DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

27 June 2000

Tuesday, 27 June 2000

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The Assembly met at 10.30 am.

(Quorum formed)

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

VISITORS

MR SPEAKER: I would like to recognise the presence in the gallery of students from Garran Primary School who are studying local government. Welcome to your Assembly!

PLANNING AND URBAN SERVICES—STANDING COMMITTEE

Alteration to Reporting Requirements

MR HIRD (10.31): Mr Speaker, I ask for leave to move a motion to alter the reporting requirements for the inquiry by the Standing Committee on Planning and Urban Services into the Utilities Bill 2000 and the Utilities (Consequential Provisions) Bill 2000.

Leave granted.

MR HIRD: I thank members. Mr Speaker, the committee needs some extra time to complete its report on the Utilities Bill. To give the house some idea of how much time we need, I expect to have a draft report in my hands at the end of next week, and I hope that the committee can release the final document by Friday, 14 July 2000. That is within two weeks. The passing of this motion today will give us extra time by removing the reporting date and allowing us to report out of session.

Members will not be surprised that the committee needs some extra time, given the demands made upon many of us by the estimates process, in particular my two colleagues, Mr Rugendyke and Mr Corbell, who chairs the Estimates Committee. I move:

> That the resolution of the Assembly of 2 March 2000, referring the Utilities Bill 2000 and the Utilities (Consequential Provisions) Bill 2000 to the Standing Committee on Planning and Urban Services for inquiry and report, be amended by omitting paragraph (3) and substituting the following paragraph:
>
> "(3) that if the Assembly is not sitting when the Committee has completed it inquiry, the Committee may send its Report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker who is authorised to give directions for its printing, circulation and publication.".

Question resolved in the affirmative.

POSTPONEMENT OF ORDER OF THE DAY

MR CORBELL (10.35): Mr Speaker, pursuant to standing order 150, I move:

> That order of the day No. 2, Assembly business, relating to the presentation of the Report of the Select Committee on Estimates 2000-2001 be postponed until a later hour this day.

Question resolved in the affirmative.

JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE
Scrutiny Report No 9 of 2000

MR HARGREAVES: Mr Speaker, I seek leave to present *Scrutiny Report No. 9 of 2000* of the Standing Committee on Justice and Community Safety performing the duties of a scrutiny of bills and subordinate legislation committee.

Leave granted.

MR HARGREAVES: Mr Speaker, I present *Scrutiny Report No. 9 of 2000* of the Standing Committee on Justice and Community Safety performing the duties of a scrutiny of bills and subordinate legislation committee on the third meeting of chairs and deputy chairs of Australian scrutiny of primary and delegated legislation committees held on 8 May 2000.

FINANCIAL MANAGEMENT AMENDMENT BILL 2000 (NO 2)

Debate resumed from 23 May 2000, on motion by **Mr Humphries**:

> That this bill be agreed to in principle.

MR QUINLAN (10.37): At this point we are heading into quite a number of bills in relation to and arising from the implementation of the GST. First of all, I would like to comment on the explanatory memoranda. We seem to be getting explanatory memorandum that tell you exactly what the bill tells you, like this changes that and those words to that. I would have thought that explanatory memoranda would be of benefit by saying why that is being done or "this has the effect of doing that". Amongst a lot of the legislation that we will be looking at today there seems to be a paucity of reasons given, or some English language description given, of the impact or effect of particular elements of the legislation.

That is something that I would like to put on record today, having struggled last night through the waves of amendments that are arriving and trying, with the best will in the world, to ensure that we do not put the wheels of administration within the ACT awry to the point where we are not operational. That is not difficult. I understand that we have

received more amendments today, so I shall speak to this bill on the assumption that there are no more amendments coming for it at this stage.

The Financial Management Amendment Bill 2000 (No 2) intends to extend and clarify the definition of net appropriation. As we are aware, within the Financial Management Act there is an allowance for appropriation bills to reflect the net amount that the government needs to appropriate to an agency for its operations. It also allows that agency to spend more than that money if it has revenue sources. With the introduction of the GST there are further differentials, including input tax credits, and therefore there are changes necessary to the Financial Management Act.

They are, I think, reasonable, although, when we take into account the way that it is going to apply, I think it is going to end up something of an auditor's nightmare, trying to find the way through and check whether agencies have spent the correct amount of money against their original budget. The net appropriations have been extended on the operating basis, on a capital basis, and on the basis of Commonwealth funding where Commonwealth grants may turn out to be a little different from what was anticipated in the first place.

This bill also provides for separation of guidelines and regulations. Guidelines can be set by the Treasurer, but regulations remain disallowable and can be set by the executive, and we accept that that is a reasonable process. Although recording at every stage that the opposition does not support the GST, we will, in the spirit of cooperation which pervades this place, be supporting the implementation bills, including this one.

MR KAINE (10.42): Mr Speaker, I indicate that I support this bill. In some respects it is a machinery bill, but there is one respect in which it is not, and that is the amendment which gives the minister power to make financial management guidelines under the act and to make those amendments disallowable instruments. I think this is an important amendment to the act. We have had some difficulty in the past where an estimate was made under this act which turned out not to be disallowable. I think that was a matter of some difficulty under this act. The minister is now moving to correct that anomaly. I am pleased to note that the minister has done that. I think it will improve the way in which this act is administered and it will provide the ability for this Assembly to review any instruments made by the minister and disallow them if we believe that that is in the public interest.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (10.43), in reply: Mr Speaker, I want to thank members for their support for the bill. As Mr Quinlan has noted, a number of bills will be before us today to deal with aspects of both the ACT budget and the new tax system which is starting on Saturday. As members would be aware, a large number of implications for the ACT tax system and for our system of imposing taxes and charges and so on arise from the implementation of the goods and services tax, and it is important for us to prepare for that adequately.

I believe that the capacity we have to be able to properly cater for these things is a matter, to some degree, of trial and error. This is, as members inside this place have noted, the biggest change in taxation arrangements in Australia for at least 100 years, and the need to ensure that we have the capacity to swiftly deal with anomalies or issues that

arise from this arrangement is most important when considering these bills that are before the Assembly today.

I hope that the amendments in this bill will extend the concept of a number of issues contained in the head legislation, in particular to extend the concept of net appropriations to allow agencies to spend their GST input tax credits received from the Australian Taxation Office as if it were money appropriated originally by the parliament. In relation to payments for outputs, departments will be able to apply the value of input tax credits to pay the expenses and liabilities incurred in providing outputs. In relation to capital injections, departments will be able to apply the value of input tax credits to pay the expenses and liabilities incurred in purchasing and developing assets.

The other provisions relating to the implementation of the GST will allow agencies to pay the GST revenue collected to the Australian Taxation Office whether or not there has been an appropriation. As the territory will have little or no discretion or little control over the payment of these amounts, these payments do not fall under the usual appropriation division, and for that reason special arrangements of the kind contained in this bill have to be made.

There are two further amendments to the Financial Management Act contained in this bill. The first extends the sunset provision of section 17A to 30 June 2001, indicating that there are further negotiations to be had with the Commonwealth about particular matters which may result in the ACT being able to secure a better arrangement with respect to sharing costs. The second amendment deals with the power to make financial management guidelines. Members have already made reference to that. The issuing of those guidelines prescribing matters required or permitted to be made under the act is a very important part of this transitional process. I thank members for their support for the capacity to make those sorts of guidelines because I am sure they will be very important in the coming weeks as we bed down a new system. Mr Speaker, I thank members for their support for the bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

DUTIES AMENDMENT BILL 2000 (NO 2)

Debate resumed from 25 May 2000, on motion by **Mr Humphries**:

> That this bill be agreed to in principle.

MR QUINLAN (10.47): In its initial form this bill simply insulates hospitals, schools and charitable organisations from a heavier stamp duty charge on various dutiable financial transactions above the level of $20 and it is supported. If you will bear with me

for one second, I want to check whether I have the amendment that was foreshadowed by the Treasurer. Yes, I have the amendment which was foreshadowed by the Treasurer.

This is an amendment that we will see a number of times today. It overcomes the difficulty with the lateness of this legislation, and the capacity to gazette it and have it commence by Saturday next. I think this amendment indicates that maybe we should have had some of this legislation before the house earlier. However, given that we do not wish to clag the wheels of administration within the territory, we support both the legislation and the foreshadowed amendment by the Treasurer.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (10.49), in reply: Mr Speaker, I thank Mr Quinlan for the opposition's support for the bill. The concession being made here to hospitals, schools and charitable organisations is an important one. I hope it is possible to make them more effective organisations, able to deliver a better standard of service and build up the social capital of the territory by being able, through concessions such as this, to divert more of their income into important activities relating to the sharp end of the things that they do in their communities to make a difference to the social fabric.

Mr Speaker, the amendment, as Mr Quinlan has noted, is about dealing with the possibility that a number of these bills will have to be gazetted after 30 June, but this ensures that the effect of the legislation is still from 1 July rather than from some later date. I thank members for their support.

Question resolved in the affirmative.

Detail Stage

Bill, by leave, taken as a whole.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (10.50): Mr Speaker, I move:

> Clause 2, page 1, line 6, after "commences" insert ", or is taken to have commenced,".

I present the supplementary explanatory memorandum to that amendment. I have already explained the purpose of the amendment, and I thank members for their support for it.

Amendment agreed to.

Bill as a whole, as amended, agreed to.

Bill, as amended, agreed to.

ESTIMATES 2000-01—SELECT COMMITTEE
Suspension of Standing Order 229

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

> That so much of standing order 229 be suspended as would prevent the Select Committee on Estimates 2000-2001 meeting during the sitting of the Assembly this morning.

JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE
Scrutiny Report No 10 of 2000 and Statement

MR OSBORNE: I present *Scrutiny Report No. 10 of 2000* of the Standing Committee on Justice and Community Safety performing the duties of a scrutiny of bills and subordinate legislation committee. I seek leave to make a statement.

Leave granted.

MR OSBORNE: Thank you. *Scrutiny Report No. 10 of 2000* was circulated when the Assembly was not sitting on 26 June 2000, pursuant to the resolution of appointment of 28 April 1998. The report contains the committee's comments on 13 bills, 18 subordinate laws and four government responses. I commend the report to the Assembly.

RATES AND LAND TAX AMENDMENT BILL 2000

Debate resumed from 11 May 2000, on motion by **Mr Humphries**:

> That this bill be agreed to in principle.

MR QUINLAN (10.52): This bill seeks to formalise the land tax formula for multi-dwelling rateable properties such as dual occupancy flats and granny flats. It sets down a specific formula to cater for the rating and the levying of land tax on dual occupancy dwellings.

Mr Speaker, I have to note that there still remains within the bill the discretion of the commissioner to determine apportionment within the overall property as between the two or more dwellings. Therefore there remains some discretion to the commissioner. I give notice that in the detail stage I will be moving an amendment to allow for appeals to remain even though this bill sets out to eliminate the capacity of people to appeal against decisions of the commissioner. Seeing that the discretion of the commissioner remains within the structure of the legislation, quite obviously the appeal process must remain.

We support the bill in principle, but we will be moving an amendment in the detail stage.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (10.54), in reply: Mr Speaker, I thank Mr Quinlan for the opposition's support for the bill. I take it members have agreed that it is important to have a formula in place rather than a discretionary power under the legislation to

determine what should be the appropriate level of value for the purposes of land tax and rating. That is the effect of this legislation.

I have only just seen Mr Quinlan's amendments that deal with the removal of the right of appeal, Mr Speaker, and I am getting advice about this. It seems to me that what the bill does is to replace an existing discretion by the Commissioner for Revenue with a formula which determines what the liability will be based on evaluation. A formula is set out quite clearly in the bill and it would seem to me that that removes any discretionary power exercised by the commissioner. What then would it be that a person would appeal against should there be a desire to object to that particular valuation?

I have to get further advice but as I understand it there is a capacity already in the legislation for people to be able to object to things which are subject to external factors such as the level of valuation of a property. For example, if a person's property overall is valued at a certain amount, a person has a right to appeal against that valuation, and people often do. But the provisions in this bill, as I understand it, replace the capacity of the commissioner to make a discretionary decision with a formula which sets out how the determination will be made.

I would like Mr Quinlan, in his speech during the detail stage of the bill, to explain what part of that formula could be appealed against. I am not sure how he gets to that point. I would like to hear what the arguments are for that. It seems to me that the formula is perfectly straightforward, and the idea of having a right to appeal against the formula does not make a great deal of sense; but, again, I am in Mr Quinlan's hands about how that would work.

I do not particularly wish to reduce people's rights on appeal from decisions of the Commissioner for Revenue, but it seems to me that if people, for example, are given the right to appeal against the formulation of the formula, the provisions that appear in the formula, then they are appealing against a decision that has been made by the Assembly that this formula will apply in these calculations. If it relates to the valuation that underpins the formula, they can already appeal against that, as I understand it. So I am not sure what the appeal right gives rise to, and I ask Mr Quinlan to explain in detail how that would work.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clause 1 agreed to.

Clause 2.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (10.58): Mr Speaker, I move:

Page 1, line 5, omit the clause substitute the following clause:
"2 Commencement
This Act commences, or is taken to have commenced, on 1 July 2000.".

I present an explanatory memorandum for that amendment. It simply does what we did to the previous bill. It allows a different commencement date or makes the commencement date 1 July even if gazettal occurs after 1 July.

Amendment agreed to.

Clause 2, as amended, agreed to.

Clauses 3 and 4, by leave, taken together and agreed to.

Clause 5.

MR QUINLAN (10.59): Mr Speaker, I seek to remove clauses 5 and 6 from this legislation. The point, as I understand it, is that we have replaced a valuation discretion by the commissioner with a formula. The provisions that do that have now been passed. However, there still can remain a level of disputation as to the area in the overall property that is apportioned to one dwelling as opposed to another. Given that there remains, as I understand it, a discretion that the commissioner holds in relation to that apportionment, then the capacity for someone to appeal should also remain.

I would anticipate, given that the valuation discretion has been replaced by a formula, that there will be a considerable reduction in the number of appeals, but I think the capacity to appeal in relation to the apportionment within the block should remain. Therefore I commend my proposal to the Assembly.

MS TUCKER (11.01): The Greens are supporting this bill in principle but we will be supporting Mr Quinlan's proposition. I believe there is the possibility that an appeal could be put if there was a view that the commissioner did get the area of land wrong. Obviously, we want to see appeal rights included wherever we think appeals may be possible. This is a fundamental aspect of good government. While the formula obviously does take away a lot of the discretion, there is still this area which possibly could be challenged, so we will be supporting Labor.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (11.02): Mr Speaker, my advice about what Mr Quinlan proposes is that the formula and the other provisions in clause 4 of the bill make quite clear what the arrangements are for the application of the valuation arrangements on a property, part of which is rented out, and it is hard to see how there is any element of discretion in those arrangements that could result in an appeal being successful anyway. By the same token, my advice is that the proposal does not have a great impact in that respect, and that the only aspect of a matter that could be appealed would be some element of discretion exercised in the judgment that is made.

Mr Quinlan: What is habitable or what is not habitable?

MR HUMPHRIES: My advice is that this proposition will not assist the operation of the legislation. I have also not been given a convincing reason why this clause should be agreed to. For that reason, Mr Speaker, I indicate that the government will not support Mr Quinlan's proposition, but we will not die in a ditch about the matter either.

Question put:

> That clause 5 be agreed to.

The bells being rung—

Mr Humphries: Mr Speaker, I wish to indicate that the noes do have it and a division is not necessary.

MR SPEAKER: Very well. Is leave granted to call off the division? There being no objection, leave is granted.

Clause negatived.

Clause 6.

MR SPEAKER: Mr Quinlan, are you opposing clause 6 as well?

MR QUINLAN (11.04): Yes. Clauses 5 and 6 virtually live together, Mr Speaker.

Clause negatived.

Remainder of bill, by leave, taken as a whole and agreed to.

Bill, as amended, agreed to.

VICTIMS OF CRIME (FINANCIAL ASSISTANCE) AMENDMENT BILL 2000 (NO 2)

Debate resumed from 25 May 2000, on motion by **Mr Humphries**:

> That this bill be agreed to in principle.

MR STANHOPE (Leader of the Opposition) (11.05): Mr Speaker, the Labor Party is generally accepting of this particular amendment. We have no difficulty with the proposal to increase the fee or the level of compensation that an offender should pay from $30 to $50. We do have a concern consistent with the scrutiny of bills committee's report on this bill in relation to the potential for retrospective application of this provision.

It seems to the Labor Party that the concerns that the scrutiny of bills committee raised in relation to this issue could quite easily have been avoided and that the government's intention could quite well have been achieved by simply making the allowance for the increased payment to apply on and after 1 July, namely, the date on which the

amendment comes into effect. The scrutiny of bills committee, in a very detailed report on this bill, does give significant coverage of the extent to which there is a retrospective element to the proposed change. The scrutiny of bills committee also gives a very detailed explanation of the law in relation to double jeopardy.

The Labor Party believes that the concerns of the scrutiny of bills committee should be addressed. As I said, we have no difficulty with the increase of the fee from $30 to $50. We do have a difficulty with the government's decision to make the increase apply to those offences that occurred or allegedly occurred before 1 July, namely, the date on which the government's amendment comes into effect, where there may not, at the date of the amendment, have been a conviction. This is something that can be quite easily tidied up by simply making the government's proposal for the increased fee to apply in relation to offences committed on and after the time that the offence was committed.

As I said, the Labor Party agrees in principle with the notion of increasing the fee from $30 to $50. The Labor Party notes the discussion on this matter by the scrutiny of bills committee. The Labor Party would quite happily support the legislation if there is a minor amendment to provide that not only does the increase in fee apply from 1 July, as proposed by the Attorney, but that it also applies only to those matters in relation to which the offence to which the payment applies also occurred after 1 July.

Mr Speaker, I am in the process of drafting an amendment to that effect. I am happy to give notice of that now. I have not had an opportunity to have it circulated. It is still being written out. The mechanics are a bit beyond me at the moment. As I say, we agree with the bill in principle, but could I have some time to get the amendment circulated?

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

ESTIMATES 2000-01—SELECT COMMITTEE
Report

MR CORBELL (11.10): Mr Speaker, pursuant to order, I present the report of the Select Committee on Estimates 2000-2001 on the Appropriation Bill 2000-2001, including a dissenting report, and the Appropriation Bill 1999-2000 (No 3), together with a copy of the minutes of proceedings of the committee. I move:

> That the report be noted.

Mr Speaker, this budget attempts to present the picture of a government whose focus is not solely on the bottom line, but is also interested in building the social capital of the territory. This budget attempts to portray a government which believes in accountable and transparent processes. This budget attempts to portray a government which is fiscally responsible and able to achieve positive outcomes for the territory.

Mr Speaker, a majority of the Estimates Committee has found that on all three counts this budget has been found wanting. This so-called social capital budget is nothing more than a slogan searching for substance. It is looking for the substance of a serious and genuine social capital and social justice agenda, looking for the substance of an approach which provides transparency and accountability for its decisions and programs and,

finally, looking for the substance of an integrated fiscal approach which really does deliver better outcomes for the ACT. Unfortunately, if you look behind the slogan, the substance is hard to find. The so-called social capital budget is one which the Estimates Committee has found wanting.

The Estimates Committee process this year worked very effectively, I believe. It has closely examined the government's proposed expenditure and policy priorities. It has been, as I said, an effective process and it has revealed that there remains with this government a lack of accountability, a lack of openness and the lack of an effective social justice agenda.

The Estimates Committee has made 41 recommendations across government. The key recommendations cover the areas of the budget process itself, including the need for a formal and transparent review of the Canberra Hospital's financial performance to determine any areas for additional funding; a requirement for the minister for health formally to detail to the Assembly where his discretionary funding will be spent; the need for a full accounting of the expenditure associated with the V8 supercar race; the need to consider supplementation for wage increases for nurses in the ACT; and a recommendation dealing with an immediate analysis of the need for youth, drug and detoxification services in the ACT.

The committee has recommended that funding be improved for support services for young indigenous offenders in the ACT and has called for a more rigorous and more detailed justification of the government's proposed beat police program before it is implemented. It has also called for better resourcing of planning services in the territory and for the provision of detailed information on the efficacy of increased road funding, compared with investment in public transport, along with the need to develop a strategy for public transport priority measures. The committee also details its belief that there is a need for further information on the government's superannuation liability arrangements and for evidence that there has been a substantial shift from the public sector to the private sector in the ACT as a measure of state final demand.

Those are some of the key recommendations of the Estimates Committee report. They deal with a range of issues across government. I would now like to deal with a number of them in a little more detail. Before I do that, Mr Speaker, I should say that I believe that it needs to be put on the record here and now that this Estimates Committee process has effectively addressed the government's budget papers and has effectively addressed the ownership agreements and other associated documents.

The committee has done so despite the continued lambasting that the committee process gets from those opposite who do not believe that it provides anything worth while. I would say to those opposite that an example of what I believe makes the whole process worthwhile is the revelation which was made through the Estimates Committee process that this government has an agenda to sell Canberra's public ovals. That is an issue which has attracted substantial public comment and it has occurred only because of the efforts of the Estimates Committee in properly analysing the budget documents that the government presented to it. That, if nothing else, indicates the worth of having appropriate scrutiny through the Estimates Committee process. But I would say that it is far more than simply that instance which justifies this process and demonstrates this approach is worth while.

I will now expand in some detail on a number of the recommendations that I dealt with earlier. The first relates to the actual process of the Estimates Committee itself and the draft budget process. I accept that Mr Hird and Mr Rugendyke had dissenting views on the matter, but the majority of the committee believes that it is the role of government to develop and take responsibility for its budget. That, we believe, should continue into the future and, more importantly, there should not be a draft budget process next financial year. That is our first recommendation to the Assembly.

Secondly, we believe that more time needs to be given for the Estimates Committee properly to consider the budget papers. This year the shortest timeframe ever was available to the Estimates Committee to consider the budget. I certainly extend my thanks to ministers and officers of their departments for being available in the very short timeframe presented to the committee. Nevertheless, the committee felt that it would be appropriate for members of the Estimates Committee, as well as other non-executive members, to have more time properly to digest the budget before the Estimates Committee commences. This year there was around a week left to members fully to digest the budget. A little bit more time would have allowed for a more effective process in the view of the committee.

Mr Humphries: For less sloppy work.

MR CORBELL: Another constructive comment from the committee—unlike Mr Humphries' comment—is the recommendation that, in the development of the Assembly's sitting pattern for next year, at the beginning of the year a week be set aside around the time of the presentation of the budget for the estimates process or whatever process the Assembly determines to take place so that all members of this place will know at the beginning of the year when estimates hearings will be held.

It would greatly assist the committee in preparing its timetable but, more importantly, it would greatly assist members of the government, particularly ministers, and other members to know when estimates will be held and when they will need to make themselves available. Hopefully, that will avoid what has become the norm on occasions over the past few years, certainly since I have been chairman, whereby it has been with extreme difficulty that we have been able to find time for a minister to be present, simply because of other engagements. Mr Speaker, by proposing this process, we hope to avoid that in the future.

Moving to the substance of the budget itself, perhaps the most important recommendation relates to the government's superannuation liability arrangements. The committee requested further information in relation to the assessment of the superannuation liability of the territory and believed that further work was required for the committee and the Assembly to have a better understanding of the superannuation liability arrangement.

In particular, the committee felt it important to have a reconciliation of the different data discrepancies identified by the actuary in his report on the government's superannuation liability arrangements. Secondly, we felt it was important that there be an annual total liability figure for superannuation so that we could have a better understanding of the emerging costs to the territory.

We also asked for advice on the expected annual expense reduction and amortisation benefit which is occurring between annual reports, the draft budget and the proposed budget so that we can get a better understanding of exactly how the government has reached that figure. Finally, we asked for advice on the prospective superannuation schedule, including the expected emerging costs, total liability, asset level and annual expenses on a year-by-year basis according to the schedules that have been provided by the actuary in his report.

Those matters give an example of the sort of scrutiny the committee has attempted to put the budget under and the sort of recommendation that we believe is required to get the information the Assembly needs to have a better understanding of this very important issue.

Moving to some other areas of the budget, the committee was concerned to ensure that the Assembly and the community overall had a better picture of the operating costs, expenditures and returns of the V8 supercar race. This, of course, was in the budget in the outyears as well as being in the budget for the next financial year. The committee recommends that an operating statement and a cash flow statement for the 1999-2000 GMC V8 supercar race be provided to the Assembly at the earliest opportunity—we actually recommend the September 2000 sittings—and that the government provide the Assembly with details of the total financial return deriving from this year's event.

Mr Speaker, outside the Chief Minister's portfolio, there were a number of recommendations in relation to health that the committee was particularly concerned about. The first relates to the proposed discretionary funding—some more unkindly would call it a slush fund—for the minister for health. Mr Speaker, the committee appreciated the efforts to which the minister went in attempting to detail to the committee exactly where this discretionary funding would take place.

It highlights the importance of having an estimates process that the minister was required to come forward and explain exactly how that discretionary funding was going to be used. Without an estimates process, which is what the government has intimated at from time to time, that would not have been available, nor would the opportunity have been available to members to question the minister on that issue. Again I have highlighted an example of where the Estimates Committee does its job, and does it effectively.

Following the advice given and information tabled by the minister for health at the Estimates Committee hearing, the committee has recommended that the minister should formally table those documents in the Assembly and detail in the Assembly itself that he will be using that discretionary funding in the way he outlined to the committee. We believe that is a very important accountability measure.

Mr Speaker, the committee was concerned that there remains a large area of disagreement in relation to what is an adequate level of funding for the Canberra Hospital. As a result, the committee recommends that the government conduct a formal and transparent review to determine whether the current benchmarks against which the Canberra Hospital's financial performance are measured are suitable, and inform the Assembly on the result of that review. We believe that this is an important step in getting a far better understanding of the appropriate levels of financing for the hospital.

Mr Moore: I will give you three reviews that have already been done.

MR CORBELL: I am sure that the minister will have an opportunity to comment later. The committee also thought it to be important that the government inform the Assembly ahead of time of how this review would be undertaken and the methodology used.

The committee was also concerned about health funding, particularly funding and supplementation for nurses. We were concerned that there may be an outcome where expected wage increases for nursing staff would have an effect on services provided. Again, we think supplementation is important and the government should be providing supplementation in this area.

Mr Speaker, I will conclude my comments there. Other issues are identified in the report, not the least being those to do with ovals and sports grounds and a number of issues in Urban Services and the police. Because of the time, knowing other members wish to speak, I will conclude my comments there. I urge the government to effectively address this report in its response. I commend the report to the Assembly.

MR HIRD (11.25): I wish to record my dissent from the report of the Select Committee on Estimates on the 2000-01 budget for the ACT. I do so reluctantly. I ask members of this parliament to note that I sought to have my views incorporated in the body of the report, but my contributions were flatly rejected. No attempt was made by the committee to take my views into account. Hence, I had no option but to record my dissent.

Mr Speaker, my dissenting report details a number of areas where I found that the committee was interested more in making political statements than in making a contribution to the budgetary process. The first of these areas relates to the draft budget presented by the Treasurer to members for their input.

The report puts an incorrect political slant on this process. In my opinion, the government did not seek to draw the broader Assembly into the preparation of the budget, as stated in the report. The government acted at the direction of the parliament, which required the government to include Assembly members in the preparation of the budget. Because Labor members could not handle a constructive approach, they got the sulks and they are now trying to blame others for their lack of action.

It is clear that Labor did not want to give members of this place any role in the formulation of the budget. Labor members want to avoid making any useful contribution to the process. All they want to do is to complain and oppose. They very effectively give the impression that doing something useful or taking responsibility is totally foreign to them.

I also dissent from the committee's observation that the draft budget process was fundamentally flawed in that consultation was virtually irrelevant. The fact is that several community groups supported the process and said that they appreciated the opportunity to have some input at an early stage to the formulation of the budget. For example, ACTCOSS voiced its support. It was one of those groups. So what is the value of Labor's empty claim? Therefore, I reject recommendation 1. I note that another member

of the committee, my colleague Mr Rugendyke, dissented from it too. I am sure he will speak to that later.

The next major issue that invites dissent relates to the government's social capital policies. I disagree with the comment that the committee shares concerns that some fundamental issues of equity and community support had been left out of the social capital agenda and strongly dissent from the silly remark that social capital is little more than a glib slogan. These statements have no place in a committee report that is expected to be taken seriously. If members want to play politics, fine, but use another forum, not a committee report.

The fact is that social capital describes the government's commitment to fostering strong relationships between people who know and trust each other and who have shared interests and beliefs. These relationships are generated when people come together in families, at work, in neighbourhoods and in sporting, social, religious and local organisations. The government underpins this commitment in the budget. Social capital is all about fundamentally improving the wellbeing of the community in which we live. To refer to social capital as "glib" is plainly wrong and just political ratbaggery. Indeed, the description is itself glib. I therefore believe that that paragraph should have been deleted.

I would like to comment on the committee's statements in relation to the ACT's superannuation liability and the government's treatment of it. It is extraordinary that the committee notes what the government is going to do about this problem and then, as part of its game, seeks to criticise the government on the ground that this payment in the budget "will be the first payment towards the historical superannuation cost since the Carnell government was elected".

The comment is churlish for failing to put into perspective the substantial progress already made by the government. Moreover, it reflects gross economic ignorance on the part of the committee because it fails to recognise the absurdity of borrowing to pay any amounts greater than the emerging costs of superannuation whenever you are already borrowing to fund a budget deficit. It is only when you have a positive operating result that you can afford to devote funds to reducing that portion of the superannuation liability which is greater than the emerging costs.

The committee selectively ignored the government's eight-year plan to fully fund the superannuation liability. I informed the committee of the details of the plan but, because that favourable scenario did not suit the committee's political agenda, the committee has chosen not to mention it. I therefore dissent from paragraphs 2.28 through to 2.31.

Labor members of the committee were clearly uncomfortable with the trend to private sector employment in the ACT, and well they might be. Since the Carnell government came to office, more than 13,000 jobs have been created. That is right, more than 13,000 jobs have been created over the five years the Carnell government has been in office. Most of the employment growth has been in the private sector.

Today there are over 13,000 businesses in the ACT, employing some 55 per cent of the ACT workforce. Faced with the embarrassment of this compelling evidence, the Labor members of the committee sought to move the goalposts, claiming that it was unreliable

to base claims on only one indicator; so let us look at another indicator, private sector investment. In the March quarter 2000, private sector investment was 32 per cent higher than in the same period the previous year. The data confirm the correctness of the government's business culture and make a mockery of the negative sentiments on the state of our economy expressed by the ACT Labor Party.

I did not dissent from recommendation 6, which invites the Treasurer to analyse the relative roles of the public and private sectors, because it provides another opportunity for the Treasurer to inform this place of the government's outstanding record.

In relation to the GMC 400 V8 supercar race, I informed the committee that its figures were wrong and we had some debate about that, but a majority of members refused to take it seriously and make the correction. For members of the committee who were aware of the correct estimates knowingly to publish false data in their report reflects badly on the integrity and usefulness of the committee. Accordingly, I dissociate myself from paragraph 4.1.

Again, it is not true that all committee members disapproved of senior executives having sports cars as part of their salary packages.

Mr Berry: Ha, ha!

MR HIRD: I hear Mr Berry. Whilst it is typical of Labor to deny its employees any goods and services which are not approved by the state, my colleagues on this side and I believe in the principle of people being able to exercise choice. I therefore dissent from paragraph 4.7.

Growth needs funding in the health budget was the subject of considerable debate within the committee. This part of the report reflects the obsession of some of the committee members with expenditure and inputs, as distinct from outputs and results. The purpose of outputs-based budgeting is to fund ministers and their agencies to achieve specified results. They should not be required in advance of the event to be tied to micro detail of expenditure to achieve these results. The appropriate time for accountability of expenditure is in detailed reports to the parliament after the event.

Whilst not objecting to recommendation 16, which calls for a formal statement of expenditure, I would remind members of the house of the need to be flexible in order to meet with the community's changing needs most effectively. This is a basic tenet of the Financial Management Act. With no apparent thought to cost, the majority of the committee felt free to recommend increases in expenditure in a number of areas, such as for nursing staff in recommendation 18, the dental program in recommendation 22, the Canberra Blind Society in recommendation 23, the Down Syndrome Association in recommendation 24, disability services in recommendation 25, accommodation for young indigenous offenders in recommendation 28, Care's legal services in recommendation 32, and PALM in recommendation 38.

Whilst individually each of these may be worthy causes—I underline that they may be worthy causes—the committee failed to mention how they should be funded. This failure typifies the attitude endemic in the Labor Party and prevailing in the committee that there was no sense of responsibility for implementing its recommendations. In the

absence of proposals on how these recommendations should be funded, I am not prepared to support them.

In relation to the beat police proposal, I am concerned that the call in recommendation 37 for a detailed, rigorous justification for the beat police proposal before implementation is only a ruse for delaying it. Indeed, the former Labor government implemented a trial program which was hugely successful in two areas, so I cannot understand why we need to revisit this matter, especially when we have the problems we do at the moment within our respective electorates concerning crime. The need has been demonstrated and the initiative has been carefully considered, so the proposal should be implemented as soon as possible. I join my colleague Mr Rugendyke on this matter.

As I stated when I began, there is no reason why any of these comments could not have been included in the body of the report. However, as the majority of members wanted a sanitised report, they have now ended up with a full dissent. I would like to join other members of the committee, including the chairman, in thanking the ministers and their staff as well as the organisations and associations that appeared before the committee. I would also like to thank the members of the committee. The timeframe given to us made things very awkward for us and the pressures of work on other committees made it very difficult for us to bring in a report in such time.

On that note, I think that the chairman's suggestion is a positive one and I am sure that the leader of the house will take it on board. I refer to the suggestion that at the beginning of a year when the sitting pattern is set down the estimates process should be accommodated in that pattern and time set aside for it so that other committee work does not overshadow the work of the Estimates Committee.

MR KAINE (11.39): Despite Mr Hird's apparent astonishment at the way that the Estimates Committee worked this year, I would have to say that there was nothing remarkable about the way in which the Estimates Committee went about its business. Perhaps the only thing that was remarkable about it was the limited amount of time that we had to deal with the estimates. I do not believe that there is anything in the Estimates Committee's report that would differ greatly from what has been in previous Estimates Committee reports. I think that the Estimates Committee report is the result of the usual shredding out that non-government members of this place give to the budget.

As I said, I found nothing remarkable about it. In fact, I believe that the Estimates Committee process, as it always has been, has been a successful one. For my part, the Estimates Committee process allowed me to resolve some questions that I had about the budget. There seems to be a good amount of money available this year, which is different. Until this year, governments of whatever flavour have always had to struggle with a shortage of revenue as opposed to the demands being made for expenditure of that money. This year, for the first time since self-government, the situation seems to have changed. The government appears to have had plenty of money.

I suppose my major criticism of the budget, having sat through the Estimates Committee, is that, given that there seems to have been plenty of money around, it is quite unadventurous. There are some good aspects of it. The expenditure on roads is long overdue. One might argue about whether the roads the government has identified for attention this year and in subsequent years are really the ones that should be dealt with.

That is a matter of opinion. The government is entitled to its view about that. But I think that the fact that the government has decided to undertake a substantial expenditure on our roads in the next three or four years is a plus.

There are things of concern to me about the budget, but the matter of greatest concern to me is a matter that Mr Hird referred to in his dissenting report, that is, the funds proposed to be provided to the health minister for expenditure as he chooses. As he described it publicly, it has allowed him to pursue his own agenda. I do not agree with money being provided to ministers for those purposes. I do not agree that money should be provided that is unspecified as to the intent of the government in expending that money. But during the estimates process I was able, as a member of the committee, to persuade the minister to tell us exactly what he proposed to spend this year's $8 million-odd on.

I do not agree that the things that he proposes to spend it on are necessarily the best things that it can be spent on. It seem to me that there has been a bit of a scattergun approach and we are handing out approximately $8.8 million in very small packages. I wonder about the impact that $8.8 million expenditure will have this year on the overall question of the delivery of health services in this territory. I suspect very little.

The sum of $8.8 million could have been put to a very good purpose. It could have been put, for example, specifically to reduction of the waiting list for surgical operations or it could have been put to providing a few more nurses to fill the gaps that are clearly existing in our health system. You could have produced a few nurses for $8.8 million, I submit. But no, the minister has chosen to spread it around like pepper and salt, hoping that it will flavour the meals of a few people in the community and gain him a few points. I do not think it will. At least we were able to persuade the minister to tell us what he proposed to spend that money on.

By and large, I think that the Estimates Committee process has been a good one. It has served the same purposes as the estimates committees of previous years. There is no difference. When we debate the budget later in the week, I think that we will be better informed for the fact that the Estimates Committee process has been followed this year.

Mr Speaker, as a member of the committee, I have to take exception to some of the comments made by Mr Hird in his dissenting report because I do not think they are well founded. Mr Hird says that the committee made no attempt to take his views into account. Mr Speaker, that simply is not the case. Mr Hird had plenty of opportunity to express his views, but he seems to have changed his mind from previous committees and previous experience in that this year he wanted his particular view of each issue to be stated in the body of the report with his name against it.

