, what we have to do is move from that point and say, “Well, let’s get this thing right”. I think it is highly inappropriate for my committee to attempt to complete such an inquiry before the very considerable resources of the administration bring forward the findings of their inquiries. What are we playing at here? Are we playing some sort of stupid game where you want this inquiry to report first and then come out and say, “No, our findings are bigger than yours.”? That is a quite ridiculous,; bizarre concept. As far as I am concerned this inquiry does now need those findings. It does need the interpretations and the findings of the Auditor-General from his inquiry into the performance audit on the redevelopment at Bruce Stadium. It does merit and does require the findings of the select committee on the tendering processes.

It probably requires, after that, the employment of an expert, someone who is legally trained or at least has had a considerable exposure to the constructs of legislation - because that is what we are talking about - and then to review all of those things together. I am asking this Assembly to apply common sense. Maybe you are right to the point when you say, “Well, we shouldn’t have started it in the first place”, or “We shouldn’t have done it this way”. Obviously the thing has to be done.

Obviously, if we have a section of the Financial Management Act which is quite clearly designed, and this was confirmed by the Auditor before estimates, to allow for short-term investment of funds to be used to somehow legally justify the unauthorised expenditure of millions and millions of dollars, then probably we have to change that Act somewhat. The way I read it - let me display my legal inadequacies – is that the QC’s opinion that the Government received was quite inappropriate; it was certainly a rather blatant pursuit of a loophole to excuse government. I do not think there is anybody in this place who has spent more than two minutes considering the question and the opinions received that would think otherwise.

I ask this Assembly to support the motion. If we do not receive that support what the committee is bound to do is produce virtually a nonsense report, so we just go through the ritual and then raise the damn thing again at a later date, if necessary. What is the point? Mr Deputy Speaker, I just ask that at least common sense prevails among the majority of members of this Assembly.

Question resolved in the affirmative

## **GOVERNMENT CONTRACTING AND PROCUREMENT PROCESSES - SELECT COMMITTEE**

### **Alteration to Reporting Date and Resolution of Appointment**

**MR STANHOPE** (Leader of the Opposition) (4.52): I move:

That the resolution of the Assembly of 6 May 1999 which appointed the Select Committee on Government Contracting and Procurement Processes be amended by omitting paragraph (3) and substituting the following paragraph:

“(3) The Committee may make interim reports and its final report shall be presented to the Assembly by the first sitting day after 30 June 2000.”.

I had not proposed to speak to this motion but, having regard to the nonsense that we have witnessed in relation to the previous motion, I will give a little bit of background. The motion is about a select committee which was formed by resolution of the Assembly on 6 May. I am the chairman of the select committee and Mr Osborne is the deputy chairman. The third member of the select committee is Mr Cornwell from the Liberal Party and the Government.

The committee has met and had a detailed briefing from departmental officers in relation to the tendering process. As members know, the Committee Office has been under considerable pressure and has felt some significant strain as a result of the amount of work that the committees have been doing. We are all aware of that. Mr Hird complains constantly about the fact that he has to run from committee meeting to committee meeting.

**MR DEPUTY SPEAKER:** He does not run!

**MR STANHOPE:** Well, stumbles manfully from committee meeting to committee meeting.

**Mr Hird:** I run.

**MR STANHOPE:** He runs. We all know that. It is a matter of debate. Actually, as part of the sterling work that Mr Hird does, he often addresses this Assembly in the most stirring tones, as he did today in his speech on the Federal Golf Club, which was an excellent speech. I guess you just whipped it up in an idle moment or two, Mr Hird. I enjoyed your presentation this morning.

**Mr Hird:** Thank you.

**MR STANHOPE:** I did. As I was saying, the Committee Office is under significant pressure. We all know that. Mr Hird comments on it reasonably constantly. My committee has met.

**Ms Carnell:** Once.

**MR STANHOPE:** We have met once and we had a very good briefing.

**Mr Humphries:** Once. It had better be a good briefing.

**MR STANHOPE:** Let me go on. We met the once at a time we had a temporary secretary and we had a very good briefing from officers of the Department of Urban Services and another meeting

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**Ms Carnell:** Once in five months. That is good!

**Mr Humphries:** Five and a half months.

**MR STANHOPE:** Yes, but just wait, and we heard from officers of the Chief Minister's Department. But, and we are particularly grateful for this, two weeks ago we obtained a permanent secretary, and I am happy to welcome him to the Assembly. I look forward to working with him. He will be a great boon to the work of this committee and to the Committee Office, and he will relieve some of the pressure that the Committee Office has been experiencing.

As a result of the secretary's arrival in the last two weeks the committee met – Mr Osborne, Mr Cornwell and I met - and discussed how best to proceed with this very important inquiry. A number of resolutions were made at that meeting. I have the minutes here and would be very pleased to read them to you, but you know that I cannot do that as they have not been settled yet and they have not been authorised for publication. But I note in those minutes that a motion was moved by Mr Cornwell, a member of the Government, in relation to the work that this committee should do. I can tell you that a motion was moved by the deputy chairman, Mr Osborne, about the work that this committee should do and how it might proceed. As a result of that, certain authority was given to me as the chairman to set out the committee's program of work, the work it should do, and the witnesses that it should invite.

The committee has proceeded at pace to fulfil this important task. As a result of that, I have written to every Minister seeking submissions and I have authorised the secretary to approach a number of other potential witnesses. As everybody knows, as it was announced, the committee did decide to compartmentalise its work. The committee felt that it would be important and useful for it to do its work in the context of a number of case studies, because there is a range of very important and interesting procurement, contracting and tendering issues that we are all aware are matters of public debate and matters of great public interest. I refer to things such as the Bruce Stadium redevelopment, a matter of significant public interest and debate, and the CityScape contracts, which have been of great interest. The Minister is well aware that one of those contracts led to the sacking of a group of disabled workers.

A question which I think is very interesting is the provision of legal advice to the Government by private legal firms. I think that is an interesting issue. I have expressed interest in that before.

There are interesting issues in relation to Totalcare. Members of the committee felt that there may be interest in looking at aspects of SOCOG and the Olympic Games as well as issues related to the Government's funding of activities associated with the year 2000 celebrations. Of course, the committee did not anticipate in developing that list that that would constrain it in any way in looking at other issues were we to receive submissions on other matters of contracting and tendering.



In terms of the other work that we have done, it is my hope that we will have our first public hearing in November. In that context, on the basis of the motions moved and supported by Mr Cornwell and Mr Osborne, I have authorised the secretary to write to, and in that process notionally indicate that we would be interesting in having them appear before the committee as early as November, Mr Steve Doszpot, Mr Kevin Neil, Mr David Lewis from ACT Rugby Union, Mr Ross Oakley, Mr Des Speakman from the Campaign Palace, Glen Wheatley from talentWORKS, Kylie Boyer from the Boyer Group, representatives of IGM, representatives of Arthur Andersen, representatives of Lend Lease, Mr Paul McDonald, the managing director of CRI, officers of News Ltd, SOCOG, Mr Rick Graf from Graf Consulting, John Haskins from Haskins Contractors, Mark de Jager from WT Partnership, Denis Page from Totalcare, George Wason from the CFMEU, Russ Collison from the AWU, Jeremy Pyner, David Dawes, Chris Peters, Colin Freeland, Ms Howe and John McMillan.

Those are some of the people that we have decided to approach in relation to the first case study that we propose to do. I have every hope and expectation that we will have a public hearing in November, that we will have at a public hearing in November perhaps Mr Steve Doszpot to talk about the Cosmos. We have asked those organisations to provide, for instance, those documents which the Government refuses to provide, the ones that it insists are secret. We have in that context asked the Government, pursuant to the standing orders of this place and the powers of committees, to provide the committee with the Raiders user agreement, with the Brumbies user agreement, with the Cosmos user agreement, with the Lend Lease tender documents, with Paul - - -

**Ms Carnell:** If they say yes, no trouble.

**MR STANHOPE:** Absolutely - with Paul McDonald's letter of 1 April 1997, with the SOCOG contracts and, of course, with the other 200 documents that the Government has refused to release in relation to Bruce, pursuant to my freedom of information requests.

*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:** I am hopeful of that, even though the Government has refused quite persistently to provide this Assembly with any of those secret documents.

**Ms Carnell:** No, we have not.

**MR STANHOPE:** You have. There was a motion - - -

**Ms Carnell:** No, we said we would if they - - -

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**MR STANHOPE:** It is irrelevant what the others thought. There was a motion in this place calling on you to table those documents and you refused. I have made a request under the freedom of information provisions seeking those secret documents and you have kept hiding behind this absurd notion of commercial-in-confidence. It is an absurd notion. You have never sought them and you know that the situation is different, but you keep relying on this absurd notion. One does wonder why. That is why I think the public hearing in November when Kevin Neil appears will be very interesting. I will ask Mr Neil why he thinks that the Government is resistant to the tabling of a particular document. I will say, "Mr Neil, in what draft of the user agreement between you and the Government was the commercial-in-confidence or the confidentiality clause included in the contract? In which draft of the contract was this clause included?"

**MR DEPUTY SPEAKER:** Order! Mr Stanhope, you are seeking time to be able to do that. I am not sure that this is the time to ask the questions. You are seeking an extension of time for reporting.

**MR STANHOPE:** The Government has indicated that it has some concerns about the process. I am simply outlining the process and the importance of it and just giving the Government some indication of what it is that we are proposing to do.

**Ms Carnell:** We have not said anything. You are moving a motion.

**Mr Moore:** We have not said a word.

**MR DEPUTY SPEAKER:** Order! Ministers were calling earlier for a decline in the number of interjections. They might follow that rule.

**MR STANHOPE:** Thank you, Mr Deputy Speaker. I think I have made the point. The select committee met two weeks ago after having had a permanent secretary appointed to it. We can understand why the Government is just a touch nervous about all this. We can understand - - -

**Ms Carnell:** I take a point of order, Mr Deputy Speaker. Nobody on this side of the house has actually said anything about this motion yet. Mr Stanhope is introducing it - - -

**MR DEPUTY SPEAKER:** The point of order?

**Ms Carnell:** It is on relevance.

**MR DEPUTY SPEAKER:** Yes. We are debating an alteration to the reporting date.

**Mr Quinlan:** You are doing a Gary, Jon.

**MR STANHOPE:** Is that right? Heaven forbid! I think I have made the point: This is an extremely important inquiry. It will have extremely important outcomes. The committee is working at pace. My colleagues on the committee, Mr Cornwell and Mr Osborne, are very satisfied with the work program that we have established.