It has not been the practice in 10 years of self-government for an individual member of a committee to have his views explicitly stated in a committee report and attributed to him. The reports of all the committees of this place have always been, if you like, anonymous. Individual members have not been named as a matter of practice in committee reports and the option has always been, if you do not agree with the majority view of the committee, to write a dissenting report. That is what Mr Hird has finally done. But I do not agree that no attempt was made by the committee to take Mr Hird's views into account, which is what he is asserting in the preamble to his dissenting report.

Mr Hird referred to a couple of specific issues on which I believe I have to take issue with his dissension. In connection with the superannuation provision, he attacks the committee for stating in its report that the payment in the budget for 2000-01 will be the first payment towards the historical superannuation costs since the Carnell government's election. If you read a bit further down in his own comments you will see that he says:

> The committee also selectively ignored the government's eight-year plan to fully fund the superannuation liability.

His next sentence is an interesting one. It says:

> The plan begins with payments of $5 million in this budget ...

That is next year. The government's eight-year plan starts next year. How, then, can he criticise the Estimates Committee for saying this payment of $5 million is the first payment towards the historical superannuation costs since the Carnell government was elected? That is a statement of fact. The earlier provisions have not come out of budgets; they have been by allocation of dividends from places such as ACTEW. Mr Hird does not seem to understand the contradiction in his own dissenting report. But that is not unusual, of course.

In connection with growth needs funding for health, Mr Hird has expressed a unique view, an innovative view, saying:

> The purpose of outputs-based budgeting is that ministers and their agencies are funded to achieve specified results and should not be required in advance of the event to be tied into micro detail of expenditure.

His concluding comment on that matter is:

> I would remind members of the Assembly of the need to be flexible in order to meet the community's changing needs most effectively. This is a basic tenet of the Financial Management Act.

Mr Hird seems to be saying that we only need about six line items in the budget. We give the Minister for Education his share, one lump sum, we give the Attorney-General his, we give the Chief Minister hers and we give the Minister for Health and Community Care his and we do not need any amplifying detail whatsoever of what those ministers intend to spend their money on. That is the logical outcome of Mr Hird's assertion that you provide no detail up front. I think Mr Hird is trying to say that we should require every minister to provide detail up front except the health minister. I do not agree with that and I do not agree with the general assertion that a budget should be simply five or six line items allocating millions of dollars to each minister to spend as they choose.

This matter is one way in which this year's budget differs from all previous budgets in that the government seemed intent on providing the minister for health alone with $8.8 million this year to spend as he sees fit and a total of, I think, $64 million over a five-year period. *(Extension of time granted.)* That is a concept that I will not subscribe to and I think that Mr Hird's assertion that we should be prepared to do that is, to say the least, naive.

I notice that Mr Rugendyke has also submitted a dissenting report. I know that he feels very strongly about the two issues that he has mentioned there and I think that he has exercised his right to dissent to the extent that his beliefs do not coincide with those of the committee. But I think that by and large, as I have said before, the Estimates Committee process has been a good one. I think that in no way has it been significantly different from the processes of previous years and that those of us who choose to look at budgets with open eyes will see benefit in some of the comment, if not all of it, that is made in this report. I commend the report to members of the Assembly in anticipation of the debate on the budget later this week.

MR QUINLAN (11.50): Mr Speaker, as a member of the Estimates Committee, I wish to say a few words on some of the matters within the report. I certainly recommend and endorse again publicly recommendation 1, which is about a government actually taking responsibility for a budget. We have had that debate in this place a number of times. I thought the draft budget process was an appalling exercise in political cynicism, with weeks and weeks of pre-draft budget leaks. Are they draft leaks for draft budgets? The situation got to the crazy stage where this process became a vehicle for using up what was otherwise a quiet news time. I think that that does, in fact, demean the government process and the responsibility that a government ought to take for its primary political document each year.

I go on to endorse part 2 of that recommendation, which says that there should be sufficient time for a full Estimates Committee process. The draft budget process quite deliberately compacted the estimates process because it is the bit that the government does not like. By replacing a hard time in front of the Estimates Committee with a January of good news and fairy dust, the government has done quite well for itself; but I do believe that that does lessen the standing of this place as a parliament.

I believe that it is the government's responsibility to make itself available for community consultation. We had during the draft budget process an attempt initially to flick pass to the various standing committees of this Assembly all of that irksome process of talking to the people in order to absolve the government and the Treasurer from actually talking to those people who have particular problems and want to make a particular input to the budget.

Recommendation 3 mirrors a recommendation that was made by the Estimates Committee of last year. We have not come a long way in terms of presenting information on capital works. We have not come a long way in terms of having a system that records when previously promised or scheduled capital works drop out of the system. You have to find them by taking a backward look as opposed to being advised that previously budgeted items are now no longer in the budget. We also need a system that allows a government to announce an initiative only once, not two or three times. Just because they did not do it in the year they promised the first time round, they can make quite a fuss of doing it the next year. I think the capital works budget should be a closed system. I promise that I will be pushing for that through the Finance and Public Administration Committee.

Recommendation 4 is self-evident. The lock-up facility should allow the staffers out of the lock-up at the same time as the budget is made available to the offices of non-government members.

To pick up on Mr Hird's defence of the public-private sector division or split within the economy of the ACT in relation to recommendation 6, I think it is wise for the ACT to realise the difference between government services being outsourced but still depending upon the public teat versus genuine local industry. I do not think we should try to delude ourselves that the town has changed significantly. Arising out of the outsourcing of some government facilities, there have been some industries built up in the ACT which have found that they can export their product and sell it wider. That is on the plus side. The downside, of course, is that a lot of the outsourced services that the Commonwealth is buying are not being bought from local firms and they are not providing, effectively, the same level of local jobs.

If you look at the core finance statistics, you will find that we are about the same in terms of the private-public split as we ever were. There has not been a great change in that. I would like to see a change in it, but let us not kid ourselves and use figures inappropriately to make false claims in that regard. I am very happy to see ACT unemployment down, but I would like to record that ACT unemployment has always been lower than the national level. This is no overnight miracle or change. In fact, the differential between the ACT and Australia is marginally less than it was in the good old days.

Obviously, I am not going to talk about most of the recommendations, but I would like to touch on the financial case for the prison. We have had that discussion in this chamber and I think the Treasurer has stood up and said, "I have no prejudices; it could be a publicly financed or privately financed prison," referring to the public sector outside of the territory bidding for it. What we are really talking about is that a separate case needs to be made, as opposed to the operational propositions, which are separate questions, that this government, with its AAA rating, could not provide a prison at the same cost or less than the private sector with its extra interest margin on the risk element that is associated with any private investment.

That case needs to come to this Assembly. If this Assembly does not receive that case, I do not think the Assembly is in a position to make an objective, full decision in relation to how we finance the construction of the prison. We can isolate that from how we would operate the prison and eventually who owns the prison. The reversion process must be taken into account as well. That, I think, is a report that is overdue in this place, given the apparent position that the government has taken.

In recommendation 37 we talk about the beat police proposal. I do believe that we still need some justification for that. I understand that it is a recommendation of the Justice and Community Safety Committee. I am happy to see the Estimates Committee make some specific recommendations into the funding of an organisation because it is quite discrete—recommendations about Care, library services or whatever—but when it comes to something like policing, I would like to see the ex-ante involvement of the management of our police force in these decisions.

This decision seems to have been built from the bottom up. Obviously, the senior members of the police force have to be quite circumspect in what they say, but I am unconvinced from what I have heard that, if additional funds were provided to the AFP management, they would be spent on a beat police program as their judgement as to the best way of improving the public safety and attacking the crime rate within this territory. I am sure that we will find that senior police will come out and accept the decision. However, I am not sure that, underneath all that, it is their choice as to how best to police the territory.

Recommendation 40 relates to the funding of roads and it is there that I want to make two comments in relation to the budget overall. What this budget does have is a label, a catchcry, of social capital, which I think is a pretty cynical little exercise. Mr Corbell has already made some comments on that. *(Extension of time granted.)* We are seeing not a lot of funds, I have to say, being dissipated over 19 or so programs which, to my mind, really do not represent much more than photo opportunities and little launches that we can look forward to and to a large extent this social capital label does deserve the scorn which is gathering in relation to it outside of this place.

The only other comment I will make about the budget is that we have seen develop a PR pattern—I guess it is consistent with the way this government operates—whereby next year we are going to spend a bit of money on the roads or we are going to spend a bit of money on the hospital, but over the next five or six years we are going to spend huge amounts. The banners and the wad of press releases that were pre-prepared to go out with this budget were all about these programs.

Mr Humphries: What else would they be about—the weather?

MR QUINLAN: They are about programs for $5 million this year, but hundreds of millions of dollars over five or six years.

Mr Corbell: Very convenient.

MR QUINLAN: Yes. It is a way of having inflated numbers and inflated press releases and making commitments way beyond the actual substance of the budget or the financial year coming up. Good luck to you if the press swallow it and good luck to you if you get PR points out of it, but I still stand by the assertion that it is based more on PR than on substance.

In relation to roads, if we would look around we will see the poor condition of some of our roads. We have programs for addressing traffic congestion, a new roads program, a drainsmart program, a streetsmart program, a shopsmart program or whatever. They are all PR exercises, but they are about things that it is necessary to do. Necessary maintenance programs are wrapped up as some sort of far-sighted program. Really, the whole thing is designed to invent and to create large numbers for media consumption.

I join Mr Kaine in saying that, given the constraints on time that this committee had, this estimates process was a very successful process. I thought that the spirit that pervaded the committee room for the greater part of the hearings was very good. I have to compliment the ministers who appeared before the committee and their public servants on the good-natured way that most of the Estimates Committee hearings were conducted.

I would also congratulate the external bodies that made the effort to make submissions. Some of them probably had already made submissions to the government and through the draft budget process. I congratulate my fellow members of the committee for the prevailing spirit, as well as the other MLAs who came into the place. In particular, I would like to congratulate the secretaries, who did a tremendous job under a lot of pressure in preparing this report; in particular, Bill Symington, who is departing this place this week and who had the overarching responsibility.

MR RUGENDYKE (12.05): I have dissented from the report of the Estimates Committee on two recommendations and added some comments. The first dissent is to recommendation 1, regarding the draft budget process. I believe that this process can be refined to enhance future budgets. The committee's report fails to mention the strong support voiced by community representatives, especially ACTCOSS, for having the opportunity of input at the front end of the budget process.

A case in point for saying that it was a good process was my beat police proposal, which was presented to the Justice and Community Safety Committee, endorsed in draft budget recommendations and subsequently incorporated in the final budget. This has demonstrated how positive ideas from outside government could be implemented through this process. If there were a genuine spirit of cooperation from members in the draft budget process, it could be a meaningful addition to the local form of government. It would be negative to abandon the idea after one attempt, without giving the process a reasonable opportunity to work.

My second dissent relates to recommendation 37, regarding the beat police proposal. The original recommendation about its it proceeding was watered down. I fully endorse the beat police proposal and urge the government to adopt it in the spirit of the original submission that was put in by me, with police being strategically placed in the suburbs. The Justice and Community Safety Committee assessed the proposal and recommended that the government allocate additional funds in the 2000-01 budget and future budgets for the establishment of a beat police program. The government has acted on this recommendation and should now be allowed to proceed with its implementation.

An assessment was completed of the country town policing trial back in the mid-1990s. The Chief Police Officer, Mr Bill Stoll, informed the committee in public hearings that the evaluation by Frank Small and Associates provided feedback from the community that was very positive. In short, the community's satisfaction levels with and perceptions of the police service were higher in the areas subject to the trial, visibility of police activities was higher in the trial areas, and the fear of crime while walking or jogging at night, which incidentally is an international fear of crime indicator, was lower in the experimental suburbs.

Another major plus of the trial was that the crime intelligence gathered by country town constables was hugely beneficial to task force operations and other crime investigations. The beat police program would be able to play a similar role in helping to combat the explosion of home burglaries and theft in the ACT. The major problem with AFP operations is the lack of police on the ground, on the beat, and the aim of the proposal is to increase police visibility and accessibility in our neighbourhoods. The Estimates

Committee recommendation does not encourage this outcome; it is merely a demonstration of regressive stalling and negativity.

I offer additional comments that I believe need to be put once again on the record in this place regarding the funding for the shooting gallery. I put on the record once again that I will not be supporting a budget that contains that funding. I was part of the Health and Community Care Committee, which recommended in the draft budget process redirecting that funding to drug education. I have not altered my position on that. I have strengthened my resolve, based on evidence heard by the Estimates Committee. Recommendations 21 and 33 both relate to addressing gaps in fundamental treatment and detoxification services.

MS TUCKER (12.10): I wish to speak briefly to the report of the Estimates Committee. Although I am not a member of the committee, I was present at quite a number of the hearings. Today, I would like to make comments mainly on the process. I will leave my detailed comments and responses to this report to the budget debate. Members have different views on the draft budget process. Mr Rugendyke was claiming support from ACTCOSS in particular for the draft budget process. While that is generally true, I think we need to look more carefully at the nature of this draft budget process.

It is not just a matter of saying that the draft budget process did or did not work or that we want it or do not want it. We need to look at which aspects of it seemed to work and which aspects were a problem. I have already put on the record here, but I will state it again today, that I think that it is an interesting process to look at. I agree with the members who say that they did see some benefit in the process. I think it was useful for members to have the opportunity to look in detail at the proposals as a committee. That helps us to respond to the final budget, which is always a very stressful and pressured exercise because of the timeframe in which we have to work, so I think that is an advantage.

One of my concerns was about the discipline that was imposed on how the committees could report and the fact that committees were not allowed, no matter how strong the evidence was, to make recommendations which required further expenditure unless the committees found the wherewithal to fund that expenditure within that area. That is of concern because it takes away the whole possibility of looking at the broad revenue and expenditure issues of the government of the day. Obviously, one of the key responsibilities of the government of the day is to determine where it believes expenditure should be focused or greater and the areas where it believes that revenue should be raised and the nature of the revenue-raising mechanisms. One would hope that the government of the day would be interested in aspects of regression and so on when it comes come up with proposals for increasing revenue.

By actually stopping a committee from making recommendations on expenditure unless it found the funding for it, the ability to look at the broader issues was not there at all, which meant that we really could not respond to concerns that came to us from the community reflecting inadequate funding, particularly in the area looked at by my committee, the Education, Community Services and Recreation Committee, where there are very limited revenue-raising options. If the government is to pursue this draft budget process, I would want it to look at those concerns.

Having briefly read the recommendations of the Estimates Committee, the general impression I have is that concern is being expressed by members of the committee about social expenditure. Some concern about environmental expenditure is reflected in, I think, the last recommendation. There is a certain randomness to the recommendations in terms of the areas where the committee is asking for further consideration by the government of expenditure. I do not blame the committee for that. I think it is an indication of the way that government is determining expenditure.

Mr Rugendyke has just said that he thinks the process worked because the beat police proposal was supported by a committee. He thinks that this is a reflection of how the process can use the expertise or views of the community, but it may well be just due to the fact that Mr Rugendyke is particularly keen on this issue and is in a very clear position of power in this place as an elected representative on the crossbench.

If we are really serious about wanting to see less politicking around the issue of budgets and estimates committees, we have to be still asking for government to take a more thoughtful approach to determining social expenditure in particular. It has come up in every Estimates Committee that I can recall from ACTCOSS and other organisations which are working in the social services area that we need to have a social plan of some kind, that we need to have much greater focus on an analysis which shows the way our community is operating and the way government policies are actually impacting on society in terms of equity.

We need to have greater analysis from government on issues of equity. For example, we have a picture of success being created by having a surplus in the budget, improved employment figures and statistics on work in the private sector versus work in the public sector, but we are not seeing where the benefit of this so-called success is falling and what are the costs of a success dimension which is based on the economic picture of the bottom line; in other words, the surplus.

The situation is asking for a more thorough analysis of need and it is asking for a more thorough analysis of the impact of government policies. If we actually had that from government, whether Labor or Liberal, one would think that there would be less politicking in the review of a budget and more thoughtful discussion and dialogue about how best we can actually meet what I think are the ultimate aims of all of us here, which is an equitable and healthy society.

The healthy cities conference is occurring in this city this week and I am assuming that members here are familiar with at least some of the presentations that are being put there and the concerns that are coming from the section of the community which is supporting the healthy cities concept. Concerns are being raised about issues of governance, particularly in the context of a philosophy which is based to a large degree on the free market principles of both the Labor and Liberal parties. I will conclude with those comments, but look forward to a much more detailed debate in the consideration of the budget.

MR CORBELL: Mr Speaker, I seek leave to speak again without closing the debate.

Leave granted.

MR CORBELL: I thank members for their indulgence and I will be brief. Mr Speaker, I want to address one matter which I was unable to address in my remarks earlier today. I refer to the dissenting reports presented by Mr Rugendyke and Mr Hird. Mr Hird's dissenting report, I must say, is perhaps a little less of a surprise than Mr Rugendyke's. Mr Hird's dissenting reports are well known in this place and he, of course, exercises his right to have those views expressed in that way.

However, I am a little concerned about a number of matters, having now read Mr Hird's dissent, which were not actually raised in the committee process. I find it extraordinary that a member of this place and a member of the Estimates Committee should stand up in this place and say that his views have been ignored when he did not raise them. I wish to make a point about page 1 of Mr Hird's dissent in relation to social capital. He did not raise his dissent on that matter.

He did not raise that in our deliberative hearings. He did not raise his dissent on the superannuation provision. In relation to the comments about Canberra becoming a private sector town, again he did not raise anything. In relation to SES packages and access to sports cars, did he raise that one either? No, he did not; he did not raise that one in the deliberative hearings of the committee. He did raise the other three matters.

I would have thought that a member who is genuine about participating in the process and the formulation of the Estimates Committee report would have raised these issues with his colleagues on the committee and said that he would like to have them included in the report before he wrote the dissent, but he did not; he just did not. Mr Speaker, for as long as that occurs, the only people in this place undermining the committee process will be those government members who do not actually participate fully in the deliberative hearings.

I come to the second point I wish to raise. It relates to the dissent of Mr Rugendyke. Again, Mr Rugendyke has strongly felt views about a number of issues—in particular, beat police and the funding of the safe injecting place. No-one says for a moment that Mr Rugendyke should not hold those views. Of course he should. He feels strongly about them, he is entitled to his views and he is entitled to express them in this place. But when I saw Mr Rugendyke's additional comments in his dissenting report in relation to the safe injecting place, I was extremely surprised.

I was extremely surprised because, again, Mr Rugendyke did not raise this matter with me or with any other member of the committee, as far as I am aware, in our deliberative hearings when we were considering the report. He could have quite simply said to us, "I would like some comment in this report about the safe injecting place." He did not do that. That is all he had to do, but he did not do it. He did not seek to have that matter—a matter which he says he feels so strongly about that he is prepared to vote against the budget—included in the report.

In his dissent, he does not even include any recommendations; he just makes some comments. At the very minimum, he could have suggested to his colleagues that those matters should have been incorporated in the report. I have to say that on those two issues in these dissenting reports it would have been far more preferable if the members, before they wrote their dissents, at least asked the committee whether they could include their comments in the bulk of the report.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (12.22): Mr Speaker, I want to make a few comments before we go to lunch. It may not be possible to finish them before lunch, but members might indulge me by allowing us to continue this debate after lunch. I have looked quickly at this report. Frankly, on my overview of this report, it represents a low point in the Assembly's committee process in the course of the last five years.

Mr Stanhope: You used that speech last time. It is the same speech as last year.

MR HUMPHRIES: I referred last time to there being problems with this process in describing it as a low point. Unfortunately, this report has gone even lower, so it is necessary to make the comment all over again.

Mr Speaker, in the course of this year at least we will have three overviews of the budget process, in effect. We have had committee consideration of the draft budget, we have had the Estimates Committee consideration of the budget and we will have the review of the annual reports at the end of the day. Committees of the Assembly are overviewing aspects of the budget a number of times. One thing that can be said about the process is that it is providing a considerable degree of overview and an assurance that the exercise is being done in a thorough and conscientious way. But what value is being added to the process with each of those runs over the target?

Let us look at this report, Mr Speaker. Mr Corbell described it as constructive criticism. What is constructive about it, Mr Speaker? It is a litany of recommendations reliving past battles in the media or in the Assembly about particular issues on which members have a particular bee in their bonnet, be it Care, discretionary funding for the Minister for Health and Community Care or beat policing. Whatever it is, it is a reliving of earlier battles on some other issue and it has been bought together in the Estimates Committee report to create a forum for further discussion of those matters.

The budget that I tabled in this place last month was a dramatic statement about where the territory is heading. It was a statement about our capacity to start to afford to fund new programs and new initiatives based on our surplus. It was a statement about extra spending in crucial areas where need is great in this community. It was a statement about how to engage the broader community in budget-making processes in a way which has not occurred in this territory—indeed, in any other part of Australia—before.

What do we have from the committee? We have either criticism of each of those things or ignoring of each of those things. Perhaps in my brief overview I have missed, it but where is the support for or constructive criticism of the government having attained a surplus for the first time in 11 years of self-government? Where is the comment in the Estimates Committee report to the Assembly on that subject? It does not exist.

Mr Speaker, this process has been incredibly sloppy. That is best indicated by the fact that this report was supposed to be about not only the 2000-01 budget, but also the Appropriation Bill 1999-2000 (No 3). Where is the detailed work on that issue? Did the committee forget? My attention has been drawn to a five-page document which has not been tabled yet, so I cannot refer to it in the course of this debate. Mr Hargreaves is holding up a page which says what the terms of reference and the resolution of

appointment of the committee were. That is not work done by the committee. You are holding up the wrong page.

Mr Hargreaves: Turn the page, Mr Humphries.

MR HUMPHRIES: I did turn the page.

Mr Hargreaves: Turn it again, because your eyesight fails you.

MR HUMPHRIES: Mr Hargreaves holds up the page with the resolution of appointment. That is the work of the Assembly, not of the committee.

Mr Hargreaves: I have been Gary-ed, Mr Speaker; it is the following page.

MR HUMPHRIES: Yes, that is right. The following page has five sentences. There was a 20 per cent blowout in the cost of running two important programs of government and the Estimates Committee came up with a five-sentence report.

Mr Hargreaves: Hold your water, Gary; it is coming.

MR HUMPHRIES: I am sure that it is, but where is it?

Mr Hargreaves: Go to lunch and come back and find out.

MR HUMPHRIES: There is going to be another report, is there? Mr Speaker, I am sorry, this is not good enough. Where was the questioning by the Estimates Committee of the Treasurer, the Minister for Urban Services or the Attorney-General of the elements that made up Appropriation Bill 1999-2000 (No 3)? The committee, as members can clearly see, was charged with the task of considering that appropriation bill. Members of this place have insisted in the past that there be an Estimates Committee for every appropriation bill brought down. We said that we would have one and we had one. Where is the work? I will read the relevant sentence from this report:

> Having regard to the foregoing, the Estimates Committee makes no comment in relation to Appropriation Bill 1999-2000 (No 3).

Mr Speaker, that is not the only thing that might be said about this Estimates Committee report in terms of the sloppiness evident in this work. This document is full of mistakes. It is full of evidence that the committee gave insufficient time and effort to considering the issues being raised and decided simply to trot out the rhetoric that had been brought up in countless press releases before the committee even sat and, most importantly, failed to address the critical issues in this budget. The big issues in this budget which have been part of the broader community debate have been almost totally overlooked in this report. I think it is a pathetic effort. I think the members of the committee should be ashamed about the lack of work that has gone into this report.

The report is full of mistakes, Mr Speaker. Let me start with just the first few pages. There are comments here on the GST. There are questions that are not suitably answered. I am the Treasurer and I went before the committee. I had very few questions about the

GST from the Estimates Committee. Similarly, the Chief Minister had very few questions at all. There are some assertions—

Mr Hargreaves: You had one from me and you could not answer it.

MR HUMPHRIES: You will get your chance, Mr Hargreaves; just wait, please. We had assertions coming from the committee. Paragraph 2.18 reads:

> Budget Paper 3 shows that at a minimum "...there will be a net cost to the ACT of $0.5m in 2000-01, rising to $1.9m by 2003-04".

That is the evidence for saying:

> ... the GST will cost money from the bottom line, unlike the claims made by the Treasurer to the contrary in the Draft Budget process.

The committee did not know, because it did not bother to ask the question, that that money represents the decision that the government made to give community organisations funding without retaining any embedded wholesale sales tax savings. It was a conscious decision by the government to give community organisations that money. That is not an impact of the GST. That is a decision taken by the government, in effect, to fund community organisations extra money. If you had bothered to ask the question of a minister of the government or an official of the government, you would have found out that answer. Paragraph 2.19 reads:

> There is also mention in Budget Paper No 3 that there will be a $13.2m administration cost payable to the Australian Tax Office. The committee believes that it would be fruitful in this budget and future budgets to have a clear reconciliation of the costs and revenues from the New Tax System ...

If members of the committee had bothered to ask the question about that $13.2 million, which they did not, as far as I recall, they would have found out that the $13.2 million is refundable, that the government gets it back in full in its payments from the Commonwealth. There is not, in fact, a $13.2 million cost to the ACT, as would be suggested by the context of that statement.

There is a statement elsewhere in this report that the government does not fund the Welfare Rights and Legal Centre of the ACT. The government funds the Welfare Rights and Legal Centre to the tune of $105,000 a year. Who did that bit of sloppy work, Mr Hargreaves? There was criticism that we need to provide more detail about the capital works process, overlooking the fact that that information is provided separately in the quarterly reports on performance of the capital works program. And so on and so on.

MR SPEAKER: Order! The minister's time has expired. I think it might be an appropriate time to suspend the sitting for lunch.

Debate interrupted in accordance with standing order 74 and the resumption of the debate made an order of the day for a later hour this day.

Sitting suspended from 12.33 to 2.30 pm

VISITORS

MR SPEAKER: Before I call questions without notice, I would like to welcome and acknowledge the presence in the chamber of some 36 graduate administrative assistants. Welcome to your Assembly

QUESTIONS WITHOUT NOTICE

Canberra Hospital—Morbidity and Mortality Rates

MR STANHOPE: Mr Speaker, my question is to the Minister for Health and Community Care. On 31 May, in Estimates Committee hearings, senior managers at Canberra Hospital confirmed that the hospital does collect statistics on morbidity and mortality across each of the specialities as a measure of the quality of work undertaken. I asked to be provided with that information and the minister said, amongst other things:

> We will take it on notice and provide you with the level that we can … We will bring it to as high a level of detail as we can.

Subsequently the minister did provide me with hospital-wide morbidity statistics and information on mortality rates. He claimed information relating to individual specialities was privileged and could not be released. Mr Speaker, my question is: can the minister explain why it is not possible to provide me with this data, data that is already collected in a form that does not identify particular doctors or patients? Does the minister not agree that morbidity and mortality statistics are an invaluable measure of how the hospital is performing?

MR MOORE: I made a reply at the Estimates Committee and I did deliver on that reply. As to the second part of the question, I will look again to see whether we can get even more detailed information. The advice I have is that the committees are particularly careful always to protect that style of privilege. There is a reason for it. You may remember the debate we had in the Assembly when we provided that privilege to private hospitals as well as the public hospitals. The attitude we have is that we want doctors to be able to talk freely to each other, to their peers, and say, "No, you were wrong; this person has had an adverse incident for these reasons," without any fear of information being misused. I will look at the information and see whether we can provide more detailed information than that which I provided to you.

MR STANHOPE: I ask a supplementary question. I thank the minister for his undertaking to give the issue further consideration. Does the minister not agree, nevertheless, that the public release of morbidity and mortality information is in the public interest? Would he not agree that the release of performance data would help re-establish public confidence in the health system, which has been so seriously damaged in recent time by his poor management?

MR MOORE: Public confidence in the hospital has not been seriously damaged by my mismanagement. It has been seriously damaged by false allegations by a particular

surgeon. I will speak further on that after question time, without making a personal attack on him in the way he has done on others.

We already provide a huge amount of information on our public hospital system, much more than in any other community in Australia. We will continue to do this, and we will provide the highest possible level of information we can so that members of this Assembly and the public generally can understand the tremendous number of excellent things that are going on in the hospital.

Because you have mentioned the issue of morbidity and mortality, I would like to remind members that one of the first things I did as minister, in order to reduce the number of adverse incidents, was to appoint Miss Fiona Tito to look at adverse incidents at the hospital and to recommend to the hospital how we go about ensuring that we minimise adverse incidents—in other words, reduce morbidity and mortality. We did that and got a report, and we have moved on it. Mr Rayment, the hospital staff and I are absolutely committed to improving quality at the hospital. It is very disappointing when the reputation of the hospital is sullied by false allegations.

Budget Surplus

MR HIRD: Mr Speaker, my question is to the Treasurer, Mr Humphries. Treasurer, I have heard members opposite criticise the ACT 2000-01 budget, saying the forecast surplus—and I would like to commend you for that—is built on the back of windfall gains from the Commonwealth. Is this the case or are there other reasons for the forecast surplus?

MR HUMPHRIES: I thank Mr Hird for his question, Mr Speaker.

Mr Stanhope: The GST.

MR HUMPHRIES: I am very glad Mr Stanhope interjected, because one of the things I want to cover in this response—

Mr Stanhope: What, the GST?

MR HUMPHRIES: Yes, indeed.

MR SPEAKER: That is not an encouragement to interject, Mr Stanhope.

MR HUMPHRIES: When a government brings down a budget, one of the primary political rules oppositions have had to deal with is that they need a simple handle or label they can use about the budget. They need quickly to get a message out there that there is something wrong with this document, if they can, and finding some particular line is a very important part of the budget process.

The fact that there has been such a mishmash of approaches on the appropriation bill and so little in the way of a consistently clear line from the opposition is proof that this budget does have the capacity to deliver what this community wants it to deliver. We have heard all sorts of lines. Every one of them has been abandoned after a certain period of time or at least modified.

Mr Stanhope: You have lost it.

MR HUMPHRIES: Mr Speaker, I have had a wall of interjections from members opposite. I hope that they would be courteous enough to listen. This budget delivers on a range of community-based objectives which, when we came to office five years ago, we said we would dedicate ourselves to achieving.

Mr Stanhope: Like a thousand beds at the Canberra Hospital? That promise?

MR SPEAKER: Be quiet, Mr Stanhope. You have asked your question.

MR HUMPHRIES: I believe for that reason—

Mr Stanhope: Like the Belconnen pool?

MR HUMPHRIES: We have achieved a level of—

Mr Stanhope: Free bus fares for school kids? That promise?

MR SPEAKER: Order please, Mr Stanhope! If you would like to listen to the rest of the answer, I suggest you stop injecting.

MR HUMPHRIES: This opposition has tried all sorts of lines on this budget. They have said that it is a budget that is the product of good luck; that we have had good luck from things like windfalls from the Commonwealth, from the GST—as Mr Stanhope reminds me—and from all sorts of different sources. We have not had especially good luck. If anything, the government has manufactured its good luck for this budget. The evidence of that fact is not what I might say today to the Assembly or the lines that the opposition or the government might use about this budget. The proof is in what the Labor opposition has had to say about the present ACT government's budgeting over the last five years.

If you look at the budgets we have brought down in each for the last five years, you will see a litany of complaints from the opposition about the way in which we have approached the task of reducing outlays, increasing revenue and bridging the gap between what we earn and what we want to spend as a community. Every year, we have had that criticism. Every year, we have been told that we are mean and nasty and that we are not looking at the interests of the ACT community because we have not addressed needs in the broader community.

That five years of difficult decision-making have led to the budget position we have attained today—to the surplus we have attained and to the extra spending in health, in education, in community policing, in road infrastructure and a whole host of areas where the dividends of hard work, not of good luck, have paid off.

On an earlier occasion I debunked the myth that the ACT had simply got a windfall from the Grants Commission. The majority of the amount we earned in the Grants Commission—earned, not won or had fall in our lap—was based not on sitting back and waiting for the downturn of the last five years to cut in.

Mr Quinlan: Swept them off their feet.

MR HUMPHRIES: Mr Speaker, I am finding it difficult to deliver an answer to this question.

MR SPEAKER: Order! If members are concerned about the length of the answer, they are only lengthening it by constant interjections.

MR HUMPHRIES: The argument we put to the Grants Commission was based on our belief that there need to be changes in the parameters on which the allocation to the ACT occurred. The improvement in our relativities was due mostly to that exercise, not to a downturn over the preceding five years that had led to the ACT being relatively in greater need than other parts of Australia. That hard work will endure beyond the period of the next five-year cycle. The changes in the parameters of the calculations will endure beyond that period.

Mr Quinlan: For all states?

MR HUMPHRIES: Mr Quinlan does not understand. The arguments are about national capital—

Mr Quinlan: The Grants Commission parameters will change.

MR SPEAKER: Order, please! I am not entertaining a debate across the chamber, thank you.

MR HUMPHRIES: Mr Speaker, the arguments were based in large part on national capital influences. It is very hard to see how Sydney, Melbourne, Wagga or Darwin can argue national capital influences—the thing that can only be argued in the ACT, in Canberra. We argued those things and we achieved a great deal.

Do not take my word for the exercise we have engaged in here. We do not usually get many accolades from Access Economics. We have had plenty of run-ins with commentators of that kind, but the headline last week in the newspaper really says it all: "ACT rated nation's top budgeter".

Mr Stanhope: Was it by Crispin Hull?

MR HUMPHRIES: The article was written by one Kirsten Lawson, not by Crispin Hull. Kirsten Lawson could not be accused of being a lackey of the government. That is the evidence that the work that has been put into this budget is hard work and has paid off. It is not just good luck. I quote Alan Tregilgas, the Access Economics senior economist:

> It's not only good luck. There's certainly been good management in the ACT and that's been there for a while. It's never been a profligate government.

The evidence is there. It is ironic that, despite having inherited such a large operating loss from the Labor Party, $344 million—

Mr Quinlan: Did we run that up? Say that.

MR HUMPHRIES: I do not know why it is so hard to listen. Despite having good luck in inheriting, at self-government, a debt-free position from the Commonwealth and despite having run that up to a $344 million tab by the time we got halfway through the 10 years of self-government, despite that disability, we have achieved an enormous amount in our budget. I ask members therefore to consider whether that hard work should not be accepted and rewarded and whether the government should not have an opportunity of putting those achievements into action in the ACT by having our legislation on the 2000-01 budget passed by this Assembly when the debate occurs later this week.

Taxation Levels

MR QUINLAN: Mr Speaker, my question is to the Treasurer. Treasurer, earlier this month you made public statements to the effect that ACT taxpayers were substantially better off than their New South Wales counterparts. You used the figures of $1,912 for New South Wales and $1,199 for the ACT and quoted the difference of $713. You used the term "taxed at state level". The clear message you put forward, the message that was reported in the media in one of those headlines, was that Canberrans were overall $713 better off than their counterparts in New South Wales. Treasurer, is the average Canberra household substantially better off, to the tune of $700, than the average New South Wales household when all state and local taxes, charges and fees collected by government are taken into account—note in the question the term "average household"—or was this just another artful deception?

Mr Moore: Questions that carry imputations should be ruled out of order.

MR HUMPHRIES: Mr Speaker, I think that is the case.

MR SPEAKER: If the Treasurer takes objection, I will ask for the question to be reworded. The inference at the end of it was that—

MR HUMPHRIES: I do take objection, Mr Speaker.

MR SPEAKER: Would you mind rephrasing your question, please, Mr Quinlan?

Mr Quinlan: Can I check with you, Mr Speaker? How about the words "Was this exercise just another blatant deception?"

Mr Moore: Just rule the whole question out of order, Mr Speaker.

MR SPEAKER: Unless you change it, Mr Quinlan, I will.

Mr Quinlan: I will delete that particular element of the question.

MR SPEAKER: Thank you. That is all you have to do. You are asking him to explain.

Mr Berry: I take a point of order, Mr Speaker. Mr Quinlan is referring to something that was said outside this place, not something that has been referred to inside this place. Unless we say, "We love Gary and his budget is a beauty," it is not allowed in this place. Let us stop kidding ourselves.

MR SPEAKER: Sit down, Mr Berry. There is no point of order and you know it.

Mr Quinlan: Mr Speaker, I withdraw that. I will repeat the last part of the question. Treasurer, is the average Canberra household substantially better off, to the tune of $700, than the average New South Wales household, when all state and local taxes, charges and fees collected by government are taken into account?

MR HUMPHRIES: Mr Speaker, I made it perfectly clear in the release I issued on this subject, which Mr Quinlan has referred to, that the comparison I was making was between state and territory-level government taxes and charges, between the ACT and other jurisdictions. I made that perfectly clear. It was in the release. There is no deception involved in that. If Mr Quinlan has the release, he will see it stated quite clearly up front in the release. It was a comparison between those two things.

Mr Berry: Another web of deception.

MR HUMPHRIES: Mr Speaker, you have just asked Mr Quinlan to withdraw the word "deception". Now Mr Berry has used it. I am happy to use the term myself, but I think it is appropriate that we obey standing orders, so I ask that it be withdrawn.

MR SPEAKER: If you used the term again, withdraw it.

Mr Berry: No, I said, "Another web of deception". It is something that has been used here quite frequently in relation to Mr Humphries. I do not see that there is anything new in it.

MR SPEAKER: Order! If Mr Quinlan did not say it and you did, Mr Berry, would you withdraw it, please.