**Mr Hird:** Mr Osborne probably would be.

**MR STANHOPE:** Mr Cornwell is, too. When we table the minutes you will actually see that. The committee has, on a consensus basis, developed a work program and it is as I have explained, as has been set out, and I commend this motion to the Assembly.

**MR HUMPHRIES** (Treasurer, Attorney-General and Minister for Justice and Community Safety) (5.05): Mr Deputy Speaker, I have to say - - -

**MR DEPUTY SPEAKER:** Alteration to the reporting date!

**MR HUMPHRIES:** That is right, Mr Deputy Speaker. I am unconvinced by what Mr Stanhope has said and I propose that the Assembly should reject this motion. Mr Stanhope rose and described in detail what the committee proposes to do. In fact, he gave us a longer speech on that subject than he gave on 6 May when he moved the motion to establish this select committee. He said more today about what he was going to do than he said on 6 May. Mind you, the subject matter was much the same. I quote that speech:

The Labor Party is proposing that a select committee look at the very important issues of contracting and procurement because of the broad focus that any such inquiry would have.

Again I quote:

This is a major and very important issue that requires a whole-of-government approach and it is the view of the ALP that a select committee would be the most appropriate way of achieving that direct, all-of-government focus on contracting and procurement.

Mr Stanhope described in detail a few moments ago the work that the committee is going to do. It is going to interview these people and those people and he had a long list of the people he is going to interview. The question I want to pose today in this debate is: Why has he not interviewed them already? Why, in the last 5½ months that this select committee has been in existence, that Mr Stanhope has been pulling the pay of a chairman of a committee in this place, has he not been doing these sorts of interviews and doing that kind of work? I raised some concerns in the debate on the previous motion about work that was not being done on a committee. That was a standing committee of the Assembly. The chairman of the committee was not pulling in any extra pay by virtue of the fact that he had this extra inquiry which the committee was not actually doing anything about. That is fair enough.

**Mr Moore:** And he was doing a range of other things.

**MR HUMPHRIES:** He was doing a range of other things; that is fair enough.

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**Mr Berry:** I will do a work value case on you any day.

**MR HUMPHRIES:** Mr Stanhope is the chairman of a select committee. It is the only committee of this place on which Mr Stanhope sits. The only committee work Mr Stanhope has to do is to overview, to steer and to offer leadership with respect to the Select Committee on Government Contracting and Procurement Processes. That is the only thing he has to do with respect to committees in this entire place. It is a workload other members of this Assembly would die for, I would say. Mr Stanhope gets paid for that privilege, and in 5½ months what has he done? He has met once. He has met in the last two weeks.

**Mr Stanhope:** No, that is not true.

**Mr Moore:** They had to meet for him to be elected chairman.

**MR HUMPHRIES:** Of course. I beg your pardon. He had the meeting to elect himself as chairman and to start the flow of money from the taxpayer into his pocket and five months later they decided to have a further meeting to get a briefing from a government official which, I might point out, they had not sought until recently.

**Mr Stanhope:** No, you have got that wrong again. You are wrong again, Gary.

**MR HUMPHRIES:** Please tell me what you have actually done in the last five months, Mr Stanhope. What have you done in the last five months?

**Mr Stanhope:** I have done an awful lot of research, Mr Humphries.

**MR DEPUTY SPEAKER:** Order! Let us not have this banter across the table.

**MR HUMPHRIES:** We hear now that an awful lot of research has been done. He did not mention that a moment ago when he was speaking about this motion, Mr Deputy Speaker. He did not care to mention that he has done lots of research.

**MR DEPUTY SPEAKER:** Direct your remarks to me, please, Mr Humphries.

**MR HUMPHRIES:** Yes, Mr Deputy Speaker. He has done lots of research in the last 5½ months. Where is the benefit of that research, Mr Deputy Speaker? He has done nothing in a public or semi-public sense with respect to this committee. He roamed from excuse to excuse as to why that might be the case. First of all, we heard, "Oh, poor Mr Hird, who is also sitting on the committee, is running from committee to committee and is very busy", and he let the excuse trail off at that point. He said that he was very busy and that was the end of the matter, implying, I suppose, by mentioning Mr Hird that Mr Hird's busyness, Mr Hird's intense commitments on other committees, had somehow prevented this committee from having a meeting.

**Ms Carnell:** He is not even on it.

**MR HUMPHRIES:** Mr Hird is not on the committee. How are Mr Hird's commitments supposed to be of relevance to the fact that the Select Committee on Government Contracting and Procurement Processes has not even met in 5½ months, except to elect the chairman? In a different part of his speech he said, "We only had our permanent secretary appointed a couple of weeks ago", implying, again without saying so, that the lack of a permanent secretary had somehow retarded their capacity to call for public submissions, to hold meetings or to do any of the other things that committees in this place actually do.

That, of course, is nonsense, Mr Deputy Speaker. A committee can meet, if it so chooses, with the assistance of an acting or pro tem secretary available to the committee from the secretariat. Has Mr Stanhope requested an acting secretary to be provided for them to hold a meeting, at least? No, of course not. Has he organised for the secretariat to arrange to place an advertisement in a newspaper calling for public submissions so that members of the committee could sit down and start to read public submissions on the subject? Until two weeks ago, no, he had not. For over five months - May, June, July, August, September, until early in October - this indecisive chairman of the committee did nothing except bury himself in books and start to do research, Mr Deputy Speaker. Yet Mr Stanhope has had the nerve to get up in this place on this matter. He was pulling in \$10,000 or something of that order per annum for being a committee chair.

**Ms Carnell:** No, it is not that much.

**MR HUMPHRIES:** Maybe less than that, maybe \$5,000. He was pulling in the extra money that goes with being a chair of a committee - - -

**Mr Stanhope:** You are going to get a shock when you get back into opposition, mate.

**MR HUMPHRIES:** If I could have some attention - - -

**MR DEPUTY SPEAKER:** Mr Humphries, you have been provocative. I might comment that I am not comfortable with going too much further down the path of the income that members are earning in respect of the work that they do here. I am not too comfortable with that. Mr Humphries, will you carry on.

**Mr Moore:** I take a point of order, Mr Deputy Speaker, on your comment. We are talking about the work that they do not do.

**MR HUMPHRIES:** Mr Deputy Speaker, in light of all these facts, we hear that Mr Stanhope believes that the committee has been working at pace. If that is working at pace, I do not know what the rest of the people in the Assembly are doing, but it is certainly a great deal more than working at pace.

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Mr Stanhope attached great urgency and importance to this matter, saying that it was a very important issue that required a whole-of-government approach and that the inquiry was a major inquiry. It is so major that the committee has not had to do anything for the last five months. I do not think that Mr Stanhope has made a case for having this inquiry extended now until the beginning of August of next year, the year 2000. I do not think he has made that case at all, Mr Deputy Speaker.

When Mr Stanhope moved the original motion, Mr Rugendyke proposed that the matter go to a standing committee of the Assembly instead of a select committee, but other members, including members of the Labor Party, combined to defeat that proposal. If it had gone to a standing committee, at least the community would have been spared the cost of paying for a process which actually has not done anything in the 5½ months since the committee was set up.

We hear all the time in the context of the Bruce Stadium affair about how the Government wastes money and how the Government is not being responsible; yet Mr Stanhope, who has set himself up as the person who is going to keep on the Government's back about the wasting of public money, has himself been presiding over a process which has wasted public money. Mr Deputy Speaker, I believe that the motion should be rejected by this Assembly.

**MR BERRY** (5.14): Talk about nerve! Mr Humphries gets up and criticises other people for what they may or may not be doing in this place in relation to their duties to the Assembly. I interjected, contrary to the standing orders, that I would be happy to do a work value case on him at any time. I will just give you a classic - - -

**Mr Moore:** Start by noting who is in here after hours and at weekends, Wayne.

**MR BERRY:** Spending long hours watching television. Do not give me that, Michael. The trough was more important than the job. Mr Deputy Speaker, this is the most tawdry attempt at creating a distraction that we have seen in a long time. The Government is under great pressure because of the way it hides behind commercial-in-confidence and the way that it issues contracts out there in the community. They do not like the feel of this inquiry. They know that it is going to be troublesome. They opposed it in the first place. At every point along the way they are going to try to distract attention from their own foibles by trying to implicate other people, and this is just another example of that.

For Mr Humphries to stand up and talk about it is particularly interesting because he is the Attorney-General of the Territory who, in the past, thought he should do something about the occupational health and safety legislation to fix up a problem which had been identified by the courts, that is, the ability to prosecute under that legislation - - -

**Ms Carnell:** I rise to a point of order, Mr Speaker. Relevance is pretty important in this debate. Mr Humphries was directed by the Deputy Speaker to make sure that his comments were relevant to the actual motion. Mr Berry has not even tried to be relevant so far.

**MR BERRY:** Mr Speaker, I am responding to Mr Humphries' attack on Mr Stanhope when he talked about the income that Mr Stanhope receives for his contribution to his duties to the Assembly. I was merely drawing - - -

**MR SPEAKER:** It is not relevant.

**MR BERRY:** It was for Mr Humphries and it ought to be for me.

**MR SPEAKER:** I cannot comment on that. I am telling you that your comments are not relevant. Please address the issue.

**MR BERRY:** Mr Speaker, it is as relevant for Mr Stanhope to follow the course that he has followed in relation to this committee as it was for the Attorney-General to avoid doing his duty in relation to the occupational health and safety matter.

**MR SPEAKER:** That is not relevant, Mr Berry. Please, we have a motion before the house.

**MR BERRY:** Yes, indeed, to extend the period available to this committee to deal with the business in front of it. If we had to extend the period for Mr Humphries to carry out the duties that he has in front of him, we would need till the end of time. I said earlier in this debate that, if we want to do a comparative work value case, I would be glad to do the one on Mr Humphries. I would have no difficulty doing it at all. He is the Minister - - -

**MR SPEAKER:** Order! Mr Berry, I would remind you of the motion before the house.

**MR BERRY:** Indeed.

**MR SPEAKER:** Please, this is not a wide-ranging debate.

**MR BERRY:** I am afraid, Mr Speaker, that it has turned into one and it is only fair for one to respond in the same terms as the attack that has been levelled by the Minister. I am not finished yet.