Mr Berry: For what reason? Because it implies that he said something that was incorrect outside this place.

MR SPEAKER: Withdraw, please.

Mr Berry: That is routine.

MR SPEAKER: No, it has nothing to do with that.

Mr Berry: I withdraw it.

MR SPEAKER: Have you got a point of order, Mr Kaine?

Mr Kaine: No, Mr Speaker. I was just wondering whether we had finished the debate on the previous question.

MR SPEAKER: Well you may ask. Have we finished? Mr Berry, have you withdrawn?

Mr Berry: I did that.

MR SPEAKER: Thank you.

MR HUMPHRIES: He has withdrawn. Thank you. It is nice to get it off his chest, I am sure. The comparison was very clear in that release. It may be argued that a better comparison would be one which included local government taxes and charges and fees. The problem with that proposition is that it is very difficult to get an up-to-date picture of the level of taxes and charges and fees levelled at local government level across hundreds and hundreds of local government areas in this country. Figures are occasionally produced, I understand, by bodies such as the Australian Bureau of Statistics—not necessarily the ABS but bodies such as that—but there are no recent figures available, I understand, on that subject.

I stand by my statement, but I invite Mr Quinlan to find me more relevant data than the ones that I have used. I have used the best up-to-date data with respect to those matters. I think it is quite likely that the integration of local and state-type government in the ACT has helped us to reduce the cost, relative to other jurisdictions, of providing local government services. It is quite likely on that comparison that we compare very favourably with other parts of Australia. But the figures are not available one way or the other.

Another point needs to be made about this whole debate. We have argued that the ACT is not overtaxed. The Labor Party has argued that we are overtaxed, apparently, or at least that we are quite heavily taxed and we should be less heavily taxed than we are. My understanding of the Australian Labor Party is that it is a party that believes in high taxation to be able to fund a higher level of government services. You believe in high tax to pay for high levels of government services. You have never been a low-taxing party. You do not believe in that. That is my understanding of the Australian Labor Party's position. That is what I have always thought it was about. Now it is arguing that the ACT is quite heavily taxed enough and that there is no need for extra taxes to be imposed. What is your position on these things? Do you think we should have more tax or less tax? Do you believe there ought to be some reduction in the ACT tax—

Mr Berry: It is a question. Would he like me to answer it. I am happy to answer it.

MR SPEAKER: No. Sit down. It is a rhetorical question.

MR HUMPHRIES: If so, do you think we should have a reduction in community services funded from those high taxes to be able to achieve more things as a community? I just do not know, Mr Speaker. What the Labor Party is saying is a reflection of the approach they are taking across the board with this budget. Any old line will do. Any other attack will do. On the day after the budget we heard someone—I forget who it was—an academic from the ANU, criticise the budget because the payroll tax base was being eroded. Mr Stanhope was sitting there listening to this comment, and the next thing you know, sure enough, out comes this criticism from Mr Stanhope: "Our payroll tax base is being eroded, blah, blah, blah."

Mr Stanhope: Who said that?

MR HUMPHRIES: Mr Stanhope did. That is who said it. Mr Stanhope did, picking up from what an economist had said at a budget breakfast the day after the budget.

Ms Carnell: But this economist had already said he liked it.

MR HUMPHRIES: That is right. We have heard two different lines. We have heard support for the idea of having less payroll tax, but now we are eroding the payroll tax base. We have all said in this place before—Labor has joined this criticism, as I understand it—that payroll tax is a bad tax; it is a tax which taxes employment. I make no secret of the fact that I am in favour of eroding the payroll tax base. If we are lucky, we can erode it into a non-existence in due course. We can erode it all the way into oblivion. But apparently Mr Stanhope does not think that is a good idea.

When the Labor Party has worked out what it thinks about taxation, when it knows where it is coming from on taxation, I look forward to seeing their line clearly stated in this place. Perhaps Mr Quinlan will surprise us and do it right now, but I would be very surprised if he did. We can then get a clear indication of what the Labor Party thinks about tax. For the time being I am very happy to sell the ACT as a jurisdiction certainly much less heavily taxing its citizens than surrounding New South Wales.

MR QUINLAN: I ask a supplementary question. I did not get an answer to the question in the first place—everything else but. Did the per capita figures that you used to make this claim that you have yet to defend, even though you have been around the mulberry bush several times, include the $34 million the ACT receives from the Commonwealth in—guess what?—national capital influences that you have so heroically credited yourself with having made the case for before the Grants Commission? Did these calculations that you based this assertion on include the elements of the—

Ms Carnell: Why would they?

MR QUINLAN: Because they reflect the different base, particularly outside the domestic taxation base. They reflect the inability to collect taxes from business in the ACT that would otherwise distort a per capita calculation, Mrs Carnell. It is not too hard for you, is it? It would be too hard for him. Did you include in your calculations the Commonwealth Grants Commission's national capital influences payments to make sure that you gave a truthful reflection to the people of the ACT when you were talking about the level of taxation that is imposed upon them?

MR HUMPHRIES: Mr Speaker, I know Mr Quinlan likes to tout himself as the accountancy mega-brain of the Assembly, the person who is so far superior to anybody else on these issues that they can not possibly cope with the stratospheric conditions in which his mind might operate. That is very much Mr Quinlan's personal label on himself in this place. Perhaps I am being a bit dimwitted. Perhaps people can explain why I am making this error in my logic. My press release was about taxation levels, how much people were taxed in the ACT, how much government was forcing people to pay from people to government. Payments made by the Commonwealth to the ACT are payments from government to government, not government to people or vice versa. Why would such payments be taken into account in such a figure in any case?

I received a brochure the other day about something I am considering applying to use, because it really would very useful to have this document with me in the next few weeks. It is a document called "Coping with Difficult People". I think I could use a few copies of the volume. Anyone wishing to order copies, please come and see me. I will be happy to order them at the same time.

MR SPEAKER: You might like to send it up to the chair, thank you.

Online Gambling

MR KAINE: My question is to the Treasurer, and I hope he takes a lot less than 20 minutes to answer it. Treasurer, can you confirm that the government has agreed, or is about to agree, to license an online gambling operation to be established at Bruce Stadium? If so, can you tell us what forms of online gambling the licensee will be entitled to carry on with?

MR HUMPHRIES: Mr Speaker, I can confirm that the government per se does not license any online gambling operations. It of course is the Gambling and Racing Commission which conducts those licensing operations. The government does not even have an overview role in the sense of ticking off recommendations made by the commission. My recollection of legislation is that it is the commission which independently, at arm's length from government, makes those decisions. That is my understanding of the situation. So, strictly speaking, the answer to Mr Kaine's question is: no, we have no intention of the government doing this. If the Gambling and Racing Commission is intending to do so, I have not been advised of that fact.

MR KAINE: I ask a supplementary question. Perhaps the minister could take the trouble to find out whether the gambling commissioner is even entertaining such a thing. While he is at it, would he also find out who this licence is going to be bestowed upon and how much is being paid for the privilege of conducting online gambling at the Bruce Stadium?

MR HUMPHRIES: Mr Speaker, I will obtain information. I am not sure whether it is appropriate to make any announcements about licences that have not been granted yet, licences that are still being negotiated, but if I am able to provide information to the Assembly I am quite happy to do so. I undertake to get that information.

I let members know that I am shortly going to table the report from the Gambling and Racing Commission on the effectiveness of our interactive gambling legislation, pursuant to the motion Ms Tucker moved in the Assembly. That will help us to understand the framework in which such licences are being issued.

Canberra Hospital

MR BERRY: My question is to the Minister for Health and Community Care. Mr Speaker, I do not need to remind members of the campaign by this government involving the increasing use of gag and payback against those people who might criticise the government.

Ms Carnell: I raise a point of order, Mr Speaker. That is an innuendo and it is a preamble.

MR SPEAKER: The preamble I cannot do anything about on the first question.

MR BERRY: It would be the first time anybody ever got ruled out for innuendo, Mr Speaker.

MR SPEAKER: You cannot be, but you can be for an imputation. I suggest that that not be taken up.

MR BERRY: Mr Speaker, this sort of thing has been evident in such things as the threats to ACTCOSS, which you would all remember, the Civic Youth Centre and, the Woden Youth Centre. Members in this place receive a constant stream of complaints from various community organisation concerned about the government's approach to their funding if they are critical of the government. The most recent example of this was by the health minister in relation to a complaint by a medical practitioner. I was surprised to hear on ABC radio that the health minister disputed what the practitioner had said but—

MR SPEAKER: Get to your question, please.

MR BERRY: He was saving up the good bits until he could do it under the protection of this house. I rather suspect that later on today we will see—

MR SPEAKER: Get to your question, Mr Berry. The preamble is quite long enough.

MR BERRY: It is a supplementary question that cannot have a preamble, Mr Speaker. I rather suspect we will see this medical practitioner blackened a little later on. My question to the minister is: was the medical practitioner, who will be the subject of a tirade later on, I have no doubt, in breach of his contract in speaking out on the state of the hospital and criticising the government's management of the hospital system?

MR MOORE: Mr Berry, he said that he was. On ABC radio Dr Jeans indicated that the contract had a gag clause in it. I am not aware whether the contract has a gag clause or does not have a gag clause. Contrary to what he did say on ABC radio, I certainly had no role in saying there must be a gag clause in such a contract. I simply do not know the answer to that question, Mr Berry.

MR BERRY: I ask a supplementary question. Is the plan that you announced on ABC radio to blacken this doctor under the privilege of this house just a spiteful and vindictive move against somebody who dared to expose your incompetence as health minister?

MR SPEAKER: Mr Moore, that is asking for an expression of opinion.

MR MOORE: I do need to answer this question, Mr Speaker, because Mr Berry has used the opportunity here to suggest that I am threatening Dr Jeans. In fact, the contrary is true. If instead of interjecting you had listened to my reply to Mr Stanhope, you would have heard me indicate quite clearly, as I have done publicly, that I have no intention of doing anything other than presenting the evidence of Dr Jeans' colleagues. Dr Jeans

made a number of allegations. Those allegations are patently false, not according to me but according to his colleagues, according to other surgeons, according to other senior doctors in the—

Mr Quinlan: Did you see Pryor on Sunday?

Mr Stanhope: The old rose-tinted glasses.

MR MOORE: Yes, Mr Stanhope and Mr Quinlan, there are many things I look at through rose-coloured glassed, because I have a very positive view of life and a positive view of the world. But the reality is that a number of issues raised by Dr Jeans we have already taken action on. I will explain that in my statement. I have not set out to do the same sorts of things that Dr Jeans has done and blacken the names of the hospital and other people. What I have done and what I will continue to do, whether in this chamber or outside, is to say very clearly that he made some allegations and that his colleagues, his peers, senior doctors, examined those allegations and said they are patently false.

V8 Supercar Race

MR RUGENDYKE: My question is to the Chief Minister, Ms Carnell. Chief Minister, in relation to the GMC 400 V8 car race over the June long weekend, I have received reports that the sound system failed for approximately one-third of the duration of the event. Could you please advise whether there were penalty provisions in the tender contract, which was awarded to a Brisbane company, Australian Concert Productions, and whether the government has paid or intends to pay this company for their services?

MS CARNELL: I did not know that the sound system had failed, Mr Speaker. When I was there, it was working, but I will certainly seek information on that issue.

MR RUGENDYKE: I ask a supplementary question. Could you, Chief Minister, also please explain to the Assembly why the initial tender document for the provision of sound at the GMC 400 asked for a system that would have to be connected for a distance of approximately eight kilometres, when the final product was spread over about a quarter of this distance and certainly could have been provided by any number of local businesses rather than the substandard service from interstate?

MS CARNELL: Mr Speaker, I do not think it is appropriate for any of us to suggest that the service that was provided was substandard before we have information along those lines. As members would be aware, it certainly was not the ACT government that let those contracts and it certainly was not me as minister responsible. I do not know who got the contract for the sound, but I am more than willing to find out or seek information on the basis upon which that particular company got that contract.

As we know, Mr Speaker, it is illegal, contrary to the Constitution as well as the Trade Practices Act, for any benefits to be given to local companies. We do have cross-border trade in this country under the Constitution, and the winner of the contract, regardless of where they come from, must be awarded the contract. We have an agreement, a policy, in the ACT that if a local company is equal with another company from interstate we give the contract to the local company. We do not have any other choice. If we did, we would be the losers, because it would mean that our companies in the ACT would be

excluded from the significant business that exists in New South Wales and Queensland. The reason that agreement is in place is to make sure there is a level playing field and that all companies in Australia can bid for contracts and to ensure that those contracts are determined on the basis of a level playing field.

Medical Call Centre—Contract

MR HARGREAVES: Mr Speaker, my question, through you, is to the Minister for Health and Community Care. In June the minister announced the government was to award a contract to establish a medical call centre to the US-based High Performance Healthcare. Can the Chief Minister say whether any cost-benefit analysis was made of the successful tender and other bids, including that by the ACT Division of General Practice? If a cost-benefit comparison was made between competing tenders, will the minister release it?

MR MOORE: I think I need to correct the premise of the question. As I understand it, the company you referred to as a US-based company is no more US based than the division of GPs and Community Care. In other words, they had a relationship with an American company, primarily to do with software. Both tenders, as I understand it, had that. I believe all tenders did. There were a number of tenders for this call centre. They were done at arm's length from me. There was a probity process to ensure that they were done correctly.

The information provided to me is that there were 13 criteria the evaluation committee considered. On one criterion Community Care and the division of GPs were ahead by one point. That criterion was local content. On all other 12 criteria High Performance Healthcare were a superior performer. This was done at arm's length from the government. That is the information provided to me. In those circumstances you would have to say that the appropriate thing to do was to award the contract.

I was provided with information on the cost per unit of service, I think it was, or a costing comparison anyway. The cheapest tender did not win. The costs of the winning tender, the division of GPs and Community Care were not dissimilar. The decision was not made on a cost basis. The decision to eliminate the cheapest tender, as I understand it, was made because that tender was not able to satisfactorily meet the criteria. The final decision was made by the chief executive of the Department of Health and Community Care, as is appropriate, at arm's length from me.

MR HARGREAVES: I ask a supplementary question. I would like to correct the nomenclature the minister used. I referred to the US-based High Performance Healthcare. He referred to it in his response as Community Care. I would just like to let him know that Community Care is in fact his own department. You got the names wrong. Have a look at *Hansard*. I can understand the minister getting confused between his own department and the US government.

MR SPEAKER: Do you have a supplementary question?

MR HARGREAVES: My supplementary question is: what evidence does the minister have to suggest that Canberrans will use a call centre, instead of doing as they do now and go to the emergency department of the Canberra Hospital?

MR MOORE: If I did mistakenly indicate that there was a confusion between Community Care and High Performance Healthcare, it is because there are two separate bids. In fact, there are a number a separate bids, but the ones that I am talking about, the final two, were from the ACT division of GPs, combined with Community Care, and High Performance Healthcare. The ACT division of GPs and Community Care bid has a relationship with a US company. High Performance Healthcare also has a relationship with the US company.

One of my key commitments in *Setting the* a*genda*, which was tabled in this Assembly, was to deliver a call centre. I am very proud, on behalf of the government, to say that we are in the process of letting the contract to deliver that thing. I do not need the evidence, because that was a commitment I made, and I will deliver.

That having been said, of course there is evidence. We would have gone into this process. We made a commitment to deliver something, so we are going to deliver it. You should understand that the main commitment, when you get to deliver it, is priority one. That is the highest priority. But let me make it very clear that it is not designed to remove people from the emergency sections of the hospital. It will be neat if that happens; it will be helpful if that happens. We made it very clear when we announced it that that was not a prime goal.

The prime goal is to provide a new service so that somebody who is sitting at home, perhaps a mum with a baby who has a temperature, can phone the call centre and say, "What do I do?" The call centre can go through the protocols that are set out in the software. The software is provided by US companies, although it is adapted to Australian conditions. Once the call centre has gone through that process, it can say, "What your baby needs is a small amount of Panadol syrup and a cool bath to get the temperature down. If you still have a problem, phone back." That may be the answer. Or the answer, when they have gone through the protocols, may be: "This is a very serious issue. The ambulance is on the way." In other words, they do not have to do any more. We have already got the arrangement made. It is an additional extra service.

In the last couple of weeks I have been fortunate enough to meet with the coordinator of call centres in the United Kingdom under the Blair Labour government, which is implementing these same processes. The uptake of call centres and using call centres for health services has been quite extraordinary. There is plenty of evidence of that. The evidence from the United States, particularly Oregon, and also Vancouver—they are two I am aware of—indicates a very high uptake. The UK one is the national health online process. We know that wherever call centres have been added to communities they have been taken up at a very high rate. But the goal is not to try to keep people out of emergency. It would be interesting to examine that, but that is not the goal. We suspect it will have some impact. That would be interesting to observe.

Methadone Program

MR WOOD: My question is also to Mr Moore. It is about the methadone program. Is it the case, minister, that the cost for clients in the so-called third stream of methadone treatment will double from $15 to $30 per week as a result of budget initiatives? What is the rationale for that?

MR MOORE: Mr Speaker, the third stream is yet to be completely worked out, so I will take that question on notice and come back to Mr Wood.

MR WOOD: I ask a supplementary question. Would you add to that information, Mr Moore, information on the number of places in the fully funded first stream of methadone treatment? Will those places fall from 292 to 270?

MR MOORE: I will take that on notice as well.

Sportsgrounds

MR CORBELL: My question is for the minister for sport. Minister, your department's ownership agreement for *Budget 2000*, at page 56, states:

> The Bureau has 27 low maintenance sportsgrounds across Canberra, which are not required for sport use … These grounds occupy prominent locations in suburban areas and many may be better used for residential or commercial development.

Minister, will you explain to the Assembly why you were not highlighting this potential sale of valuable social capital to the people of Canberra when the budget was released and how this statement, in your words, can simply be a mistake?

MR STEFANIAK: I thank the member for the question. Mr Corbell, you have a lot of errors in the report you tabled on the Estimates Committee. One is in my area, the Legal Rights and Welfare Centre, which I fund to the tune of $105,000. I am amazed, Mr Corbell, that it has taken you three years to note this. What has happened in those three years?

Mr Corbell: Is it a mistake or not?

MR STEFANIAK: Mr Corbell, I think we have said that. We make mistakes.

Mr Corbell: Is it a mistake?

MR STEFANIAK: Yes, Mr Corbell, it is. As early as the Estimates Committee hearing I expressed some surprise at the way that was worded. What is more, Mr Corbell, it has been there for three years. What is more, it is something that you have not picked until now. You will probably find that a number of people in the government public service have not picked that up.

Mr Corbell: Has the chief executive read it? She signed it.

MR STEFANIAK: I do not think I necessarily have. But the document is an agreement, by the way, between the chief executive and the Treasurer. I think you might find my colleague the Treasurer may not have seen that. Indeed, his predecessor may not have seen it. That might mean that a few more public servants have not picked it up. Mr Corbell, you have a lot of mistakes in your Estimates Committee report. Let us get away from that and look at reality. What has happened? As you point out in your own

Estimates Committee report, there are no sales, Mr Corbell. There is nothing in there that indicates that any of those low-maintenance ovals are in the process of being sold for redevelopment, either commercial or residential.

Mr Corbell: "May be better used for residential or commercial development".

MR STEFANIAK: Why don't you shut up and listen? You might learn something. After complete mismanagement by the previous Labor government, the Follett Labor government—which, in an effort to do a 2 per cent cut to the sports budget in 1993, made 27 ovals around Canberra low maintenance, including 16 near primary schools—this government—

Mr Corbell: "May be better used for residential or commercial development".

MR STEFANIAK: Shut up, will you? Do you want to listen to the answer? Maybe I will just sit down and you can tell us. In the three years that this has been in the ownership agreement between the Treasurer and the chief executive officer, what have we done? We have brought back eight of those ovals around primary schools so that the students can use them to play sport. Another two which I understand were not ever used for sport—one at North Lyneham and one at Isaacs—were transferred in July 1998 to urban parks, open space. Mr Corbell, I am well aware, as you are, that Canberrans love their open space. I am the only member of this Assembly, and have been since it started, who was born here and grew up here. I can certainly appreciate the open space.

I think it was one of the stupidest decisions any government made to make 27 ovals, including 16 near primary schools, low maintenance. Kids need exercise. Kids need their sport. This government's record speaks for itself. Eight of those ovals have been brought back, despite the difficult financial situation we inherited from your incompetence.

Here is some good news for you. As a result of some works being done by my colleague the Minister for Urban Services, the oval at Duffy is being brought back to a reasonable state, and I understand it will be used for cricket next year, so that is one extra. I will tell you one other thing, Mr Corbell. We get a fair bit of wear and tear on our sportsgrounds. More and more people are participating in sport. We have the highest participation rate in the country, something this government is very proud of. I am going to have a look at the remaining seven or eight community ovals and see whether a couple more can be brought back to a decent standard of maintenance so we can also use them for sport. The offer the government made to primary schools, eight of which have taken it up, in terms of low-maintenance ovals near them remains on the table, and as far as I am concerned that remains on the table for the term of this government.

I am interested that you are trying to make such a thing of this, Mr Corbell, because you stuffed up in the first place. Is it the case, maybe, that a future Labor government is going to try to flog these off? Our record speaks for itself, Mr Corbell. In the three years that document has been there, we have been doing something to bring ovals back so kids can play on them.

You do not like the words in that ownership agreement? Fine. I am not terribly keen on them either. I think my colleague the Treasurer is going to bring that up very soon, changing the words in that agreement to something that hopefully even you, Mr Corbell,

will think is all right. They are the facts. Hopefully a couple of more schools will take up the offer which we have had on the table since 1998 to bring some more ovals back at our primary schools. I reckon there might be a couple more community ovals we look at. Maybe some, such as the two I mentioned, could go back to Urban Services as open urban space.

None of that involves selling anything to developers for residential or commercial use. If that is an error, okay. These things happen. The facts speak for themselves. How many factual errors have you made, Mr Corbell, in the document you tabled today?

MR CORBELL: I ask a supplementary question. Minister, you have now confirmed that the statement that these grounds occupy prominent locations in suburban areas and many may be better used for residential or commercial development was a mistake. Minister, will you now explain to the Assembly why the past three ownership agreements for your department, signed by your chief executive, included the same mistake?

MR STEFANIAK: I have just said that, Mr Corbell.

Mr Corbell: Why? Why for three years did they have the same mistake?

MR STEFANIAK: Mr Corbell, I do not know. As I said, a number of people in my department and I—and we have had two Treasurers—signed it. There are probably a dozen, 15 or 20 people who, if they had dotted every i and crossed every t, could have picked that up, but they did not. Mr Corbell, did you? Did you pick up your little error where you talk about—

Mr Corbell: Did your department write that?

MR STEFANIAK: No, I am talking about your mistake now, Mr Corbell, a very recent one where you indicated that legal and welfare rights are funded by the Commonwealth and not by the local government. Do not be such a hypocrite, Mr Corbell.

Mr Corbell: I take a point of order. Mr Speaker, I know the minister is sensitive on this issue, but the relevant standing order still applies. I did not ask him about the Estimates Committee report. In fact, he cannot answer a question about the Estimates Committee, because he has no connection with it. The question relates to why his department made the same mistake for three years.

MR SPEAKER: It is not a point of order, but in any case I could not hear what the minister was saying because there were far too many interjections.

MR STEFANIAK: My final point is: how good has your scrutiny been, Mr Corbell, if it has taken you three years to find that as well?

Lyons Oval

MS TUCKER: My question is to Mr Stefaniak and it is about ovals. I listened to the answer you just gave to Mr Corbell's question, but I would still be interested in hearing a reassurance from you about the Lyons oval. The community around there are concerned because surveyors were engaging in some kind of surveying on Lyons oval last week. Perhaps you could take this question on notice if you do not already know why the surveyors were working at Lyons oval.

MR STEFANIAK: I thank the member for the question. Early this morning, Ms Tucker, I read that too, and I was rather intrigued. Of course, I do not have any surveyors in my department. I asked my colleague the Minister for Urban Services and Mr Humphries, who might have some knowledge, whether they knew anything about it. My colleague the Urban Services Minister has made some inquiries. I will let him tell you all about the surveyors on Lyons oval, because it relates to his department.

MR SMYTH: Mr Speaker, the surveyors were there at the request of the Urban Services Department. They are doing some works through the capital works program. Often the ovals are used as part of the water retention system to cope with large floods and in proofing the territory against, say, the 100-year flood, which is the standard we often work to. Sometimes ovals are used as water retention basins. A report was done by the NCDC many years ago, and since then we have done a Woden Valley stormwater review. It identified that there are some inefficiencies in the water system in Lyons. Part of the survey work is to work out where the water retention basins can be installed on the Lyons oval.

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

Medical Call Centre—Contract

MR MOORE: I would like to add a little bit more information to the answer I gave to the question Mr Hargreaves asked, when he said High Performance Healthcare is a US company. I would like to provide the answer that I have in front of me now. High Performance Healthcare is an Australian-based company located in Sydney which specialises in the provision of consumer access to health care services by health interaction centres. It has been providing health information and advice services in Australia for more than 10 years. It is a wholly owned subsidiary of Teletech International Pty Ltd, which is a wholly owned subsidiary of Teletech Holdings, a Nasdaq-listed US public company. Teletech's Asia-Pacific regional headquarters is also located in Sydney. Teletech is a world leader in integrated electronic customer relationship management.

PERSONAL EXPLANATIONS

MR QUINLAN: Mr Speaker, I wish to make a personal explanation. The Treasurer erroneously said that Labor has continually claimed that the government was too high taxing. Let me correct this. I have objected to some taxes and particularly to inequitable taxes such as the emergency services levy, which turned out to be an embarrassment to the government. That is the sort of objection we have brought up in relation to taxation.

MR SPEAKER: Order! You are now debating the matter.

MR BERRY: Mr Speaker, during question time Mr Humphries, amidst a flurry of rhetorical answers, imputed that we on this side, and I in particular, advocate raising or lowering taxes—it was a bit hard to make out what it was. The only people in this place who want to raise taxes are Gary Humphries and Kate Carnell—

MR SPEAKER: That is not a personal explanation. Sit down.

MR RUGENDYKE: Mr Speaker, I seek leave to make a statement under standing order 47.

MR SPEAKER: Yes, proceed.

MR RUGENDYKE: My statement relates to discussion that took place earlier regarding the estimates report, where I think it was implied that additional points that are included in my dissenting report were not brought before the committee. I think it is fair to report to the Assembly that on Monday, 19 June, my adviser emailed to the estimates secretariat three pieces of information that I wanted to have had included in the report. They were apparently ignored. I would like to table this email for the information of all the members.

QUESTIONS WITHOUT NOTICE

Online Gambling

MR HUMPHRIES: Mr Kaine asked me at question time whether there was any online gambling licence being considered for the Bruce Stadium. My advice is that there is no application in respect of the Bruce Stadium for an online gambling licence. There is, of course, a sports betting licence in operation at the Bruce Stadium. ACTTAB also operates at the Bruce Stadium, but not as a sports bookmaker as they do not have a sports bookmaking licence. The only gambling that takes place at Bruce Stadium is face-to-face placing of bets, and that is not, of course, online at all. The Gambling and Racing Commission has no knowledge of any application in respect of Bruce Stadium for online gambling.

PRESENTATION OF PAPERS

The following papers were presented by **Mr Speaker**:

> Legislative Assembly (Broadcasting of Proceedings) Act, pursuant to section 8 – Authority to broadcast proceedings concerning public hearings for:
> The Standing Committee on Education, Community Services and Recreation relating to the inquiry into the draft three year strategic plan for pre-schools in the ACT on 8 and 22 June 2000, dated 1 and 13 June 2000, respectively.
> The Select Committee on Estimates 2000-2001 from 29 May to 3 June 2000 and from 15 to 16 June 2000, dated 29 May 2000.

The Select Committee on Government Contracting and Procurement Processes on Wednesday 31 May 2000, dated 23 May 2000.
Mandatory sentencing laws, the stolen generation and reconciliation–correspondence from Ms Carnell (Chief Minister) to the Speaker concerning the resolution of the Assembly of 24 May 2000 together with a copy of her letter on the matter to the Hon John Howard, MP, Prime Minister, dated 2 June 2000.

PRESENTATION OF PAPERS

MS CARNELL (Chief Minister): For the information of members, I present the following papers:

Australia-Israel Chamber of Commerce Study Mission to Israel and the United States—Report entitled *Innovation and Convergence*, dated March 2000.
E-Services Technology Tour—2 April-15 April 2000—Report from ACT delegation led by Ms Carnell, Chief Minister.

MINISTERIAL TRAVEL REPORT

MS CARNELL (Chief Minister): I present the following paper:

Ministerial Travel Report—1 January to 31 March 2000—Corrigendum.

I seek leave to make a short statement.

Leave granted.

MS CARNELL: Mr Speaker, I have presented a corrigendum to the ministerial travel report for the January to March 2000 quarter. On 24 May 2000 I tabled the ministerial travel report for the January to March 2000 quarter. It has been brought to my attention that an administrative error occurred in compiling the expenditure figures for the report. The report did not include an amount of $572.17 for accommodation during the visit to Japan for the Minister for Health and Community Care, Mr Michael Moore, and his media adviser, Ms Rachel Hill. This amount represents the cost of accommodation in Nara, and its omission from the ministerial travel report was the result of an administrative oversight. Members would be aware that I then wrote to them about the error as soon as I was aware of it.

PRESENTATION OF PAPERS

The following papers were presented by **Mr Humphries**:

Ownership agreement—Corrigendum
Budget 2000—Ownership agreement between the Treasurer and the Chief Executive of the Department of Education and Community Services—Corrigendum, dated 22 and 27 June 2000.

Subordinate legislation (including explanatory statements unless otherwise stated)

Animal Diseases Act—Revocation and determination of fees—Instrument No. 175 of 2000 (S20, dated 8 June 2000).

Animal Welfare Act—Revocation and determination of fees—Instrument No. 174 of 2000 (S20, dated 8 June 2000).

Architects Act—Revocation and determination of fees—Instrument No. 168 of 2000 (S20, dated 8 June 2000).

Building Act—Revocation and determination of fees—Instrument No. 167 of 2000 (S20, dated 8 June 2000).

Building and Services Act—Revocation and determination of fees—Instrument No. 161 of 2000 (S20, dated 8 June 2000).

Canberra Tourism and Events Corporation Act—Appointment of member of the Canberra Tourism and Events Corporation (CTEC) Board—Instrument No. 182 of 2000 (No. 23, dated 8 June 2000).

Cemeteries Act—Revocation and determination of fees—Instrument No. 153 of 2000 (No. 24, dated 15 June 2000).

Construction Practitioners Registration Act—Revocation and determination of fees—Instrument No. 179 of 2000 (S20, dated 8 June 2000).

Dangerous Goods Act—Revocation and determination of fees—

Instrument No. 158 of 2000 (S20, dated 8 June 2000).

Instrument No. 160 of 2000 (S20, dated 8 June 2000).

Dog Control Act—

Determination of fees—Instrument No. 177 of 2000 (S20, dated 8 June 2000).

Revocation and determination of fees—Instrument No. 173 of 2000 (S20, dated 8 June 2000).

Domestic Violence Act—Appointment of Domestic Violence Project Coordinator—Instrument No. 141 of 2000 (S18, dated 19 May 2000).

Electricity Act—Revocation and determination of fees—Instrument No. 166 of 2000 (S20, dated 8 June 2000).

Energy and Water Act—Revocation and determination of fees—Instrument No. 154 of 2000 (S20, dated 8 June 2000).

Hawkers Act—Revocation and determination of fees—Instrument No. 159 of 2000 (S20, dated 8 June 2000).

Health Professions Boards (Procedures) Act and Medical Practitioners Act—Appointments of 1 Chairperson and 3 members of the Medical Board of the ACT (No. 24, dated 15 June 2000).

Interactive Gambling Act—Determination of interactive gambling licence fees—Instrument No. 140 of 2000 (S17, dated 18 May 2000).

Justices of the Peace Act—Appointment of a Justice of the Peace—Instrument No. 150 of 2000 (No. 24, dated 15 June 2000).

Lakes Act—Revocation and determination of fees—Instrument No. 172 of 2000 (S20, dated 8 June 2000).

Land (Planning and Environment) Act—

Appointment of Commissioner for Land and Planning—Instrument No. 187 of 2000 (No. 25, dated 22 June 2000).

Revocation and determination of fees—Instrument No. 165 of 2000 (S20, dated 8 June 2000).

Machinery Act—Revocation and determination of fees—Instrument No. 157 of 2000 (S20, dated 8 June 2000).

Motor Omnibus Services Act—Revocation and determination of charges—Instrument No. 181 of 2000 (No. 23, dated 8 June 2000).

Nature Conservation Act – Revocation and determination of fees—Instrument No. 171 of 2000 (S20, dated 8 June 2000).
Plumbers, Drainers and Gasfitters Board Act—Revocation and determination of fees—Instrument No. 164 of 2000 (S20, dated 8 June 2000).
Pounds Act—Revocation and determination of fees—Instrument No. 170 of 2000 (S20, dated 8 June 2000).
Public Place Names Act—
Determination of street nomenclature in the Division of Amaroo—Instrument No. 134 of 2000 (No. 21, dated 25 May 2000).
Determination of street nomenclature in the Division of Nicholls—Instrument No. 135 of 2000 (No. 21, dated 25 May 2000).
Determination of street nomenclature in the Division of Gungahlin—Instrument No. 136 of 2000 (No. 21, dated 25 May 2000).
Determination of street nomenclature in the Division of Gordon—Instrument No. 138 of 2000 (No. 21, dated 25 May 2000).
Determination of park nomenclature in the Division of Narrabundah—Instrument No. 139 of 2000 (No. 21, dated 25 May 2000).
Revocation and determination of street nomenclature in the Division of Narrabundah—Instrument No. 133 of 2000 (No. 21, dated 25 May 2000).
Public Sector Management Act—Appointment of Commissioner for Public Administration—Instrument No. 191 of 2000 (No. 25, dated 22 June 2000).
Remuneration Tribunal Act—Determination of fees and allowances—Instrument No. 148 of 2000 (No. 24, dated 15 June 2000).
Road Transport (General) Act—
Declaration of application of Part 10—Instrument No. 147 of 2000 (S22, dated 7 June 2000).
Determination of fee for copy of an image taken by a traffic offence detection device—Instrument No. 137 of 2000 (No. 21, dated 25 May 2000).
Permit application—Revocation and determination of fees—Instrument No. 180 of 2000 (S20, dated 8 June 2000).
Number plates—Revocation and determination of fees—Instrument No. 151 of 2000 (S20, dated 8 June 2000).
Parking permits—Revocation and determination of fees—Instrument No. 152 of 2000 (S20, dated 8 June 2000).
Vehicle impounding and speed tests—Revocation and determination of fees—Instrument No. 149 of 2000 (S20, dated 8 June 2000).
Road Transport (Offences) Regulations 2000—Declaration of declared holiday periods—(Friday 9 June 2000 to Monday 12 June 2000 (inclusive); Friday 29 September 2000 to Monday 2 October 2000 (inclusive); Friday 22 December 2000 to Tuesday 26 December 2000 (inclusive))—Instrument No. 183 of 2000 (No. 23, dated 8 June 2000).
Road Transport (Third-Party Insurance) Regulations Amendment—Subordinate Law 2000 No 25 (S23, dated 13 June 2000).
Roads and Public Places Act—Revocation and determination of fees—
Instrument No. 144 of 2000 (S20, dated 8 June 2000).
Instrument No. 145 of 2000 (S20, dated 8 June 2000).
Instrument No. 146 of 2000 (S20, dated 8 June 2000).
Scaffolding and Lifts Act—Revocation and determination of fees—Instrument No. 156 of 2000 (S20, dated 8 June 2000).
Stock Act—
Revocation and determination of fees—Instrument No. 169 of 2000 (S20, dated 8 June 2000).
Revocation and determination of Stock Units and Stock Levy—Instrument No. 178 of 2000 (S20, dated 8 June 2000).

Supreme Court Act—
Supreme Court Rules Amendment—Subordinate Law 2000 No 23 (No. 21, dated 25 May 2000).
Supreme Court Rules Amendment—Subordinate Law 2000 No 24 (No. 23, dated 8 June 2000).
Surveyors Act—Revocation and determination of fees—Instrument No. 163 of 2000 (S20, dated 8 June 2000).
Taxation Administration Act—Home Buyer Concession Scheme—Instrument No. 189 of 2000 (No. 25, dated 22 June 2000).
Taxation Administration Act—Payroll tax determinations—Instrument No. 190 of 2000 (No. 25, dated 22 June 2000).
Tenancy Tribunal Act—Commercial and Retail Leases Code of Practice Variation—Instrument No. 188 of 2000 (No. 25, dated 22 June 2000).
Unit Titles Act—Revocation and determination of fees—Instrument No. 162 of 2000 (S20, dated 8 June 2000).
Victims of Crime Act—Appointment of Victims of Crime Coordinator—Instrument No. 142 of 2000 (S18, dated 19 May 2000).
Water Resources Act—Revocation and determination of fees—Instrument No. 176 of 2000 (S20, dated 8 June 2000).
Workers' Compensation Act—Revocation and determination of fees—Instrument No. 155 of 2000 (S20, dated 8 June 2000).