**Ms Carnell:** I take a point of order, Mr Speaker. That is disrespect for the Speaker, which, under *House of Representatives Practice*, is not acceptable.

**MR SPEAKER:** Yes. I am growing a little tired of this.

**MR BERRY:** You have not been there long.

**MR SPEAKER:** No, but I have been here long enough.

**Mr Moore:** Speaking to the point of order, Mr Speaker, that is another example.

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**MR SPEAKER:** Indeed. I have been here long enough to know that you are beginning to become disrespectful to the Chair and I will deal with you. Keep it up and you will be warned and then you will be named.

**MR BERRY:** Thank you, Mr Speaker. For this Minister to criticise other people in this place is sheer hypocrisy, given his track record. Members should not support his plea for them to oppose this motion. This motion goes to the conduct - - -

**MR SPEAKER:** The word “hypocrisy” should be withdrawn.

**MR BERRY:** Mr Speaker, I withdraw it. It is two-faced for this Minister to criticise other members of this place, given his performance.

**Ms Carnell:** Mr Speaker, you have ruled on that.

**MR SPEAKER:** I have ruled on that. I warn you, Mr Berry.

**MR BERRY:** Have you ruled on “two-faced”?

**Ms Carnell:** Mr Speaker had ruled on your lack of relevance by saying exactly the same thing on three other occasions.

**MR BERRY:** Why do you not get up in the chair?

**MR SPEAKER:** You continue to do it, and I am warning you now.

**MR BERRY:** Mr Humphries’ plea for members to oppose this motion is merely doublespeak.

**MR MOORE** (Minister for Health and Community Care) (5.20): Mr Speaker, we are actually talking about the expenditure of public dollars. Throughout all the situations that have occurred over the last months with regard to things such as Bruce Stadium there has never been any inference in any way that public dollars went into personal pockets. But in this case, Mr Speaker, we have an unacceptable situation. We have a situation where the person who has ridden up on a white charger and said that he is about ensuring that government money is appropriately spent has himself, in a hypocritical fashion, taken public money to do a job and not done that job. That is what it is about; it is about taking public money to do a job and not doing that job.

What has happened, as Mr Stanhope explained to us only a few minutes ago, is that, apart from the first meeting when he was elected chairman of the committee, the committee did not meet until two weeks ago when it met to set out its work practices, and he said all the things that it is going to do. For five months he was standing around doing nothing and taking public money. It was a relatively small amount; nevertheless, it was public money.



Mr Stanhope also said that he wants to have a series of interim reports and his first report will be brought down before Christmas. Let him bring down his first report and the report of the committee by Christmas. He does not deserve to have an extension of time. He has come to this Assembly asking for an extension of time and a change in the way that the committee reports. At the same time, he has told us that he can report for the first time before Christmas. We should say to Mr Stanhope, "Sorry, if that is the way that you are going to treat the system, you ought not have an extension. That report can be the report of the committee". I am not saying that it should not report; I am saying that that should be the report of the committee. Mr Stanhope knew when he started this process that he had a fixed time in which to draw a line because he was the chairman of that committee. He took public money for doing that job but for five months he did nothing. That is what this is about. Mr Stanhope certainly does not deserve to have an extension of time for this committee, let alone the opportunity - - -

**Mr Stanhope:** You are lazy, Mr Osborne! You are lazy, Mr Cornwell!

**MR MOORE:** Mr Stanhope is now pointing the finger at others, saying that they are lazy. The person who is pointing the finger at others and saying that they are lazy is the person who took the chair of a select committee and turned around and did absolutely nothing on it for five months.

**Mr Stanhope:** Michael, how heavy are 30 pieces of silver, mate? How heavy are they?

**MR MOORE:** The same person - - -

**Mr Stanhope:** Is it like an Independent who becomes a Minister?

**Ms Carnell:** I take a point of order, Mr Speaker. The constant interjections - interjections that contain very serious innuendos - are simply unacceptable, Mr Speaker.

**MR SPEAKER:** I am listening.

**MR MOORE:** The man who has taken on this committee, who has had it for five months and who has done absolutely nothing is the man who points to everybody else and says that his role is to protect public money. It starts in your own backyard, Jon Stanhope.

**Mr Berry:** Here is a man who cannot settle an industrial dispute in the health system. What a hopeless case!

**MR HARGREAVES (5.24):** Mr Speaker, essentially, what we are talking about here is - - -

**Mr Berry:** Snouts in the trough! Do you want me to talk about your snouts in the trough?

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**MR SPEAKER:** Be quiet, Mr Berry. You are under a warning already.

**Mr Berry:** I will talk about it later.

**MR SPEAKER:** I beg your pardon.

**Mr Berry:** I am talking to him.

**MR SPEAKER:** I told you to be quiet.

**MR HARGRAVES:** Essentially, what we are talking about is whether one of the committees of this Assembly ought to have a little bit of extra time to complete its work.

**Mr Humphries:** Nine months.

**MR HARGREAVES:** I will deal with you, Mr Rabbit, in a minute. Mr Speaker, we have had the formal process of someone saying that, for whatever reason, a committee has not had time to complete its deliberations and asking this Assembly to extend its time. Mr Speaker, I have been listening upstairs to the drivel that has come from that side to this side of the chamber. We have had accusations about people not doing their job from the mealy mouth of the Attorney-General over there. How dare that man suggest that! How dare that man suggest that you have not done your job, Mr Speaker, and that Mr Osborne has not done his!

The Minister is the one who was asked at least 12 months ago, probably 18 months ago, to put on a project director to get on with the prison contract. The same Minister was asked well over 12 months ago to provide statistical data, financial data, to substantiate the somewhat ludicrous contention, in my view, that private prisons are cheaper than public ones.

**Ms Carnell:** I rise to a point of order, Mr Speaker. That has absolutely nothing to do with the motion. There is no relevance.

**MR HARGREAVES:** Mr Speaker, it has as much relevance as I have heard before. It is an accusation - - -

**MR SPEAKER:** It has not. As I have mentioned before, please be relevant.

**MR HARGREAVES:** I am being relevant, Mr Speaker, and I will indicate how. Essentially, members on the other side of the chamber are saying, "He has had plenty of time to do his job, so we will knock him back". That is the relevance of my point. The Justice and Community Safety Committee has spent, in my view, at least six months more than it needed to develop its next report to the stage where it can bring it to this chamber. Why do you think that is, Mr Speaker? It is because Mr Humphries did not provide the information which the Government ought to have had in the way of

comparative financial data. Mr Humphries spent about 20 minutes telling us why he could not do it. Either he was delaying things or he is incompetent, but it is one or the other.

**Ms Carnell:** Mr Speaker, I take a point of order. It is still not relevant.

**MR SPEAKER:** No.

**MR HARGREAVES:** Mr Speaker, what we are saying here is that if it is good enough for the Government to say, "I have not had the time to do it", and Mr Humphries can get off scot-free, surely it is good enough for this side of the chamber as well.

**Mr Humphries:** Mr Speaker, on that point of order: The argument we have put forward is that Mr Stanhope is receiving extra public money for an inquiry which he has not been conducting. I have received no extra money for the work I have done in respect of the prison, so there is no relevance in what Mr Hargreaves has had to say.

**MR SPEAKER:** There is no point of order, but I do ask for relevance, Mr Hargreaves.

**MR HARGREAVES:** Mr Speaker, I would suggest to you that that is one of at least two arguments which were put forward by the other side of the chamber. I do not disagree with your ruling on that issue, Mr Speaker, but I would point out that that is one of the issues which have been brought forward by that side of the house. The other issue is the fact that nothing has been done, that the information is not available, and that it is not acceptable for giving an extension of time. I am trying to demonstrate that the same argument applies in the context of the Justice and Community Safety Committee. Therefore, for Mr Humphries to stand up and say to this chamber that Mr Stanhope cannot have the extra time that he needs to deliver a meaningful report to this chamber is nothing short of hypocritical. That is the point that I was wishing to make.

The other point that I would wish to make, Mr Speaker, is that the committees, as you would well know because you are serving on this one yourself, depend heavily on the workload of the committee secretariat. We have an enormous number of inquiries going on I know that the one with which I have been involved recently has done an enormous amount of work. There has to be a connection between the extent of work within the committee secretariat and the length of time it takes for a report to be delivered. That is one of the reasons why, until this moment, I have not been jumping up and down in this chamber saying to Mr Humphries, "Get on with it". I understand the extent of the work that our own committee secretariat has gained. We have added another inquiry to its work and it is a particularly sensitive one. It has enormous ramifications and we have to get it right, otherwise we will be back doing it again. That would be nothing short of silly.

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The arguments put forward by the other side of the house are nothing short of puerile, hypocritical and nonsensical. What they need to do over there is grow up and say okay to an extension of time, thereby allowing this inquiry to proceed. To suggest that you, Mr Speaker, and Mr Osborne do not have enough to do with your time but to wander around these hallowed halls waiting for an inquiry to start is nothing short of stupid. I think we should have a vote on this motion, extend the time and just get on with the rest of the program.

**MS CARNELL** (Chief Minister) (5.30): Mr Speaker, it seems that some members have forgotten the significance of what we are debating here. We are debating a request from Mr Stanhope to extend the reporting date of a committee that was set up on 6 May of this year by this Assembly at the direction or initiative of the Labor Party - the Select Committee on Government Contracting and Procurement Processes. When the relevant motion was passed on 6 May the committee was given the reporting date that those opposite put in the motion. The reporting date was not one put on the committee or required of the committee by the rest of the Assembly.

When a select committee is set up we know that it comes at a quite significant cost to the taxpayer - the cost of support and also the cost of paying an extra amount of money to the chairman. Mr Speaker, with the taking of such money, whether it be as Chief Minister, Leader of the Opposition or chairman of a committee, comes quite significant responsibilities. When you take the role of Speaker and the financial remuneration that comes with that, you take responsibility for performing the duties of Speaker. Do members of this house believe that it is all right for the chairman of a select committee set up by the Assembly to take the money and not sit?

**Mr Moore:** It is a specific job.

**MS CARNELL:** It is a specific job for which those opposite brought forward in this place a motion with a reporting date of their discretion. They determined the date the committee was to be set up and they put in the reporting date, so it was all in their hands. From the day that the committee was set up Mr Stanhope accepted the dollars involved in chairing the committee. Since then virtually nothing has happened and Mr Stanhope has had to come back to this place seeking a quite significant extension of time as the first sitting day after 30 June 2000 will be August of next year. Mr Speaker, that is a significant extension of the timeframe that Mr Stanhope himself set for his committee. Comments have been made about how busy members are. Mr Stanhope is not on any other committees, Mr Hargreaves.

**Mr Hargreaves:** So what?

**MS CARNELL:** As this is the only one, he cannot be so frantically busy that he could not call a meeting. Comments were made by Mr Hargreaves with regard to other members of the committee. Mr Speaker, you know, I know, Mr Osborne knows that it is the chairman of the committee who actually calls the meetings, not the members. By the way, the members do not get paid. The chairman gets paid because the chairman is supposed to take control of the committee, call the meetings and do the extra amount of work that goes with chairing a committee. Members cannot call meetings; they do not have the power to do so. The chairman does and only the chairman does.

The fact is that Mr Stanhope did not call another meeting until two weeks ago, but now requires this Assembly to authorise the payment of public money because he has not done his job. That is basically what we are doing; we are authorising the payment of just under \$2,000 of public money for another eight months. For what reason? It is because the committee has not done its job in the timeframe it set for itself. No-one else set it; the committee set it for itself. We are now to have an extension because there have been no meetings.

This situation is very different from the situation for a standing committee, as has been said, as the members of a standing committee are paid all the time for the quite significant amount of work they do and any extension sought does not mean the authorisation of the expenditure of new public money, whereas this does. We may have had some issues with the extension of time sought by Mr Quinlan in the previous debate, but we were not, as an Assembly, authorising the payment of extra money. This time we are and when we do that we have to ask why. I have to say that we have not been told why, apart from the fact that Mr Stanhope has done a lot of reading or research. The taxpayers supposedly paid him to do that, which is an unusual approach.

Mr Speaker, this issue is really important because the Assembly has set up a lot more select committees in the term of this Government and we have to look at this as a precedent. If select committees become, as they have once or twice before, very long term, the amount required in new dollars is significant. Therefore, we have to take responsibility as an Assembly for the payment of those dollars. Mr Speaker, when members vote on this motion they have to understand that they are authorising the expenditure of public money and they have to ensure that that authorisation is for the right reason. It is not because a member has not got around to doing the job he was paid to do or to allow the member to play politics. He is totally allowed to do that, but not at the expense of the taxpayer.

**MR RUGENDYKE (5.35):** I have listened intently to this debate. My ears really pricked up when Mr Humphries mentioned that I had attempted to amend the original motion to send the work of this select committee to an existing committee. Let me just quote the *Hansard* of 6 May:

I am simply seeking to refer the matter to the Chief Minister's Committee, which is the appropriate committee to look at these matters, rather than forming a completely new select committee for a reason I am yet to fathom.

Mr Speaker, I remain with that thought. I am yet to fathom why we allowed this important matter to go to such a useless committee, a select committee that sat on its backside with its hands beneath its buttocks for 5½ months and did nothing. The chairman of this wonderful select committee has given us a great dissertation about the number of people the committee wants to interview - pages and pages of them.

**Mr Smyth:** "Gonna" Stanhope.

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**MR RUGENDYKE:** It is gunna do it. What a farce! Mr Speaker, this debate highlights the importance of the role of crossbench members in a minority government. Clear-thinking crossbench members in a minority government have the role of keeping the bastards honest. That is someone else's line. To use my words, this is our checking mechanism, as against the Senate. We do not have a Senate, but we have a checking mechanism of clear-thinking and wise crossbench members. The bastards in this case are on both sides of the house. Those on the government side of the chamber do not want to see this inquiry done. They do not want to see it done because the committee will be looking at the important issue of whether the Government's contracting and procurement processes work. This Government wants the motion to be knocked off.

The bastards on this side of the house should not be allowed to get off the hook, either. They should not be granted another six months to do something because they have done nothing in the first six months. Begrudgingly, I have circulated an amendment to the motion allowing the chairman to get off his backside and do some work on this very important inquiry.

**Mr Quinlan:** Tell us about your committee work, Dave.

**MR RUGENDYKE:** Other members of this place - Mr Quinlan reminds me - go to committee meetings twice a week. Mr Hird goes eight times a week. Religiously, all of us go to them - Education, Chief Minister's, Justice and Community Safety. Committee work is busy work. Thank you for reminding me of that, Mr Quinlan. This is one committee, a select committee, that has done nothing. Hooray, it has written a letter! Hooray, it wrote a letter two weeks ago!

**Mr Osborne:** We got a submission, too, did we not?

**MR RUGENDYKE:** Was it from a plumber?

**Mr Osborne:** An electrician, I think.

**MR RUGENDYKE:** Big deal! Mr Speaker, this is an important inquiry. Get on with the work and talk to all those people whose names you read out. Do it before 31 March and give us your report before 31 March. I urge clear-thinking members of the crossbench to support the amendment circulated in my name and keep both sides of the chamber honest. I move:

Proposed new paragraph (3), omit all words after "Committee", substitute "report by 31 March 2000".

**MR SMYTH (Minister for Urban Services) (5.42):** If Mr Quinlan is unaware of the work that Mr Rugendyke has done, I suggest that he examine his notice paper because Mr Rugendyke is on the Urban Services Committee - I am not sure what other committees he is on - and I know that the Urban Services Committee has made some 33 reports and a couple of statements in 18 months. On a pro rata basis, dividing that by

three, it comes down to about 10. So, in the time that Mr Stanhope's urgent, special, important and far-reaching investigative committee has done nothing, the Urban Services Committee has brought down probably 10 reports.

It is all about what Mr Stanhope set this committee up to achieve. I am sure that we can all remember the day when he got up on his high horse on it. He was going to get to the bottom of a matter. He was going to look at contracts and procurement. He was going to make sure that no stone was left unturned so that he could reveal the inadequacies of the Government. To conduct an inquiry you have to start turning a few stones, but we have not seen any stone turning at all. Mr Stanhope runs the real risk of becoming "Gunna" Stanhope because all we have heard from him is what he is gunna do. Mr Hargreaves jumped to his defence and said that you need extra time to get the data. You have had five months to get the data and all you have done is think about going about getting some data.

It is curious that Mr Hargreaves' definition of a little bit of extra time is, in fact, more time than the original committee asked for. The committee originally asked for some eight months in which to report - May to December. It is now asking for an extension of 10 months. It is amazing; it will actually go up to almost 15 months, doubling the time for this committee to report. It is curious that Mr Stanhope chooses to ignore all of that, that all he can do is just ignore it. To get the data you have to do something. All we have heard so far from "Gunna" Stanhope is that he has a list. It is like the Monty Python skit: "I have got an idea. It is my idea. It is an idea which is mine". He is saying, "I have an inquiry. It is my inquiry. It is an inquiry which I have. I have a list. I have a list of people I might ring. I will ring them. I will talk to them eventually".

But that is not what it is about, Mr Speaker. It is about doing the job. When you ask for it to be set up and say, "I will do the job and I will take the stipend that comes with it", the additional funds, you are meant to do the job. You are not meant to sit on your hands, as Mr Rugendyke so eloquently put it, and say, "I will wait five months before I decide to publish a list of things that I am gunna do". "Gunna" Stanhope really is not matching the others. At least Mr Berry has not asked for more time for his select committee on workers compensation. Maybe we will get a request for that as well. The setting up of a select committee was rejected by Mr Rugendyke at the time and we supported his proposal that it should go to a standing committee. That is what the standing committees are for. It is more than appropriate that it be done in that way.

Mr Stanhope, what we have is just an empty list of action or a list of inaction and I think that you ought to be embarrassed by having to stand up here and say, "I need an extra 10 months to do this list of things that I have just thought of because I have not been able to do anything at all about it in the last five months". Mr Speaker, you have only to remember the impassioned words on that day about how he was going to get to the bottom of this, how he was going to call in all these people and make them tell the truth. He is still going to do it. He is going to do it some time and he is asking for more time to do it. He says that he is going to do something, but how do we know that he will, given that in five of the eight months he has not done anything? When we get to the end of the 15 months, what will we get then? Who knows?

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There is plenty of time for him to do his work if it is that important, but we know that you get nothing from “Gunna” Stanhope. He spends all his time with his back to the Speaker watching Wayne and Ted. He is probably more worried about what Wayne and Ted are up to. This is just a joke. It may be due to incompetence. Maybe we could get for him a guide to chairing meetings. Perhaps that would be a good idea. The other thing is about setting time lines. Perhaps we could teach him how to use Access or Excel or something else to come up with a project, maybe even to come up with - - -

**Mr Stanhope:** How is the eviction going, Brendan?

**MR SMYTH:** This is it: We will not answer the substantive. We will go to other things and we will just joke about what the Government has been doing.

**Mr Stanhope:** Evicting people is not substantive, is it?

**MR SMYTH:** You said that this was substantive, Mr Stanhope. You said that this was important. You said that this was powerful. You were going to get to the bottom of it. You have got to turn a stone before you can get anywhere, sport. You have to get on with it, Mr “Gunna” Stanhope, because that is what you have turned into.

**Mr Stanhope:** There are a few stones being turned, mate.

**MR SMYTH:** Stones are gunna be turned! There we are, Mr Speaker, “We are gunna turn stones”. “Gunna” Stanhope! I think that it is just due to incompetence, Mr Speaker. I do not think that he is capable of doing this inquiry. I do not think that we will get anything further from it. I think it should be made to answer by the end of November. I truly believe that, if it is as important as he portrayed, he should report at the end of November, as originally intended. If Mr Rugendyke thinks that we should give him some time, to March, so be it; but the important thing here is that “Gunna” Stanhope has taken money for work that he has not done.