Petition—Out of order

ACT Housing—Transfer of family—Mr Quinlan (502 residents).

INTERACTIVE GAMBLING—REPORT TO ASSEMBLY
Papers

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (3.33): I present the following papers:

> Interactive gambling—Report prepared by the Gambling and Racing Commission pursuant to a resolution of the Assembly of 24 May 2000, dated June 2000, together with a copy of a forwarding letter from the Chairman of the Gambling and Racing Commission to Mr Gary Humphries MLA, Treasurer, dated 26 June 2000.

I move:

> That the Assembly takes note of the papers.

This report, which is not long, indicates that the commission has reviewed the online gambling legislation that the Assembly passed, I think, in 1998. The commission has looked at the efficacy of the legislation and the framework it provides for regulating this emerging area of activity. It has also reviewed the resourcing it has at its disposal to meet the requirements of properly overviewing this activity of gambling in the ACT.

The report is brief because the commission essentially has determined in this review that the present framework is adequate for the purposes of providing licensing of Internet gambling in the ACT. It says there are a number of emerging issues with respect to the legislation which will best be addressed as licences are issued and as further experience of the operation of such a regime is obtained.

I might remind members that so far only two licences have been granted, one to Tattersalls and one to ACTTAB. This was done only relatively recently, so the capacity of the commission to determine the extent to which there is any inadequacy in the legislation is somewhat limited. However, the clear implication of the report is that, as best the commission can determine at this stage, issues related to the effect of the legislation are best determined over the next few years while the legislation is in place; and that it is important for us to be able to target world best practice in terms of compliance and monitoring, and that is best achieved by reviewing the effect of the legislation over the next few years.

The commission draws attention to a number of amendments to the legislation, which are already foreshadowed on the government's legislative program and which are designed to tighten up a few aspects of the operation of the act. But essentially the commission indicates that the framework of the legislation is adequate in its current form.

The commission also refers to the fact that it is in the process of ratcheting up its activities with respect to the conducting of research. It is in the process at the moment of conducting interviews to engage a research officer and it believes it will be able to address a number of issues relating to problem gambling as a result of that resource being at its disposal.

I believe that the effect of this report ought to be that the Assembly feels some confidence in approving, or at least allowing, the issuing of further online licences. Members are aware that we are about to enter into a six to eight week recess. I understand that there are further applications for online gambling licences pending—not one for the Bruce Stadium, I hasten to add, but certainly others are, I understand, being considered at the moment by the commission. I believe it would be appropriate to accept, on the basis of this report from the Gambling and Racing Commission, that there is no basis on which to hold up or suspend the process that will see those licences further considered by the commission.

The commission makes the very valid point in this report that it is too early to determine whether there are any major problems with the legislation. There appear not to be, but it is important to obtain a bit more experience of regulating this area of activity before we draw any conclusions about the effectiveness of the legislation. Certainly, as far as the commission is concerned, it appears to be adequate for its purposes in the present form, given the amount of experience we have of its operation. So I hope members are reassured by this report. I certainly am by what I have read of it and I commend it to the Assembly.

MR MOORE (Minister for Health and Community Care) (3.39): I would like to speak to this motion. On the grounds of civil liberties, I could have separated myself from the government on these issues. But it seems to me that with interactive gambling we have the opportunity to take a struthious stance—that is, the stance of an ostrich—bury our heads in the sand and pretend the Internet does not exist and people will not use online gambling. What is very clear is that they will, and it is very clear that there is very little chance of us stopping them from doing that.

What we do have is the opportunity to provide regulation for people to be able to gamble in a safer environment. And that is what it is about. There is no safe environment; there is no situation in which we can clearly expect that we can control Internet gambling, certainly to the extent of preventing it. What we ought to seek to do then is to regulate it and control it as far as possible. I draw members' attention to the penultimate paragraph of the commission's conclusions:

> The commission is conscious that the regulation of interactive gambling under the Interactive Gambling Act 1998 requires us to deal with difficult issues arising from the use of interactive technology and licence holders who may be based outside Australia. On the other hand, the technology provides much greater opportunity for player protection, regulation and efficient monitoring of the conduct of interactive gambling.

So it seems to me that we have the opportunity to take a sensible approach, and we should move to that sensible approach as quickly as possible. After all, the legislation and these concepts were considered in 1998 when the legislation went through and members sought to ensure that we would be able to have the most effective approach possible.

This is a complex issue. There is no doubt that the social impact of gambling is something that we should be at all times cognisant of and that we should try to minimise the impact. We now have a conclusion from the Gambling and Racing Commission that the best way to proceed is consistent with the act. I think it is incumbent upon us to take that action and to do the best we possibly can with this act.

MS CARNELL (Chief Minister) (3.42): Mr Deputy Speaker, this report makes it very clear that the legislation we have in place at this stage is adequate. And really, I think that is what the Assembly, in the motion that it passed, was concerned about—to make sure that the legislation that we have in place has all of the bells and whistles, the checks and balances, that are required to ensure safe interactive gaming. The gaming commission makes it very clear that they believe that that is the case, but they also believe it is important that this legislation is monitored as time goes on because, as it says, it is impossible for anyone to know what might happen in the future.

One of the things that are very clear here is that, as Mr Moore said, interactive gaming is going to happen. There is no doubt about that. It happens every day and there are many sites overseas. What we wanted to do when the majority of this Assembly passed the legislation in 1998 was ensure that people who use interactive gaming sites could be confident that the sites were safe and appropriate. We wanted to ensure that the legislation stopped young people from gambling and that it did not allow gaming on credit. We have got a number of these checks of the safety issues in our legislation.

If we stop interactive gaming operators registering here in the ACT simply because we have not debated this issue, I think that will be bad for the ACT and it will also be bad for those people who choose to use interactive gaming sites. It is certainly true that the approach that we have taken is much safer and has many more safeguards for the community than is the case with sites that might be operating from off-shore island

states, shall we say, where most of them are coming from at this stage. So this is a win-win—it is a win for the ACT and it is certainly a win for those people who will choose, or are choosing, to use these sites.

I think it is essential that the gaming commission goes ahead with those applications that are in front of it at the moment and that those who get through what is a very strict process are allowed to get their licences in a timely fashion.

MS TUCKER (3.44): I hope that I will not have to speak to this motion in detail at this stage. Obviously, we are expected to debate this report fully so that Mr Humphries can then be happy and say, "Well okay, the Assembly wanted this report, you have got it, it is great, and we will get on with business as usual." That is a totally unacceptable process.

Members interjecting—

MS TUCKER: If Mr Humphries did not say that, that is fine. I have just talked to Mr Quinlan and hopefully he will adjourn this debate until such time as we have had time to look at this. I would suggest that it be adjourned until the next sitting week. I do not know what Mr Quinlan or Labor will decide to do. I am asking that Labor adjourn this debate because I think we need to have time to look at it.

When we had the original debate, the guts were cut out of my motion. The words "social and economic implications" were deleted from the motion. I remember that even the words "thoroughly investigate the issues" were deleted. The commission was not going to be called on to thoroughly investigate; it was just going to be called on to report.

Ms Carnell has just said the gambling commission has come out with a report, everything is in place, and we are doing as well as we can. Well, the code of conduct is not in place. If you have a look at the regulations relating to the gambling commission you will see that we are in a very early formative stage, particularly in respect of social impact issues. If you have a look—and I do not know if members of the government have done so—at the hundreds of pages of regulation you will see some very interesting issues that need to be more fully explored.

Basically, the social and economic impact takes the form of questions to providers of Internet services. There is a large list of questions, which I assume is one way that the commission thinks it will be able to collect data. That in itself is not a bad thing, except that I would suggest there needs to be a much greater emphasis on how that data is collected. These are the sorts of issues that I would have wanted to see the commission look at if it had had a brief from this Assembly to look at all the issues.

Ms Carnell: But it did not.

MS TUCKER: As Mrs Carnell is interjecting, it did not have that brief—that is right. I am just putting on the record once again that the commission was given a very limited brief but I do not think even that is necessarily fully addressed here.

I recall that in my original motion, which I obviously do not have with me right now, I was looking at the regulator's capacity to monitor trends of use. I do not know if that is addressed in the report—I have only had time to quickly skim the report. I think that is a really critical issue if we are to have a fuller understanding of the implications, as members of the government say we need to do. So I would like to have time to look at this report so I can address and respond to it in a reasonable way.

Mr Humphries: That is fine.

MS TUCKER: Mr Humphries says that is fine. I will not continue to speak if the government is happy to support the adjournment of the debate to the next sitting week.

Mr Humphries: I did not say that.

MS TUCKER: You did not say that?

Mr Humphries: No. You want time to look at it. We have got until the end of this week, otherwise we cannot issue any licences until August.

MS TUCKER: Mr Humphries has said that he will support an adjournment until the end of this sitting week. Obviously I will have to accept that as I do not think I am going to be able to get the debate adjourned until the next sitting week. I will seek leave to speak again at a later time this week—and it sounds as if that will be Thursday.

MR SMYTH (Minister for Urban Services) (3:47): Mr Deputy Speaker, the Assembly put three questions to the Gambling and Racing Commission and it would appear that the Gambling and Racing Commission has come back and recorded that all is well. The Assembly firstly asked for a report on the adequacy of the ACT legislation. The commissioner has concluded that the current legislation governing interactive gambling is adequate in its current form.

We then asked the commission to report on the adequacy of the commissioner's powers and resources. The commissioner has reported that he believes he has adequate powers, and I note in the response that he is already having discussions with the minister about resources. So the government is keen to ensure that the commission is resourced to do its job appropriately.

The third thing that the Assembly asked the commission for was a report on progress towards a code of practice for the gambling industry. This subject is covered quite well in the report. The commission said:

> In particular we are pleased to note provisions relating to:
- responsible gambling
- dealings involving player's accounts
- advertising
- fairness and
- complaint handling.

It will take time to put such a code together. The commission concludes:

> … the current legislation governing Interactive Gambling is adequate in its current form.

Mr Deputy Speaker, as Mr Moore has already said, this is a serious issue. States across the country are racing ahead to issue licences. It is curious that the majority of those are Labor states. What we have here is legislation that will protect ACT residents and their rights. We have a commission that is empowered and resourced to do so. We have a report from the commission saying that they believe the legislation is adequate and I believe that we should be getting on with this.

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

JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE
Report on Crimes (Amendment) Bill (No 4) 1998—
Government Response

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (3.50): Mr Deputy Speaker, for the information of members, I present the following paper:

> Justice and Community Safety—Standing Committee—Report No. 10— Crimes (Amendment) Bill (No. 4) 1998 *(presented 11 May 2000)*—Government response.

I move:

> That the Assembly takes note of the paper.

The government welcomes the standing committee's report and endorses the committee's recommendations. It was evident at the time the government first produced the amendments that the defence of intoxication, although only rarely used successfully, was not supported by the majority of the community. The government is aware that there are differing views, both in the community generally and the legal profession, as to how best to address this issue. The government also notes that there is an absence of unanimity between Australian jurisdictions on this matter.

In the government's submission to the standing committee I indicated that I was open to alternative approaches to that in the bill proposed by the government. In light of the standing committee's recommendation that the bill be supported by the Legislative Assembly, it would appear that the government's approach to this matter is a sound one. I therefore urge members to support the passage of this legislation when the bill is debated.

Question resolved in the affirmative.

LAND (PLANNING AND ENVIRONMENT) ACT
Variation (No 145) to the Territory Plan—Heritage Places Register
Papers and Ministerial Statement

MR SMYTH (Minister for Urban Services): Mr Deputy Speaker, for the information of members I present the following papers:

> Land (Planning and Environment) Act, pursuant to section 29—Variation (No. 145) to the Territory Plan relating to the Heritage Places Register, together with background papers, a copy of the summaries and reports.

I ask for leave to make a statement.

Leave granted.

MR SMYTH: Variation No 145 to the Territory Plan proposes to enter a further six places on the Heritage Places Register at appendix V of the Territory Plan written statement. Those places are the Cuppacumbalong (De Salis) Cemetery and avenue of elms at Tharwa; St Edmund's Anglican Church and surrounds at Tharwa; the ACT-New South Wales border markers (group 1); Haig Park in Braddon and Turner; the Dairy Farmers Cooperative at Griffith; and the All Saints Church in Ainslie. In addition, it is proposed to amend the entry on the register for the St John the Baptist Church and churchyard at Reid to include St John's Schoolhouse Museum and to rename the area the St John the Baptist precinct.

Cuppacumbalong Cemetery is sited overlooking the confluence of the Murrumbidgee and Gudgenby rivers and is a rare example of a 19th century pastoral station cemetery. The gravesite features a unique construction of a raised terrace cemetery with banks of local stone. The layout, with a separation of the graves, demonstrates aspects of social and cultural order of 19th century rural Australia. In addition, there are remnants of an avenue of elms, which originally provided a formal link to the Cuppacumbalong homestead.

St Edmund's of Tharwa is historically significant for its continuous association with the Anglican community and demonstrates the social prominence of religion in rural village life during the early 20th century. St Edmund's is the only Anglican church in the ACT constructed in the "Carpenter Gothic" style of the Federation period.

The ACT-New South Wales border markers, dating from 1913 to 1915, are associated with the establishment of the national capital. These continue to define the territorial boundary. The markers reflect surveying in a past era which was very different to today's electronic and satellite-based surveying practices. The markers include some rare mile reference trees whose engravings display skilful use of the mallet and chisel.

Haig Park in Braddon and Turner is a significant landscape feature of Canberra which demonstrates the early establishment of plantings to function as a windbreak. Constructed around 1921 through to 1923, it extends over some 1,780 metres and comprises 14 rows of mixed evergreen and deciduous tree species. The park has become an integral component of the landscaped open space between the adjoining suburbs, reflecting contemporary garden city planning. The park will be conserved in perpetuity

through an ongoing tree replacement program in accordance with leading arboricultural and cultural landscape management practice.

The original Dairy Farmers dairy, built in 1938, is an example of industrial architecture in the inter-war functionalist style. The adjoining manager's cottage, which was built in 1940, reflects aspects of past commercial management practice and the lifestyle of that period. The place, which is the only purpose-built milk processing plant in the ACT, demonstrates a continuity of use lasting over 60 years.

All Saints Church, Ainslie, has a remarkable history as a former mortuary railway station. It was constructed in 1868 at the Rookwood Necropolis in Sydney. After being burnt in 1958, the building was dismantled and each stone was numbered and relocated to its present site in Ainslie. The building remains a fine example of the Gothic Revival style of architecture, which is derived from the 13th century Florentian style. The external character of the building is attributable to the prominent New South Wales colonial architect, James Barnet.

St John's Church, Reid, has been a focus for religious and social lifestyle of the Canberra region since the 1840s and enduring into the developmental years of the National Capital. The church was valued by the local Anglican congregation and by others as a feature of the landscape. While Reverend Alberto Soares was the designer of the extension and the nave, Edmund Blacket designed the tower and the spire, which became a familiar landmark in the Canberra region.

The impact of the Reverend Pierce Galliard Smith, who was the rector for 50 years, was significant. His tree plantings are still to be seen at St John's Church in Glebe Park and the site of the old Glebe House. The graveyard is as old as the church. The headstones provide a valuable social history and are complementary to the church as well as the early history of the limestone plains. The east and west lichgates at St John's are a rare example of this type of structure. These gates and the hedges planted in 1926 by the Federal Capital Commission visually shield the church from urban developments.

St John's schoolhouse was the first combined school and school teachers' residence built on the limestone plains. The school building and the surrounding open space are evidence of the community life of early European settlement in the ACT. St John's schoolhouse museum is important for its role as a teaching and research site for TAFE colleges and universities in respect of local history and cultural and social values.

The variation was released as a draft for public comment in October 1999. One submission was received by PALM and this was considered in recommending the final variation. The Standing Committee on Planning and Urban Services conducted a public hearing attended by officers from PALM and the ACT Heritage Council. There were no comments received by the committee. The committee considered the draft variation and, in its Report No 47 of May 2000, endorsed the variation with an amendment adding the word "maintenance" to the conservation policy for St John the Baptist Church, Reid. This has been included in the variation.

I now table Variation 145 to the Territory Plan relating to the Heritage Places Register.

THE CANBERRA HOSPITAL—SPECIAL DEATH REVIEW COMMITTEE—INQUIRY
Papers

MR MOORE (Minister for Health and Community Care) (3.58): For the information of members, I present the following papers:

> The Canberra Hospital—Special Death Review Committee—Inquiry—Copies of:
>
> Letter from Deputy Chief Executive, Clinical, The Canberra Hospital, to Directors, Gastroenterology Services, Trauma and Aeromedical Services and Pathology Services, dated 16 June 2000, attaching detailed terms of reference.
>
> Report of Special Death Review Committee, dated 21 June 2000.
>
> Statement by Michael Moore MLA, Minister for Health and Community Care.

I move:

> That the Assembly takes note of the papers.

Mr Deputy Speaker, these papers relate to recent allegations that delays in surgical procedures contributed to the death of a member of our community. Let me begin by saying that there has been some speculation that this statement will be a personal savaging of the surgeon involved. It will not be. I have been accused of shooting the messenger. On the contrary, I have challenged the message, because it was not true. The facts of this case, unfortunately, require me to be critical of the public statements made by the surgeon involved, but I will limit my remarks to addressing the issues.

On 15 June a surgeon contracted to do public surgical work, Dr Philip Jeans, approached the *Canberra Times* with a story, which he wanted published anonymously, that deficiencies at the operating theatres had contributed to the death of a patient. This serious allegation was widely aired in the media. Many professional commentators and some members of the Assembly accepted these allegations without question and, indeed, elaborated on them.

The allegations made by the surgeon created the widespread impression of a frustrated surgeon, present and active at the hospital, pacing the corridors, insisting upon urgent action for six hours, but unable to get access to a theatre for the operation. According to the report of the death review committee, the impression created by the surgeon's allegations is quite false. The resulting public discussion has, in my view, done enormous damage to the reputation of the hospital and the confidence of the public in it.

Dr Jeans has claimed that the death was in part due to my actions in, as he saw it, limiting funding to the hospital and in refusing to address problems in the operations of the surgical theatres. I can only repeat once again that the government has increased, not cut, public funding to the hospitals through the ACT budgets and the annual purchase contracts.

In fact, this surgeon aired his view on theatre inefficiencies to the Assembly's health committee, which reported on elective surgery waiting lists last September. The committee recommended that theatre utilisation systems be reviewed, and the government agreed to this recommendation. We have over recent months sought and obtained a team of experienced reformers to undertake that review, and it is a great irony that the announcement of their selection came almost simultaneously with the allegations of Dr Jeans. Mr Deputy Speaker, we were certainly not sitting on our hands.

I draw members' attention to the fact that I have removed the names of people from the material that has been circulated for the protection of those people, and also the exact date in April on which the person died so that the person cannot be identified. I have not looked at the originals with the names on them. If members feel the need to look at them, I think that we could allow them to do so on a one-to-one basis. I do not want them to be publicly available.

Turning to the individual death which Dr Jeans used in his allegations, it is now clear that his claims receive no support from an examination of the facts. The report of the death review committee into this incident concludes as follows:

> The patient's prognosis determined from clinical examination by the resident medical staff...at 1030 hours was extremely poor...[There was] a predicted mortality of 100% in this particular patient.
>
> There was no specific cause identified for the time taken to transfer the patient to theatre...It was the result of a series of delays relating to communication between the doctors involved and the desire to resuscitate the patient prior to going to theatre to allow for the optimum chance of the patient starting the operation.
>
> There was no evidence that availability or accessibility to theatre was the cause for the apparent delay in starting the operation.

In addition to those comments in the executive summary, the detailed account that I am tabling today contains the following comment:

> The Committee agrees that...processes were in place to enable immediate surgery on this patient. The patient's critical condition and the need for resuscitation were partly responsible for the delay. It was felt that the problems with communication would have been improved if discussion were face to face rather than by phone.

These conclusions need no elaboration from me.

Many interested commentators persist in overlooking the series of increases this government has made to the hospital's funding and call for yet further investment of public money. In particular, leading members of the unions representing nursing and medical staff have made it very plain that they are engaging in a campaign to that end.

Mr Deputy Speaker, it is their right to do so. Any person in our community is free to air their view on how public money should be used. But, as we all know, in addition to a debate about public moneys, there is a highly politicised element to this. The nurses' and doctors' unions have an interest of their own in the level of public funding. A large part of that funding would become salaries for their members, and contributions, of course, to those unions themselves.

The Australian Nursing Federation have, in fact, revealed that their campaign is part of the preparation for running candidates at the next ACT election. It is not clear whether they are planning an ANF-based political party or if this is all about manoeuvres for ALP preselection. The members of the ALP in this Assembly, needless to say, automatically say that the level of expenditure is too low, no matter how much we raise it.

It also seems that the individual surgeon who has launched this particular matter has personal interests in criticising the facilities for public surgery. In his letter of resignation two weeks ago, he twice referred to the level of remuneration for his public work.

With hindsight, it is astonishing how quickly the truth became a casualty in these allegations. The exercising of an opinion on the level of public funding to a government agency does not require sensational falsehoods to be circulated. In this case, a sensitive and, no doubt, traumatic situation has been used to score a point, and in doing so the reputation of our primary acute care hospital has been dragged into the mud.

Mr Deputy Speaker, unions and individuals with an interest at the hospital must understand that this government will make its funding decisions based on evidence, not simply on which groups have the loudest voices. Of course, the level of funding we can commit must be found within our overall budgetary constraints, as this government takes a firm view on living within our means. Happily, we can say to the community that a level of funding sufficient to maintain the Canberra Hospital as one of the finest in Australia can now be found and sustained within this government's balanced ACT budget for next year.

In the course of this media frenzy, we have seen the first inklings of the public fiscal policies which the ACT Labor Party would demonstrate if it should form a government at some future point. The opposition's health spokesman reacted to this situation by collapsing into the same financial irresponsibility of past ALP administrations: "Here is a demand for more public money. Don't wait to check the facts, simply pay it. A union wants money, pay up."

That is the ALP's approach to handling public money. It assumes that promising money is the way to popularity: attack the government at all costs, ignore the evidence and promise millions of public dollars. The government takes a different view. We regard it as a key responsibility of government to make decisions based on evidence. We say that a government would be derelict in its public duty if it allowed its stewardship of public money to be directed by unsubstantiated claims and allegations.

Mr Deputy Speaker, this surgeon's comments are plainly rebutted by the opinions of the senior doctors who sat on the death review committee. On Friday last I wrote to Dr Jeans to give him an opportunity to consider the committee's conclusions. I invited him, in his own time, to consider the possibility of a retraction and apology. I have been

disappointed in recent days that he has chosen to persist in his allegations and reject the conclusions of the review committee. Dare I say that he is now shooting the messenger.

I do not know where this particular affair may end. The participants in this event are now in the hands of the ACT coroner, as is entirely appropriate. The very fact that a coronial inquiry will be held does not, of course, imply that someone must be to blame for the death in question. In fact, my own reading of the reports leads me to suspect that the medical staff concerned did all they might have in a pretty hopeless situation.

What I do know, however, is that by any measured standard the Canberra Hospital is a high-quality hospital. In addition, my own approach to the issue of "adverse incidents" in hospitals has been entirely proactive. I was the first health minister to initiate an inquiry into adverse incidents, and members may well be aware of the report by Fiona Tito which resulted. I spoke to members about that today in answer to a question.

The work has assisted the ACT hospitals to understand what can contribute to such rare incidents and to avoid them. I would hope that all those who wish to comment upon our hospital will find it possible to do so in a mature fashion without resorting to claims which are damaging to public confidence. To this end, I draw members' attention to a summit which the ACT branch of the Australian Medical Association and I will be holding jointly on 20 July. I hope that the occasion will move us beyond the claims and campaigns of the last few weeks to a new approach based on evidence, dialogue and cooperative behaviour.

MR STANHOPE (Leader of the Opposition) (4.08): I will make a very brief response, having just received the report and listened to the minister. I will touch on just a few issues. I think that it is necessary that I do respond to the "holier than thou", "knight on a white charger" image that the minister seeks to project in the conclusion of his speech, having alluded to the motivations of certain people involved in this very serious matter as being simply to advantage themselves in relation to possible ALP preselections and having made the claim that I have suggested that we need simply to throw money and resources at difficulties at the hospital, something that I have never done. Actually, he got quite down in the dirt in the process of his address just now.

Mr Smyth: No, he didn't.

MR STANHOPE: He suggested, for instance, that those who worked for either the nurses union or the doctors union in this matter were motivated in some of their public comments by a desire to position themselves for ALP preselection before the next election. What possible relevance does that have to the serious matter at hand? Absolutely none. In terms of low, spiteful politics, how much more irrelevant and spiteful can you get than that?

In relation to the extent to which the minister does take this matter seriously, I am reminded immediately of his response to questions asked at question time today when he said that a committee of Dr Jeans' peers had found the statements he has made in relation to this matter, through this death review process, as having been patently false.

I have only had an opportunity to read very briefly the report that has just been tabled by the minister, but I have found no finding in this report of the Special Death Review Committee that suggests in any way that the Special Death Review Committee found that the claims of Dr Jeans were patently false. They were the words used by the minister in question time today, that Dr Jeans' claims had been found by a committee of his peers to have been patently false.

The minister may, for the sake of completeness, have referred us to that part of this report that he has just tabled that actually suggests that Dr Jeans told a patent falsehood. That is a very serious allegation. The minister for health has come into this place today and suggested that somebody who is a visiting medical officer at the Canberra Hospital has, in relation to this matter, told a patent falsehood. There is no more serious allegation, I would have thought, that a minister for health might make, under privilege, of a senior surgeon in this town, a VMO, somebody with whom a contract was negotiated on behalf of the minister.

Mr Moore: I will show you.

MR STANHOPE: The minister says that he will show us the patent falsehood. The committee quite obviously does not agree with some of the interpretation that Dr Jeans may have had in relation to this matter. I just read it very briefly, very quickly, as I was listening to the minister, but there is no suggestion that I could find that Dr Jeans was guilty of a patent falsehood.

That is why I made the remark that I did in terms of breast beating and the "pure as the driven snow" and "knight in shining armour" image that the minister presents in this place, that he would not reduce himself to that level, that those of us who have participated in this debate have done so only for some vile political purpose. Not him, of course; he would not reduce himself to that. Everybody else has. The AMA has and the Australian Nursing Federation has. Some of them even are simply posturing in this manner for the purpose of achieving Labor Party preselection for the next election, no less, according to the minister. That is the motivation of some other participants in this debate.

So what do we have? We have the minister's description of others involved in this debate. Some of us are just being crassly political. I am not quite sure which Labor Party members are from amongst the ranks of the AMA. I could perhaps check whether any members of the AMA are currently seeking Labor Party preselection. I am not aware of any, nor am I aware of any member of the ANF seeking Labor Party preselection, albeit that they would be excellent candidates and we would, of course, welcome and embrace them. But I know of not a single one that is motivated in their comments in relation to this matter by a desire for Labor Party preselection.

Mr Corbell: It is a bit puerile.

MR STANHOPE: Absolutely. Of course, you have to put it in the context of the minister's speech. He would not do that; it is just everybody else. It is members of the AMA who want to be Labor Party candidates. The ANF have their own purposes, plus they are motivated by greed. They are simply motivated by a desire to improve their conditions and their pay. Of course, we are just scoring mean political points. And then

there is Dr Jeans, the protagonist here, who is telling patent falsehoods. But not the minister. The minister rises above those low and venal motivations in everything that he does and says in relation to this issue.

A serious issue has been raised here by one of the most senior surgeons employed at the Canberra Hospital. He is one of the most senior and respected surgeons that we have there. The minister was quite happy to have him employed as a VMO; the minister was happy to embrace him in that context. But as soon as he dares to disagree, what do we do? We rush into the Assembly, under privilege, and accuse him of telling patent falsehoods.

Of course, "patent falsehood" is just a euphemism, is it not? "Patent falsehood" is just a euphemism for "lie". What the minister is saying, of course, is that Dr Jeans is a liar and he rushes into this place to say it. That is basically the moral and intellectual strength that the minister brings to his argument in relation to this matter, his argument in relation to this most serious crisis that has been affecting the public health system in the ACT. The minister rushes into the Assembly and relies on parliamentary privilege to yell all around, for all to hear, "Liar, liar, liar."

I do not think that he would be all that interested in saying it outside this place and I am not sure that he will now invite Dr Jeans into this place to defend himself; so it is a very unsatisfactory end. It is quite predictable. The minister has been sending signals for the last week that he did intend to do precisely what he has done, to come into this place, to rely on parliamentary privilege, and simply bucket a respected member of the community who spoke out on an issue of grave concern to him, an issue causing grave concern to a number of other health professionals, to the nurses and to those patients who are not being dealt with in the manner that they should be by a caring and sympathetic community with a public health system that is operating appropriately.

This minister has not delivered that. This minister, after two years in the job, has presided over the disaster that we have experienced here in the last month. It is this minister that has damaged the credibility and the confidence of the Canberra Hospital. It is this minister and this minister alone. But what does he do under attack? He thrashes around and seeks to blame everybody, and he does it in an outrageous way, attributing base political motive to them. Some of those health officials, health workers and health professionals engaged in this debate were motivated, according to the minister's puerile suggestion, only by a desire to achieve Labor Party preselection for the next election.

MR MOORE (Minister for Health and Community Care) (4.18), in reply: Mr Deputy Speaker, I will just take the issues in their order of importance. I think the most important one is that I have used the term "patently false". The allegations that were made are clearly identified in the report of the death review committee as being patently false. The very first page reads at the top:

> An extra-ordinary meeting of the Death Review Committee was convened to review the circumstances relating to the statements made by Dr Phil Jeans concerning a case where delayed surgery was felt to have contributed to a patient's death.

The conclusion of the report is that that was not the case, so it is patently false. That is the first one, Mr Deputy Speaker.

Mr Berry: No, it was felt that problems with communication would have been improved by discussions.

Mr Stanhope: Rubbish! What an outrageous assumption!

MR MOORE: Mr Deputy Speaker, I listened to them in silence and I expect the same on such a serious issue.

MR DEPUTY SPEAKER: The point is accepted. There has been no interruption thus far.

MR MOORE: Delayed surgery was felt to have contributed to the patient's death. It was more than that. In the media, of course, Dr Jeans went on to say that he could not access a theatre and that is what delayed the surgery. It has been made very clear that the statements by Dr Jeans that he could not access a theatre because of lack of funding was simply not the case. He also deliberately pointed to me as minister and said that it was my fault. It is very clear from the report that that was not the case.

The accusation levelled by Dr Jeans that the patient died because he could not access a theatre when he wanted to, that the patient died because of my personal action or inaction as minister, was patently false. I reiterate that it was patently false. That is what his peers have judged, not what I have said. It is what his peers have judged, so I stand by that statement. I still wish that Dr Jeans would have apologised and retracted. Had he done so on Friday, I would not have brought anything into this chamber; it would have been unnecessary.

Mr Stanhope said that I somehow attempt to gag and attack Dr Jeans when he does these things. What I have sought to do, appropriately so, is to correct inaccurate and misleading statements. Dr Jeans does have methods for speaking out and he has used them. He certainly mentioned to me a number of times in a division of surgery meeting and other times with other surgeons that they were dissatisfied with the sterilisation equipment at the Canberra Hospital that came through Totalcare. They told me that they had opened surgery equipment and there were wet packs. I approached the head of the board of Totalcare and raised that issue. Only today, at lunchtime, I handed over a certificate of accreditation to Totalcare on having the highest standard in the world, ISO 9,000, on sterilisation equipment. In other words he raised an issue and I acted. The sterilisation system at Totalcare is now amongst the highest in Australia. My understanding is that only a couple of other places in Australia have this level of accreditation. He had a method of speaking out and I acted.

Another example is theatre utilisation. Dr Jeans has mentioned to me the issue of theatre utilisation. He also made a submission to the Health and Community Care Committee which you chair, Mr Deputy Speaker. What happened? We then went to find the best possible people to do the job. We could have just appointed Fred Bloggs to go and look at theatre utilisation, but we did not. Instead, we appointed Dr King, Dr Kerridge and Ms Janet Cohen. Who are they? They were the nominees of the college of surgeons to do this job.

It took some time to approach the college of surgeons and get the right people nominated, to get them to agree to come and to get a date. They will be doing that in July. So we had already listened to Dr Jeans and we had already responded to his concerns. I am not saying that everything is perfect at the hospital. For heaven's sakes, it is probably the most complex organisation in this town, other than the Department of Defence. It is one of the most complex organisations in this city. Therefore, of course, there will be problems and there will be concerns.

The real issue for a minister in any overview by members of the Assembly is whether action has been taken to deal with issues when we know that something is wrong. The answer is yes. Mr Stanhope reiterates that the hospital is in crisis. No, Mr Stanhope, the hospital is not in crisis. He says that terrible things are happening under this minister. Compare it, Mr Stanhope, with what happened when Mr Wayne Berry was minister and the waiting list grew from 1,700 under his stewardship to something in the order, as I remember the figure, of 4,569 when Labor left office. That is what we consider a disaster.

Under this administration, the waiting lists are coming down and quality assurance is improving. As I mentioned earlier, I have brought in Fiona Tito to make sure that adverse incidents, when they occur, are dealt with in an entirely appropriate way to have constant improvement and constant quality assurance. Additional to that, we have set out to change the processes of management issues in the hospital to ensure appropriate fiscal management, but never at the cost of patient care. I have said that in this Assembly on a number of occasions and I have reiterated it to the board. I have tabled in this Assembly my instructions to the board and I have mentioned on many occasions to the chief executive of the Canberra Hospital that my actions are about patient care and ensuring that we do have appropriate patient care.

Finally, as a side issue, I mentioned that the Nursing Federation itself raised, as I recall, on 2CN that it was going to run candidates for the ACT Assembly. I think that is great. Do not mistake me; I think it is terrific. The more people who run for this Assembly, the better the democratic process. I am actually very enthusiastic about it. But it does also show that there is another agenda there. That is what I alluded to. Are they going to run for the ALP? I do not know. Mr Stanhope seems very uncomfortable about it. I am not quite sure of his reaction.

Mr Kaine: If you get six of the nurses sitting across here, you won't be so sanctimonious.

MR MOORE: If we have six nurses sitting across there, Mr Kaine, it will be clearly at the expense of my seat, so it is not going to worry me at all.

Mr Humphries: Mr Kaine's as well.

MR MOORE: I am sure that it will be at the expense of your seat, Mr Kaine. We do need to have more women in this Assembly; there is no question about that. Because the majority of nurses are women, one would hope that that would mean more nurses would wind up in this Assembly. I think that would be a very good thing. I must say that I think

that this Assembly could benefit from that style of extra experience here at the moment. Certainly, the Labor Party could benefit from having some women amongst its ranks.

What I set out to do here, and I had no choice about it, was to correct something that was patently false. It was identified by Dr Jeans' colleagues—very senior surgeons; very senior people at the hospital—as being different from the way Dr Jeans had perceived it. As I said, the issue will go to a coronial inquest anyway. No doubt we will see the results of that coronial inquiry in due time.

I think it is a sad issue because so much good work has gone into the hospital over the last 18 months in particular to change attitudes, to have the people in the hospital starting to feel good about themselves. I want to see a hospital, and I am sure all members want to see a hospital, where the nursing staff and the medical staff feel good about the hospital, where the medical staff and nursing staff are happy about their jobs and happy about their working environment.

Mr Deputy Speaker, many of the same issues could well apply to Calvary, but if you go to Calvary you will find an environment where people are happy to work there and want to work there. That is the process of change that the board and Mr Rayment, with his senior staff, are under way to achieve. Now, that is not to say that all nurses or doctors are sad, or that they do good work or bad work. Of course there are fantastic people in the hospital. The vast majority are fantastic workers who work tirelessly to deliver the best possible patient care.

How can we identify that? Very easily. We know that 25 per cent of our patients come from New South Wales. Why do they not go to Sydney to St Vincent's, Westmead, Liverpool or Prince Alfred? It is because they know that we have an excellent hospital system here. They know that if they come here they will get excellent service, that they will get excellent surgery, that they will get excellent support and that the nursing will be excellent. We are going to maintain that excellence because we maintain the highest possible patient care in a high-grade teaching hospital. Mr Deputy Speaker, maintaining that attitude, reminding people that that is what the hospital is about, is what is most important, rather than denigrating it in the way that it has been denigrated in the past.

Question resolved in the affirmative.

MINISTER FOR HEALTH AND COMMUNITY CARE

Mr Berry: Mr Deputy Speaker, I seek leave to move a motion—I can have it circulated in a moment, if you like—which, if passed, would require the Minister for Health and Community Care to withdraw his claim that the Special Death Review Committee had said that Dr Jeans' allegations were patently false.

Leave not granted.

Suspension of Standing and Temporary Orders

MR BERRY (4.29): I move:

> That so much of the standing and temporary orders be suspended as would prevent Mr Berry moving a motion requiring the Minister for Health and Community Care to withdraw his claim that the Special Death Review Committee had found Dr Jeans' claims were patently false.