**MR KAINE (5.47):** Mr Speaker, I must say that, putting it mildly, I am concerned about the tone and the tenor of this debate. There seems to be a difference of opinion about whether we need the select committee. The fact is that the Assembly established the committee. When the Assembly established that committee, presumably it thought that there was a job to be done. Whether the job has been done or not is a matter to take up with the chairman and I do not think that some of the debate that has taken place here over the last hour has been very productive. It brings this place into disrepute, in my view.

But the question still remains: Does this committee have a job to do? I believe that it does and I think everybody else in this place believes that it does. What on earth, then, is the point of putting on it an artificial target within which it cannot complete the job? If you think about it sensibly, all of January and half of February will be out for everybody because we will be looking at the budget. How, then, can this committee get together its members, Mr Osborne and Mr Cornwell, outside of all of their other existing commitments and other commitments arising from their membership of this place and do the job between now and the end of March?



Members of the Government have had plenty to say about their opinion of whether the chairman has done the job. That is history. Is the committee to continue and is it to do the job? If it is, we have to give it the time to do the job properly and not place unreasonable demands on the resources of the people who sit on that committee. I do not believe that giving them a target date of the end of March is in any way sensible. I do not believe that it can do the job between now and 30 March. The Government has a decision to make. If they want the job done, I believe that they have to comply with the request of the committee chair and let the committee get on with the job and do it properly. Alternatively, they should move a motion to disestablish the committee. I do not think that there is any middle road, Mr Speaker.

**Mr Moore:** Just vote against it and the committee gets disestablished.

**MR Kaine:** Mr Moore has had his say and I do not wish to get into a one-to-one debate with him on the matter. We have to approach this matter sensibly and to have put this sort of artificial target on the committee when we all know that the likelihood of the committee doing the job within that time is about zero is a pointless exercise. All I am suggesting to members is that they think seriously about this proposal and make up their minds on whether they want the committee to continue. If they do, allow it to do properly the job for which it was appointed.

**MR OSBORNE (5.50):** Mr Speaker, I have just been reminded that it appears that it was my motion that set the timeframe for the committee. You can perhaps correct me if I am wrong. Nevertheless, I must admit that there has been some delay with work that has been done within the committee. From memory, Mr Speaker - you may correct me if I am wrong - Mr Stanhope did have some problems with finding a secretary. There was the mid-year break in the middle of it as well. There was also the issue of the Bruce Stadium funding right in the middle of it, which obviously took up a fair amount of all members' time. In saying that, obviously all of us on the committee would like to move forward. At our last meeting - - -

**Mr Rugendyke:** Your first meeting.

**MR OSBORNE:** At our last meeting, which was our second meeting, I think all of us acknowledged that there was some work to be done. We charted a way forward. In discussions with other members, I was perhaps open to bringing back the reporting date. In saying that, I have to indicate that I will have problems, being chairman of the Justice and Community Safety Committee. There are annual reports and draft budgets to be done in the next few months. There is the Christmas break and I will be away during January. I understand that Mr Kaine will be away for a fair amount of that period. That will make it impossible to do any of the work of my other committee, the Justice and Community Safety Committee, in that month. I think that March is impossible from the perspective of my being able to be involved in the work of this committee. Therefore, I will be supporting the motion.

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**MS TUCKER** (5.52): I am glad that this debate has settled down a bit. Mr Moore said that the debate was about the expenditure of public moneys. I got a much clearer feeling that it was about a personal attack on Jon Stanhope and I found a lot of the tone of the debate extremely worrying and inappropriate. I am surprised that it was allowed to continue. Maybe it was within standing orders, but I have not witnessed anything quite as unpleasant.

The expenditure of public money obviously is of concern to all members of this Assembly, but the raising of the issue in the way that it was raised today was obviously done purely to take political advantage of the situation, for whatever reason. The Government would have been aware of the issues beforehand if it was so concerned. The other members of the committee are obviously in agreement with Mr Stanhope about the motion that he put today and I believe that they are working as a committee to produce a report that will be useful to the ACT community and to the Legislative Assembly.

I can understand that there is concern about how long it has taken for this committee to get going. I have listened to the concerns of the Government. I think that it has taken a long time, but that does not warrant the kind of attack that has been made this afternoon. It might have achieved some political points, but has it actually achieve anything for the ACT community? No. If the Government had its way, we would not have an extension and there is no way that we would get a proper report.

As Mr Rugendyke pointed out, the Government seems to have a pretty clear agenda about trying to knock off this inquiry. Mr Rugendyke did propose an alternative date. After listening to Mr Osborne, I think that could have a negative effect on the likelihood of a proper report coming out of this inquiry. Obviously, there would be the possibility of a report at a earlier date if that is seen to be appropriate. If it is not, obviously that would be because there is merit in the committee continuing the work. Particularly after today, I would not imagine that the committee would be careless about taking the time that has been asked for if it is not necessary and is not going to result in a stronger report. I am quite prepared to - - -

**Mr Humphries:** This is a rationalisation theory; it is nothing more and nothing less.

**MS TUCKER:** Mr Humphries says that it is a rationalisation. It is actually an argument, Mr Speaker, but it suits Mr Humphries to call it a rationalisation at this point. I think everything could be a rationalisation in that case. I close by saying that I think that this extension is quite appropriate. I have acknowledged some of the concerns and I support some of those concerns; but, as I said, I see absolutely no point in taking the course that the Government is suggesting because I do not think that it would be of benefit.

**MR STANHOPE** (Leader of the Opposition) (5.56), in reply: Mr Speaker, I wish to close the debate, thank goodness. I thank all members for their contributions. I think some of the contributions were incredibly tacky, but there we are. Mr Osborne, in the presentation that he just gave, basically made the points that I had proposed to make in summing up. This committee is an important committee. It has settled on a consensus

basis, a consensus developed on the committee by my esteemed colleagues Mr Osborne and Mr Cornwell and by me, on a work program that requires the tabling of interim reports and a final tabling date of next June.

I had proposed to make the point which Mr Osborne made in relation to Mr Rugendyke's motion and which has been reiterated by Ms Tucker that the period there is a particularly difficult period for a number of members around the place, Mr Osborne in particular, but all of us in terms of our determination to be part of the draft budget process. Each of us, I assume, will participate in that process to the extent that we can. It is a very important process, a novel adventure that we are setting out on in relation to draft budgets which will require an awful lot of time.

I trust that members will take the opportunity to spend some time with their families and actually enjoy our Christmas break. I think they are entitled to that. I am not quite sure whether, if one takes a Christmas break, one should make application to the Speaker not to be paid this incredible taxpayer-breaking allowance which chairs of select committees get - a whole \$2,000 for a year's work. Whilst we are on holiday, we should perhaps make some application not to receive that pro rata aspect of this massive amount of \$2,000 for a year's work that has been the subject of this most appalling attack and debate today.

Question put:

That the amendment (**Mr Rugendyke's**) be agreed to.

The Assembly voted -

*AYES, 8*

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

*NOES, 9*

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

Question so resolved in the negative.

Amendment negatived.

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Original question put:

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

The Assembly voted -

*AYES, 10*

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

*NOES, 7*

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

Question so resolved in the affirmative.

#### **COMMITTEES – JOINT MEETINGS**

**MR SPEAKER:** Pursuant to standing order 246A, I wish to inform the Assembly that on 22 September 1999 the Standing Committee on Administration and Procedure resolved that the following statement be made concerning the committees consideration of joint committee meetings.

The Standing Committee on Administration and Procedure has been actively considering the matter of joint meetings between Assembly committees since 18 May 1999. The matter falls within the committee's terms of reference as defined by standing order 16(1)(a)(ii). The committee's consideration arose from correspondence from the presiding members of two committees.

The committee, having a number of concerns about the procedural problems and complications that could arise from joint committee meetings, particularly given the size of the Assembly, sought to isolate the concerns of the two committees. It became apparent that there was an understanding that an Assembly general purpose committee could not examine officers of the ACT Public Service and other public employees from a portfolio area different from that of its own primary interest. It was agreed that a statement be made to the Assembly on the matter.

The Assembly on 28 April 1998 established five general purpose standing committees to examine a range of listed matters relating to each portfolio area and "any other matter under the responsibility" of each Minister under the administrative arrangements in place at the time. It is in the nature of these areas of allocated responsibility that subjects of inquiry may, to some extent, overlap portfolio areas, just as the responsibilities of government departments to some extent overlap, as has been acknowledged in the

Assembly. It must therefore be regarded as inevitable that, on occasions, general purpose committees may seek to examine witnesses from another portfolio area when the subject of an inquiry encompasses areas of shared portfolio responsibilities. As long as the subject matter of an inquiry falls within a committee's terms of reference, that committee clearly has the power under standing orders 239 and 240 to examine witnesses from another relevant portfolio area.

Although the standing orders have operated in spirit rather than by force, there has been one occasion where a Minister, on the basis that the request was not from the relevant portfolio committee, has declined to provide departmental witnesses for a committee's inquiry. The committee did not press the issue and alternative arrangements were made.

The Standing Committee on Administration and Procedure has noted that the Government's Protocol for Government Interaction with Assembly Committee Inquiries of June this year reiterates the Government's earlier view that it is Ministers who determine whether the attendance of an official or officials before a committee is appropriate.

The committee wishes to emphasise the view expressed in its March 1999 report on the protocol that it is the standing orders of the Assembly which clearly give its committees power to call any witness, including departmental officials, to contribute to a committee's inquiry.

The committee has grave concern for the future of the portfolio committee system if Ministers, when requested to nominate appropriate officials to appear before a general purpose standing committee which focuses on another portfolio area, were to take the stance that they would prohibit the appearance of officials before any committee other than the relevant portfolio committee. The committee believes that a willingness to provide the relevant departmental officials will further the work of committees and strengthen the spirit of cooperation that has generally been the hallmark of Assembly committees' relationships with the Executive to date. In the vast majority of cases, there has been, and no doubt will be, cooperation in providing departmental officials to appear before committees.

**MR QUINLAN:** I seek leave to make a short statement in response to that.

Leave granted.

**MR QUINLAN:** Mr Speaker, as you will be aware, my very hardworking committee has addressed the question of committee structures. We have concluded, quite naturally, that, with the changes to administrative orders, to some extent the committee structure we now have is out of kilter with those particular administrative orders. I am happy to advise the house that my committee has written to the Speaker, as Chairman of the Standing Committee on Administration and Procedure, suggesting a minimalist change to the committee nomenclature and minimalist changes to the terms of reference to accommodate the administrative orders as they stand today.

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As a by-product of that, the primary emphasis on portfolio fades somewhat into the background, because the structure of the Chief Minister now taking an overarching responsibility and particular portfolios being changed means that the previous structure is not workable. The gymnastics to make it work should be addressed, to the point where we have a structure or a nomenclature and terms of reference that suit the administrative orders. I hope that, with the work that your committee has done, Mr Speaker, and with the work that my committee has done, if they come together we can rather simplify the problem and it should go away as a function of that.

**MR SPEAKER:** I would like to add that I am aware that Mr Quinlan has written to the Standing Committee on Administration and Procedure. I hope we can examine the content of the letter at our next deliberative meeting on 3 November.

### ADJOURNMENT

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

That the Assembly do now adjourn.

### Breast Cancer

**MR STANHOPE** (Leader of the Opposition) (6.10): Last night I was privileged to be present with my wife, Robyn, at one of the most wonderful and genuine celebrations of life that it has been my pleasure to attend - the 1999 Bosom Buddies "Celebration of Life Fashion Event". Bosom Buddies is a Canberra organisation which was started five years ago by a group of friends, most of whom have suffered from breast cancer. Last night, at their fifth annual fashion parade, Bosom Buddies donated \$3,000 to the Canberra Hospital's oncology unit for research into breast cancer.

In Australia, breast cancer is the most frequently diagnosed cancer in women. In recent years, breast cancer has accounted for nearly 29 per cent of new cases of cancer in Australian women and 17 per cent of female cancer related deaths. One in 11 Australian women will suffer from this disease at some point in their lives. Every day in Australia another 20 women are diagnosed with the disease. Monday, 25 October is Australia's Breast Cancer Day. Breast Cancer Day, or Pink Ribbon Day, aims to raise awareness of this disease and, in doing so, to encourage early detection and intervention. The cause or causes of breast cancer remain unknown, but increased awareness means increased numbers of screenings for the disease, earlier detection of the disease and, consequently, fewer mortalities from the disease. Pink ribbons will be sold on Breast Cancer Day, the proceeds of which will go to breast cancer research.

The ACT Cancer Council will be holding a number of events during Breast Cancer Week to raise awareness of the disease. Mr Speaker, I encourage my colleagues to support both Breast Cancer Day and Breast Cancer Week - and, incidentally, the Bosom Buddies Art Union raffle. Bosom Buddies is conducting an art union raffle of a house which has been built as a result of the energy of Bosom Buddies and with the help of numerous organisations from around Canberra. The house is almost complete. Bosom Buddies purchased the land, and they have now just about completed the construction of

the house. Because of the enormous assistance that they have received from organisations around Canberra, the final cost of the house to Bosom Buddies was \$8,000, and they are looking to this as a major fundraiser for them. I urge members to support that art union raffle, which will be drawn in a couple of months time. I understand they still have a significant number of tickets to sell.

If I can continue after that small advertisement for the art union, I did want to say that last night's function was a truly inspiring occasion. To witness the enormous strength and vitality of the fashion parade models, all of whom had had breast cancer and survived, was humbling and, as I said earlier, simply inspiring. I came away from the evening with tremendous admiration for the determination of each of these wonderful people to live life to the full and, along the way, as was oft said during the evening, to take the time to smell the roses.

The evening was very important in highlighting the devastating impact of breast cancer and the need for us to devote all our energies to research aimed at finding a cure. Until a cure is found, we need to continue to improve the treatment of breast cancer. It was also a great opportunity for all participants to take stock of their own lives and, in doing that, to take the time to admire the tremendous strength and determination of those who had actually suffered this disease and survived it. These people have a determination to continue to live their lives fully, to live complete lives with their families. It was a true lesson to those of us who have not suffered that particular disease. Breast cancer is a terrible disease. It impacts on so many people, on so many families and on so many friends.

### **Breast Cancer**

**MR HIRD** (6.14): I would like to join with the Leader of the Opposition in the sentiments that he just elaborated to the house. I concur with every observation that he has made about the strength of people affected by breast cancer, including the way in which Bosom Buddies bring this dramatic and devastating problem to the attention of not just the community but also the respective families.

### **ACT Soccer**

**MR BERRY** (6.15): I would like to recognise the sporting achievements of a young man in the ACT. I was fortunate enough to be at ACT Soccer's presentations last Friday evening, and I witnessed the myriad of well-earned awards that were handed out during the evening. I would like to recognise all those people who received awards but, in particular, I would like to draw attention to the achievements of Oscar Zamora, a young man who won the ACT's best player award. Oscar comes from a family who left El Salvador when it was in troubled circumstances, and that family now plays a role in the community in the Australian Capital Territory.

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It is a sign that our multicultural society is succeeding when young men like Oscar are able to achieve such a high level of performance in a game that is the world game. This is a game that runs in the blood of many people from Latin America, as it does in the blood of the Zamora family, and it has shown its way through in the performance of Oscar Zamora in the most welcome way. I congratulate him on his award.

Question resolved in the affirmative.

**Assembly adjourned at 6.17 pm until Tuesday, 19 October 1999, at 2.30 pm.**



**QUESTIONS UPON NOTICE**

**Department of Urban Services – Clothing Contracts**

**(Question No. 177)**

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

In relation to the clothing supply contracts in the Department of Urban Services (DUS)

- (1) How many areas of DUS (and associated agencies, Territory owned Corporations (TOCs) and authorities) are
  - (a) required to wear a work uniform including safety clothing, general 'corporate colours' or other required clothing;
  - (b) who is contracted to supply those work garments; and
  - (c) what is the volume of clothing purchased.
  
- (2) For Park Rangers and CityScape employees
  - (a) who is contracted to supply clothing; and
  - (b) what is the volume of clothes purchased.
  
- (3) What is the location of each of the suppliers (by City or State).
  
- (4) Was each of the contracts for supply let by competitive tender. If so, how many businesses competed for the tenders.
  
- (5) What is the cost per unit of clothing in the different areas of DUS.

**Mr Smyth:** The answer to the Member's questions is as follows:

(1) (2) (3) and (4) - See attached table

(5) Information relating to the cost per unit of clothing is commercially confidential.

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Business Unit (1) (a) & (2)	Supplier (1) (b) & (2)(a)	Volume purchased (1)(c) & (2)(b)	Location of supplier (3)	Let by competitive Tender (4)	Number of companies competing (4)
CityScope	Protector Safety	\$90,000	ACT	Yes	4
ACT Parks and Conservation Service	Collections Design Group	\$30,700	Vic	Yes	5
	Various ACT Retail Outlets	\$62,500	ACT	Local purchase arrangements	n/a
Road User Services	Safety Centre	\$18,132	ACT	Yes	2
	Runners Shop	\$1,894	ACT	Yes	3
	Neat n Trim	\$7,306	ACT	Local purchase arrangements	n/a
Parking Operations	Protector Safety	\$12,000	ACT	Chosen from quotes	n/a
	Runners Shop	\$4,000	ACT	Chosen from quotes	n/a
Urban Ranger & Approval Services	Protector Safety	\$200	ACT	Local purchase arrangements	n/a
	Workin' Gear	\$1,785	ACT	Chosen from quotes	n/a
	Neat n Trim	\$2,825	ACT	Chosen from quotes	n/a
Yarralumla Nursery	Protector Safety	\$8,000	ACT	Yes	4
	The Safety Centre	\$2,000	ACT	Yes	4
Cemetries	Workin' Gear	\$2,0000	ACT	Local purchase arrangements	n/a
ACTION	Pinemist Pty Ltd	\$308,546,30	ACT and	Yes	7
	Protector Safety	\$14,132,39	Queanbeyan	Local purchase arrangements	n/a
	Workin' Gear	\$32,383,27		Local purchase arrangements	n/a
	Betts and Betts	\$16,121.05		Local purchase arrangements	n/a
	Florsheim	\$6,279.65		Local purchase arrangements	n/a
	Frawley's	\$14,258.55		Local purchase arrangements	n/a
	Mike's Fashion	\$14,030.00		Local purchase arrangements	n/a
	Payless Shoes	\$4,706.45		Local purchase arrangements	n/a
Workcover	Workin' Gear	)\$6,182	ACT	Local purchase arrangements	n/a
	Protector Safety	)\$	ACT	Local purchase arrangements	n/a

**Housing Properties in Ainslie - Auction**  
**(Question No. 184)**

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

In relation to the recent auctions of ACT Housing properties in Ainslie

- (1) Since January 1999, (a) which houses have been sold and (b) how much were they sold for.
- (2) How much money was spent on each property to get it ready for sale.
- (3) How much was spent on each property for maintenance or refurbishment in the year prior to sale.

**Mr Smyth:** The answers to the Member's questions are as follows:

The table below details the following information:

- (1) The houses sold by ACT Housing in Ainslie since January 1999 in column (1 a) and the sale price in column (1b).
- (2) Expenses incurred in preparing the properties for sale in column (2), but not agent's fees or commissions.
- (3) The maintenance or refurbishment expenditure for the twelve months prior to sale in column (3).