Mr Deputy Speaker, in question time today, Mr Moore made the allegation that that was the finding of the Special Death Review Committee. I do not need to argue the case about what the Special Death Review Committee said in its report, which I have just had the opportunity to read, but it is clear from any reading of that report that there is no mention of the words "patently false" anywhere within the report. Indeed, Mr Deputy Speaker, if you look at the report, you will see that the report actually concedes that there was delayed surgery. It also concedes, on any reading of it, that it was felt that the problems with communications would have been improved if discussion were face to face, rather than by phone.

I do not carry a brief for Dr Jeans, by the way. I have never spoken to the man in my life, as far as I can recall, nor can I remember being in his presence. But, search as I might through this report, I cannot find expression by the death review committee that the claims by Dr Jeans were patently false. I can find suggestion that some of the things that he was talking about were patently true. There was delayed surgery.

I do not want to criticise the report. I do not want to enter into debate on it. That debate can happen somewhere else between Dr Jeans and his colleagues, as far as I can make out. But I do find this whole matter most disturbing and I believe that Mr Moore has made a false claim. In fact, it would have been quite easy for me to move a motion in relation to him misleading this Assembly because it is clear that at question time he made certain claims about this report which were untrue. I think it would have been open to me to move a motion in relation to his having misled this Assembly.

I have not chosen to take that course at this time, but I think the suspension of standing orders would leave the way open for Mr Moore to see a bit of sense and withdraw his silly claim, which was quite untrue, inaccurate, grossly misleading and unfair, especially so since it concerns somebody outside of this place. I am prepared to accept that there is a disagreement between professionals and that is as appropriate as it can be. But I am not prepared to accept that Mr Moore's claims are right, that is, that this committee said the things that he claimed in question time that it had said when he made those misleading comments to this house. Accordingly, Mr Deputy Speaker, I have moved for the suspension of so much of the standing and temporary orders as would prevent me moving the motion which has been circulating.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (4.33): Mr Berry, in his moving of this motion, has claimed that the Minister for Health and Community Care made certain statements to describe the nature of a report which he has tabled in this place. I also sat through the debate and heard Mr Moore's comments. He made a number of comments that were not in the printed speech that he gave, which has been circulated.

Mr Berry: Question time.

MR HUMPHRIES: The comments Mr Berry complains about are not words that were in the printed speech; they are words which Mr Moore used in other debate. I do not recall the exact words that Mr Moore used. Mr Moore said subsequently in debate—

Mr Stanhope: I do.

MR HUMPHRIES: You do, Mr Stanhope, but I am sure that we would all like to know, particularly when the minister says that he did not say what it is that Mr Berry claims that he said. We want to censure the minister—

Mr Berry: No, no.

MR HUMPHRIES: Sorry**,** we want the minister to withdraw a statement which the minister claimed he did not make.

Mr Berry: I heard him say it twice in this debate.

MR HUMPHRIES: You heard him say it. He says that he did not say it. I would like to know what the *Hansard* actually says. Mr Deputy Speaker, I would submit to the house that the appropriate way of dealing with this matter, given the disagreement between Mr Berry and Mr Moore about what was said in the debate, would be to wait until tomorrow when the *Hansard* is available and peruse what was actually said. I do not know what was said. If I entered into this debate at the moment defending Mr Moore, a colleague on the front bench, I would be forced to rely upon what Mr Moore recalls about the remarks that he made because he did not read from a printed speech. He is relying on his memory of what was said.

Mr Berry: I wrote it down. There are contemporaneous notes here.

MR HUMPHRIES: That may be fine, Mr Berry, but you have been known to make errors of your own in the past. I would like to see what Mr Moore has actually said. It occurs to me, Mr Deputy Speaker, that if Mr Moore actually said what Mr Berry says that he has said, he may well want to withdraw the statement. But he says to me and he has already said to this house in the course of debate that he did not say that. What is the point of having a debate—

Mr Hargreaves: Sit down.

MR HUMPHRIES: I am not going to sit down, Mr Hargreaves. I am making an important point.

Mr Hargreaves: You are making a fool of yourself.

MR HUMPHRIES: I am pleased to hear you say that, Mr Hargreaves; I think you are qualified to pass that opinion.

Mr Hargreaves: Just sit down.

MR HUMPHRIES: I am not going to sit down. It is my right to speak in this place and I will finish my remarks, if you do not mind very much. Mr Deputy Speaker, the fact is that we have a disagreement about the words that were used. The only safe way of dealing with that situation is to see what words were used. The words that were used will appear in *Hansard*. Mr Berry's motion will be not less relevant tomorrow than it is today and it would give us all a chance to judge what was the nature of the comments, the context in which they were used and the way in which they were said, rather than relying on Mr Berry's recollection of what was said. I do not know whether other members of this place heard Mr Moore say these particular things or recall exactly what words he used. I would like to know what he actually said. I am sure we all would. That would therefore be a better basis on which to have the debate that Mr Berry wants to have.

MR MOORE (Minister for Health and Community Care) (4.37): Maybe I can help resolve this issue, which is a silly debate over some minor words. Mr Deputy Speaker, what I certainly intended to say and what I believe I said was that the report I tabled showed that the statements were patently false. Should I have said that it says that they were patently false, then I withdraw that. I do not believe that I did say that; but if that is what I said, I withdraw it and I apologise to the Assembly. But my recollection is that I said that it shows that the statements were patently false.

Indeed, in my reply to Mr Stanhope before this matter was even brought up, I clearly illustrated that that was the intention of what I was saying, that I believed that the report shows that those statements—I identified them; that the delay in the theatre resulted in the death and that it was my fault—were patently false. I tried to put it across that the report shows that and demonstrates it. If I did use the word "said"—I do not believe that I did—I am happy to withdraw it and apologise for that inaccuracy.

Motion (by **Mr Stanhope**) put:

> That the debate be adjourned.

The Assembly voted—

Ayes, 9	Noes, 8
Mr Berry	Ms Carnell
Mr Corbell	Mr Cornwell
Mr Hargreaves	Mr Hird
Mr Kaine	Mr Humphries
Mr Osborne	Mr Moore
Mr Quinlan	Mr Rugendyke
Mr Stanhope	Mr Smyth
Ms Tucker	Mr Stefaniak
Mr Wood	

Question so resolved in the affirmative.

FINANCE AND PUBLIC ADMINISTRATION—STANDING COMMITTEE
Interim Report on Proposed ACTEW/AGL Partnership Arrangement

MR QUINLAN (4.43): Mr Deputy Speaker, I present the following report:

> Finance and Public Administration—Standing Committee (incorporating the Public Accounts Committee)—Finance Committee Report No. 7—Interim Report on Proposed ACTEW/AGL Partnership Arrangement, together with a copy of the extracts of the minutes of proceedings.

I move:

> That the report be noted.

As chairman of the Standing Committee on Finance and Public Administration, I report that the committee has determined to bring forward an interim report on the ACTEW/AGL merger proposal which the committee is monitoring. The project we are involved in is probably the most significant financial and economic change made since self-government. Quite obviously, the project does deserve the scrutiny that it has received so far. Members ought to be kept up to date, and should keep themselves up to date on progress.

The committee has been meeting on a regular basis with the associated parties, AGL, ACTEW and the probity auditor, and even on one occasion with one of the shareholders. I can report that we have received nothing but cooperation and openness in the process, and we are quite satisfied with the information that we have received. In fact, we are quite satisfied with the suggestions that we have made and which have been taken up, where appropriate, by the parties interposed in the process.

The committee has, of necessity, adopted a strategic approach focussing on the primary outcomes and risks. It could not embroil itself in all of the minutiae of a project which involves a whole bevy of lawyers and consultants and is occupying the minds of many of the senior administrators both within and without ACTEW in this town. Therefore, we cannot pursue every issue, but we will attempt to advise the Assembly on the extent to which the promised benefits of the venture have been realised or look like being realised and what collateral risks may remain after the project is consummated. We hope, in our final report, to identify matters that the Assembly might wish to consider in relation to further action on this issue.

The committee has not set itself up as the scrutineer of everything that is occurring within this project. That, quite obviously, is the role of government and is the direct responsibility of the shareholders. The committee has not sought to revisit the decision that the Assembly has made but rather how that decision has been implemented in the best interests of the territory and its people. That is not to say that members of the committee do not reserve the right to express their views outside this particular framework.

The committee has focussed, as I said, on the primary issues—on the final corporate and financial structure of the organisation, on the asset structure for the future and the valuations placed upon assets and assets transferred, on the changing risk profile of the

organisation, on the application of due diligence in related matters, and on the future of staff of ACTEW.

Let me move to the state of play at present. There has been significant progress on a number of fronts in relation to this project. The committee has been concerned that the parties involved may not have the time they need to draw breath and to integrate the progress on various fronts, but that is a responsibility, at the end of the day, that falls to government, and in particular to the shareholders.

We have received from the probity auditor involved his clearance that in the main he is satisfied with the various dimensions that he is required to examine, with just a couple of little hiccups, if you like, along the way in relation to the association of parties involved with the merchant bankers involved. However, we believe that they have either been sorted out or will be sorted out. We certainly trust so.

The specific issues that I would like to bring to the attention of this Assembly are the key benefits of this process as promised. There is a reduction in the risk that was previously faced by ACTEW in energy trading. It is important at the same time to recognise that risk has not been eliminated entirely. The newly created organisation does face some exposure to risk, but it is under the umbrella of AGL, and the size of AGL itself should ameliorate considerably the risk the organisation faces.

The price of that is that the organisation becomes involved in related party transactions. We have an organisation that will virtually have sole source contractual arrangements for the supply of its primary products, bulk electricity and bulk gas. This arrangement brings with it its own risk in relation to transfer pricing and being the captive of a much larger and a much more powerful corporation. At this stage we are aware that much effort has gone into trying to negotiate around this particular situation, but, in the longer term, that is where we have placed our organisation.

In relation to employment, we are satisfied at this stage that, at least over the short to mid term, employment security for ACTEW employees has been secured. We are also reasonably happy that the public interest has been protected in terms of maintaining at least the ACTEW element under the TOC act.

Our primary concerns relate to the capital structure of the organisation and the future capital structure of the organisation. At establishment, the partnership venture will be virtually fully equity-funded compared to the conventional regulatory price path benchmarks suggested at a debt level of between 50 and 60 per cent. There is no doubt in the minds of the committee that there will be almost irresistible pressure, once the organisation is established, for there to be a capital restructure, with formation of an operating entity with a debt equity structure around about that of the average in the industry, with all those rationalisations that will go with that. Effectively, the organisation, or the owners of the organisation, will realise an estimated $400 million capital withdrawal from the organisation, or could, and repatriation to those shareholders.

What this really boils down to is that, rather than selling a great slice of ACTEW, we mortgage it. The effect, at the end of the day, is pretty much the same. By this particular exercise, we will have mortgaged a large slice of ACTEW. We will have effectively sold it off for the mid or the long term.

If that be some form of asset stripping, we are also concerned as to the future of assets not required by the joint venture. It is becoming quite clear that the joint venture is only going to be comprised of those elements and structures that are absolutely essential to the provision of the services and supplies of electricity and gas. So buildings and land and other accoutrements that are associated with ACTEW will also be excess to the deal, and we are concerned as to the ultimate destination of those assets and properties

We are further concerned that, regardless of the legal provisions that have been set up, dissolution of this partnership will be virtually impossible from about day 2, given that it will be an evolving mass. If it is restructured on a capital basis, it virtually would be impossible for an ACT government to come up with the funds to buy back what it has effectively mortgaged off into the joint venture. I have to claim that I did warn, in previous debates on this subject, that it could be open to capital restructure and it could be open to asset stripping of other forms as excess assets or so-called excess assets are disposed of.

Finally, Mr Speaker, we have a concern in relation to the structure itself. Because we have a marriage of a private sector organisation and a public sector organisation, the only corporate structure that works and maintains the public sector advantages in terms of income tax payable is a partnership. A partnership is the lowest form or the loosest form of corporate structure and carries with it risks in relation to joint and several liability of partners, so we are, in fact, by virtue of this particular exercise, placing a considerable amount of trust in AGL. I will make my personal comments on that outside this particular report.

In summary, I think I have to report to the Assembly that, first, we have not eliminated risk totally, and, secondly, that we have replaced some of the risk that we have eliminated with other forms of risk in terms of related party risks. We have set up a structure that, quite obviously, will be open to considerable pressure for capital restructuring, and effectively mortgaging off these assets that this Assembly has debated for a year and a half, trying to maintain them in public hands. Well, we are on the slippery slide, to a large extent, in relation to that. Just watch this space. *(Extension of time granted.)* We are satisfied with the relationship that we have built over time with the probity auditor.

Quite obviously, the deadline date, 30 June , that the parties had set and was anticipated all round, will not be reached. We are informed that the final agreements will be ready for signature some time through July. That is yet to be seen. I do not think it is important that anybody place pressure on the organisations to finish by a given time, given that we are now into and beyond 1 July. We do not want a quick job, we want a good job. A lot of people have put in a lot of work on this.

I have to close by congratulating both ACTEW and AGL on the way that they appear to have conducted their relationship with our committee. All that says is, "What we ain't told, we don't know," but we cannot think of everything to ask. Certainly, we have given it our best shot. I commend the report to the Assembly.

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.

MS CARNELL (Chief Minister) (5.01): Mr Speaker, I thank the committee for their interim report today and for their efforts and the positive comments on the development of the joint venture proposal. There were a couple of issues that have been raised in the document that I can address right now. Paragraphs 4.7 and 4.8 of the committee's report urge the government to provide the Assembly with a copy of the status report which ACTEW has provided to the committee as well as the interim report of the probity auditor. It is certainly our view and the view of the probity auditor, Mr Marks, that this action would be inappropriate as these matters are still in progress and are yet to be finalised, or, for that matter, considered by the shareholders.

The Assembly is entitled, without any doubt, to a full and considered report when it is available, but aspects of the current status report could be considered, particularly at this stage, to have some commercial benefit to competitors as we do not actually have a sign-off at this stage. You would know what is in them, Mr Quinlan, as I do.

Mr Quinlan: I thought we had agreed with them that it would be quite okay to leave some of the commercial-in-confidence elements out of it.

MS CARNELL: What we are saying is that we do not have any problems.

Mr Quinlan: It is only trading processes.

MS CARNELL: We can have a chat about what should happen and what should not happen. We are certainly not in any way trying to hold back any information. It has already gone to the committee and to Mr Humphries and me as well. We are just responding to the probity auditor's view, and to the view of the intergovernmental committee. As shareholders, Mr Humphries and I are yet to receive or consider formal advice from ACTEW, the probity auditor or the committee chaired by the chief executive of the Chief Minister's Department on the detail of the proposed joint venture.

The reason for that is that the final detail is simply not there at this stage. These important issues are very complex and need to receive a great deal of really focused attention. The advice of various bodies is expected in the next couple of week. The reality, Mr Speaker, is that before we sit again that information will be available and will be able to be tabled in this place. I do not believe that that would cause any members of this Assembly a problem.

Paragraph 5.25 of the committee's report raises the issue of the application of additional capital repayments which may result from the establishment and gearing of a joint venture. Mr Quinlan has indicated that as a sell down, as a mortgage, or whatever. The position that the government has taken is that if the joint venture goes ahead—it certainly

looks like it is going to and negotiations are going well—there will be a board in place and that entity should be the entity determining what the appropriate financial structure of the joint venture looks like.

I do not believe that members of this Assembly, from either the government or the opposition, have the expertise in energy trading, whether it be gas or electricity, to determine what the internal structure debt requirements or whatever are for this entity. The approach that both Mr Humphries and I have taken is to say that, really, this is a matter for the board. No position has been put by the government to the committee or to anybody else on what the gearing of the new entity would look like.

Mr Quinlan: I think this is a bit disingenuous. Come on. You are talking of hundreds of millions of dollars of territory assets.

MS CARNELL: Mr Quinlan makes the point that a large amount of ACT government assets are involved. We totally agree, which is the reason it must be managed very efficiently and appropriately for the industry. If the board determines to structure at a particular level and if that did mean some repayment back to the ACT government—Mr Humphries has made that point in the past, I think—the approach would be to pay off debt or to put it into superannuation or some other form of equity for the ACT taxpayers. So the reality is that equity is maintained. It is not as if you lose it. The equity is either in one barrel, shall we say, or as capital in another. The ACT taxpayer does not lose either way. In fact, the ACT taxpayer, as a result of the joint venture, we believe, is significantly better placed.

Again I thank the committee for the work they have done up until now. I join with Mr Quinlan in congratulating all the people from ACTEW and AGL who have been involved in the negotiations. There is an extraordinary amount of goodwill in this whole approach. We certainly hope that there will be final documentation before the Assembly meets again.

MR KAINE (5.06): Mr Speaker, I had not intended to speak on this subject as I thought that the chair of the committee stated the situation in full. I must say that I am a little concerned that the Chief Minister has decided not to table the status report and the interim report of the probity auditor. The committee met with the chief executive officer of ACTEW and with the probity auditor as recently as about three or four days ago and at that last meeting it was agreed that those two documents would be tabled because one is a comprehensive statement of where the proceedings are at the moment and the other is a statement by the probity auditor that at this stage he sees no difficulty.

The interesting thing is that the probity auditor did not disagree that these documents should be tabled, and that they should be tabled by the government. Now the Chief Minister tells us that the probity auditor recommends otherwise. I find that change in just a matter of days rather interesting. The fact is, Mr Speaker, that both of those documents are in the hands of the committee and there is nothing to prevent the committee tabling them, but we felt that it was more appropriate for the government and the probity auditor to report to this place on those matters than for the committee to do so.

The Chief Minister has put the committee in an odd situation, I believe, because we could have tabled them as attachments to our report. We did not do so because in the last discussion we had it was agreed that the government should table them. I find it rather odd that in the short time since then the probity auditor has totally changed his mind as compared to what he told us, and that the chief executive officer of ACTEW, with whom we have been acting in good faith for some time now, seems to have changed his view on what course of action should be taken to inform this place on what is happening.

We agreed with those two people that there are a couple of issues in the status report that could have commercial-in-confidence applications, and we agreed that if necessary they should be excised before the document was tabled here. So I am at a loss to understand why, having reached that agreement, the committee does not attach them to the report because the government will do so, we understood, and now we are told the government is not going to do so.

I think we need something more from the Chief Minister as an explanation as to why that tacit agreement, at least, with the committee has been set aside. It means that the members of this place are not as fully informed on the status of the proceedings as they would have been, particularly had the status report been tabled. I cannot, for the life of me, understand why the probity auditor would not want his interim report tabled because, essentially, all it says is that he finds no problem with the process up until this time. So why would he not want that tabled? Why would the Chief Minister not want it tabled? I just do not understand what the reasoning and the logic are.

I suspect it is just another aspect of the secrecy with which this government chooses to do everything: "Don't put anything on the table; don't tell anybody anything until you are absolutely compelled to do so." I must say that, given the openness of the discussions between the committee and the officers involved in this process up until now, it is very disappointing to get to this point and to discover that somebody now thinks that we, collectively, should not tell the members of this place everything that is going on when there is nothing there of any great disputation. It is nothing more than a status report of how well the process has been going, and the Assembly is not going to be fully informed. I repeat, I am gravely disappointed.

MR QUINLAN (5.11), in reply: I will not take long, Mr Speaker. I did say at the outset of our report that this was the most significant financial transaction or decision since self-government. It concerns me greatly that the Chief Minister, as a shareholder of ACTEW, can distance herself and say, "I will let the board decide what will happen with hundreds of millions of dollars."

I think we have a genuine matter of materiality here in the amount of money that we are talking of. We are talking of something in the order of $400 million in assets and probably $200 million is property which belongs to the territory. I know that a board of an instrumentality like ACTEW—ACTEW will be the holding company—will discuss the future of those sorts of funds with government. I would be astounded if, at a future time, the question of a capital restructure of ACTEW or the joint venture arose and the board members of ACTEW did not discuss it with the shareholders or with the government, who just happen to be the same parties. I would be absolutely astounded.

This process of saying, "Oh no, I will leave it to the board of ACTEW," means that you cut out the rest of the Assembly. This is not the first time that we have seen this particular tactic employed: "Oh no, I leave that; let the managers manage." Everybody in here knows that these matters, the material matters, are discussed between government and senior officials, whether they be board appointees or administrators. I think we should revisit that question, and the government should think again in terms of how they address such matters as this and how they stand in this place and so disingenuously say, "I will leave that to the administrators." Nobody believes it. The net effect, and the bottom line, is that the rest of the Assembly is disenfranchised in relation to that decision, and I think that is totally unsatisfactory.

In relation to the other reports, Mr Kaine spoke of conspiracy. I have to say that when it comes to a choice between conspiracy and stuff-up, Mr Kaine, I back stuff-up every time. If you have seen the layers of legislation that have come through in the last week or so in relation to the implementation of the GST, I think they give a true picture of what is happening beyond this place. So, I will not be as unkind as you, Mr Kaine, as to accuse the government of conspiracy in relation to these reports. I think they just haven't done their job. I commend the report to the Assembly.

Question resolved in the affirmative.

ASSEMBLY BUSINESS
Suspension of Standing and Temporary Orders

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

> That so much of the standing and temporary orders be suspended as would prevent the order of the day, Assembly business, relating to the Report of the Select Committee on Estimates 2000-2001 on the Appropriation Bill 2000-2001 and on Appropriation Bill 1999-2000 (No. 3) being called on forthwith.

ESTIMATES 2000-01—SELECT COMMITTEE
Report

Debate resumed.

MR SPEAKER: Mr Humphries, at the time that we suspended for lunch you had just finished your comments, and I am not sure whether you were seeking an extension or not.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (5.16): I seek an extension of time, Mr Speaker.

(Extension of time granted.)

MR HUMPHRIES: I will try not to speak for very long, Mr Speaker. I just want to put a few things on the record about the government's view about this report. I said before lunch that I thought the report was sloppy, that it was rushed, that the process had been

wrong, and that the Assembly ought to reconsider the idea of squeezing in an Estimates Committee process in such a short time. We now have, as I said, three passes over the budget in the course of this calendar year, and, frankly, I very much doubt whether this particular pass over the budget is going to significantly assist anybody, particularly the ACT government, in producing better budgets or improving on the budget now before the house.

Members will be aware that this report came down today. I understand that we are to start the debate on the budget tomorrow and conclude it on Thursday, or possibly in the early hours of Friday morning. It simply is not possible for the government to present a response to this Estimates Committee report. There just is not time. Even if the public servants concerned worked around the clock to be able to respond to the issues and correct the many errors of fact that are contained in the report—I drew attention to some of those in my remarks this morning, and I will add some more in a moment—it would not be possible for the government to properly consider the report before tabling it. The cabinet will not meet between now and Thursday morning. So I have to say I think it is most unfortunate that this process has been employed, and I hope that we will not use it again in future years.

Mr Speaker, what this report does in large part is rake through all of the submissions made to the committee and, as best I can see, take up the cause of every single organisation or body which has complained about the treatment they have had in the budget. Every organisation that missed out somewhere along the line has had recourse to this committee, and every single person's claim, however meritorious or unmeritorious, has been adopted by the committee. So we see a host of recommendations to spend more money.

The committee recommends that the government assure the Assembly that Family Services will not be underfunded or provide supplementation; that it provide supplementation for expected wage increases for nursing staff; that it allow funding for the Civic Youth Centre and the Junction Youth Health Centre to be located in the new section 56 development; that the government should make provision for a youth specific detoxification service in certain circumstances; that the government should allocate additional funds to the dental program; that the government should consider the allocation of an additional $10,000 per year to the Canberra Blind Society; more funds to the ACT Down Syndrome Association; review the basis on which funds are provided to the community sector for accommodation services for people with disabilities; and additional funding in future years to address the unmet accommodation support needs of young indigenous offenders in the ACT. I thought we were doing that, by the way.

The committee also recommends that the government provide interim funding for Care's legal service, pending the outcome of a needs assessment, and recommends that further staff reductions proposed by PALM not proceed.

Mr Speaker, every single person who has complained, apparently without exception, has had their case taken up by the committee and supported. Perhaps someone has been overlooked. I would be interested in knowing who came to the committee saying, "We believe we should get money," who was not supported in that claim, if anybody.

How does this add value to the process of drawing up a budget, or delivering and voting on a budget later this week? Here we have recommendation after recommendation slagging the government, saying in effect, "You people are being mean and niggardly with the money in the territory." This report slags the government for not funding X, Y and Z. There is no possibility of those issues being taken up in the context of the debate to start tomorrow afternoon, and they say this is constructive criticism. What is constructive about it? It is a complete and utter abrogation of the duty which the committee owes to do its job properly and to add value to the processes.

I ask members to go back and look at Estimates Committee reports of seven, eight, nine or 10 years ago. At that stage there were lots of comment about the structure of budgets, about presentation, about addressing issues, and about looking at the way in which we were dealing with emerging requirements in the early days of self-government. There were lots of those sorts of comments in the reports then.

For the most part, committees did not get into the business of saying, "Yes, anyone who wants to make a complaint about the budget, come through our door and we will write up your complaint; we will present a report saying that we support your getting more money." They did not, for the most part, do that. Sometimes there were calls for the government to fund more things, but generally they avoided that sort of "everyone-come-through-the-door, and everyone-gets-a-mention-in-the-estimates-report" approach. It is very unfortunate that this report seems to abandon pretty well 10 years of good practice with the drawing up of Estimates Committee reports and that the committee has gone for this process.

There are a number of things in this report which simply do not make sense. I have already said that there are a number of simple inaccuracies in the report. It tells us that we should fund the Welfare Rights Centre and the Women's Legal Centre because we do not provide any funding, for example, to the Welfare Rights Centre, conveniently overlooking the fact that there is $105,000 that goes to the centre from the Department of Education and Community Services in grants every year. Why doesn't the committee know that fact? The answer is that they did not ask.

I was before the committee for two full days as Treasurer and then as Attorney-General. In fact, I was there for 2½ days, because I think I came back to do the AFP, and hundreds and hundreds of questions were asked. Then the committee decided to run issues in the report which apparently were the particular axe to grind of individual members without actually going back and asking the relevant questions when examining the witnesses. That is not good enough.

Mr Speaker, there are contradictions in the report. Let me give you an example of it. Mr Quinlan, in his comments earlier today, criticised the proposal for beat police in the ACT, saying that he thinks it is a bad idea because it was apparently, and I quote his words, "a bottom up proposal", which is not the right way of going about things. It should not have been a bottom up approach; it should have come from senior management or people at the top. That, at least, is the impression I got of what he was saying.

Elsewhere in the report we get criticism of the proposals for policing, for the crime prevention initiatives, and the committee goes to some length to describe how these matters were formulated in cabinet, and posed, in effect, that it was a top down decision of government. They said, "We want to spend more money on crime prevention. Cabinet makes a decision, and the decision filters downwards from cabinet." Of that process, the committee says this:

> …the development of the crime prevention program appears to have been done in a haphazard way and is an example of "policy on the run".

So, bottom up is bad, top down is bad. What is left? Apparently middle managers are the only people entitled to develop policy proposals.

We also got, incidentally, this comment from the committee—that it thinks we should not be picking up and running with this idea for beat police in the ACT. It was pointed out that the proposal to have beat police actually arose out of the draft budget process. The justice committee recommended that we pick up the idea and run with it. Now we are told that we should go off and do a "detailed rigorous justification" of the need for beat policing.

I want to have this question answered, Mr Speaker. If we are allowed to disregard recommendations of Assembly committees if there has not been a detailed and rigorous justification for them by government or government officers, where does that end? Can we disregard all the recommendations we are not too comfortable about or would like to delay a bit while a detailed and rigorous justification is conducted?

Might I ask the other question? If there are all these things that the government should be funding, as recommended in this report, that long list that refers to the dental program, the blind society, disability services, Down syndrome, Care's legal services, PALM, blah, blah, blah, blah, where is the "detailed rigorous justification" for those things? Well? Well, where are they? We do not know, Mr Speaker. Apparently it is all right, when the committee does not like it, to knock off a proposal in this because not enough homework has been done on this. "We need more research; we need more findings, more studies, et cetera, et cetera, et cetera." I seek an extension of time, Mr Speaker.

Mr Wood: Oh, not a third extension of time, or is it the fourth?

MR HUMPHRIES: The second extension of time.

Mr Wood: How many more will we have?

MR HUMPHRIES: One more. *(Further extension of time granted.)* I thank members for the extension. I will not go beyond the five minutes I have been allocated. So what exactly is the process that the committee wants us to adopt? Can we pick up recommendations of Assembly committees without a detailed and rigorous justification? If we cannot, when can't we do so?

Mr Speaker, the government has been criticised for its draft budget process. The Assembly knows full well that it decided that the draft budget process would be used and that the process has been successful. It has resulted in change to the budget process. The

example of beat police is one such example. Why would the government not proceed with that process, given the framework in which the decision was made? This is a selective decision by those members with the numbers on the Estimates Committee to put a view forward which was different from the view of the majority of the Assembly. I think that recommendation should be recognised for what it is.

I said there were a number of inaccuracies and errors in the report. I will touch on some of those. In paragraph 2.18 there is a comment in relation to GST revenue and the guaranteed minimum amount. It says:

> …there is a revenue guarantee for around 4 years … what happens in future if consumption contracts, rather than grows.

Again, this assertion is made in the report but it was not tested in evidence. If a member had put to me in the course of this comment that the revenue guarantee is only for four years, I would have told them that that is not true. It is not just for four years. It is expected to be relied on for four years because that is how long it will be expected to take before the ACT goes positive on GST revenue, but the guarantee does not end then. It is a permanent guarantee. It can be relied upon at any point in the future if the territory ceases to have a positive net revenue flow from the GST, which will probably be never.

Mr Speaker, I want to refer to superannuation. The committee's comment was as follows:

> Apart from the $300m—

note that proviso—

> and the funding of the annual emerging cost stream, this will be the first payment towards the historical superannuation cost since the Carnell Government was elected.

Previous payments by the former Labor government, which incidentally amounted to $75.1 million, were funded from the territory's cash reserves. Members can see that it does not make a great deal of sense to move money from cash reserves into superannuation because all you do is take it from a place where you can use it flexibly—it is money sitting in the bank—to a place where it is inflexibly deposited and is still money in the bank. What is the point of that? Again, this issue was not put to the minister, or any minister, before the committee decided to write up all about this in its report. It is another bit of stuff pulled off the wall. Somebody who has a bee in the bonnet about this pulled it off the wall and threw it into the committee's report. The fact that it was not tested against the evidence is apparently irrelevant.

Mr Speaker, in paragraph 5.4 committee members criticised the fact that a transfer was not disclosed in the budget papers and could only be found in the Department of Education and Community Services' ownership agreement. Members will have forgotten, or perhaps were not even aware, that an instrument was tabled in the Assembly on 10 May transferring this appropriation, and the reconciliation was noted in the budget papers at page 253. Despite the comment that it was not disclosed in the budget papers, it is disclosed at page 253.

I could go on and on, Mr Speaker. I have several pages of those comments. They are, frankly, simply an illustration of how weak and how poor this process has been. Members opposite are looking desperately for some kind of club with which to hit this budget over the head. If they think that this estimates report is such a tool they are mistaken.

The fact is that this budget is a good budget. It addresses the long-term issues that the ACT community expects and wants the government to address. Frankly, this report is the sloppiest, least convincing document I have seen presented from a committee in a long time. It is a pity that the committee process has reached the stage where a report of this kind can be presented in this place.

MR HARGREAVES (5.32): Mr Speaker, I hope I will not require 15 minutes. Before addressing the report, I want to touch on something the minister said about previous reports. This report, I think, is my third. One of the criticisms in the past has been that the budget documents have been difficult to read. I have to extend my congratulations to Mick Lilley and his people.

Mr Humphries: Who?

MR HARGREAVES: Mick Lilley. Do you remember Mick Lilley? You would not remember him because he is the guy who went out of town with your sabre stuck out of his back. Mr Lilley did take note of a lot of the issues that people brought forward. I believe it was thanks to him and his staff that we saw Budget Paper No 3 presented in the form that it was. It made very easy reading for members like me. I am sure Mr Rugendyke would share my congratulations to these people in that this set of budget papers is considerably easier to digest than others. I want the record to show that we did appreciate that.

We have just heard from the Treasurer a tirade about this Estimates Committee document being the sloppiest piece of work that he has ever seen. Mr Speaker, coming from the Treasurer, who in my view is the master of the art of sloppy presentation and the art of smoking mirrors, I think that is a little bit rich. He bagged the report but he did not defend his position particularly well. He accused the process of being sloppy and said, and I quote, “It isn’t good enough.”

He also attacked because the committee did not comment on the Appropriation Bill 1999-2000 (No 3). Maybe the committee had so much work to do on the appalling Budget Paper No 4.

Mr Humphries: And maybe you forgot. Maybe you just forgot.

MR HARGREAVES: Mr Speaker, I think my behaviour today has been somewhat exemplary and I would like to continue it. I am being baited by that idiot who exits stage left.

Mr Moore: Is “idiot” acceptable, Mr Speaker?

MR SPEAKER: I will check.

MR HARGREAVES: Mr Speaker, I would like to give you an example of a sloppy piece of work that has come from the Treasurer and which was part of the estimates process. Therein lies the relevance. In the estimates hearing I asked the minister and his officials about the amount of GST that was payable for police services in the AFP contract. I observed blank looks from the minister because he did not have a clue what I was talking about, but his officials, to their credit, took the information away. I gave them 15 minutes notice and they came back and said they would take the question on notice. They duly came back and, under the minister's signature, they provided me with a reconciliation of two documents. Budget Paper No 2, at page 16, has an amount of $65.3 million allocated to the Australian Federal Police. Budget Paper No 4, at page 236, has $71.3 million. The difference is the amount of GST we would need to pay for AFP services.

I am aware that in some cases you have to allocate it out into the expenditure line and then reflect it back in the revenue line if it does not come back, because it wanders off to the Central Financing Unit. It is a very tortuous thing. As recently as 26 June the department of treasury said they had had no advice to say that this transaction, the payment of GST on behalf of police services, will not be attracting the GST and therefore there is no proposal to amend the Appropriation Bill 2000-2001. That emanated from a question I asked as a result of being told that we would not have to pay the GST on policing services because the difference between the $71.3 million in Budget Paper No 4 and the $65.3 million in Budget Paper No 2 was the GST that we would not have to pay. It was odd, Mr Speaker, that two budget papers printed on the same day contained in the same box different figures for the allocation for the AFP.

Naturally, when you see something like that, you ask questions and I was told that we do not have to pay it. Indeed, in the reconciliation provided to me and the response under the minister's signature it says, "GST not now payable." Well, if we do not have to pay it, Mr Speaker, why are we appropriating it? The answer, when I got it back from the Department of Treasury and Infrastructure, is that we do have to pay it. Mr Speaker, does the minister know whether we do have to pay it or we do not have to pay it? If you want to talk about being sloppy, perhaps the minister's concept of whether we do or do not have to pay GST on a $65 million bill constitutes sloppiness.

On top of that, if the minister and his advisers care to have a look at their advice to me in response to the question on notice they will note that under the minister's signature it says, "GST now not payable on the contract." I would like to know when it was discovered that it was not now payable. On top of that, the figure identified is $6,423,000. There is a very neat piece of reconciliation. It actually traces the original $71.3 million, more accurately described as $71,281,000, back to the $65,251,000 in Budget Paper No 2. That is a beautiful piece of reconciliation and everybody can see how it works, but there is one small problem with that—it does not agree with Budget Paper No 4, page 215, which identifies the GST as $6,523,000. Now, most people would just say, "Oh, well, it's point one of $1 million." In terms of service, Mr Speaker, it is $100,000. It is a $100,000 error.

Mr Moore: No. It is $10,000. Point one of $1 million is $10,000.

MR HARGREAVES: All right. I beg your pardon. I am corrected by the minister for health. I accept his correction because he is right. It is actually 10 per cent. The figure in fact was $6,423,000 on the reconciliation, and the true figure in Budget Paper No 4—I am assuming it to be the truth because that is the amount we have been asked to appropriate—is $6,523,000. So it is a $100,000 error, and yet I am presented with a perfectly balanced reconciliation. I cannot see how, for the life of me, it can work. Mr Speaker, I am using that as an example to show, first, that the minister has not the faintest idea of what is happening with the GST and what we have to pay, and, secondly, that his work in advising the Estimates Committee of a response to a question on notice was sloppy in the extreme. It was extremely sloppy.

I would like now to talk about the report. The Treasurer spent probably 12 of his 15 minutes attacking the committee's report, yet threaded right the way through this report are comments and sometimes quotes from the Treasurer indicating that he has not got a clue what is going on. I would like to wander through the report a little bit and have a look. Before I do that, the Treasurer made some points earlier on about there being a three-stage process and that he did not think it was working. We all know that he is going to abandon the draft budget process. I am not surprised because I laid the corruption of that particular process at his feet. If you look at page 31 of the Estimates Committee report, Mr Speaker, you will see that Mr Humphries informed the Standing Committee on Justice and Community Safety that there was an additional $1.5 million. That in itself says that we did not have to stick to the bottom line. *(Extension of time granted.)* I thank members. This just shows that the process applied to the Justice and Community Safety Committee did not apply to the other committees, and the whole system was corrupted.