Suburb	Address (1 a)	Sale Price (1 b)	Settlement	Expenditure (2) Preparing for sale	Expenditure (3) 12 months to sale
Ainslie	7 Cobb St	\$273,000.00	06-Aug-99	\$368.00	\$0.00
Ainslie	107 Duffy St	\$185,000.00	18-Mar-99	\$1,204.00	\$4,229.32
Ainslie	25 Ebden St	\$306,500.00	06-Aug-99	\$832.00	\$0.00
Ainslie	80 Ebden St	\$181,000.00	11 -Jan-99	\$4,202.00	\$511.58
Ainslie	23 Hawdon St	\$180,000.00	02-Jul-99	\$348.00	\$0.00
Ainslie	29 Hawdon St	\$248,000.00	19-Aug-99	\$230.00	\$0.00
Ainslie	19 Higgins St	\$236,000.00	23-Jul-99	\$1,832.00	\$72.03
Ainslie	14 Officer Cres	\$251,000.00	07-Jul-99	\$275.00	\$1,206.31
Ainslie	15 Officer Cres	\$149,000.00	26-Feb-99	\$3,910.00	\$0.00
Ainslie	33 Officer Cres	\$142,500.00	19-Mar-99	\$420.00	\$7,195.53
Ainslie	31 Raymond St	\$237,000.00	23-Aug-99	\$3,602.00	\$725.98
Ainslie	4 Rutherford Cres	\$210,000.00	31-Jul-99	\$353.00	\$0.00
<b>TOTAL</b>		<b>\$2,599,000.00</b>		<b>\$17,576.00</b>	<b>\$13,940.75</b>

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**Closed-circuit Television Cameras – Public Places  
(Question No. 187)**

**Mr Osborne** asked the Attorney-General, upon notice:

- (1) Where in the ACT are closed circuit television (CCTV) cameras currently located in public places.
- (2) For each location -
  - (a) how many cameras are installed;
  - (b) where are they located on the site;
  - (c) why were the cameras originally installed and what are they used for now;
  - (d) has the system been subjected to a trial and; if so, what are the results of the trial;
  - (e) who monitors the system;
  - (f) what protocols and procedures are in place for the management of the system;
  - (g) has the installation been part of a broader strategy in a crime reduction and/or prevention strategy; if so what are the other parts of the strategy (with examples);
  - (h) has the system been expanded or changed since installation;
  - (i) is there a complaints mechanism for the public;
  - (j) are there signs advising the public that they are under surveillance by CCTV;
  - (k) is there a "system ombudsman" with powers to investigate the system at any time;
  - (l) what are the features of the equipment (for example: recording, zoom, tilt, pan);
  - (m) when and how is the system used; and
  - (n) has the system been used to identify people in criminal activities; if so, what are the results.

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

This matter was the subject of extensive research in October 1996 involving the application of substantial resources across thirteen agencies.

When this set of questions was put in 1996, some government agencies advised that they did not have signs erected alerting the public to the use of CCTV in the area. All agencies were advised at that time of the Government policy that such signs should be erected, and the relevant agencies agreed that they would respond accordingly.

Apart from this aspect, another change has been the installation of a number of new closed circuit television cameras. (See part 1 of the response) I now set out the position as at October 1996 with amendments relating to signage, the installation of new cameras and additional information from the Department of Education and Community Services.

The Assembly should note that the response relies upon a broad definition of public place, to include: places that are in the public domain, such as the Belconnen bus interchange; places whose business relies upon being open to the public, such as the Canberra Casino and the CIT; as well as places that are accessible to the public but are not expected to be frequented regularly by large numbers of the public, such as the Emergency Service Bureau offices in Curtin. In the latter case some of the CCTV cameras at such sites are to alert internal staff that external staff or clients wish to gain access to the building, and while the cameras serve a security function, their primary purpose relates to access.

**Part 1:**

**(1) Where in the ACT are closed circuit television (CCTV) cameras currently located in public places?**

City Police Station, the Winchester Centre, the Tuggeranong and Gungahlin police stations - The AFP. However, this does not include cameras used for operational purposes.

The Emergency Service Headquarters Building in North Curtin - the Emergency Services Bureau.

Woden, Civic and Belconnen Interchanges - ACTION.

West Belconnen and Mugga landfills - Waste Management.

Casino Canberra Ltd - the Casino Authority.

Canberra Hospital and Calvary Hospital in the Xavier Building, Calvary Hospital in the Marion Building, Calvary Hospital in the Emergency Department.

The ACT Department of Health Building - cameras in the basement, ground floor and levels 1, 2 and 3.

The Hospice - one camera in the Mother Mary Cottage and two monitoring the doors to the hospice.

The ACT Legislative Assembly - public and members entrances.

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Callum Offices - ACT Housing - four cameras monitoring the computer lab, entry and carpark.

Planning and Land Management - one camera in the shopfront and 12 cameras throughout the building.

The Magistrates Court - each court room to facilitate the preparation of transcripts, cameras in the cells for security purposes and 20 cameras located throughout the building.

Road User Services in Dickson - an undisclosed number of cameras.

In the four ACT Government shopfronts - total of 12 cameras in the entry, office and balance areas.

FAI House - one camera in the customer service area.

The Canberra Institute of Technology - a total of 163 cameras.

Erindale Leisure Centre and the Manning Clark Offices.

**Part (2) For each location -**

**Part 2(a): how many cameras are installed;**

The AFP - have six cameras located at the Civic Police Station, two at the Winchester Centre and one at Tuggeranong and Gungahlin.

The Emergency Services Bureau - two cameras at the Emergency Services Headquarters Building.

Callum Offices - ACT Housing - four cameras monitoring the computer lab, entry and carpark.

ACTION - eleven cameras at the Belconnen Interchange, fourteen cameras at the Woden Interchange and one in the Civic Interchange.

Waste Management - three cameras installed at both the West Belconnen and Mugga lane landfills.

The Casino Surveillance Authority - currently 69 in public places.

The Canberra Institute of Technology - a total of 163 cameras located as follows:

Bruce Campus	- 57
Reid Campus	- 87
Southside Campus	- 10
Weston Campus	- 4
Tuggeranong FLC	- 3
Fyshwick Campus	- 2

Department of Health - has 18 cameras installed.

The Hospice - one camera in the Mother Mary Cottage and two monitoring the doors to the hospice.

The ACT Legislative Assembly - has 2 cameras installed.

Planning and Land Management - one camera in the shopfront and 12 cameras throughout the building.

The Magistrates Court - each court room to facilitate the preparation of transcripts, cameras in the cells for security purposes and 20 cameras located throughout the building.

Road User Services in Dickson - an undisclosed number of cameras.

In the four ACT Government shopfronts - total of 12 cameras in the entry, office and balance areas.

FAI House - one camera in the customer service area.

Erindale - has 9 cameras installed.

Manning Clark Offices - has 2 cameras installed.

**Part 2(b):**     *where are they located on the site;*

AFP - at the City Police Station the cameras are located directly outside the front doors, inside the front doors, front foyer, rear entrance door, entrance to the rear loading area and the police vehicle car park. At the Winchester Police Centre the cameras are located outside the front doors and in the public car park at the front of the building. At the Tuggeranong and Gungahlin Stations the camera is located in the foyer.

Emergency Services Bureau - have located one camera in an entrance foyer and one at an external door.

The ACT Department of Housing - in the foyer/front entrance of Callum Offices.

ACTION - Woden Interchange has cameras located on platforms 2, 3, 4, 5, 6, 10, 11, 12, 13, 14, 15, 16 and 18. The Belconnen Interchange has cameras located on platforms 1, 2, 3, 5, 7, 10, 12, 14, 15, 16 and overlooking Chandler Street observing the busway.

Waste Management - have cameras located on the weighbridges at the entrance to each landfill.

The Casino Surveillance Authority - in the roof area in public places both inside and outside the Casino.

Canberra Institute of Technology - inside buildings with coverage of corridors, entrances and teaching spaces such as computer laboratories and workshops.

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Department of Health - located at entrances, ambulance bays and nurses stations.

The ACT Legislative Assembly - under the eaves of the Assembly building.

Erindale - Overlooking the tennis courts, on the roof directed towards the gate at the rear of the Centre reception counter, down stairs gym, upstairs gym, upstairs corridor, front car park, general office area, entry to Centre ;

Manning Clark Offices - Northern exit point, main entry ground floor;

*Part 2(c): why were the cameras originally installed and what are they used for now;*

The AFP - all cameras were installed to secure the facility and are still utilised for that purpose.

The Emergency Services Bureau - provide security for the Communications Centre and allows remote entry by staff and are still utilised for that purpose.

The ACT Department of Housing - update of an old system and security against theft.

ACTION - installed to allow ACTION Transport Officers to observe bus and passenger movements and are still used for that purpose. Both Interchanges have poor line of sight. Cameras also used to assist in the prevention of vandalism.

Waste Management - installed to provide an audit of transactions, to allow the weighbridge operator to inspect registration numbers and contents of loads and to protect access to the weighbridge from the rear. They are still used for those purposes.

The Casino Surveillance Authority - to monitor gaming activity and public entry. They are still used for that purpose.

The Canberra Institute of Technology - reduction of theft and tracking of offender movement. Use has not altered since installation apart from increasing the coverage of cameras as an additional safety measure for staff and students.

Department of Health - identification of staff and visitors, safety of clients, staff and assets.

At the Xavier building (Calvary Hospital) the cameras were originally installed to assist people requiring after hours emergency care ( prior to 1991 the Emergency Section of the Hospital only operated between 8.00am and 10.00pm). The Emergency care section is now open 24 hours and the use of the cameras will be reviewed after an upgrade of lighting and signage.

At the Marian Building (Calvary Hospital) cameras were originally installed to allow expectant mothers to gain entry to the maternity ward.



Cameras fitted to the Emergency Department of Calvary Hospital are to alert the triage sister to incoming ambulances. The cameras have a security function for staff also.

The ACT Legislative Assembly - security and protection against vandalism.

Erindale - installed when managed by Sport and recreation in 1995, to stop fraud and theft; currently used for building security, fraud control and safety of users of the gyms and tennis courts and as a deterrent to vandals.

Manning Clark Offices - because of the buildings isolated position the units were installed to improve the security after hours to the staff and facility.

*Part 2(d): has the system been subjected to a trial and; if so, what are the results of the trial;*

The AFP - No trial.

The Emergency Services Bureau - No trial.

The ACT Department of Housing - No trial.

ACTION - No trial.

Waste Management - No trial.

The Casino Surveillance Authority - No trial.

The Canberra Institute of Technology - No trial. Able to draw on the experience of other comparable institutions.

Department of Health - No trial.

The ACT Legislative Assembly - No.

Erindale - No.

Manning Clark Offices - No.

**Part 2(e): who monitors the system;**

AFP - AFP personnel.

The Emergency Services Bureau - Communications Centre staff.

The ACT Department of Housing - Department of Housing staff (2 persons).

ACTION - ACTION's Transport Officers.

The Casino Surveillance Authority - Casino Canberra's Surveillance Department and the Casino Surveillance Authority.

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Waste Management - monitored by weighbridge operators on site and ACT Waste management staff.

Canberra Institute of Technology - Campus managers.

Department of Health - Reception, nursing staff, security.

The ACT Legislative Assembly - two attendants during business hours.

Erindale - monitored by Leisure Centre management.

Manning Clark Offices - No one; VCR tape only activated after hours by movement, not running continuously.

*Part 2 (f): what protocols and procedures are in place for the management of the system;*

The protocols and procedures are listed below. It should be noted that the cameras at the Emergency Services Bureau do not have the ability to record.

AFP - normal security procedures.

The Emergency Services Bureau - responsibility of the Communications Centre manager.

The ACT Department of Housing - checked every three or four days. Turned on from 5pm to 8am. Activated by movement and automatically rewinds when the video is full.

ACTION - Nil.

Waste Management - no protocols. Procedures are in place for collection, storage and reviewing prior to be recycled through the system.

The Casino Surveillance Authority - a detailed procedures manual developed by the Casino's Surveillance Department and approved by the Casino Surveillance Authority. A code of conduct on the use of the system is also in place.

Canberra Institute of Technology - tapes are only viewed if an incident is reported and access and viewing of the tapes is limited to a "needs to know" basis. The recorded tapes are kept for a period of four weeks and then erased.

Department of Health - visual monitoring with recording on weekends.

The ACT Legislative Assembly - signs must be displayed outside the building warning the public of the possibility of electronic surveillance and the film is not available except in response to a legal instrument.

Erindale - Control of the system is managed by the Centre Manager and that office is covered by a security system out of operation hours, if review of the recording tape is required, police and the manager assess the tapes.

Manning Clark Offices - Tape monitor located in a locked room, only reviewed if there is a reported breach of building security. Procedures for management are based on department circular 13/98 of 11 May 1998 dealing with the collection, use and security of personal/confidential information.

*Part 2 (g): has the installation been part of a broader strategy in a crime reduction and/or prevention strategy; if so what are the other parts of the strategy (with examples);*

AFP - No.

The Emergency Services Bureau - camera is part of a remote controlled entry point for staff.

The ACT Department of Housing - No.

ACTION - No.

Waste Management -No.

The Casino Surveillance Authority - the CCTV system is part of the Casino's (and the Surveillance Authority's) crime prevention and resolution strategy. It assists and provides backup to those gaming and security staff working on the gaming floor. It provides protection to both staff and patrons in the event of a dispute.

The Canberra Institute of Technology - part of an overall strategy to prevent/reduce crime. The strategy has been broadened to include a more secure environment for both staff and students.

Department of Health - only the two cameras at the ACT Hospice. The cameras provide a degree of security for female staff working during the night and are coupled with a call-in security service.

The ACT Legislative Assembly - No.

Erindale - The video surveillance and the internal alarm system are in place to cover risks to patrons and the facilities.

Manning Clark Offices - The system is part of the security protection for the building out of work hours to prevent unauthorized access to the building which works in conjunction with a security monitoring system throughout the building.

**Part 2 (h): has the system been expanded or changed since installation;**

The AFP - Yes. The system has been expanded.

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The Emergency Services Bureau - No.

The ACT Department of Housing - Yes. Updated because old system faulty.

ACTION - Yes. The Belconnen system has been updated to include a record function.

Waste Management - No.

The Casino Surveillance Authority - the system is regularly changed to suit the different table layout configurations on the gaming floor and to move cameras to higher risk areas as necessary.

Canberra Institute of Technology - system has been expanded and broadened to include 24 hr access to laboratories on Bruce Campus.

Department of Health - at the Health Building two additional cameras have been added to level 1.

The ACT Legislative Assembly - No.

Erindale - Yes, two sensors were added in 1997 at the time the Centre was refurbished to counter increasing levels of vandalism.

Manning Clark Offices - No.

**Part 2 (i): is there a complaints mechanism for the public;**

Depending on the nature of the complaint, it may be possible for the public to make a complaint to the Ombudsman *Ombudsman Act (1989)* or the Privacy Commissioner *Privacy Act (1988) (Cth)*. Internal complaint mechanisms are as follows:

The AFP - Complaints are dealt with under the *Complaints (AFP) Act 1981*.

The Emergency Services Bureau - responsibility of the Communications Manager.

The ACT Department of Housing - No.

ACTION - No.

Waste Management - utilizes the existing complaints system in place for Waste Management operations.

Casino Surveillance Authority - the public can lodge complaints with the Authority.

Canberra Institute of Technology - complaints can be made through existing CIT procedures including complaints to the Faculty, School or Director level. Students have input via the CIT Student Association.

Department of Health - Health complaints procedure.

The ACT Legislative Assembly - No.

Erindale - A complaints book is available at the Reception Counter for user complaints.

Manning Clark Offices - No, however the system operates only after hours only on movement activation.

**Part 2 a): are there signs advising the public that they are under surveillance by CCTV;**

The City Police Station - No.

Winchester Police Station - No.

Tuggeranong Police Station - No.

Gungahlin Station - No.

The Emergency Services Bureau Headquarters -Yes for the internal camera, but not for the external camera.

The ACT Department of Housing - Yes.

ACTION - Yes.

Waste Management - Yes.

Casino Surveillance Authority -Yes, at the entrance to the Casino.

Canberra Institute of Technology - Yes, at entry ways, on internal notice boards and on classroom doors.

Department of Health Building - Yes.

Hospice - are in the process of organizing signs.

Calvery Hospital - No.

Canberra Hospital - No.

The Legislative Assembly - Yes.

Erindale - Yes.

Manning Clark Offices - Yes.

*Part 2 (k): is there a "system ombudsman" with powers to investigate the system at any time;*

The AFP - No.

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The Emergency Services Bureau - responsibility of the Communications Manager.

The ACT Department of Housing - No.

ACTION - No.

Waste Management - No.

Casino Surveillance Authority - the Authority has power under the *Casino Control Act 1988* to investigate any Casino operational matter.

Canberra Institute of Technology - each Campus Manager, together with the Operations Manager, have the sole responsibility for the system and its access.

Department of Health - have no system ombudsman.

Erindale - If a formal complaint were registered with the department, the Workforce Relations and Legal Services Section would appoint an appropriate agent to investigate the issue.

Manning Clark Offices - If a formal complaint were registered with the department, the Workforce Relations and Legal Services Section would appoint an appropriate agent to investigate the issue.

*Part 2 (1): what are the features of the equipment (for example: recording, zoom, tilt, pan);*

AFP - City Police Station cameras can record but the function is not used. The cameras can also zoom, tilt and pan. At the Winchester Centre the cameras record to video tape.

The Emergency Services Bureau - cameras are a fixed system monitor with no ability to record.

The ACT Department of Housing - camera is movement activated and automatically rewinds the video when it is full.

ACTION - most cameras are fixed but some do swivel. All cameras have the ability to record.

Waste Management - the cameras have a fixed focus and record all within their vision.

Casino Surveillance Authority - cameras are a mix of fixed black/white and colour with the ability to pan, tilt and zoom in the gaming areas. Input from every camera is recorded with tapes being kept for 7 days.

Canberra Institute of Technology - all cameras record and some have limited zoom capability.

Department of Health - eleven cameras have fixed focus, one of which has the function of record. The remaining seven cameras are not further described other than they have the function of record.

The ACT Legislative Assembly - cameras can pan, tilt, and zoom. They can record 24 hours a day.

Erindale - The cameras are fixed units with no zoom.

Manning Clark Offices - The monitor has a split screen and is motion activated only.

**Part 2(m):                    when and how is the system used; and**

AFP - 24 hours per day.

The Emergency Services Bureau - provides for remote entry control by staff.

The ACT Department of Housing - 5pm to 8am.

ACTION - camera's operate all day and where the function is provided the cameras record after hours.

Waste Management - 6.00am to 5.00pm each day (Good Friday and Christmas day excluded).

The Casino Surveillance Authority - 24 hours per day and is constantly monitored by the Casino's Surveillance Department and the Authority.

Canberra Institute of Technology - use is continuous.

Department of Health - for security, after hours access and access for patients in emergency situations.

The ACT Legislative Assembly - 24 hours a day and during demonstrations.

Erindale - The system is operated at all times and has proven to be a great deterrent to vandals.

Manning Clark Offices - The system operates after hours (5.30pm to 7am) only.

*Part 2 (n):    has the system been used to identify people in criminal activities; if so, what are the results.*

AFP - No.

The Emergency Services Bureau - No.

The ACT Department of Housing - the system is used to identify people conducting criminal activities. To date there have been no people detected.

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**ACTION** - Yes. Persons recorded stealing a camera and successfully prosecuted. The camera's also assist in preventing vandalism at interchanges.

Waste Management - No.

Casino Surveillance Authority - a number of persons have been successfully identified through the system and this has assisted in successful prosecutions for a range of criminal offences.

Canberra Institute of Technology - The cameras record on to tape and are not monitored. Specific tapes may be viewed if an incident occurred where there was camera coverage. The tapes are held for seven days and are then recorded over if there are no reported incidents during that time. A number of cameras have been instrumental in capturing on tape several incidents that led to the identification of people. The tapes were given to the police as evidence and in one case charges were laid.

Department of Health - No.

The ACT Legislative Assembly - tapes have been viewed on a couple of occasions to help with investigations in relation to minor theft.

Erindale - The system has been used on a number of occasions to confirm the identification of vandal suspects, thieves and fraud suspects. In the past, police have used the tapes for reference and identification purposes.

Manning Clark Offices - Has not been used for any purposes of identification.



**Knives – Unlawful Possession or Sale  
(Question No. 190)**

**Mr Rugendyke** asked the Attorney General, upon notice:

In relation to the unlawful possession or sale of knives and since the introduction of the law last year

- (1) How many knives have been confiscated.
- (2) How many arrests have been made.

**Mr Humphries:** The answers to Mr Rugendyke's questions are as follows -

- (1) 20.
- (2) Between 1 December 1998 - 31 August 1999 - 18 persons were arrested for 19 offences under Section 495 (Possession of knife in public place or school) of the *Crimes Act 1900* (the Act). No persons were arrested for offences under Section 496 (Sale of knife to person under 16) of the Act;

In addition, between 1 December 1998 - 31 August 1999 - 36 persons were arrested for 43 offences under Sections 527A (unlawful possession), 493 (possession of offensive weapons), or 494 (possession of offensive weapon with intent) of the Act, and although records do not allow those offences to be categorised by type of weapon, some of them are also likely to be arrests for possession of knives or other sharp implements.