I also draw attention to paragraph 7.4 of the Estimates Committee's report which talks about crime prevention programs, loosely described as the minister's slush fund. In answer to a question about how the money, $1.292 million, was to be spent—again I draw attention to the accuracy of the figure; there is $2,000 on the end—the minister said this:

> I cannot give you details of what the money is going to be spent on because I do not yet know.

He went on to say that one of the good ideas is a subsidy scheme of some sort to provide for the installation of car alarm devices. When we asked if he would come back to the committee, he said this:

> I cannot provide any more information other than the broad objectives that money is there to provide for.

Later in his speech the minister went on to criticise the criticisms of the beat police. Mr Speaker, I found that a bit rich. We know that the beat police program has been given $528,000. We also know that the recommendation of the Standing Committee on Justice and Community Safety was to be picked up in accordance with the recommendation for $1.547 million. In the last few days we have been trying to find out just how on earth this system can be provided in the context of $528,000. I recall the minister saying that he was thinking about some kind of sponsorship. I assume he is talking about free accommodation and not about McDonalds' logos on policemen's arms underneath their

flashes. When pressed, the minister said in his response to me that these police will operate out of the stations. Well, that is not community beat policing. They do not operate out of stations; they operate out of the community.

Mr Humphries: I did not say they were operating out of stations.

MR HARGREAVES: I beg your pardon, Mr Attorney-General?

Mr Humphries: I did not say that. I did not say they were operating out of the stations.

MR HARGREAVES: Mr Speaker, let the record show that the minister said that he did not say that the police would operate out of the stations. Let the record also show that I am advising him to go back and have a look at his response to me on notice for this report. That is exactly what you did say.

Mr Humphries: That was not the question you asked.

MR HARGREAVES: That is exactly what you did say. Don't try to Gary me now; it is too late in the evening. Mr Speaker, I have seen it and I do not intend to argue any further with the minister on this.

Recently, on examination, we tried to find out how we were going to put them out into the community. He changed his mind and did a backflip on that in recent times. He said that he would try to get some sort of free accommodation—there is no problem with that—but if he could not get it there would be money found from the crime prevention program. This minister has pulled money out of his slush fund to kick it along. Well, if he does, I say good, because I like the idea of the program, but let us not pontificate. Let us not hear another sanctimonious windbag in this place, Mr Speaker, come up and say that this committee report is terrible when he is actually twice as guilty himself.

Mr Speaker, I will move on. There were questions asked about the prison. The minister, when he was quizzed about the cost-benefit analysis or the cost of running private prisons and not public prisons, admitted that his department had obtained information on the costs of running private prisons but not public ones. His cost-benefit analysis purported to give us comparative figures. I quote his words. He said this:

> Because we have figures on those private prisons. We do not have individual figures on public prisons in Australia.

He said, "We can't get them." When asked whether he had tried, he hedged and hedged and could not answer the questions. He said he did not know whether his department had requested the information. Mr Speaker, let me tell you how easy it is to find out. It takes one phone call. I found out, Mr Speaker, that the extension of 400 beds, which is roughly the size we are going to have to have, for the Woodford prison in Queensland is going to cost $60 million to build. I found that out by making a phone call. I also found out that the new prison in Maryborough, Queensland, which has 550 beds is going to cost $97 million.

MR SPEAKER: The member's time has expired.

MR HARGREAVES: I seek a short extension, Mr Speaker. If it was good enough for the Attorney-General, it is good enough for me.

Mr Humphries: I had two extensions. You have had—

MR HARGREAVES: Excuse me? I am having exactly the same number and no more. *(Further extension of time granted.)* Mr Speaker, if I could find out those two figures so quickly, he has not found them out because he does not want to find them out. He knows what would happen.

Mr Speaker, the Estimates Committee hearings exposed the fact that there was a huge poker machine win between the draft budget and the estimates process. Where did it go? It went on programs over a number of years. I do not have enormous difficulty with a lot of the places where they have done that. The difficulty, Mr Speaker, is that if that money is available it could have been applied to some of the recommendations that the Estimates Committee made. They were made in good faith. They were not made just to make this government look stupid. It does a good enough job all by itself.

Mr Speaker, the road works in the budget emerged miraculously between the draft budget process and the estimates process and involve an enormous amount of money. I believe they emanated as a result of the heat that the opposition, particularly Mr Wood and I, have been putting on the Minister for Urban Services, Mr Smyth, to start doing something about the roads around town. This poker machine win for the minister has given him the wherewithal to react positively to the miserable failings that he has been steward of in his own electorate for the 2½ years that he has been here. He has just had this fortuitous windfall.

When it comes to the Women's Legal Service, Mr Speaker, the Attorney-General shows himself to be as shallow and as hollow as he really is. He knows full well, and he can see it on page 38, the actual time lines of when he did not approve the allocation of funds to the Women's Legal Service. We now see some redress, and I am glad to see the sum of that redress. But let us not use smoke and mirrors. Let us not use pontificating phraseology to try to bluff our way through. Mr Moore attempted to retract something that he thought he said today. I congratulate him for that attempt, although we will look into it again tomorrow. The Attorney-General ought to consider his position in relation to these legal services. He knows full well that Care has closed their doors. He knows that he has been sprung. It is as simple as that.

Mr Speaker, I will wind up now by reiterating the congratulations to the officials of the Department of Treasury and Infrastructure for presenting documents which were easy to read. The figures contained within them have a few problems. There are going to be amendments to them. However, for people like me who want to see what is happening out there in the world of the budget, it made it considerably easier than years gone by. In my former employment as part of the public service, it was my job to try to snow the politicians, and I did not do too bad a job even then. To all of those people now who are not trying to snow the politicians, I say thank you very much. I apologise to the politicians for doing it myself earlier on.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety): Mr Speaker, under standing order 47, I seek to make an explanation. Mr Hargreaves said that I suggested in an answer to the Estimates Committee that the beat police were going to be based in police stations. If Mr Hargreaves looks carefully at what I said in the course of my answer, it was to his question, which was: "What is the basis for the costing of the beat police?" The costing of the beat police was based on them not having to meet any overheads like that, like separate accommodation. It did not mean that they were going to be based in police stations. The costing was based on that. I made it very clear from the very beginning, Mr Speaker, that the beat police would not be based in police stations. They would be based out on the beat, out in other places, if possible in shopping centres and things of that kind.

Mr Speaker, I also have to raise a matter of standing orders with respect to the use of names. Mr Hargreaves used a number of names in the course of that speech, directed towards me. I try not to be too sensitive about these things, but he used words like "idiot". I think the phrase "sanctimonious fool" was another one. I ask that that phrase be withdrawn, Mr Speaker.

MR SPEAKER: Thank you. Mr Hargreaves, would you—

Mr Hargreaves: Mr Speaker, as with Mr Moore, I do not recall the actual words, but if there has been phraseology which has offended—

Mr Moore: "Idiot".

Mr Hargreaves: I am happy to withdraw the word "idiot" because I do not need to say that. I am happy to withdraw it. If there were other words which have mortally offended the Attorney-General, I am happy to withdraw them as well.

MR SPEAKER: Thank you.

Question resolved in the affirmative.

VICTIMS OF CRIME (FINANCIAL ASSISTANCE) AMENDMENT BILL 2000 (NO. 2)

Debate resumed from 25 May 2000, on motion by **Mr Humphries**:

> That this bill be agreed to in principle.

MR HARGREAVES (5.54): Mr Stanhope will no doubt speak to his amendment a little later on. I draw the Assembly's attention to the scrutiny of bills committee report on this issue. The report made a number of very valid points in respect of some areas of concern. One concern was that the levy of $30 or $50 could be regarded by some as a punishment—in other words, a fine. So we need to give some thought to the retrospective imposition of a fine which would be, in a sense, a double jeopardy, a double punishment.

It also occurred to me that if, in fact, somebody could not pay the levy then that onus and responsibility would fall back onto the family of the person. I know that the amount is only $30—it is only going to be $50—and I do not think anybody in this chamber has any difficulty with the size of the amounts and the intent of the government to increase the figure.

If the $30 is regarded as a punishment, as a fine, and the issue of retrospectivity is involved, then I believe that this is a serious matter. I concur with the explanation from the legal adviser, Mr Bayne, that it is a double punishment, and a punishment after the event. If you are going to knock over a supermarket you would really want to know how much you are going to get done for. I would not want to knock it over thinking that I am going to get six months and a thousand dollar fine, and then find out, much to my horror, after I had been convicted that somebody had gone and doubled it. That would be dreadful; I would be most upset.

I believe that what we are really talking about here is reparation and not a fine or a punishment. It is paying something back to the community for damage that has been incurred. In that sense, we need to consider whether retrospectivity is okay or not. For my own part, I think we should take the line that where the retrospectivity is going to be to the benefit of somebody then it is okay. I do not want to be held to that forever more and nailed to the fence for it, but generally speaking I think that is the case.

If, on the other hand, the retrospectivity acts to the detriment of somebody, I think we should have a standard in this place where we say no to it. After all, there is not going to be a humungous amount gained from this issue. There are not going to be bucket loads of money that we can apply to victims of crime schemes. Essentially, very little has been collected from this particular exercise anyway. I do not see any harm in us saying that if the conviction occurs on or after 1 July, so too can the increase. I do not think we would be forgoing anything of a huge size.

I would need some convincing by the minister that we were going to forgo an enormous amount of money before I would consider agreeing to the fundamental principle of retrospectivity, which could act as a detriment to somebody coughing up the money or the payment falling back on their family. I am a bit concerned about that, Mr Speaker.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (5.58), in reply: Mr Speaker, I rise to close the debate. Rather than comment in detail on the amendment that Mr Stanhope is going to move, I will wait till he moves it and pass some comment then.

I simply reiterate the fact that this bill arises out of a draft budget process recommendation of the Justice and Community Safety Committee. The recommendation seemed sensible and reasonable to the government and the government proposes to adopt it. I think that $50 is eminently affordable for most people, given that the fines that they pay will probably be well in excess of that in any case, and the court allows time to pay these things. I think it is reasonable to expect that there ought to be a higher level of penalty met by offenders in these circumstances, bearing in mind that, as Mr Hargreaves pointed out, it is not so much a matter of a penalty but reparation which is being paid towards those who have suffered some harm.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (5.59): Mr Speaker, I present the explanatory memorandum to government amendments to the bill. I move amendment No 1 circulated in my name:

> Clause 2, page 1, line 6, omit the clause, substitute the following clause:
> "**2 Commencement**
> This Act commences on the day it is notified in the Gazette.".

The amendment simply seeks to replace the 1 July commencement date to a date notified in the *Gazette*. Given the delay and given the lateness of these sittings, that date is probably likely to be around 3 or 4 July.

Amendment agreed to.

MR STANHOPE (Leader of the Opposition) (6.00): I move:

> Clause 4, page 2, line 4, omit the clause, substitute the following clause:
> "**4 Imposition of levy**
> Section 68 is amended by omitting subsection (1) and substituting the following subsection and note:
> '**(1)** If a person is convicted of an offence that this Part applies to, the person is liable to pay the Territory—
> (a) if the offence was committed before the commencement of this subsection—a levy of $30; or
> (b) if the offence was committed partly before and partly on or after the commencement of this subsection—a levy of $30; or
> (c) if the offence was committed on or after the commencement of this subsection—a levy of $50.
> '*Note* This subsection commenced on the day the *Victims of Crime (Financial Assistance) Amendment Act 2000 (No 2)* was notified in the Gazette (see s 2 of that Act).'.".

When I spoke this morning I foreshadowed that I would be moving this amendment and I outlined the reasons for doing so. As I indicated—and we have just agreed to the bill in principle—the Labor Party has no objection to the intent of the amendment the Attorney has moved today to increase the levy to be paid by convicted persons from $30 to $50. However, the scrutiny of bills committee did raise a couple of points by way of objection to the bill presented by the Attorney. First, they say that there is an element of retrospectivity in that a person convicted after the commencement of these amendments would be subject to a heavier penalty than that which applied at the date the offence was committed. The amendments to the bill circulated by the Attorney—we have just dealt with an amendment to remove reference to 1 July 2000—do not otherwise affect the issue raised by the committee.

The amendment that I have moved addresses the retrospectivity issue by making it clear that the only persons who are liable to pay the higher amount are those who commit an offence on or after the date of commencement, and obviously they will be convicted after the date of commencement. Persons who commit an offence before the commencement of this amendment and are convicted after it will pay the current amount of $30. That situation is covered by the amendment.

The second issue raised by the scrutiny of bills committee related to whether persons subject to this levy are also subject to double jeopardy in that they have to pay a double penalty. There has already been some mention by other Assembly members of the scrutiny of bills committee discussion in relation to this very interesting issue.

I must say that I find some of the explanations of some of our legislation entered into and entertained by the scrutiny of bills committee very interesting. There was a most interesting discussion on the issue of double jeopardy and I thank the scrutiny of bills committee for providing a very good explanation of the law in relation to that.

It is perhaps worth noting that the committee set out a number of criteria to judge whether this levy is in fact a penalty. My colleague Mr Hargreaves discussed that as well. The levy in this case fails to meet two of the three criteria set by the committee. The committee quoted from a High Court decision. I will adopt their quote but put a negative spin on it, to some extent. They said that they did not think that this levy would cause a convicted person "to live in a continuing state of anxiety and insecurity, as well as enhancing the possibility that even though innocent he may be found guilty". That was the finding from the High Court decision quoted by the scrutiny of bills committee.

This is a levy imposed following conviction. There is no suggestion that a person should be tried a second time or even subjected to a second hearing to determine whether the $50 levy should be imposed. It is, in effect, a tax to offset the costs to the territory of providing assistance to the victims of a crime. In one sense, it is not much different to the convicted person being ordered by the court to pay the compensation directly to the victim.

The courts have had the power for a long time to make these compensation orders and I have not heard it suggested that the making of a compensation order subjects a convicted person to double jeopardy. Therefore, in that instance, I do have some difficulty with some of the analysis of the committee in relation to the issue of double jeopardy. But, as I have said, I found the report particularly interesting and I quite enjoyed reading it.

To reiterate: the amendment that I have moved meets the suggestion of the scrutiny of bills committee that there is an element of retrospectivity in the Attorney's proposal. This matter can quite easily be dealt with through my amendment. It seems to me that, in relation to a matter such as this which is of itself of no great moment and perhaps could be regarded as being not particularly significant—there might even be some suggestion it is not a truly retrospective action, although the scrutiny of bills committee believes it is—it is quite easy to overcome the concerns of the scrutiny of bills committee.

I believe that we should accept this simple amendment to overcome the problem of having a retrospective law, particularly as its implementation might impact financially on a person affected by it. It is no great matter; it is not a matter of great order. The principle of retrospectivity is, however, a significant matter. We should take the opportunity to avoid any suggestion of the retrospective application of a law such as this. We should avoid infringing the rules in respect of retrospectivity. I commend to the Assembly the opportunity to avoid the retrospective application of the Attorney's bill, to which the scrutiny of bills committee has drawn attention.

MS TUCKER (6.06): I will speak briefly to the amendment and to the bill in principle. I have some concerns about the bill generally. It is true that in this—

MR SPEAKER: You cannot talk in principle, Ms Tucker, but you can address the amendment.

MS TUCKER: I am addressing Mr Stanhope's amendment. I might seek leave to refer to some of the broader principles because I was not able to get down to the chamber to take part in the in-principle debate. I will address the issues that Mr Stanhope has raised.

Concern has been raised about the injustice that can result from retrospectivity. I think that relates to my more general concerns about this legislation. We have had vigorous debate in this place on the victims of crime issue and we have seen the recommendations of the committee ignored. The government has chosen to increase the victims of crime levy by 67 per cent.

I know that ACTCOSS has expressed some concerns about this bill being regressive. Fifty dollars may hurt the very poorest in our community, while it would mean almost nothing to people on reasonable incomes. We would look more kindly at this bill if it were part of a comprehensive scheme which treated all victims of crime fairly.

Mr Stanhope's amendment addresses one aspect of the unfairness of this piece of legislation. I will listen to Mr Humphries' response, but it is unlikely that I will be persuaded otherwise. So I will be supporting the amendment.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (6.08): I have to indicate that I have a problem with the amendment that Mr Stanhope has moved, and I will explain why. First of all, though, I want to address the issue of the legislation imposing some kind of double jeopardy. Classically, double jeopardy is defined as a person being punished more than once for the same criminal activity. A person who is tried for an offence, convicted, given some sort of penalty and then faces a second trial for the same offence is classically what double jeopardy is all about. That is what the law of Australia, and most other civilised countries, expressly forbids.

Having a double-barrel penalty in the nature of, say, a fine or a term of imprisonment plus an order for reparation cannot in any sense of the word be described as double jeopardy. I think it is extraordinary that the scrutiny of bills committee could suggest that such an arrangement could ever be double jeopardy. It simply is beyond any reasonable description of that term. I say most emphatically that that is the case.

Let me turn specifically to what Mr Stanhope wants to do. I think we should reject his amendment for three reasons. First, it is complicated; secondly, it is unclear; and thirdly, it is inconsistent with the approach we took originally back in 1996 on the imposition of this penalty. It is complicated because, for an indefinite period into the future, it provides for a two-tiered system of levies to be imposed on criminals.

This arrangement will need to be carried on for some years to come. In fact, potentially decades from now there will still be an arrangement whereby some people will have to pay a $30 levy if convicted of a crime and others will pay a $50 levy if convicted of a similar crime. Two people could come before the court on the same day charged with the same kind of offence with one paying a $30 levy the other paying a $50 levy, depending on when the crime was committed. I think that would be unfortunate. That is not a particularly good signal to be sending about this scheme which is operating in our courts. So the amendment is complicated.

The second objection to this amendment is that it is unclear in its application. This perhaps is the fatal flaw in the amendment. The amendment requires that if the offence was committed before commencement of this subsection you pay $30; if it was partly before and partly after then you pay $30; and if it was clearly after then you pay $50.

Two issues arise from this complication. First of all—and I hope members are listening to this argument because it is quite important—let us assume this section comes into effect on 4 July, which is about the day I expect it to come into operation. Someone is charged in the court with an offence that between 1 July and 10 July 2000 they defrauded an account at the Commonwealth Bank in the ownership of Mr X to the value of $10,000. The provision is broadly drafted and often it will not be clear to the prosecution in that case exactly when the offence was committed. So necessarily you have to have a broad description of when the offence might have occurred.

Do we know when exactly the offence was committed? Was it committed before or after, or partly before or partly after, 4 July? How would anyone know? The defendant pleads not guilty, he is tried, and nonetheless convicted. How do we know when the offence was committed? We simply do not. It is simply not possible in many cases in our courts to settle on a date when an offence actually occurred.

The scheme provided for in the amendment will require that there be some mechanism in the courts to enable an official in the registry, who collects money for the fines, to know exactly when the crime was committed so that he or she can determine how much criminal injuries levy to collect. How will he or she be made aware of that information? It is not provided at the moment. At the moment you pay your fine and your $30 at the same time. Under this amendment, the official will need to know exactly when the crime was committed to work out at what level the levy will be paid.

To go back to my first point, it often is impossible to know exactly when a crime was committed. For example, a family go on holiday in the first two weeks of July 2000 and on their return find that their house has been burgled. A person ultimately is charged with the theft on the basis of fingerprint evidence or whatever. Do they pay the $30 penalty or do they not, particularly if they are convicted without making any admissions? Do they pay the $30 penalty or do they pay the $50 penalty? I do not know and neither would a court. For that reason the provision is unclear and ought not be supported.

The third argument is that the Assembly passed this legislation in 1996 and it became effective on 1 January 1997. At that time the Assembly decided to impose the $30 penalty on all people coming before the court after that date who had committed crimes. It was, in effect, made retrospective at that time. The scrutiny of bills committee did not draw attention to any concern about retrospectivity at that stage. I think it is fair to suggest that today there are different standards or different rules being applied in the committee than was the case during the time of Professor Whalan's stewardship of that committee.

My advice in respect of this matter is that—as the committee itself notes—the levy is quite small and does not, in substance, bear the character of a punishment. Therefore, retrospectively imposing an additional $20 on somebody who might have committed a crime hardly amounts to a serious retrospective imposition of a heavy penalty on that person.

The main argument I use against this amendment is that it is not clear. It will not be clear to a magistrate or a judge at what rate to impose the levy. In those circumstances, it should not be supported.

Question put:

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

The Assembly voted—

Ayes, 6	Noes, 11
Mr Berry	Ms Carnell
Mr Corbell	Mr Cornwell
Mr Hargreaves	Mr Hird
Mr Quinlan	Mr Humphries
Mr Stanhope	Mr Kaine
Mr Wood	Mr Moore
	Mr Osborne
	Mr Rugendyke
	Mr Smyth
	Mr Stefaniak
	Ms Tucker

Question so resolved in the negative.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (6.21): I move amendment No 2:

> Clause 4, page 2, line 7, proposed new subsection 68 (1), omit the subsection, substitute the following new subsection:
> "**(1)** If a person is convicted of an offence that this Part applies to, the person is liable to pay the Territory a levy of $50.".

This amendment clarifies the operation of the penalty.

Amendment agreed to.

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

Bill, as amended, agreed to.

HEALTH AND COMMUNITY CARE LEGISLATION AMENDMENT BILL 2000

Debate resumed from 11 May 2000, on motion by **Mr Moore**:

> That this bill be agreed to in principle.

MR WOOD (6.22): Mr Speaker, the opposition supports the Health and Community Care Legislation Amendment Bill 2000. The bill enables a transition to a revised standard for the uniform scheduling of drugs and poisons around Australia. That scheduling is a complex task, and it is sensible that there be a national approach. Such an approach certainly will allow for a consistency that would not otherwise be available. I expect that a pretty heavy burden would be placed on a small jurisdiction like the ACT if it had to work out its own standards. Along with the other states and territories, the ACT has agreed to amend this legislation by 1 July. So, Mr Moore, you will make that deadline. There are a number of other amendments that are sensible and are supported by the opposition.

MR MOORE (Minister for Health and Community Care) (6.23), in reply: I have spoken briefly to other members and I know they are in agreement that, as Mr Wood has just stated, the bill is very straightforward. Mr Speaker, I appreciate the support of members.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

PUBLIC HEALTH AMENDMENT BILL 2000

Debate resumed from 11 May, on motion by **Mr Moore**:

> That this bill be agreed to in principle.

MR WOOD (6.24): The Public Health Amendment Bill 2000 simplifies the process by which firms, whose activity may impact on health, can be registered. At present these businesses—for example, hairdressers—require approval before they can commence business. The bill allows a premises to be registered automatically. Of course, it remains necessary for businesses to comply with all health requirements but they get their registration and they can operate so long as they remain within the requirements of the

health regulations. This simplifies arrangements but does not, in my view, weaken any of the conditions.

Other measures are proposed in this bill, the most significant of which appears to be the code of practice for cooling towers. I have been apprised of the need for a revised code of practice to be put into operation. This certainly remains a matter of significance around Australia. I think the Liberals as much as anybody else would be acutely aware of the need for cooling towers to operate well.

Ms Carnell: We almost got written off.

MR WOOD: Yes, by-elections—I had that in mind, Chief Minister. It may be, Mr Moore, that it was pressure from the Liberals that brought this about. But certainly we have become aware in recent times of the problems that can be caused by inadequately maintained cooling towers and it is important that every step be taken to ensure that there is compliance with all the standards. I am pleased to see that this is about to come into effect.

MR MOORE (Minister for Health and Community Care) (6.25), in reply: Mr Speaker, there is no truth in the rumour that when the legislation was brought to me I said I could see some advantage in this after all. There is no truth in that rumour at all.

This is important legislation which makes sure that we protect people from legionella and its wider ramifications. Mr Speaker, I indicate to members that I have an amendment for the detail stage. The amendment, which mostly concerns drafting, has been circulated and I thank members for their support.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole.

MR MOORE (Minister for Health and Community Care) (6.26): Mr Speaker, I present a supplementary explanatory memorandum. I move:

> New clause—
> Page 18, line 11, after clause 11 insert the following new clause:
> "**11A Substitution**
> Section 6 is repealed and the following section substituted:
> '**6 Position of Crown**
> Section 6A of the Building Act is amended—
> **(a)** by omitting the heading and substituting the following heading:
> '**6A Application of Act to the Territory'**; and
> **(b)** by omitting from subsection (1) all the words before paragraph (a) and substituting 'This Act does not bind the Territory in its application in relation to—'; and
> **(c)** by omitting subsection (2) and substituting the following subsection:

> '**(2)** However, section 40A (Compliance with building code) binds the Territory in relation to a matter mentioned in subsection (1).'.".

As indicated in the explanatory memorandum, the amendment is largely a drafting matter. I would appreciate the support of members.

Amendment agreed to.

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

Bill, as amended, agreed to.

Sitting suspended from 6.27 to 8.00 pm.

APPROPRIATION BILL 1999-2000 (NO 3)

Debate resumed from 23 May 2000, on motion by **Mr Humphries**:

> That this bill be agreed to in principle.

MR QUINLAN (8.00): The opposition will be supporting this bill. It tidies up the finances of ACTION. It confirms the original estimates, hopes and plans for ACTION have been a fairly sorry story. It also provides additional funding for criminal injuries compensation. I might just take this opportunity to record my opinion that that also has been a fairly sorry exercise. I am sorry that Mr Rugendyke and Mr Osborne are not here. I would just record the fact that the way this bill now operates to favour an elite group at the expense of the general public is a fairly sad commentary on the place; otherwise, we are happy to support the bill.

MR HARGREAVES (8.03): I will be very brief. As the Deputy Leader of the Opposition said, we will be supporting the bill. In fact, we have no choice. This bill is about a funding fiasco. It is actually about funding a lack of achievement in the rehashing of the network and the provision of unrealistic targets.

Mr Speaker, I understand the need to provide supplementation for unforeseen things, such as fuel hikes. I suspect that we will be seeing even more of them now that the GST is about to be introduced on fuel. But I am a bit curious as to why we need an increase of $500,000 for legal settlements arising out of accidents. I would have thought that the base funding would have been enough to satisfy that. However, I accept that as a valid call of another unforeseen nature as it was not within the power of the government to foresee that sort of legal claim.

However, this does hold up a flag for us, Mr Speaker; it sets off a beacon that accidents do happen in this game. The bus drivers are on the road for an awful long time and it is a high-risk area, so we need to be particularly cautious that we do not introduce regimes that change the manner in which drivers go about their work in such a way as to put them further at risk. I suspect that this may well be the case with the downward surge in the number of drivers.

The explanatory notes to the bill refer to savings not realised from the enterprise bargaining exercise of $700,000 and to ACTION facing increases in workers compensation insurance costs and employee expenses of $2 million. I am concerned that there have been increases in workers compensation insurance costs. I suspect that they are being put down to the unacceptable amount of driving that these drivers are being asked to do. I would like to pay tribute in this instance to the amount of work that the drivers and the remaining mechanics are doing just to keep the fleet on the road. In a sense, my heart goes out to them because they are, in fact, carrying these changes.

Mr Speaker, when changes were introduced to the network and to the zoning arrangements for fares, the government intended to reduce costs by $10.5 million, but it has not achieved that. It said that it was going to increase passenger boardings, but it has not achieved that. We are now seeing evidence of that in the downward trend in fare returns of $2.3 million. I notice that in the latest increases many fares have increased well above the 12 per cent which I would have thought would be reasonable.

I do not believe that the lack of achievement in enticing people onto buses should be compensated for by jacking up fares by more than 12 per cent. In many cases it is 20 per cent, which translates into 20c, but that does not necessarily mean that it is a small amount of money. Indeed, Mr Speaker, when that 20c is translated into the cash fare tickets of pensioners and other people who have no alternative but to travel on the buses, those people are at a considerable disadvantage.

I take the opportunity to congratulate the government on the provision of buses for handicapped persons. I look forward to seeing more of those buses in the fleet.

Mr Speaker, I have some reservations about the way in which we are turning over the buses. I understand that not long ago—in fact, a matter of days—there were four buses destined for sale. Actually, I believe that they were sold and have been picked up by some gentlemen and taken to Wollongong. On that very same day, the ACTION people were four buses short, so network changes were needed to accommodate that.

I am a bit concerned that, instead of being proactive about the changes to the network and trying to entice people onto buses, what is happening is that because these targets have not been achieved people are starting to become a little bit reactive. I must say, Mr Speaker, that I think that the staff of ACTION have done all they possibly can to achieve the changes and to try to make the network work, but they are up against it because the nature of the zone fare system has caused a deterioration in the number of passenger boardings, if the number of people who have contacted my office to complain about it is any indication.

Mr Speaker, I conclude by saying that I think we have to pass this appropriation bill because, basically, the government has failed to meet its target; but if it has failed to meet its target and is prepared to own up to it, as it has in the explanatory notes to this appropriation bill, then I say, “Fine, let’s give the government the money to get on with it.”

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (8.09), in reply: Mr Speaker, in closing this debate, I thank members for their support for the Appropriation Bill 1999-2000 (No 3). It never gives the government any pleasure to have to come back and seek additional money for an area of government activity, and this is no exception.

The process of coming back to the Assembly and clearly putting a case for additional appropriations is a healthier process than the alternative. The Assembly can at least draw some comfort from the fact that both of these areas are matters that the government either has fully addressed in terms of rising costs to the community or is in the process of addressing and they are matters that, with some good management and perhaps a little bit of luck, we will not need to come back and deal with in the same way in the future.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

FINANCIAL RELATIONS AGREEMENT BILL 2000

[COGNATE BILL:

FINANCIAL RELATIONS AGREEMENT CONSEQUENTIAL AMENDMENTS BILL 2000]

Debate resumed from 30 March 2000, on motion by **Mr Humphries**:

> That this bill be agreed to in principle.

MR SPEAKER: Is it the wish of the Assembly to debate this order of the day concurrently with the Financial Relations Agreement Consequential Amendments Bill 2000? There being no objection, that course will be followed. I remind members that in debating executive business order of the day No 7, they may also address their remarks to executive business order of the day No 8.

MR QUINLAN (8.11): I would like to say a few words on these bills. These bills are the instruments by which the ACT embraces the GST. The opposition has been quite happy to support the passage of the implementation bills that make that possible and the opposition accepts the inevitability of the GST, but it does not necessarily follow that we support these bills.

This weekend marks the commencement of an era of some pain for low and middle income families. We will see the beginning of the end of "never ever land", as John Howard's, Mr Costello's and, to some extent, Meg Lees' goods and services tax actually is visited upon us.

The Financial Relations Agreement Bill and the consequential amendments bill are being put before the Assembly for ratification of an abhorrent tax system and it seems that now is a good opportunity to reflect on the GST, a GST that I have witnessed Mrs Carnell and Mr Humphries embrace awesomely on the other side of the house.

Let us look a little at the background. One of my personal favourites in this whole process is an interview given by Mr Howard in May 1995 on the future of a broad-based consumption tax. I would like to relate the words between a journalist and Mr Howard:

> **Journalist**: So you've left the door open for a GST now, haven't you?
>
> **Mr Howard**: No, there's no way that a GST will ever be part of our policy.
>
> **Journalist**: Never ever?
>
> **Mr Howard**: Never ever. It's dead. It was killed by the voters in the last election.
>
> **Journalist**: Were you misquoted in today's *Australian* newspaper, then?
>
> **Mr Howard**: Well, any suggestion that I left the door open is absolute nonsense. I didn't. I never will. The last election killed the GST. It's not part of our policy and it won't be part of our policy at any time in the future.

There you go. To some extent I think that Mr Howard, our Prime Minister, went to the same school as our own Treasurer and Chief Minister in relation to commitments made and not kept, such as "the sale of ACTEW is not on our agenda".

Mr Berry: It is on the hidden agenda.

MR QUINLAN: It is on the hit list. One of the triggers for more information on tax reform came from the state and territory leaders, including our very own Mrs Kate Carnell, who in October 1997 all signed a communique on tax reform. That communique started off by saying that there must be no increase in the overall tax burden. It went on to say that the states and territories must have access to broad-based growth taxes to replace undesirable, ineffective, narrowly based taxes. The 1998 election was to follow, with a campaign fought on tax reform and tax reform alone.

The federal government's document *Not a New Tax, a New Tax System* was at best misleading, and at worst a total lie perpetrated on the most vulnerable members of society. We all remember the promises that everybody would be better off, that there would be no increases in price greater than or equal to 10 per cent, that housing rents would not go up, that fuel prices would go down, that income tax cuts would counter the GST, and that inflation would increase only by 1.9 per cent over the underlying GST rate.

Another thing that this place could never forget was Kate Carnell and Gary Humphries standing in this house and echoing the voices of their federal colleagues. In fact, it was this government that costed the Liberal Party's taxation reform package using government resources, while there was not a whimper when the earned income tax credit

system was released. I wonder how much those little stunts cost the taxpayers of Canberra.

Not long after the election we had the genesis of today's legislation—the Special Premiers Conference of 9 April 1999 at which it was agreed that certain taxes would be removed and fully-fledged support for the GST came from the Liberal-led states.

Mr Humphries: Backed by the Labor states as well.

MR QUINLAN: I do not think that they had a choice, Mr Humphries. Mrs Carnell chanted the mantra again, as did Mr Humphries, with no idea of how it would work, what it would cost and who would truly be affected. Then along came the Democrats to offer their support.

The premiers ratified the system and accepted additional compensation payments at a further Special Premiers Conference on 28 May 1999. Thus, the intergovernmental agreement on taxation reform was born. It is the one that we intend to put in place today.

With hindsight, I think we can reflect upon some of the impacts of the GST. There has been nothing but chaos in terms of its implementation. There is a prediction by even our own chamber of commerce in the ACT—let us get down to the ACT—that some 15 per cent of small businesses are at extreme risk of going out backwards simply because of the introduction of the GST. It was, I think, considered by the representative of the chamber of commerce as a good thing that fewer businesses in the ACT—15 per cent—will go out backwards than is predicted for the states.

That, in itself, is a savage indictment of the GST. The fact that the federal government has had to introduce compensatory payments here and there over a limited span to soften the introduction of the GST means that people in less fortunate circumstances will be worse off under this pernicious tax. The fact that high income earners will be receiving an extra $50, $60, $70 or $80 a pay, whereas at the lower end there will be very little absolute difference in what people will get in their hand, while we will be seeing many of the necessities of life increasing in price by margins of up to 10 per cent and even looking like going beyond as a result of this GST, means that it is an inequitable tax.

Not only is it an inequitable tax for Australia, but also there has been the most appalling exercise in ineptitude on the part of the federal government in trying to introduce it. If you have watched over the last few days or so as we have had bits of legislation coming down for the implementation of the GST in the ACT, you will have seen that even in this level of ineptitude our Liberal government is prepared to follow big brother on the hill.

Mr Speaker, the ALP's position on the GST is fairly clear. Every day that goes by further confirms the wisdom of that position and, as a function of that, the ACT ALP cannot support this bill, which goes to the core of the facilitation of the GST.

MS TUCKER (8.21): The Greens also have been opposed to the federal government's new tax system right from the start. We believe that the GST is a regressive tax and that the compensation provided to low income earners will be insufficient to cover the imposts of the GST. The Greens are also opposed on environmental grounds to the reduction in the price of diesel included in the federal government's package.

The deal that the Democrats did with the government over the tax package was, in our view, a sellout of Democrat principles and did little to improve the regressive nature of the package. The Liberal-Democrat tax package is still fundamentally unfair and is unacceptable.

We support the conclusions of the Australian Council of Social Service that, while the revised package is fairer than the original because it gives a little more to pensioners, unemployed people and low and middle income Australians, it still gives too much to the well off. The package will therefore widen the gap between rich and poor and the whole nation will suffer from greater division between the haves and have-nots.

The package remains seriously flawed because, while some food is exempt from the GST, the definition is too narrow. Prepared meals, snack foods, confectionery, alcoholic beverages, soft drinks, takeaways and restaurant meals will be taxed. This includes sandwiches, pies, pizzas, frozen dinners, ice cream and the like.

To help pay for the exemption, regressive bank account taxes will remain in place for at least five years. Immediate financial compensation is being provided for low income households, but they are being exposed to a higher risk of future budget cuts in social security, health, education and welfare services.

The well-off remain the biggest beneficiaries of the income tax changes. Tax cuts for high income earners have been reduced from the $86 per week originally, but all taxpayers with taxable incomes over $60,000 will still gain an unfair tax cut of $62 per week, thus widening the inequality. A breadwinner on $20,000 a year will get tax cuts worth $540 a year. A breadwinner on $60,000 will get cuts of $3,222 a year.

The GST will also impact on the spread of knowledge. Books will be taxed for the first time. Within the education sector, books, stationery and research-related expenses will be taxed. There will be a higher cost of living for students.

The GST will also have negative impacts on the community sector. Charities and non-profit community groups will be taxed for the first time. Commercial activities of conventional charities will be taxed, for example, shops, mail order sales, fundraising dinners and fees charged which are more than 50 per cent of the market value for the service. For non-profit community groups that do not qualify as charities, most activities will be taxed, for example, membership fees, publications, fundraising, sponsorship, some course fees and fees for services.

On the environment side, Dr Clive Hamilton from the Australia Institute calculated that the Democrat-Liberal GST package will cause a sharp increase in urban air pollution and a 5 per cent increase in greenhouse gas emissions from the commercial transport sector.

There is to be an extra $3,223 million per annum in massive new tax cuts and incentives for diesel and petrol consumption. This is only 15 per cent less than promised in the government's original GST package. All trucks over 20 tonnes and rural-based trucks over 4.5 tonnes will get a reduction of 23c per litre in diesel prices. All business vehicles will get a 10 per cent reduction—7c per litre—in petrol and diesel prices.

Seventy per cent of the benefit will go to the mining industry. Woodchips will be $1 per tonne cheaper to transport. The new fuel tax cuts are additional to existing diesel fuel rebates of over $2 billion per annum which will be preserved by the Democrat-Liberal package.

The Democrats have made much of their so-called success in getting around $230 million allocated for environmental programs partially to reduce the pollution caused by the massive fuel price cuts, but this amount is 14 times less than the pollution incentives. GST will also be charged on public transport, installation of energy efficiency measures, green power, renewable energy equipment and environment group subscriptions and fundraising.

The Greens believe that tax reform should be based on ensuring that taxes are progressive, that tax avoidance loopholes are eliminated and that taxes are targeted at environmentally destructive industries. For example, the Greens support having a carbon tax to reduce greenhouse gas pollution, with the proceeds being used to abolish anti-employment payroll taxes. From our perspective, the federal government's new tax package will do little to progress Australia towards ecological sustainability and social equity.

I think the onus is on the ACT government to try to compensate in some way for the regressive taxation measures of the federal government. That is why I am doubly concerned that this year's budget of this government has failed once again to address these issues. The pressure on equity has increased significantly over the last few years as a result of the federal government's policies.

It is not good enough for the ACT government or any other state or territory government to say that it is not their fault. The point is that citizens of the ACT will be suffering as a result of the federal government's policies, the disadvantaged members of our community in particular. A responsible government would take that into account and try to compensate in some way for the federal government's policies.

MR STANHOPE (Leader of the Opposition) (8.27): Mr Speaker, I will speak briefly to these bills as well in endorsing the comments made by my colleague Mr Quinlan and by Ms Tucker from the Greens.

Mr Speaker, the government says that these bills signify the Carnell government's intention to comply with the intergovernmental agreement on the reform of Commonwealth-state financial relations. Indeed, the agreement is a schedule to the Financial Relations Agreement Bill. These bills, as the previous two speakers have said, are the last step in putting into place the GST, the goods and services tax, as they signify this government's commitment to the GST.

According to Mrs Carnell and Mr Humphries, the GST is the answer to all our prayers: it will be a growth tax, giving the territory access to increasing sources of revenue; it will remove the burden of onerous local taxes and charges; the tax cuts that go with the package mean that we can all pay the higher prices; and, of course, we can rest easy in the Prime Minister's assurance that the Commonwealth will make good any temporary shortfall the territory might suffer. While the Liberals trumpet the new tax, Labor is concerned, among other things, about its inevitable impact on the ordinary person in the

community and on small business. Most of all, we are concerned about the blatant inequity of this tax.

The GST will apply a tax to goods and services that have not been taxed before. It is true that it will apply to some goods that have been taxed before and in some cases will reduce the tax applied. There will also be reductions in income tax. But the GST is an unfair tax and those reductions do nothing to address this unfairness.

The GST will apply to new houses and furniture. It will apply to skin creams and first-aid kits. Most infamously, it will apply to tampons. It will apply to prams and cots, it will apply to school uniforms and shoes, it will apply to electricity, it will apply to gas services, and it will apply to telephones.

It will not apply to the so-called basic foods, but it will apply to many food items, creating a nightmare for the consumer and retailer alike.

It applies also to all the attributes and accoutrements of a wedding. It applies to funerals. It creates a nightmare overall. Current and realistic estimates are that prices will rise by as much as 6.7 per cent. This is where the injustices begin to surface: prices will go up by 6.7 per cent and pensions by 4 per cent, but only until March 2001. That is equity Liberal style: prices up 6.7 per cent; pensions up 4 per cent.

There will be income tax cuts, yes, but bigger cuts for higher income earners and smaller cuts for lower income earners, eaten up already by interest rate increases flowing from the GST and before we take account of the price hikes on goods and services. The only winners from the GST will be people on incomes well above average weekly earnings. That is equity Liberal style.

Education was to be free of the GST, said Mr Howard. Private school fees will be GST free, but it will apply to school uniforms, to exercise books, to pencils, to school bags and to all the other essentials of education. It will apply to most school excursions. Community groups will even pay GST on the hire of sports grounds: more and more equity Liberal style.

The GST will apply to small business as well. Small business people, of course, not only will have to pay GST on goods, but also will become the government's tax collectors. The GST is the major concern facing the small business sector. It is the small business sector that is struggling with the lack of quality information now and will have to struggle in the future with compliance costs and the effect on cash flows.

Indeed, a study undertaken for the New South Wales Department of State and Regional Development highlighted the impact of the new tax regime on small business, using a series of case studies—a jewellery retailer, a small manufacturer with export markets, a smash repairer and a business that installs and repairs airconditioning. Any of them could operate in the ACT.

The study revealed a range of implementation costs, dependent in part on the nature and size of the business, but in each case reaching into the thousands of dollars. It is obvious that all businesses will have to commit significant time and training to implementation. These are hours of business forgone and the nature of small business inevitably means

that owners will typically have to spend some of their own time after hours grappling with GST implementation and compliance issues for months and months, if not forever, under this tax.

But this government has made no attempt to assist small business in the ACT. Unlike New South Wales, there has been no analysis by this government of the effect of the GST on our businesses. The closest in relation to any analysis of the effect on ACT businesses is a claim or a prognostication that I have seen of the chamber of commerce that up to 30 per cent of all small businesses in Australia may go bankrupt in the next two years. That has been the extent of the analysis that has been carried out on the effect of the GST in the ACT and Australia generally, as I am aware of it. Up to 30 per cent of them will go broke. Some analysis!

Unlike the Tasmanian Labor government, this government ran dead on a companion issue to the GST, the diesel fuel rebate. The Labor government in Tasmania won this subsidy for transport operators throughout that state, including Hobart. The government here, the ACT government, did nothing about the subsidy. Indeed, it seemed to know nothing about it. The result of this incompetence is that there will not be a subsidy for the greater number of operators in Canberra, but there will be a subsidy of 23c a litre for operators in Queanbeyan and Yass.

The Treasurer said in his presentation speech that this bill is a demonstration of the Carnell government's commitment to the intergovernmental agreement on the reform of Commonwealth-state financial relations. It may well be that, but it demonstrates more about this Liberal government. It demonstrates to the people of Canberra the Moore-Carnell government's commitment to an unfair, unworkable and unnecessary tax, the GST.

We in the Labor Party will not support the GST and, as Mr Quinlan has said, the Labor Party will not support this bill.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (8.34), in reply: Mr Speaker, I do not propose tonight to engage in a panegyric of the GST. I have certainly observed the many issues that have been raised about the GST in the course of the last few weeks. I have no doubt that some of what has been said about the GST is true and that some of what has been said about the GST will prove to be false. At the end of the day, Australia will have a new tax system, that is, as of Saturday of this week, Australia will have a new tax system and there will be a number of changes Australians will need to adjust to.

Despite the fact that, like the rest of Australia, the ACT will have to experience the changes that are coming about because of the changes in our tax system, the ACT, as a community, will be a very significant winner out of having a goods and services tax. The basis on which I say that is the simple equation that the ACT will obtain under the GST very considerable sums in place of or by way of federal government grants, representing the ACT's share of the national GST pie.

As members noted in the Estimates Committee debate a bit ham-fistedly this morning, in the first four years there will be no net improvement in the ACT's financial position as a result of the GST, but that position will change dramatically in the sixth year, that is,

the 2004-05 financial year onwards. In the 2004-05 financial year the ACT will be a net beneficiary of the GST to the tune of $14.2 million, rising in 2008-09 to $70.4 million—this is in 1999-2000 dollars—and in 2009-10 the annual benefit to the ACT, that is, extra money the ACT community will receive from the goods and services tax, will be $93.8 million.

Mr Quinlan: If the economy holds.

MR HUMPHRIES: No. Mr Speaker, I am satisfied that these are conservative estimates of the benefits that the ACT will obtain. If I am still around in 10 years' time, I will be very pleased to sit Mr Quinlan across the table and decide who will eat his hat, depending on how much benefit has actually flowed to the ACT in that time. The total benefit to the ACT over the next 10 years from the goods and services tax will be approximately $269.9 million—$270 million.

If at some time in the course of the next 10 years the Australian Labor Party manages to form a government on this side of the chamber, it is not going to turn that money back to the Commonwealth. Let us be realistic, Mr Speaker: that money is going to come into the coffers of this territory and be used to fund all sorts of new programs and provide all sorts of benefits and returns to the ACT community.

I am certain that, if there is a Labor government in place at some point in that 10-year period, they will not be giving much credit to the GST; but that will be, of course, the source of the sorts of programs that I have just been referring to, that will be the reason that they will be able to hand out largesse to the ACT community in all sorts of new programs. They will describe that as being part of their competent financial management. But I can tell them now, well in advance, that it will be due in no small part to the very considerable revenue flowing back to the ACT community from the goods and services tax.

Based on the funding arrangements agreed to by the Ministerial Council for Commonwealth-State Financial Relations, it is anticipated that for the eight years following the implementation of the new taxation system on 1 July the ACT will be $105 million better off than had the current funding arrangements continued. That is for the first eight years. For the first 10 years it is something like $270 million.

Mr Speaker, I ask the house to pass this legislation on a very simple argument, that is, that we have entered into an agreement with every other state and territory government and the Commonwealth government which obliges us to put this legislation forward to the Assembly for passage and I note that every other state Labor government either has passed this legislation in much the same form or has legislation to achieve that goal on the table already and I imagine that it will pass—

Mr Quinlan: I hope that they did not pass it in this form. It is a shambles.

MR HUMPHRIES: It is in exactly the same form. All we are doing, Mr Speaker, is attaching the intergovernmental agreement to a fairly innocuous and fairly short bill. Members should look at the bill. It is a very short bill. We are attaching the agreement to the bill. That is all we are doing, Mr Speaker, and that is what every other state government, including every Labor government, is doing.

Let us be clear: if Labor had been in office in the ACT in the last three years, it would be introducing this bill tonight in this place and asking the Assembly to pass it.

Mr Quinlan: With deep regret.

MR HUMPHRIES: Maybe so; maybe with deep regret. I am sure that there would be a pained expression on your brow, but you would still be asking us to pass this bill, because every other state Labor government has done exactly the same thing. To Ms Tucker I address some comments.

Ms Tucker: I am not voting against the bill.

MR HUMPHRIES: All right, I will lay off, then. I will not say a thing.

Ms Tucker: I made comments about the GST, but I am not voting against the bill.

MR HUMPHRIES: In that case, Mr Speaker, my lips are sealed about Ms Tucker.

Ms Tucker: Just to save you time, that is all.

MR HUMPHRIES: It will save me time. I have two further short comments. This is, according to Mr Quinlan, an abhorrent tax system. I would like to have someone explain to me what would have been different about the consumption tax—goods and services tax—which the Labor Party, at least several prominent members of it, wanted to pass at the time of the national tax summit in 1986. What iniquitous features pertain to this tax system that would not have pertained to Labor's goods and services tax had it proceeded with that idea?

I am not going to defend John Howard in this debate, but I notice much comment made of the change of mind that the Prime Minister had in 1995 or 1996 about the goods and services tax. I do remember Bob Hawke promising faithfully in 1983 that there would be no capital gains tax.

Mr Stefaniak: "No Australian child will be living in poverty."

MR HUMPHRIES: Not that promise. That is another promise that we can talk about. It is a pity *Hansard* cannot pick up the inflection in Mr Stefaniak's voice and get the real feel for his impersonation of the former Prime Minister. He said that there would be no capital gains tax in Australia, absolutely not, it was not on the agenda for the Labor Party. He introduced legislation for the capital gains tax in 1985 and he argued that there had been an election in 1984 and promises of that kind are only good for one term of parliament.

Mr Howard not only went to another election after he made those comments, if not two elections, but also put up front in 1998, at the election in that year, what he was going to do with the national tax system. It was a commitment that he put on the table in considerable detail and said, "Here is our proposition. Vote for a Liberal government and we will have this new tax system." Australia did and on 1 July Australia will have a new tax system. I think it has been a very democratic process, Mr Speaker. It is certainly one

that I will not be arguing with, given the benefits that will flow to the ACT community from this new tax system.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

FINANCIAL RELATIONS AGREEMENT CONSEQUENTIAL AMENDMENTS BILL 2000

Debate resumed from 11 May 2000, on motion by **Mr Humphries**:

> That this bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (8.45): Mr Speaker, I present an explanatory memorandum relating to the three government amendments to the bill and ask for leave to move them together.

Leave granted.

MR HUMPHRIES: I move:

> Clause 2, page 2, line 1, omit the clause, substitute the following clause:
>
> "**2 Commencement**
>
> **(1)** The following provisions commence, or are taken to have commenced, on 1 July 2000:
>
> (a) section 3;
> (b) section 18;
> (c) section 24;
> (d) section 24A;
> (e) Part 4.
>
> **(2)** The following provisions commence on 1 July 2001:
>
> (a) Part 2 (except sections 3 and 18);
> (b) Part 3 (except sections 24 and 24A).
>
> *Note* The provisions of an Act providing for its name and commencement automatically commence on the date of notification of the Act (see *Interpretation Act 1967*, s 10B).".

Clause 14, page 7, line 22, amendment of *Duties Act 1999*, subsection 96 (1), proposed new definition of ***company***, paragraph (2), omit "public".

New clause –
Insert the following new clause in the Bill: Page 10, line 3, amendment of *Financial Institutions Duty Act 1987*:

"24A Dutiable and non-dutiable receipts

Section 6 is amended by inserting after paragraph (2) (r) the following paragraph:

'(ra) a receipt of money in the form of a direct credit to an account held with a financial institution of any of the following payments under the *First Home Owner Grant Act 2000*, or under a law of a State corresponding to that Act (a ***corresponding State law***);

(i) a payment of a grant by the commissioner (or the corresponding officer or authority under a corresponding State law) as directed by the applicant for the grant;

(ii) a payment of a grant by the commissioner to a party to an administration agreement under section 36 of that Act (or the corresponding provision of a corresponding State law);

(iii) a payment by a party to such an agreement as directed by the application for the grant;'.".

Mr Speaker, the explanatory memorandum explains the purposes of the amendments. They are essentially technical amendments to do a number of things; for example, to provide with the first home owner grants scheme that is now available that there will not be a financial institutions duty applicable to transfers to organisations such as banks, the nominated recipients of those grants, on the part of the person making the application. The other amendments are explained in the explanatory memorandum.

Amendments agreed to.

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

Bill, as amended, agreed to.

GOODS AND SERVICES TAX (TEMPORARY TRANSITIONAL PROVISIONS) BILL 2000

Debate resumed from 23 May 2000, on motion by **Mr Humphries**:

That this bill be agreed to in principle.

MR QUINLAN (8:47): Generally, the opposition does not object to this bill because it is effectively an implementation bill, but I give notice that it wishes to change the bill because it contains quite considerable powers that a legislature would not normally give to a government.

Given that we have such a shambles at both the federal level and the local level as we have shuffled bits of paper around our desks through to today, you have to accept that it is highly likely that something else has been forgotten and the whole process of

government could grind to a screaming halt for the want of a provision or two or that there could be litigation flowing from this process, which means, unfortunately, that we really need to give the government some sort of insurance policy which allows it to make changes over a limited period with some, if you like, off-line or out-of-Assembly approval process.

I foreshadow that I will be moving an amendment in the detail stage to make sure that we have majority acceptance of any change that is made and that that is done in writing. Otherwise, we are happy - we are not happy, but we grudgingly support the bill.

Mr Smyth: Acceptingly.

MR QUINLAN: "Acceptingly" is a good word from the young man.

MR STANHOPE (Leader of the Opposition) (8.51): This bill, as my colleague has indicated, demonstrates the complexity of the arrangements that have been foisted on the nation by the Liberal Party in its many emanations and by its friends the Democrats through the new tax system. What should be a simple matter of calculating and setting government fees and charges has required this significant effort and the much churning and changing of approaches within the Assembly. In addition, there is this last-minute rush and pressure to get it all done over the next couple of days.

The Prime Minister and the federal Treasurer have kept reminding the nation that we have had ample time to prepare for the GST; yet, as I just indicated, three or four days away from its commencement we are being asked to pass legislation because, in the words of the ACT Treasurer, there is a need for an act to cover the introduction of the GST and, as Mr Humphries has put it, "any unforeseen circumstances that may arise with its implementation in the territory". I emphasise the words "unforeseen circumstances that may arise with its implementation", and wonder what the range, the extent and the breadth of those unforeseen circumstances will be for people in Canberra, particularly some of the pensioners who have approached me about their circumstances. I am not sure that they are the unforeseen circumstances that the Liberal Party here has any concern for.

The Treasurer also says that the act will operate from 1 July 2000 for a period of no longer than four months or six sitting days, though I do note that the legislation extends until this time next year. The act is to expire on 30 June 2001, just a tad longer than the four months or six sitting days that the Treasurer has spoken about.

We were asked to pass an amendment to the Interpretation Act that threatened to usurp the Assembly's role in determining what taxes should be imposed. We are now asked to consider this bill and the amendments proposed by the Attorney. This bill, as the Attorney says in his letter of 27 June, is constrained in its operation. It is narrower in scope than the amendments to the Interpretation Act, but still opens the door for persons other than this Assembly to determine not just what taxes should be imposed but what legislation should be amended.

The scrutiny of bills committee has pointed that this bill, by subclause 5 (1), gives a wide power to modify by regulation, in the words of the scrutiny of bills committee, "almost the whole body of existing and possible future legislation of the territory". The words of

the scrutiny of bills committee are that this bill gives a wide enough power to modify by regulation almost the whole body of existing and possible future legislation of the territory.

Mr Speaker, my colleague has indicated that the Labor Party will support this bill, basically through force of circumstance and through the adjustments that have been made and the slightly different approach to the approach initially intended to the Interpretation Act, but it is worth recording that the Labor Party thinks that this is an unacceptable development. It is quite unacceptable that this parliament should delegate through this process power to the government, through the subordinate legislation process, to modify by regulation almost the whole body of existing and possible future legislation of the territory. It is an extremely undesirable development, and I have to commend the scrutiny of bills committee's report on both the Interpretation Amendment Bill and on this bill.

It is interesting to reflect on some thoughts of the Treasurer on this matter. When Mr Humphries introduced the Interpretation Amendment Bill on 9 March, he said:

> When the collection of a fee will result in a GST liability the ACT, or a body such as ACTEW, will have to choose between passing that liability on or absorbing it. In most cases, the liability will be passed on. The extent to which this will result in fees increasing is not easy to predict. I have pointed out that it will be less than 10 per cent ... Of course, any increase in the fee that can be attributed to the GST will leave the fee open to the challenge that it is no longer a fair recompense for the service that is being provided.

But when Mr Humphries introduced the Goods and Services Tax (Temporary Transitional Provisions) Bill, this bill, on 23 May, he said:

> The second substantive provision of the ... bill will enable the net effect of any GST-related increases in prices to be passed on. This will give effect to the underlying rationale of the GST legislation. This provision will allow prices set by legislation to increase for the impact of GST, without the need for legislative amendment.

It is to be noted that nothing was said on either occasion by the Treasurer about the GST component being inside the government fee or charge as described in his letter of 27 June. We were left with the impression from what he said at a departmental briefing that the GST would be tacked on, as provided for in the bill we are now debating. The Treasurer has not as yet explained why, if the GST is a cost of providing a service—to use his example, drafting a will—that cost cannot be included along with other costs, such as labour, workers compensation, stationery and rent, in calculating the price in the same way as petrol retailers include the excise in the price.

Retailers such as Woolworths and Coles are expected to work out tens of thousands of prices and change them overnight. It has not been explained to us why the fees and charges imposed by government apparently amount to the same or a greater scale of effort. I think people in the Canberra community would have expected this government to do something much better and more complete than it has done to date.

MR OSBORNE (8.57): I wish to make two brief comments about the Commonwealth goods and services tax and it seems that this is as good a time as any, given that other members are making substantive comments here. The first is that I want to place on the public record my opposition to the GST. I appreciate that it is essentially a matter outside the bounds of this parliament and our old tax system did need to be extensively reformed, but a GST was not the only option available to the Howard government.

I believe that, once it is up and running, the GST will fail to live up to its supporters' high expectations in several key areas. The most recent experience overseas shows that, regardless of what controls are put in place, prices will rise when they ought not. This has been especially true in both Canada and New Zealand. They found that it is not possible for government to tell a business what it must charge for a service. They also found, as I suspect we will too, that the sheer number of business transactions across the country was a problem for those who were monitoring the situation.

In the Australian model, some of the GST's weaknesses and inequities have already been exposed, such as an expected rise in the price of petrol after being repeatedly assured that there would not be one. I believe, Mr Speaker, that it is unrealistic to expect a massive decrease in those transactions commonly referred to as the black economy, where jobs are done for barter or cash, thus falling outside the tax net. There may be some gain in tax revenue from this type of economic activity as a result of the GST, but in New Zealand, especially after a couple of years, people just became more cunning in this area and those gains substantially diminished.

My second comment refers to how this bill fits into the confusing puzzle of tax legislation in the ACT. This bill is one of several GST-related tax bills that are before the Assembly today. I note that the Treasurer intends to amend this bill rather than proceed with the amendment to the Interpretation Act that he had originally intended. I have to admit that I find that rather intriguing. It now appears that, despite the Treasurer's protest to the contrary, the Interpretation Amendment Bill is not necessary to fix up any shortcomings in the territory's ability to cope with the introduction of the GST.

Members will recall that the Interpretation Amendment Bill provides for taxation measures to be levied other than through this parliament. We have already debated the fallacy of allowing such a practice and looked at the history of taxation law going back as far as King Edward I, over 700 years ago. He established the so-called Longshanks principle of restricting tax initiatives to those that have been approved by parliament.

I do not wish to move the debate away from the bill before us, other than to say that the Treasurer has a fairly short memory on this matter. His passion for defending our current tax system whereby taxes are included in fees and charges established by a disallowable regulation is exactly the opposite of what he was saying in opposition a number of years ago.

Over the past 30 years the ACT had gone from prior parliamentary approval of tax initiatives to imposing them by regulation for a specified period of disallowance. The Treasurer now believes this practice to be the gold standard, but I draw his attention and the attention of this Assembly to two newspaper articles from 1989. The first, headed "Tax laws are unacceptable", is from the *Canberra Times*, and I quote:

> Current taxation laws in the ACT violate more than 700 years of constitutional practice beginning with Magna Carta, Liberal MLA Gary Humphries said yesterday.
>
> The ACT remained the only place in Australia where rates, payroll tax, stamp duty, tobacco, petroleum and alcohol licence fees are altered by "ministerial discretion".
>
> In practice, what this meant was to change guidelines relating to these major forms of raising taxes in the ACT all that was needed was a signature and a notice in the *Gazette*.
>
> And this could not be altered until the Assembly next met and if they saw fit, change the determination.
>
> Mr Humphries said that this practice was unacceptable.
>
> "Obviously it suits the public servants because they can make them and worry about justifying them later on," he said.
>
> "It is my personal view that the ACT should only be subjected to increased taxation through an Act of Parliament."

The second one, once again quoting Mr Humphries, reads:

> ACT tax laws defy the Magna Carta according to Liberal Gary Humphries.—

excuse my giggling in the middle of this, Mr Speaker, but I just cannot help it—

> The ACT is probably the only State or Territory in Australia which allows the Government to increase taxation without passing an Act of Parliament, says Mr Humphries.
>
> Expressing a personal view, Mr Humphries said that this practice was unacceptable.
>
> "In other states and territories, taxation can only be increased by legislation where the measures are fully debated and put to the vote."

Mr Humphries goes on to say:

> "The Magna Carta, drawn up in 1215, was specifically designed to curb the excessive powers of a king that had relentlessly taxed and appropriated the possessions of his subjects.
>
> "The document specified that no ... forms of taxation ... could be levied without approval of 'the common counsel of the realm'.
>
> "It is my personal view that the ACT should conform to the practice of other States and Territories and the principles laid down in the Magna Carta.

> "The people of the ACT should only be subjected to increased taxation through Act of Parliament—that is, legislation duly debated and passed by the ACT Legislative Assembly.
>
> "At present the government is able to increase taxation by ministerial determination—that is, the Minister signing a piece of paper and having his or her decision gazetted.
>
> "This determination is subject to disallowance by the Assembly—but that happens after the event.

Mr Rugendyke: Is that Gary?

MR OSBORNE: I think it is Gary. It says that it is Gary in this paper, Mr Rugendyke. The article continues:

> In other words, the Minister can increase tax virtually at will and this decision can only later be disallowed by the Assembly.
>
> "In my view, this is neither desirable nor democratic.

Mr Speaker, there is more:

> "I believe tax increases must not be presented to the people of Canberra through the back door. They must be presented up front in the Legislative Assembly, where they can be fully debated and put to the vote.

This is too much, Mr Speaker. There is more:

> "The Labor Government says it believes in open, accessible and democratic government. If this is more than empty rhetoric, the Government must, in my view, bring its tax raising procedures into line with accepted democratic practices," Mr Humphries said.

I seek leave to table those two newspaper articles, Mr Speaker.

Leave granted.

MR OSBORNE: Obviously, the Treasurer has changed his mind on this matter as he is currently singing a very different song. Nonetheless, we need to have some adjustment to our tax laws in order to accommodate the GST. I am pleased that we will be able to do so without opening the door to the possibility of being able to impose taxes outside the realm of this parliament.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (9.05), in reply: Mr Speaker, I congratulate Mr Osborne on his excellent research facilities. His staff obviously have nothing better to do all day than to roam through 12-year-old or 11-year-old copies of the files in the library to determine what members thought over a decade ago. I will return to that subject in a moment, Mr Speaker, but I will start with comments on the Goods and Services Tax (Temporary Transitional Provisions) Bill.

Members have already described some of the fairly extraordinary provisions of this bill which the government is asking the Assembly to support and which, despite the comments, I gather members are still going to pass tonight. The measures effectively give us as a community the flexibility to be able to deal with unexpected twists and turns in the way in which the implementation of the GST might proceed in the next few months. In particular, the power to modify territory law, a quite extraordinary power, as members have noticed, is contained in this bill in the expectation that there may need to be a number of provisions adopted in the territory at short notice to deal with the transition to a new tax system.

I make no secret of the fact that I think Henry VIII provisions are generally undesirable. In fact, some time ago I probably would have been found to be quoted somewhere as saying that I thought that they were entirely unacceptable, but I have to say that I cannot think of a way—

Mr Quinlan: As I mature and wend my way through life, I learn by hard experience!

MR HUMPHRIES: I know. I have spent almost a quarter of my life in this place, Mr Quinlan, so I have grown old in the precincts of this wonderful place.

Ms Carnell: Not yet.

MR HUMPHRIES: I am growing old. I have to say that my views have changed over time about some of these things. I would like to think that there was a way of avoiding having to use Henry VIII provisions, and I suppose there are ways of avoiding the use of Henry VIII-type clauses. One of them would be for us to agree at short notice, on perhaps a day or two's notice, to have the Assembly reconvene to introduce and pass legislation. We could do that. If the Assembly rejects the bill tonight, we will go back and do that as a way of dealing with any unexpected problems. But that could be quite inconvenient to anyone who is planning to go away on holiday, be out of town or whatever.

It seems to me, reluctantly, that a Henry VIII provision is actually necessary, as was the Assembly's view last year or early this year with the road transport reforms. There was a Henry VIII clause in there as well, as I recall. Mr Speaker, I can only indicate that the government proposes to exercise those powers with very considerable restraint and only in these exceptional circumstances because there is really no alternative to doing that.

Mr Speaker, I think it is important to be able to put in place a number of provisions which are covered in the amendments, and I will speak on those in a moment. But issues about pricing and the way in which both governments price their services to the community and individual providers of goods and services price their goods and services need to be flexible enough to accommodate the change. In particular, governments need to be able to ensure that, if they have a power to levy a fee or a charge in respect of legislation, the legislation here makes it clear that there is also the power in doing so to be able to collect the GST.

As Mr Osborne rightly points out, the government introduced amendments to the Interpretation Act to do two things, one of which was to achieve this very goal in respect of collecting GST on fees and charges levied by government that were not exempted under section 81 of the GST act. Mr Speaker, the government has decided not to press ahead at this stage with the Interpretation Amendment Bill, but does ask the Assembly to support the GST-related side of that bill. That is why these amendments will be coming forward tonight.

I indicate that the government has not abandoned the other half of the Interpretation Amendment Bill because it raises the very issues that Mr Osborne referred to a little earlier and was having so much fun about, that is, the question of how governments actually levy fees and charges and other forms of direct and indirect taxation.

It is true that my view in 1989 was a very purist view about the need to ensure that all provisions dealing with the imposition of taxes and charges, certainly with taxes, ought to come before the Assembly. But the decision which the Federal Court of Australia made last year and which was referred to in the introduction speech for the Interpretation Amendment Bill made it clear that it is very difficult to draw a line between what is a tax on the one hand and what is a fee or charge on the other, and that if one were to be quite safe in only putting taxes to parliament and fees and charges to regulation, one probably would have to give away fees and charges altogether, at least those done in the form of regulation; you would have to put it all through parliament.

I think that is impracticable. If we want to deal with every fee or charge which may contain an element of taxation about it, that is, any fee or charge which includes more being collected than is actually necessary to pay for a particular service which is being provided, then we will have very thick legislation every year and several times during the year to deal with those fees and charges. I think we need to acknowledge that that is not a practicable way of dealing with these problems.

I have written to Mr Osborne, as chairman of the scrutiny of bills committee, and asked to meet with him, the broader committee and some government officials to talk about exactly what the Assembly wants the government to do to comply with this view. To comply with the view fully could mean a very dramatic change in legislative policy and I do not know that we are really ready to do that. But I think we need to discuss it.

I will speak to the amendments when we reach the detail stage. I thank members for what I think is support for the bill and I offer the assurance that the government will not be using the powers available in this bill, except very carefully and in circumstances that cannot be addressed in any other way but with the exercise of those powers.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clause 1 agreed to.

Clause 2.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (9.14): Mr Speaker, I move:

> Page 1, line 7, after "commences", insert ", or is taken to have commenced,".

I present an explanatory memorandum relating to the amendment and to the other amendments that I will be moving. The first amendment deals with this problem that the clauses will commence after 1 July, so the provisions of the bill about having these changes in place by 1 July have to be adjusted. We dealt with this earlier this evening in other forms.

Amendment agreed to.

Clause 2, as amended, agreed to.

Clause 3.

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

> Page 2, line 5, definition of ***input tax credit,*** omit the definition.

Clause 3, as amended, agreed to.

Clause 4.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (9.15): I move:

> Page 2, line 9, omit the clause, substitute the following clause:
>
> "**4 Increase in certain charges for GST**
> Despite any other Territory law, if the amount payable for a taxable supply is fixed under an Act or subordinate law, the amount payable for the supply may be increased by an amount not more than the GST payable for the taxable supply.".

The changes to clause 4 remove a previously included paragraph 4(b) from the bill. Clause 4 of the bill permits GST to be added to the price payable for a taxable supply where the amount is otherwise constrained by law. There was further detailed consideration of these provisions after the bill was introduced and it became clear that the amount of variance will amount to the full value of the GST payable for the taxable supply. As this concept sufficiently builds in offsetting concepts, such as forgone sales or tax revenues, it is felt that this amounted to the full value of the GST payable for the taxable supply. The government amendment simplifies the provision to make it clear that that is the effect of it. It is also worth noting the sunset provision of 30 June 2001.

Amendment agreed to.

Clause 4, as amended, agreed to.

Proposed new clauses 4A and 4B.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (9.16): I move:

> That the following new clauses be inserted in the Bill: Page 2, line 16:
>
> "**4A Power to determine fees, charges and other amounts**
> If an Act authorises or requires the determination of a fee, charge or other amount, the power includes power to determine an amount that is a tax merely because of it including an amount in relation to a GST liability of the Territory, or the person to whom the fee, charge or amount is payable, in relation to the fee, charge or amount.
>
> **4B Application of s 22 of Fair Trading Act 1992**
> In its application in relation to the period 1 July 2000 to 1 August 2000, section 22 of the *Fair Trading Act 1992* has effect as if a price appended to goods that states the price of the goods without GST were taken not to be appended to the goods.".

The amendment inserts proposed new clauses 4A and 4B. Clause 4A is what we call the determination power. It is similar to a provision included in the Interpretation Amendment Bill and I have indicated already the part that the government wishes to proceed with tonight. The question might well be asked why we need a determination power when we have a prices power in the legislation. The answer is that the two provisions deal with slightly different situations.

Under the determination power the GST is included within the determined fee. It makes it possible for government to clearly set the fee to be paid by way of determination. Under the prices power, the GST can be added after a price is set under an act. It is clearly appropriate for this to happen when government does not have enough information to determine the amount that should be added to make provision for the GST. The provision cannot be used to charge GST twice. This provision also has a sunset clause of 30 June.

Clause 4B arose after discussions with the ACT and Region Chamber of Commerce. I note that industry initially raised it with the Taxation Office in relation to the practice of large retailers placing tickets on goods for sale containing both pre-GST and post-GST prices. There is a need, at least for a short period, to have dual pricing on items in the ACT and it will take some time for some organisations to be able to separately price items for the post-GST period. Dual pricing, I understand, is already being employed in some ACT retail situations and that is appropriate for a period of, at most, a month.

From 1 July to 1 August this year, it will be possible for stores and shops to display both a pre-GST and a post-GST price, but gradually businesses should have only the post-GST price. I think a month is enough time to be able to do that. This has been worked out in conjunction with the Australian Taxation Office and the Australian Competition and Consumer Commission.

Amendment agreed to.

Proposed new clauses 4A and 4B agreed to.

Clause 5.

MR SPEAKER: Mr Quinlan, I am going to call Ms Tucker first. You will be able to move your amendment, depending upon what happens, but Mr Humphries has an amendment to your amendment.

MS TUCKER (9.20): I move:

> Page 2, line 22, subclause (2), omit the subclause, substitute the following subclauses:
> "**(2)** Before making regulations under subsection (1), the Executive must—
> (a) consult each member of the Legislative Assembly who is available to be consulted about the proposed regulations; and
> (b) after the consultations have been completed, give each member a statement that sets out—
> (i) the members consulted about the proposed regulations; and
> (ii) the comments and recommendations made by the members because of the consultations; and
> (iii) the action the government proposes to take because of the comments and recommendations.
> **(2A)** A statement under paragraph (2) (b) must be given to a member of the Legislative Assembly by delivering it to the office of the member at the Legislative Assembly.".

I have moved this amendment in order to guarantee some transparency for the consultation process specified in this bill. As has been discussed at length, this bill does confer in a limited fashion extraordinary powers on the executive. The subject has been well canvassed in the debate so far, so I will not repeat it; but what the Greens are attempting to do with this amendment is to make for a very open process in terms of how the executive works with the rest of the Assembly.

As we know, consultation can mean any number of things. Sometimes it appears to be a process where you are required to consider the issue in some depth, give of your time and effort in responding to the issue in question and then, for all intents and purposes, have no possible effect on the outcome. That form of consultation, which we are familiar with, is demoralising, a waste of time and not at all desirable, particularly in an instance where we have a critical issue such as we are discussing tonight.

The Greens are of the view that consultation is meaningful only when it is transparent, when those who have been consulted can see the impact of their contribution to the process, gain some sense of other responses to the issue, and are allowed some insight into the thinking of the body which conducts the consultation and can thus understand, if not always agree, with the consequent outcomes.

This amendment specifies a process that fulfils those requirements. The executive must consider and respond to the comments and recommendations made by the members it has consulted and make that information available to all members. It should not be

a particularly onerous task. Put simply, the amendment requires the executive to take its offer of consultation seriously; that is all.

Question put:

> That the amendment (**Ms Tucker's**) be agreed to.

The Assembly voted—

Ayes, 2	Noes, 13
Mr Rugendyke	Mr Berry
Ms Tucker	Ms Carnell
	Mr Cornwell
	Mr Hargreaves
	Mr Hird
	Mr Humphries
	Mr Kaine
	Mr Osborne
	Mr Quinlan
	Mr Smyth
	Mr Stanhope
	Mr Stefaniak
	Mr Wood

Question so resolved in the negative.

Amendment negatived.

MR QUINLAN (9.26): Mr Speaker, I seek leave of the Assembly to remove the word "clear" from subclause 2(b) of the amendment circulated in my name.

Leave granted.

MR QUINLAN: I move:

> Page 2, line 22, subclause (2), omit the subclause, substitute the following subclause:
>
> "**(2)** Before making regulations under subsection (1), the Executive must—
> (a) consult each member of the Legislative Assembly who is available to be consulted about the proposed regulations; and
> (b) after the consultations have been completed, gain the written consent of a majority of the members of the Legislative Assembly.".

I too received advice from the Parliamentary Counsel that it was unnecessary.

Mr Humphries: I did not take that advice from the Parliamentary Counsel.

MR QUINLAN: We did. Mr Speaker, I share Mr Osborne's clear admiration for Mr Humphries' flexibility in debate and earnestness of delivery, regardless of which side of the argument he is putting. However, what this amendment sets out to do is to strengthen provisions already incorporated into the bill to ensure that there is written consent of a majority of this Assembly. What we are doing in this legislation is placing inordinate powers in the hands of the executive, at least for a period of time, and quite obviously we would like the maximum protections.

I respect the amendment that Ms Tucker put forward. However, I think that this is more concise and ensures that after the consultations have been completed we will have written agreement of at least a majority of this Assembly, so that we will have, in effect, the process of agreement by the Assembly. I would certainly have to add, having read Ms Tucker's amendment, that I would expect that the government would consult and make sure it consulted all available members of the Assembly. I commend the amendment to the house.

MS TUCKER (9.28): I will be very brief, recognising that my amendment was defeated rather soundly. I will be supporting this amendment from Labor because it goes some way to addressing the concerns of the Greens about this process.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (9.29): Mr Speaker, I move the following amendment to Mr Quinlan's amendment:

> Paragraph 2 (b), omit "after the consultations have been completed,".

I accept that the power being used here is quite extraordinary and should not be exercised lightly and that we should have provisions which ensure that, if the government is going to amend legislation with a Henry VIII clause, it should do so in the knowledge that when the legislation hits the Assembly later for confirmation of what the executive has done it is going to be accepted, not repudiated, so that there is not some hiatus during which the executive makes a decision which is then overturned by the Assembly. That would be most undesirable. I accept that Mr Quinlan's arrangements are reasonable and I have supported them in preference to Ms Tucker's because I think hers were overly complicated for putting those issues before the members of the Assembly.

I am proposing one further simplification to deal with having to obtain the consent of members in a relatively short space of time. We may identify a problem with the legislation that needs to be fixed up quickly lest there be, for example, the exploitation of a loophole by taxpayers that might cause an ongoing problem or the inability of the government to continue to impose some sort of tax or charge while this arrangement is unamended and, therefore, a need to act fairly quickly is in existence.

Having the words "after the consultations have been completed" in paragraph 2(b) would mean that the government would have to consult with all the members of the Assembly and complete talking to all the members of the Assembly before it could go back to those members and say, "Will you now sign a written consent to this course of action?"

It would mean that if I was doing the rounds and talking to members about these matters for the government and someone was going away that afternoon for the weekend, I could not get him or her to sign the consent if I had not completed talking to another member at the other end of the corridor and it would not be until I had spoken to the member at the end of the corridor that I could go back and get a consent form signed by the first member. That would be silly, Mr Speaker, with respect. Clearly, I have to obtain the consent of a majority of the members. Clearly, I have to consult each member of the Assembly about the proposals.

Ms Tucker: It says "who is available" in paragraph 2(a).

MR HUMPHRIES: Yes, that is true, but paragraph 2(b) does not say "who is available", does it? You have to get the consent of a majority of the members of the Assembly. Mr X may be available to consult, but I could not get his signature on the piece of paper saying that he wants to support the regulation because I have not yet consulted other members of the Assembly.

I need to get nine members to support the proposition and the two non-government members whose support I need to secure this provision may be Ms Tucker and Mr Kaine, for argument's sake. I may have spoken to you, Ms Tucker, and you may have indicated that you were willing to sign the consent to authorise this important regulation that I am going to make to effect the arrangements for taxation, but I could not get you to sign the document, even though I am actually relying on your consent to be able to pass the legislation, if I have not been able to get round to speaking to another member at this stage—a member who might be available, being in town and in the grounds of the Assembly, but is not around at the particular time I want to speak to him.

You may have to attend a protest at a woodchip mill down the coast and want to get away from Canberra in the afternoon, but I could not get you to sign until I have spoken to the other member whose support may not be necessary to get the regulation through. I accept that I have to talk to every member of the Assembly, at least everyone who is available, but why do I have to talk to them all before I can get any of them to sign the consent? I do not think it makes any sense.

I am simply asking members to give me a little bit of flexibility with this provision. As I say, it will not be exercised very often. It would be most unfortunate if we could not legislate because we could not actually get round to covering all the bases in this arrangement without a great deal of complication arising.

Amendment (**Mr Humphries'**) to Mr Quinlan's amendment agreed to.

Amendment (**Mr Quinlan's**), as amended, agreed to.

Clause 5, as amended, agreed to.

Remainder of bill, by leave, taken as a whole, and agreed to.

Bill, as amended, agreed to.

LAND (PLANNING AND ENVIRONMENT) AMENDMENT BILL 2000

Debate resumed from 2 March 2000, on motion by **Mr Smyth**:

> That this bill be agreed to in principle.

MR CORBELL (9.36): The Labor Party will be supporting this bill this evening. The issue of planning and development is always a controversial issue in Canberra. I am sure that most members in this place receive representations from time to time which highlight some of the difficulties with some of the more complex and more onerous requirements of the Land (Planning and Environment) Act 1991. The Land (Planning and Environment) Act is by nature a complex act. Planning is a complex business. But there are times when there are opportunities for refinement of the planning laws, and I think this bill presents overall a positive opportunity.

I was very surprised to hear about six or eight months ago that there was a requirement in the land act for someone who was proposing a development application, if they owned the property immediately adjacent to them, to notify themselves of what they were planning to do and that the 28-day period had to elapse for comments and they had the opportunity to respond to what they were doing on the block next door. This is one of the examples which this bill rectifies, and we certainly welcome that.

Philosophically, Labor has always taken the view that planning should be a transparent and easy-to-understand process. We also feel that there is a need to provide for greater certainty in the planning process, but not, I should stress, at the expense of accountability or the protection and the advancement of the public interest.

That said, there is a strong argument for providing for a planning process that allows for businesses and other proponents of development applications to know that the more hurdles they jump over, the closer they are to reaching their goal and the closer they are to being sure that their development application is going to be approved. There is a substantial outlay by anyone in a development application process. Preparing an application and providing the information that they have to provide costs them money. Obviously, they should have some certainty that the more they are investing, the better their opportunity of getting their development application passed through the appropriate processes.

I should stress that we must make a very clear distinction between the development application process and the Territory Plan process. Development applications allow for the approval of developments which are consistent with the existing land use, whereas Territory Plan variations propose to change the land use. Proposing to change the land use is a far more complex and a far more detailed process which warrants, ultimately, the sanction of this place. We do not for a moment resile from that process. Indeed, we used that process last year in relation to the proposed Federal Golf Club development which required a land use change.

Stepping down from land use, the next order of importance is the development application which is consistent with land use. We feel that there is some opportunity for improving and streamlining the process. The amendment bill the minister has introduced today appears to resolve some of the somewhat strange incongruities in the land act.

I will quickly just go through a number of them. One is the change from calendar days to business days in relation to notification, the time to respond to notifications and those sorts of matters. The change from 21 calendar days to 15 business days is, I believe, a sensible change. There is no change to the period of time available to people to comment. Indeed, there is potentially extra time, because it does not take into account those non-working days of Saturday and Sunday. This change to business days, I believe, clarifies this matter. It brings us into line with legislation in a number of other jurisdictions, and it is a sensible change.

Other changes in the bill, from my reading of it, include clarification that plan variations will have effect unless stated by the authority that there has been a notice of referral of a draft variation to the executive. That sounds like a somewhat complex change but it is not. Indeed, it is just another example of how to effectively streamline some of these processes.

There is clarification of the process for assessing a preliminary assessment on environmental grounds. Again, there was some confusion in the legislation as to how this would work, and this change is also a sensible one.

I note that under clause 9 of the bill there is provision for a grant of a further rural lease at less than market value. My understanding is that this is to deal with the rural leases package which was passed by the Assembly late last year. It would appear that this is an oversight, and it is obviously something that needs to be corrected.

Another matter I wish to identify as something we have considered closely is the issue of allowing for a register of lease and development conditions, including lease and development conditions granted before the register was established. At the moment, if my understanding is correct, the lease and development conditions on the register of lease and development conditions only include those since the register was established. So it is very difficult to identify lease and development conditions of leases that were granted prior to the establishment of the register.

Currently under the land act they cannot be put on the register. That seems to me to be a rather strange provision which requires rectification. Lease and development conditions are often issues of controversy. Often people want to be able to find out what the lease and development conditions of a block of land are, particularly if a block of land has remained idle, unused or undeveloped and someone believes that the owner of that lease is in breach of their lease and development conditions. If it is an older lease, it is very difficult to find out what the lease and development conditions are, because they are not on the register of lease and development conditions. This amendment puts them on the register, and that seems to me to be a very sensible change.

There are a number of perhaps more obtuse changes, but essentially this bill appears to provide for a streamlining of a number of processes and we welcome that. Anything that makes the land act easier to understand while still providing for appropriate accountability and transparency is something that we will always support, because we need to make every effort to make the planning process easy to understand for those who seek to use it for development as well as those who seek to use it to protect their interests in relation to a development matter.

One other issue I wish to raise relates to the regulations in Subordinate Law No 2 of 2000, which the minister tabled when this bill was tabled. Those regulations related to exempt structures and they significantly loosened the requirements on what structures would be classified as exempt structures. The period for disallowance of these regulations is well past. However, I think it is appropriate to put it on the record that I remain concerned about the consequences of these changes. My colleagues and I were not prepared to say that these changes should not take place, but it is important to signal that if these changes result in a proliferation of exempt structures such as garages and pergolas in backyards we will certainly be looking at some mechanism to try to tighten those requirements up again. I know the argument from PALM is that these things are built anyway without permission, but that is not necessarily a reason to exempt them from the regulations. To that extent, it is a matter that we will continue to pay very close attention to.

Overall, these changes appear to be sensible. They appear to provide for a better streamlining of the process, and we will be supporting this bill.

MS TUCKER (9.47): This bill makes a number of changes to the land act, supposedly to make the development approval processes more efficient. While I support the removal of inefficient administrative practices that do not contribute anything to the proper scrutiny of development proposals, I do not support the removal of those elements of so-called red tape that are there to give residents a say in what is built in their neighbourhoods.

Planning should be about balancing the interest of developers with the public interest. Developers should never be under the impression that they have a right to build whatever they like and that resident opposition is just a hindrance to their plans. They need to remember that once a building is constructed and the developer has made the profit, the rest of the community has to suffer the impacts of that building for decades after.

Unfortunately, too much planning in this town is still developer driven and not enough strategic planning is being done to direct the growth of this city in an ecologically and socially sustainable manner. I am always suspicious when the government puts forward changes to the land act, as they often include changes to make it easier for developments to get approved and involve the removal of appeal rights by residents. However, in the case of this bill, generally the changes proposed will help in streamlining the development approval process without a loss of community input. For example, I can see some benefit in allowing for better coordination of Territory Plan variations, environmental assessments and development applications for the same development proposal, as usually the same issues come up in each of these currently separate processes.

The streamlining of the notification procedures also seems reasonable. For example, notification of adjoining properties which are owned by the applicant will not be required, and notification of decisions will be forwarded only to those people who have put in objections. The restoration of orders against persons who fail to comply with their lease or development agreement is also necessary and should never have been removed in the first place.

I will therefore be supporting this bill in principle, but I will be putting forward two sets of amendments. One of these relates to extending the notification period for comments on developments. The government did not include this in the bill, but it is an issue the government should have addressed when it made its changes to the provisions relating to the number of days allowed for objections. The other is a small technical amendment dealing with notifications in relation to environmental impact assessments. I will talk about these amendments further in the detail stage.

MR SMYTH (Minister for Urban Services) (9.49), in reply: We thank the Assembly for their support for this bill. In the main, it introduces sensible streamlining procedures. It is important that when we debate the land act we debate it on the principles and not the red tape. I thank both Mr Corbell and Ms Tucker for their acknowledgment that anything that streamlines in a reasonable way is acceptable. There are some very worthwhile aspects of this bill, particularly those to do with the L&Ds and the ability to take action again. Unfortunately, the latter was amended out of the act previously. We thank members for their support. The government will not be supporting Ms Tucker's amendments, but we will discuss them when we get to the detail stage.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole.

MS TUCKER (9.51): I ask for leave to move amendments Nos 1, 2 and 3 circulated in my name together.

Leave granted.

MS TUCKER: I move:

No. 1. Clause 5, page 2, line 13, paragraph (a), omit "15", substitute "20".

No. 2. Clause 6, page 3, line 12, paragraph (a), omit "15", substitute "20".

No. 3. Clause 14, page 5, line 29, omit the clause, substitute the following clause:

"**5 Objections—general**

Section 237 is amended by omitting subsection (1) and substituting the following subsections:

'(1) A person who may be affected by the approval of an application may object to the grant of the approval—

(a) within the period 20 business days commencing on the date of publication of notice of the application in a daily newspaper under paragraph 229 (1) (b); or

(b) if paragraph 229 (1) (b) does not apply in relation to the application by virtue of regulations made under paragraph 282 (da)—within the period prescribed by the regulations.

> "(1A) The Minister may, by notice published in a daily newspaper, extend or further extend a period allowed under subsection (1) for the objection to the grant of an approval of an application.
>
> "(1B) The power under subsection (1A) may be exercised after the expiry of the period to be extended.".

These amendments are to different clauses of the bill but all relate to the same subject, which is the amount of time allowed for people to put in comments on, or objections to, draft variations to the Territory Plan, preliminary environmental assessments and the relevant applications.

At present the act allowed 21 days, or three weeks, for people to provide comments on these documents. The bill changes this number of days to 15 business days, but in my amendment I have extended the period of objections from three weeks to four weeks, or 20 business days. It should be noted that in relation to the development application this extension only applies to applications that are publicly notified through the newspaper, such as applications for multiunit development. These types of applications are generally acknowledged as being the ones that are most likely to generate objections, which is why they are publicly notified in the first place.

Applications where only the neighbours are notified, such as applications relating to individual houses, are not affected by this amendment. This is only a small extension, but it will have significant benefits for those groups and individuals who wish to comment on development proposals, as it will give them a bit more time to make considered responses. This has been a major issue for the local area planning advisory committees. LAPACs usually meet once a month, but with the current three-week objection period it has been possible for development applications to be lodged just after their meetings, with the period for comment expiring before they meet again. Other community groups concerned with planning issues, groups such as the conservation council, and the various residents groups face the same problem.

This issue came to a head at the start of the year when members of some LAPACs threatened to resign over this lack of sufficient time to comment. Some LAPACs were meeting almost fortnightly to go through the development applications for their area, which was very draining on the volunteer members of the LAPACs. I understand the minister then agreed to allow LAPACs extra days in which to comment, provided that the LAPACs notified PALM that they needed extra time. This arrangement is still restrictive on LAPACs, as they may still need to meet between their normal meetings to decide whether they will put in comments after the next meeting. I am also concerned that LAPACs are still dependent on the minister's discretion to provide this longer period.

I therefore believe that it would be better for the longer objection period to be written into the planning legislation so that the minister cannot change his or her mind over the length of the comment period allowed for LAPACs. I would regard a four-week period for objections as a minimum standard that balances the needs of developers with the needs of residents who want to make sure that the development is appropriate. For some controversial developments, particularly those involving complex Territory Plan variations, I think the minister should allow longer periods as a matter of course.

In the recent budget debate the government spoke loud and clear about social capital and development of social capital in the ACT, and they have in their social capital document a list of partnerships. The strong link they talk about is the link between government and community. The amendments I am putting today asks the government to show a little bit more respect for the community, which puts so much time into working with government on planning issues. I am disappointed to hear Mr Smyth say that he is not going to support these amendments. I am hoping to receive support from Labor.

I am looking forward to hearing some kind of explanation from Mr Rugendyke, Mr Kaine and Mr Osborne about how they are going to vote. If they are not going to vote for these amendments, I would like to know why, and I think the community would like to know why as well.

MR CORBELL (9.55): The arguments that Ms Tucker puts are highly relevant. There remains in Canberra a growing concern about the conduct of planning administration. That concern is expressed by local area planning advisory committees; it is expressed by those individuals immediately affected by the development and planning process; it is expressed by residents associations; it is expressed by many others who take an interest in the future development of the city.

The balance is always a difficult one to strike, and there will always be arguments about what is the most appropriate balance. Ms Tucker, however, puts strong arguments for the need for extra time for organisations to adequately respond. The issue of the LAPACs is the important one here. They are advisory committees. They are there to provide comment on development applications. It is certainly a common complaint to me that LAPACs often do not have enough time to respond to a development application if it is lodged immediately after their meeting, and by the time they get along to the next meeting the period for comment has often lapsed. That is quite a regular complaint. On that basis, the Labor Party will be supporting Ms Tucker's amendments.

MR SMYTH (Minister for Urban Services) (9.56): Government will not be supporting the amendments, because they do not need to apply to all applications. It is quite clear in the bill, which states:

> The Minister may, by notice published in a daily newspaper, extend or further extend the period allowed under subsection (1) …

For complex applications—and they do occur—the minister can extend the time for consideration. I do not think we need to allow an extended period for all applications. For the more complex ones the minister can extend the period, as would be appropriate. What we have put forward is quite acceptable. I do not believe there is a need to extend the 15 working days to 20 working days. This amendment seeks to extend the period. I do not believe there is a need for that.

We are moving from calendar days to working days because, for instance, over the last Easter and Anzac Day period somebody would have lost five calendar days—Friday, Saturday, Sunday, Monday, Tuesday. By changing to working days, we extend the period anyway. I do not believe there is any reason to allow another five working days. Government will oppose all three amendments.

MS TUCKER (9.58): I would like to respond to Mr Smyth, because he did not address many of the issues I raised. Mr Rugendyke has not spoken, Mr Osborne is not here and Mr Kaine did not speak. I am concerned, because people in the community are making their very strong feelings on this

heard. These people represent local communities. Mr Smyth has not addressed the issues. In fact, he even misrepresented what the amendments do. I want to put on the record my concern about that.

Question put:

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

The Assembly voted—

Ayes, 7	Noes, 8
Mr Corbell	Ms Carnell
Mr Hargreaves	Mr Cornwell
Mr Osborne	Mr Hird
Mr Quinlan	Mr Humphries
Mr Stanhope	Mr Kaine
Ms Tucker	Mr Rugendyke
Mr Wood	Mr Smyth
	Mr Stefaniak

Question so resolved in the negative.

MS TUCKER (10.02): I move:

> Clause 15, page 6, line 14, paragraph (a), proposed new subsection 243(2), omit the subsection.

I am putting up this amendment, which omits a change the government is proposing, because the government's legislation conflicts with the passing of my private members bill that affected third-party appeal rights.

Section 243 of the act is about who should be notified of a decision to approve or refuse a development application where appeal rights are available. At present everyone who was originally notified about the submission of a development application, such as people in all the neighbouring properties, are notified about the decision on the application.

The government is proposing to change this so that only those people who object to the application are notified of the decision. The reasoning behind this is that those people who have not put in an objection are either supportive of the application or are not interested and therefore it is wasteful to send out further letters to them. I can accept this part of the bill. However, the bill goes on and does something new. The government has inserted a new subsection 243(2) which excludes the notification of objectors where the development application has been the subject of an environmental impact assessment.

I believe that this subsection has been inserted because of another provision in the act, subsection 276(5), which says that an objector cannot appeal against an application where an environmental impact assessment of the application has already dealt with the issues raised in the objection.

The new subsection 243(2) has obviously been included to make this section more consistent with section 276. However, my private members bill, the Land (Planning and Environment) (Amendment) Bill (No 2) 1998, amended section 276. In my bill I omitted subsection 276(5) to remove this particular restriction on third-party appeals. This restriction on appeals was based on the assumption that all the issues raised by objectors would be dealt with in the environmental impact assessment process so there was no need for appeals. However, this view misunderstands the role of the environmental impact assessment.

An EIA is done as a tool to assist in making decisions. It is not a decision-making process of itself. The fact that an EIA is done on a development application does not mean that the final decision takes into account all the issues raised by the EIA. Sometimes the issues raised in an EIA can conflict with each other. For example, housing development in a particular location may reduce traffic generation and thus pollution relative to other locations that may be sited in an area of remnant bushland. In these cases, it is up to the decision-maker to determine which issues are more important than others when they rule on the development application.

If appeals are not allowed in these circumstances, then the public has no opportunity of formally questioning both the adequacy of the environmental impact assessment and the adequacy of the decision-maker's response to the assessment in the making of their decision on the development application. This part of my private members bill was passed, so there is now no need for the government's amendment here. All objectors against development applications for which appeal rights exist should be sent notification of the decision, regardless of whether or not an environmental impact assessment has been undertaken. I hope that I receive support for at least this, because it would be very inconsistent if this was not the case.

MR SMYTH (Minister for Urban Services) (10.06): Government will be opposing this amendment. We believe that under part 4 it has been substantially dealt with in previous decision-making processes, and we believe that this subsection should stand.

MR CORBELL (10.07): Mr Speaker, the Labor Party will be supporting this amendment, simply because it is consistent with amendments already made by the Assembly as proposed by Ms Tucker. The minister should indicate that he is prepared to revisit this. I realise that he has had late notice in considering it, but I think it is important that he indicate to the Assembly that he is prepared to revisit it, simply because if this amendment of Ms Tucker's is not passed we will have inconsistencies in the land act, which is what this bill is trying to address.

MR SMYTH (Minister for Urban Services) (10.07): Initially, I thought it was an additional amendment that I had not seen. The advice from the department is that it would not be inconsistent if the amendment is not passed. I am happy to revisit the matter if inconsistencies appear. The advice I had from the department when we looked at this was that it does not create inconsistency. Should it appear that it does, we will of course revisit it.

Question put:

> That the amendment (**Ms Tucker's**) be agreed to.

The Assembly voted—

Ayes, 8	Noes, 9
Mr Berry	Ms Carnell
Mr Corbell	Mr Cornwell
Mr Hargreaves	Mr Hird
Mr Kaine	Mr Humphries
Mr Quinlan	Mr Moore
Mr Stanhope	Mr Osborne
Ms Tucker	Mr Rugendyke
Mr Wood	Mr Smyth
	Mr Stefaniak

Question so resolved in the negative.

Bill, as a whole, agreed to.

Bill agreed to.

FISHERIES BILL 2000

Debate resumed from 30 March, on motion by **Mr Smyth**:

> That this bill be agreed to in principle.

MR CORBELL (10.12): Mr Speaker, this piece of legislation replaces the existing Fishing Act 1967, which is a very dated piece of legislation. The Labor Party finds no objection to this bill. It is a sensible reform bill which deals with some of the inadequacies of the existing act and with some commercial fishing matters as well. The need for a comprehensive legislative framework for recreational fishing has long been recognised, and there is a need to deal with issues such as closures of fishing waters, prohibited sizes, prohibited weights and so on. This legislation does not need much further comment. It is a sensible reform which provides for a modern, updated legislative framework for fishing in the territory.

MS TUCKER (10.13): The ACT Greens will be supporting this bill. It brings the territory up to date in addressing the ecological and conservation issues that arise through various fishing practices. We can have no doubt that our understanding of freshwater and saltwater ecologies is substantially more sophisticated than it was in 1967 when the existing Fishing Act was implemented. Our enthusiasm for trout far outweighed our concern for native species. Our interest in, and responsibility towards, marine fish were minimal. As retailers and consumers of fish meat, we accepted very little responsibility for our actions.

Over the past 30 years, legislation notwithstanding, our awareness of the issues has grown. The connection between native fish numbers, freshwater ecology, salinity and erosion, for example, is commonly acknowledged. There were always people who had acknowledged this connection. That was well before 1967. But it is at least reassuring that the wider level of awareness has changed.

The provision to allow the territory to prosecute commercial fishers from New South Wales and other states if they sell or process excess-to-quota or undersized fish in the ACT is a good example of social responsibility, and I trust we can now look towards similar provisions in other industries.

I will be moving amendments to this bill which I will address in more detail when I move them. I am introducing a requirement for the minister to implement a fisheries management plan to provide an overarching framework for the action plan and conservation strategies adopted by the department. This brings in a greater degree of accountability.

Other amendments specify that exemptions to the licence conditions can be made for scientific licences only; that inspection of the register of licences be free of charge; that fish dealers registration is issued for seven years rather than indefinitely; and that a definition of "newspaper" be inserted in the dictionary in the bill.

I am happy to say that I have been able to work cooperatively with the government on this issue, and I understand that they will be supporting our amendments.

MR SMYTH (Minister for Urban Services) (10.15), in reply: Mr Speaker, I thank members for their support for this bill. It is time the act was updated. As has been stated, we now know a great deal more about our native species, which were often overlooked in the 1960s. Under the bill there will be no licence requirement for recreational fishing in the ACT. The bill gives the power to stop some of the illegal trade in over-quota or undersized fish, which are often sold in the ACT or routed through the ACT to other markets. Current value is estimated to be about $17 million a year. Perhaps the most pleasing aspect from my point of view is that we will double the stocking program this year to make sure that there are adequate stocks in the future.

I have about three small amendments that clarify three clauses in the bill. They give effect to the intentions of the bill. As Ms Tucker has already mentioned, her office and mine have been working today to come up with a set of amendments that culminate in a management plan for the fishing stock. That is acceptable to the government. I thank the Assembly for their support for what is a very sensible piece of legislation.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clauses 1 to 4, by leave, taken together and agreed to.

Proposed new part 1A.

MS TUCKER: I move:

That the following new Part be inserted in the Bill: Page 2, line 27:

"**PART 1A—FISHERIES MANAGEMENT PLAN**

4A Content of fisheries management plan

A fisheries management plan must include—

(a) a description of fish species and their habitats in the ACT; and

(b) a description of current and potential threats to fish species and their habitats; and

(c) measures to be taken to achieve the objects of this Act, including performance indicators and monitoring methods; and

(d) guidelines to which the conservator must have regard in exercising functions under this Act.

4B Preparation and variation of fisheries management plan

(1) The conservator must prepare a draft management plan for management of fish species and their habitats in the ACT.

(2) The conservator may prepare a draft variation of the management plan.

(3) This Part applies to a draft variation of the management plan as if it were a draft management plan.

4C Consultation about draft plan

(1) After preparing a draft fisheries management plan, the conservator must publish in the Gazette and in a newspaper notice—

(a) containing a brief description of the draft plan; and

(b) indicating where copies of the draft plan may be obtained; and

(c) inviting written suggestions or comments about the draft plan to be given to the conservator within 60 days after publication of the notice.

(2) The conservator must consider suggestions and comments given under paragraph (1) (c) and, if the conservator considers it appropriate, may revise the draft plan in accordance with any of the suggestions or comments.

4D Formal changes to draft plan

(1) Section 4C does not apply to a variation of a management plan that only makes changes of a formal nature.

(2) The conservator must notify a change of a formal nature to a management plan in the Gazette and in a newspaper.

4E Submission of draft plan to Minister

The conservator must give a draft management plan (as revised under subsection 4C (2)) to the Minister for approval, together with—

(a) a written report setting out the issues raised in any written comments given to the conservator about the draft; and

(b) a written report about the conservator's consultation with the public and with any particular entity about the draft.

4F Minister's powers about draft plan

On receiving a draft fisheries management plan, the Minister may—

(a) make a fisheries management plan in the form of the draft plan; or

(b) refer the draft plan to the conservator together with any of the following written directions;

(i) to conduct further stated consultations;

(ii) to consider any stated revision suggested by the Minister;

(iii) to revise the draft plan in a stated way.

4G Referral back of draft plan to conservator

(1) If the Minister refers the draft fisheries management plan to the conservator, the conservator—

(a) must comply with the Minister's directions; and

(b) if the Minister directs the conservator to conduct further consultations or consider suggested revisions—may revise the draft plan in the way the conservator considers appropriate; and

(c) may revise the plan to make changes of a formal nature; and

(d) must give the draft plan (as revised) to the Minister together with a written report about the conservator's compliance with the Minister's directions and any revision of the draft plan under paragraph (b) or (c).

(2) The Minister must deal with the draft fisheries management plan (as revised) under section 4F (Minister's powers about draft plan).

4H Fisheries management plan disallowable instrument etc

(1) A fisheries management plan is a disallowable instrument.

(2) Unless a fisheries management plan is disallowed by the Legislative Assembly, the plan takes effect—

(a) on the day after the last day when it could have been disallowed under section 6 of the *Subordinate Laws Act 1989*; or

(b) on a later day (or at a later time) provided by the plan.".

This amendment provides for the drafting and adoption of a fisheries management plan. The intent is to make visible the broad thinking of the minister, as informed by the conservator, in regard to the conservation and management of fisheries. This plan is not dissimilar to fish management plans in place in other states and is largely based, in its procedures and requirements, on the water resources management plan of the ACT Water Resources Act 1998.

Much of the work that would go into this plan will be done, in any event, by officers of the department. The purpose of my amendment is to require the department to produce and make available a management plan so that interested constituents and stakeholders can be informed of the overarching strategy the government is pursuing and under which the various conservation strategies and action plans will operate.

The Greens have an ongoing commitment to the development and promotion of ecological sustainability, and we are of the view that a management plan which is open to scrutiny and disallowance in the Legislative Assembly is an important component in the development of a coherent strategy for ecological sustainability and in order to take responsibility for exploitation of natural resources.

MR CORBELL (10.19): The Labor Party will be supporting Ms Tucker's amendment.

Proposed new part 1A agreed to.

Clauses 5 to 21, by leave, taken together and agreed to.

Clause 22.

MS TUCKER (10.19): I move:

> Page 7, line 10, subclause (3), omit "A licence", substitute "A scientific licence".

This amendment ensures that only scientific licences can exempt licensees from the application of declarations under part 2 of the act, consisting of fishing closures, declarations of noxious fish, fish of prohibitive size or weight, fish quantity and fishing gear. A case can be made that such exemptions may be applicable in issuing a scientific licence. Such a case, however, cannot be made in regard to commercial fishing.

Amendment agreed to.

Clause 22, as amended, agreed to.

Clauses 23 to 25, by leave, taken together and agreed to.

Clause 26.

MR SMYTH (Minister for Urban Services) (10.20): I move:

> Page 8, line 17, paragraph (1) (a), omit the paragraph, substitute the following paragraph:
>
> "(a) the conservator becomes aware of circumstances that, if the conservator had been aware of them at the time of the application for the licence, would have resulted in the application being refused; or".

I present a supplementary explanatory memorandum to government amendments to the bill. This amendment is to give effect to the intention that the conservator have the power to cancel a licence.

Amendment agreed to.

Clause 26, as amended, agreed to.

Clause 27 agreed to.

Clause 28.

MS TUCKER (10.21): I seek leave to move amendments Nos 3 and 4 circulated in my name together.

Leave granted.

MS TUCKER: I move:

> No. 1. Page 9, line 16, omit "on payment of the determined fee", substitute "without charge".
>
> No. 2. Page 9, line 17, add the following subclause:

"**(2)** A person may, on payment of the reasonable copying costs, obtain a copy of all or part of the register.".

I will speak to these amendments and my amendments 6 and 7. These amendments replace the provision in the bill for a fee to be charged for inspection of the licence register and the fish dealers register with the right to inspect those registers free of charge. These amendments also provide for access to a copy of all or part of these registers on the payment of reasonable copying costs. Access to the registers ought not to be a revenue-raising matter or even, strictly speaking, a cost recovery exercise. It should be a service provided by the government. No-one, however, is likely to have a problem with paying for the reasonable cost of copying the register.

Amendments agreed to.

Clause 28, as amended, agreed to.

Clauses 29 to 31, by leave, taken together and agreed to.

Clause 32.

MS TUCKER (10.22): I move:

Page 10, line 28, omit the clause, substitute the following clause:
"**32 Term of registration**
The registration of a person as a fish dealer is for the term of not longer than 7 years stated in the register in relation to the person.".

This amendment introduces a term of "not longer than 7 years" for registered fish dealers. I understand that the department conducts regular audits of fish dealing businesses and fairly frequent spot checks to ensure that business is conducted in accordance with all relevant regulations. This is, however, a practice of the department rather than a more formal requirement. It is not appropriate for registration of fish dealers to be indefinite, spot checks and audits notwithstanding. If the auditing process is conducted in depth and the business is conducting affairs in an appropriate manner, then reregistration ought not to be complex or onerous. If those procedures have not been pursued rigorously, then the registration process itself will act as a safeguard. This is another measure of accountability that we are inserting into the legislation. The seven-year timeframe offers businesses some certainty.

Amendment agreed to.

Clause 32, as amended, agreed to.

Clauses 33 to 35, by leave, taken together and agreed to.

Clause 36.

MS TUCKER (10.24): I ask for leave to move amendments Nos 6 and 7 circulated in my name together.

Leave granted.

MS TUCKER: I move:

> No. 1. Page 11, line 24, omit "on payment of the determined fee", substitute "without charge".
> No. 2. Page 11, line 25, add the following subclause:
> "**(2)** A person may, on payment of the reasonable copying costs, obtain a copy of all or part of the register.".

I have spoken to these amendments already.

Amendments agreed to.

Clause 36, as amended, agreed to.

Clauses 37 to 64, by leave, taken together and agreed to.

Proposed new clause 64A.

MR SMYTH (Minister for Urban Services) (10.25): I move:

> That the following new clause be inserted in the Bill: Page 24, line 7:
>
> "**64A Legal professional privilege**
>
> In response to a requirement under this Part, a person does not have to make available information, produce a document, or answer a question, if the person is entitled to claim, and does claim, legal professional privilege in relation to the requirement.".

The purpose of this amendment is to remove any doubt that the powers conservation officers have under part 6 do not override the personal privilege we have to protect ourselves against self-incrimination or legal professional privilege.

Proposed new clause 64A agreed to.

Clauses 65 to 104, by leave, taken together and agreed to.

Proposed new clause 104A.

MR SMYTH (Minister for Urban Services) (10.26): I move:

> That the following new clause be inserted in the Bill: Page 42, line 31:
> "**104A Guidelines about certain decisions**
> **(1)** The Minister may issue guidelines about the exercise of the conservator's functions under the following sections:
> (a) section 18 (Issue of commercial fishing licences—relevant considerations);
> (b) section 19 (Issue of scientific licences—relevant considerations);
> (c) section 20 (Import and export licences—relevant considerations);

(d) section 22 (Licence conditions and exemptions);
(e) section 23 (Licence changes);
(f) section 31 (Decision on application).

(2) The conservator must comply with guidelines issued under this section.

(3) A guideline under this section is a disallowable instrument.".

This clause provides for the minister to make guidelines that are then passed on to the Conservator of Flora and Fauna to exercise their discretion under the act in respect of licences and registration of fish dealers.

Proposed new clause 104A agreed to.

Remainder of bill, by leave, taken as a whole.

MS TUCKER (10.27): I move:

Dictionary, page 47, line 20, insert the following definition:
"***newspaper*** means a newspaper published and circulating daily in the Territory.".

This amendment inserts a definition of "newspaper" into the dictionary. The consultation process in the fisheries management plan requires publication in the *Gazette* and a newspaper of a notice describing the plan and inviting comment or suggestion. This amendment defines "newspaper" as being a newspaper published and circulating daily in the territory in order to give best effect to the consultation process.

Amendment agreed to.

Remainder of bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to

ADJOURNMENT

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

That the Assembly do now adjourn.

Federal Golf Club

MR KAINE (10.28): Mr Speaker, it has been a long day so I will keep it brief. I would like to take this opportunity in the adjournment debate to refer to a matter which I think requires action on the part of the people in this place. I refer to a development at the Federal Golf Club. Members will recall that in October last year a variation which would have allowed some development there was rejected by this place, and at the time the club indicated that it would have to consider its options. According to an article in the *Sunday*

Times of 25 June, they have done that and they are proposing to take an alternative course of action. They have written to some members of the Assembly, perhaps all of us, and they have spelled out in some detail what they are proposing to do.

What they are proposing to do, they acknowledge, is not the optimal—not for them and, I suggest, not for the community. They propose to develop as a matter of right within their existing lease. That is their right and their entitlement, and I cannot argue about that, but I think we should look at that and ask ourselves: is it the best thing for the club; is it the best thing for the community? If we did that, we would have to answer no. What they will do, in my view, will probably lead to some bad planning decisions. It will certainly lead to a loss of any betterment revenue to the territory, and I think it might result in an outcome that the people of Hughes and the surrounding areas adjacent to the club will take exception to.

I do not think we should allow that to occur. We should be taking some positive action to make sure we get a better outcome than that. The solution seems to lie with the government bringing back the variation we rejected last year. They are entitled to do that under the standing orders of the Assembly. It is a new calendar year. Further debate on that variation will lead to a better outcome than the one the club is now proposing. They themselves acknowledge that this is not optimal for them. We would be remiss if we allowed it to pass without further debate. I want to suggest to the minister and to the government that they might consider bringing back the variation we rejected last year, so that we can have another look at it in light of the perhaps undesirable alternatives the club might be forced to resort to.

Canberra Labor Club

MR QUINLAN (10.31): I would like to record my congratulations to the Canberra Labor Club on the opening of the Canberra Labor Club Community Chambers yesterday, a facility that is being provided by that club either rent free or at low rent to community organisations in keeping with the spirit that has always been part of the Canberra Labor Club and its connection to the community.

Question resolved in the affirmative.

Assembly adjourned at 10.31 pm